



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, October 6, 2014**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**Proposed Agenda**

*Note: Items may not be discussed in the order listed or at the specific time estimated. Times are approximate. The meeting likely will be broadcast and videotaped for later broadcast by WayCAM.*

- 6:30 pm 1.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 6:32 pm 2.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Litigation and Collective Bargaining, and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (1) to Discuss Strategy with Respect to Complaints Brought Against a Public Officer, and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects:
- February 25, 2013
  - April 19, 2013
  - June 13, 2013
  - June 24, 2013
  - October 2, 2013
  - October 7, 2013
  - October 28, 2013
  - November 6, 2013
  - November 18, 2013
  - January 13, 2014
- 7:00 pm 3.) Public Comment
- 7:15 pm 4.) Meet with Director of Public Health Julia Junghanns and Approve and Authorize the Town Administrator to Sign Community Innovation Challenge Grant Application for Tickborne Disease Network Expansion
- 7:25 pm 5.) Meet with Town Planner Sarkis Sarkisian to Update on DCR (Department of Conservation and Recreation) License Application for the Use of DCR Easement on MBTA Rail Trail for Bike Path
- 7:45 pm 6.) Discussion on Future Use of the Town Building in Light of Potential Energy and Capital Improvements

**BOARD OF SELECTMEN**  
**Monday, October 6, 2014**  
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**Proposed Agenda Page Two**

- |          |      |                                                                                                           |
|----------|------|-----------------------------------------------------------------------------------------------------------|
| 8:15 pm  | 7.)  | Review and Discuss Board of Selectmen Policy: Town Counsel Access and Petitioners' Access to Town Counsel |
| 8:35 pm  | 8.)  | Review and Discuss Board of Selectmen Policy: Provision and Consumption of Alcoholic Beverages            |
| 8:55 pm  | 9.)  | Potential Vote to Set Date of 2015 Annual Town Meeting                                                    |
| 9:15 pm  | 10.) | Review and Approve Consent Calendar (See Separate Sheet)                                                  |
| 9:20 pm  | 11.) | Review Correspondence (See Separate Index Sheet)                                                          |
| 9:30 pm  | 12.) | Report of the Town Administrator                                                                          |
| 9:40 pm  | 13.) | Selectmen's Reports and Concerns                                                                          |
| 9:55 pm  | 14.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any                 |
| 10:00 pm | 15.) | Adjourn                                                                                                   |

DATE: OCTOBER 6, 2014  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: BOARD OF HEALTH: PARTICIPATE WITH OTHER TOWNS IN THE  
TICKBORNE DISEASE PROGRAM UNDER COMMUNITY INNOVATION  
CHALLENGE GRANT PROGRAM

**BOARD ACTION REQUESTED:  
VOTE TO SIGN THE LOCAL SUPPORT FORM FOR THE COMMUNITY  
INNOVATION CHALLENGE GRANT APPLICATION FOR THE TICKBORNE  
DISEASE NETWORK EXPANSION**

Board of Selectmen action is required for Wayland to participate with other towns in educational programs on tickborne diseases and for residents to receive reduced costs for tick testing. The Wayland Board of Health has approved the project which will be administered through the Barnstable County Health Department.

# Community Innovation Challenge Grant

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## APPLICATION

### LOCAL SUPPORT DOCUMENTATION FORM

**Project Title:** Tickborne Disease Network Expansion

**Lead applicant primary contact:**

First Name, Last Name: Larry Dapsis

Name of Municipality, School, RPA or COG: Barnstable County

Phone Number: (508) 375-6642

Email Address: [ldapsis@barnstablecounty.org](mailto:ldapsis@barnstablecounty.org)

The Town of Wayland supports the application for expansion of the Tickborne Disease Network to include:

- The creation of regional Lyme Task Forces
- Continued but reduced subsidy for tick testing for residents
- Support from the University of Rhode Island's [www.tickencounter.org](http://www.tickencounter.org) staff for policy and educational initiatives to become a "Tick Smart Town"

The Town of Wayland will be an addition for year 2 of the Community Innovation Grant.

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Signature

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Town/City

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Print Name

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Title

Vote of support taken at meeting on: \_\_\_/\_\_\_/2014



Sarkis Sarkisian  
Wayland Town Planner

**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**PLANNING DEPARTMENT**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3615  
FAX: (508) 358-4036

*[Handwritten signature]*  
**TO:** Nan Balmer, Town Administrator  
**FROM:** Sarkis Sarkisian, Town Planner  
**DATE:** October 2, 2014  
**RE:** MBTA Rail Trail Development

**BOARD ACTION REQUESTED:**

**AUTHORIZE THE PLANNING BOARD TO CONTINUE WORKING ON DEVELOPING THE RAIL TRAIL THROUGH THE TOWN OF WAYLAND AND TO EXPEND FUNDS/EXECUTE CONTRACTS WITH APPROVAL OF THE TOWN ADMINISTRATOR.**

Over the past year, the Wayland Planning Board and Larry Kiernan, Representative to the Massachusetts Central Rail Trail have been working with the Wayland Historic District Commission, Wayland Historical Commission various Town Officials, boards, commissions, groups, and State agencies regarding the proposed rail trail in Wayland. We have most recently filed for license/rights from the Department of Conservation and Recreation to begin construction of the Rail Trail from the Depot to the New Town Center Project. A portion of the proposed rail trail is within the Wayland Center Historic District and we have worked collectively to minimize and mitigate the impact of the proposed rail trail. Below is a list of action items that have been completed:

- The development of the rail trail was added as priority in Wayland's Long Term Plan, by Planning Board.
- The town negotiated with a developer to provide \$250,000 for development of the trail in the town center section.
- 300 people signed a petition requesting development of the trail
- Voted to provide \$25,000 in CPA funds for survey and study requirements for the trail.
- Hired landscape architect (CPA funds) to provide alternate routes for the trail through the future Railroad Interpretive Site
- Received RDA permit from our Conservation Commission to remove the tracks and ties from the town center section.
- Established a regular maintenance schedule for the path along the tracks to improve safety and access to the trail.
- The Boy Scouts build a 20 foot walking bridge for the Rich Valley Road

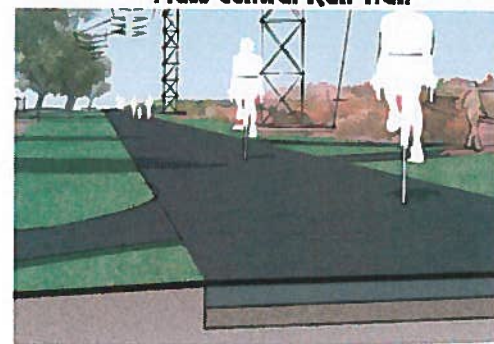
community that will now provide them access to the future trail on public land.

- The Wayland Board of Selectmen letter of supporting the DCR request for waiver from MEPA.
- Received Wayland Historic District Commission and Historic Commission approval

As stated in the Amended Developer's Agreement stamped by the Town Clerk dated October 23, 2009 Wayland shall acquire the necessary land, rights or license for and to develop or improve said bicycle trail within twenty four (24) months following issuance of certificate of occupancy for 50% of the Gross Floor Area in Phase II of the non-residential component of the MUP on the Property, the unexpended balance of said gift of \$250,000 will be returned to Developer.

Enclosed is a presentation we would like to make to the Board of Selectmen at their convenience that describes this highly valued and needed greenway community path that will provide a safe pedestrian and bike access.

# MCRT - Wayland

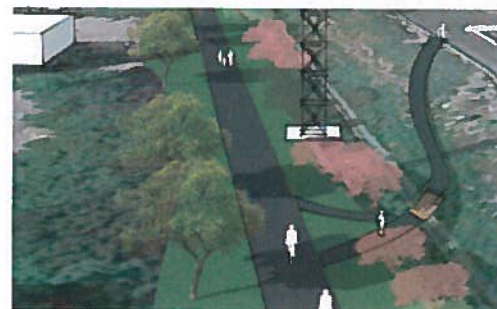


- Highly valued and needed Greenway
- DCR has completed important work
- Overwhelming support
- CPC funding is critical



Larry Kiernan

Wayland Rep. to the  
MCRT Committee



# The Recreational Space that Connects



- Fund conversion of a 7 acre\* Industrial space to create a greenway that will provide safe pedestrian and family biking access to Wayland Town Center from:

- 100's of homes to Claypit School and to each other - Coolidge Rd, Rich Valley, Spring Hill, Plainview, Rivers Edge, etc...
- 8 currently unconnected open spaces - Jericho Woods, Rowan Hill, Hidden Springs, Michael Road Parcel, Lower Mill Brook, Mill Pond, Cow Commons, Great Meadows Wildlife Refuge
- Ultimately 100+ miles of dedicated bike paths and greenways – Bruce Freeman Trail, Assabet River Rail Trail, Charles River Bike Path etc..

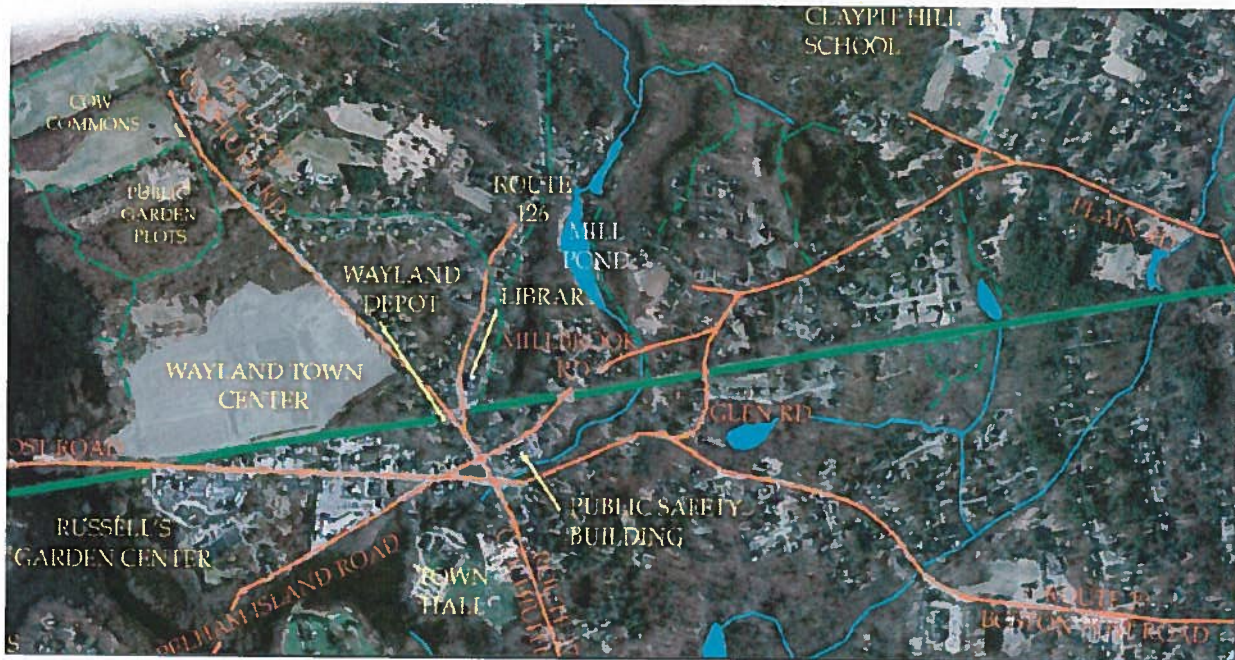


- \* 19 foot wide by 3 miles long = 7.2 acres

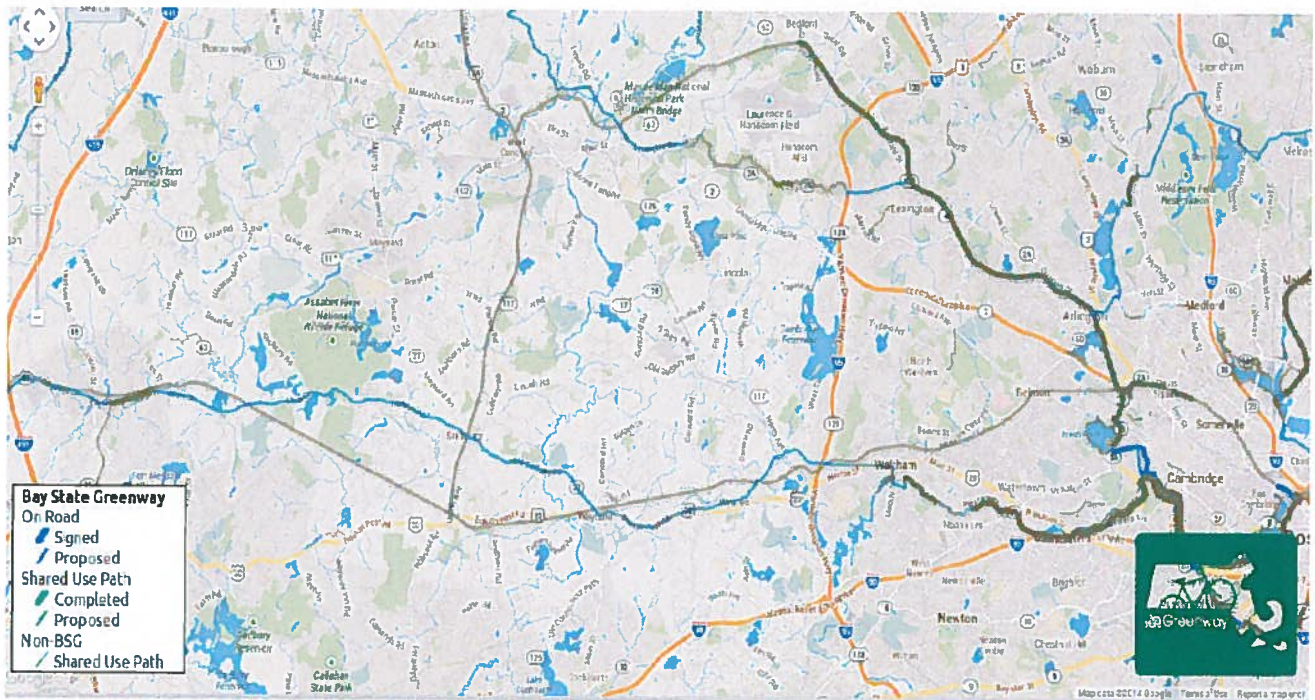




# MCRT Wayside - Wayland



# Bay State Greenway Vision

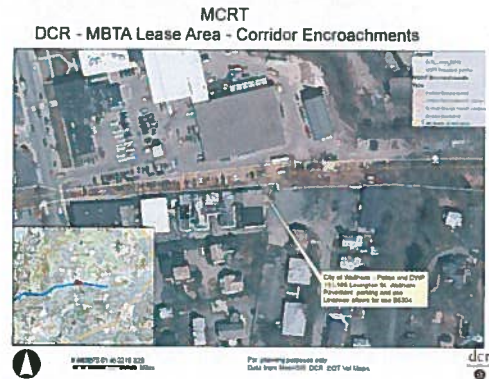


# DCR Partnership



**DCR TO CONTINUE DEVELOPING 104-MILE BIKEWAY WITH 99-YEAR-LEASE FROM THE MBTA**

|                                     | State | Town |
|-------------------------------------|-------|------|
| 1 Preliminary Feasibility study     | x     |      |
| 2 Acquire Land/ right of Way        | x     |      |
| 3 Identify Infrastructure           | x     |      |
| 4 Identify Encroachments            | x     |      |
| 5 Identify Wetlands                 | x     |      |
| 6 Base and Aerial Map               | x     |      |
| 7 Phase 1 Environmental Study       | x     |      |
| 8 Delineate and Map Corridor        | x     |      |
| 9 Mass Env. Protection Agency Cert. | x     |      |
| 10 Encroachment Negotiations        | x     |      |
| 11 Feasibility study                | x     | x    |
| 12 Construction and Final design    | x     | x    |
| 13 Construction License             |       | x    |
| 14 Town Permitting                  |       | x    |
| 15 Recreational Amenities           |       | x    |
| 16 Maintenance                      |       | x    |



# Overwhelming Support



- State
  - Bay State Greenway Vision
  - DCR lease
  - DCR work completed
- Town of Wayland
  - Wayland Master Plan
  - Planning Commission/Department leadership
  - Recreation Commission
  - Partnership with DPW, HDC, HC, ConCom



## People of Wayland

- Two town votes of support
- 300+ Wayland Friends
- Business support - \$250k donation
- Donations time and money
- 290 Petition signatures -100+ Comments



## Phased Development



**Phase One** – Goat Path. Today, informal trail in the rail corridor for walking/biking/equestrians



# Phased Development



**Phase Two – Greenway.** Tracks and ties removed covered with hard packed stone dust.

## MCRT – Wachusett Greenways



## Danvers



## Phased Development



**Phase Three** – Mass D.O.T. specification.

Cape Cod Rail Trail



MCRT - Norwottuck Rail Trail



Sudbury votes for  
Greenway 2.0 - 9/4/2014



# Wayland Options

| Option                     | Est. Cost Wayland | Est. Cost State/Private. | Length in miles | Users in 5 years | Comments                                                                                                                                                                                                  |
|----------------------------|-------------------|--------------------------|-----------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goat Path                  | \$0               | \$250,000                | 0.5             | Few              | Hard pack surface in town center. Status quo - informal trail along tracks - current hazards and obstacles remain. Narrow, prickles, ticks and dangerous road crossings. No Cost. Phase one               |
| Greenway 1.0               | \$0-50,000        | \$350,000                | 1.5             | Some             | Hard pack. DCR and town permit requirements make this option unlikely. Final product and construction process maybe substandard. Fund via grants. Would remove many hazards. Phase Two                    |
| Greenway 2.0               | \$300,000         | \$250,000                | 3               | Most             | Hard pack. DCR supported. Could be completed by 'at 2015. Does not serve all users (i.e. rollerbladers). Connects to Sudbury and Weston. Phase Two                                                        |
| MASS D.O.T. Full Build Out | \$?               | \$3,600,000              | 3               | Few              | Typically Paved. DCR Supported. Unfunded. Serves all users. Not clear when this might happen. 1997 all over again- Wayland destiny is determined by other towns, the state and federal funds. Phase Three |



DATE: OCTOBER 6, 2014  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: FUTURE OF TOWN BUILDING

**BOARD ACTION REQUESTED:**

**DISCUSS DIRECTION ON THE FUTURE OF TOWN BUILDING INCLUDING TO WHAT EXTENT FUNDS SHOULD BE INVESTED IN TOWN BUILDINGS FOR CAPITAL AND ENERGY EFFICIENCY IMPROVEMENTS**

The Energy Committee requests to meet with the Board on October 20<sup>th</sup> for direction on whether to invest \$880,000 in Town Buildings for energy improvements with long term payback. By Monday, we expect to have from John Moynihan more information including potential alterations to the proposed schedule, the payback of individual energy projects and any requirements under the AMERESCO agreement that would affect your consideration. As part of the conversation, please note the capital improvement plan includes nearly \$5 million in repairs and improvements over the next 5 years. It is important to consider the ESCO project in conjunction with the capital improvement plan. Many of the components of both projects are rooted in the Town Building study originated by the Finance Committee several years ago.

Attached are 1) A list of energy efficiency improvements for Town Building and 2) the FY 16-FY 20 capital plan for Town Building.

The Town Planner will be available on Monday night to review with you studies and work by the Planning Board and other committees on the use of town facilities.

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**ENERGY SERVICES AGREEMENT**

**by and between**

**TOWN OF WAYLAND**

**and**

**AMERESCO, INC.**

**Dated as of July 30 2014**

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**ATTACHMENT B**

**SCOPE OF SERVICES**

**DESCRIPTION OF THE ENERGY CONSERVATION MEASURES ("ECMs")  
AND EQUIPMENT**

This Attachment B provides a description of existing equipment and the ECMs and related equipment to be installed by Ameresco at the facilities scheduled on Attachment A. Installation of the ECMs and the included equipment is subject to change if Ameresco discovers unforeseen conditions at the Property that render its preliminary analysis of the Property inaccurate, or significantly affect Ameresco's anticipated economic benefit or the Guarantee of Energy Savings.

This Attachment B includes by reference the IGA dated as of November 14, 2013, as amended on April 10, 2014, for the Property and submitted under separate cover.

The following table summarizes the ECMs incorporated into the Scope of Services as recommended and described in the IGA: **COST OF TOWN BUILDING PROJECTS HIGHLIGHTED: \* 880,000**

| Town of Wayland<br>Energy Conservation Measures (ECMs) | Lighting System Improvements | Lighting Controls | Integrated and New Energy Management System Option A | Water Improvements | Energy Efficient Motors | Controls for Kitchen Fridge/Freezer Fans | VFD's for Pumps | Weatherization | Boiler Improvements | Oil to Gas Conversion | Replace Transformers | RTU Replacement | Boiler Replacement - One Boiler | Demand Control Ventilation |
|--------------------------------------------------------|------------------------------|-------------------|------------------------------------------------------|--------------------|-------------------------|------------------------------------------|-----------------|----------------|---------------------|-----------------------|----------------------|-----------------|---------------------------------|----------------------------|
| Facility                                               | 1                            | 2                 | 4                                                    | 10                 | 12                      | 13                                       | 14              | 16             | 17                  | 18                    | 24                   | 27              | 28A                             | 33                         |
| Town Building                                          | X                            |                   | X                                                    | X                  | X                       |                                          |                 | X              |                     |                       |                      | X               | X                               |                            |
| Public Safety Building                                 | X                            | X                 |                                                      | X                  |                         |                                          |                 | X              |                     |                       |                      |                 |                                 |                            |
| Library                                                | X                            | X                 |                                                      | X                  |                         |                                          |                 | X              |                     | X                     |                      |                 |                                 |                            |
| Fire Station #2                                        | X                            | X                 |                                                      | X                  |                         |                                          |                 | X              |                     |                       | X                    |                 |                                 | X                          |
| Middle School                                          | X                            | X                 | X                                                    | X                  |                         | X                                        |                 | X              |                     |                       |                      |                 | X                               |                            |
| Claypit Hill Elementary                                | X                            | X                 |                                                      | X                  |                         |                                          | X               | X              |                     |                       |                      |                 | X                               |                            |
| Happy Hollow Elementary                                | X                            | X                 | X                                                    | X                  |                         | X                                        | X               | X              |                     |                       |                      |                 | X                               | X                          |
| Loker Elementary                                       | X                            | X                 |                                                      | X                  |                         |                                          |                 | X              | X                   |                       |                      |                 |                                 |                            |

\* RTU = Roof top unit (HVAC)

**Town Building Capital Cost  
Estimate FY16-FY20 = \$4,986,250**

**FACILITIES DEPARTMENT  
5 YEAR CAPITAL PLAN**

| #                             | CATEGORY         | PROJECT/EQUIPMENT                                 | 2016           | 2017             | 2018              | 2019             | 2020           |
|-------------------------------|------------------|---------------------------------------------------|----------------|------------------|-------------------|------------------|----------------|
| <b>TOWN BUILDING</b>          |                  |                                                   |                |                  |                   |                  |                |
| 1                             | Construction     | Exterior Painting & Repairs                       | 60,000         |                  |                   |                  |                |
| 2                             | Planning         | Window Replacement Design                         | 125,000        |                  |                   |                  |                |
| 3                             | Construction     | Window/Door Replacement                           |                | 1,285,000        |                   |                  |                |
| 4                             | Planning         | Mechanical/Electrical Improvements                |                |                  | 250,000           |                  |                |
| 5                             | Construction     | Mechanical/Electrical Improvements                |                |                  |                   | 2,766,250        |                |
| 6                             | Construction     | Interior Renovations                              |                |                  | 375,000           |                  | 125,000        |
| 7                             | New Construction | <b>COUNCIL ON AGING</b><br>New 18,000 sf Facility | 500,000        | 4,500,000        |                   |                  |                |
| <b>LIBRARY</b>                |                  |                                                   |                |                  |                   |                  |                |
| 8                             | Construction     | Rotunda Window Replacement                        | 72,000         |                  |                   |                  |                |
| 9                             | Construction     | Oil Tank Removal                                  | 25,000         |                  |                   |                  |                |
| 10                            | New Construction | New 32,000 sf Facility                            |                |                  | 12,800,000        |                  |                |
| <b>PUBLIC SAFETY BUILDING</b> |                  |                                                   |                |                  |                   |                  |                |
| 11                            | Construction     | Replacement of WW Pumping System                  | 50,000         |                  |                   |                  |                |
| <b>STATION 2</b>              |                  |                                                   |                |                  |                   |                  |                |
| 12                            | Construction     | Septic System/Paving                              | 35,000         |                  |                   |                  |                |
| 13                            | Construction     | Interior Renovations                              |                |                  | 25,000            |                  |                |
| <b>TRANSFER STATION</b>       |                  |                                                   |                |                  |                   |                  |                |
| 14                            | Construction     | Building Renovations                              |                |                  |                   |                  | 100,000        |
| <b>VEHICLES</b>               |                  |                                                   |                |                  |                   |                  |                |
| 15                            | Purchase         | Town Building Motor Pool                          | 75,000         |                  | 50,000            |                  |                |
| <b>TOTALS</b>                 |                  |                                                   | <b>942,000</b> | <b>5,785,000</b> | <b>13,500,000</b> | <b>2,766,250</b> | <b>225,000</b> |

DATE: OCTOBER 6, 2014  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: POLICY REVIEW: TOWN COUNSEL ACCESS

**BOARD ACTION REQUESTED:**

**REVIEW AND COMMENT ON BOARD OF SELECTMEN POLICIES ON TOWN COUNSEL ACCESS AND ON POLICY ON PETITIONERS' ACCESS TO TOWN COUNSEL**

2014 Town Meeting moved the authority to employ Town Counsel from the Town Administrator to the Board of Selectmen (See attached article). The Town Administrator continues to be delegated the day to day oversight of Counsel. There are two Board of Selectmen policies regarding access to Town Counsel. The Town Administrator requests the Board to review these policies and determine whether any amendments to the policies are needed.

## TOWN COUNSEL ACCESS

All requests for access to Town Counsel shall be through the Board of Selectmen and its agent, the Town Administrator.

### 1. Request Form

All requests for access to Town Counsel by governmental bodies, municipal officials, and department directors shall be made in writing to the Town Administrator. Except for Town Meeting petitioners, citizen requests for access to Town Counsel are not generally granted.

### 2. Oral Advice

Requests for oral advice or guidance from Town Counsel shall be approved by the Town Administrator.

### 3. Requests for Written Opinions or Access for Litigation Matters

Written opinions or advice from Town Counsel or requests for access to Town Counsel for ongoing or imminently threatened litigation may be requested only upon the recorded vote of a governmental body. The approval granting authority is the Town Administrator or the Board of Selectmen.

Such litigation or imminently threatened litigation may include, but is not limited to:

- any controversy or adjudicatory proceeding before a court
- the Appellate Tax Board
- the Labor Relations Commission or Joint Labor-Management Committee (JLMC)
- the Civil Service Commission
- or any judicial or quasi-judicial tribunals in which the Town or any of its governmental body (ies) seeks to have its legal rights determined, defended, or enforced

*Approved January 12, 2004; revised and restated on October 13, 2010*

## PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's legislative intent in presenting articles for insertion in the warrant and (2) preparing the main motion for Town Meeting. Town Counsel will not render written opinions.
2. Prior to the deadline for filing articles for insertion in the warrant for the annual Town Meeting, the Selectmen will conduct a "petitioners' workshop" at which prospective petitioners may ask general questions. At the workshop, the Town Administrator will attempt to identify the legal issues and direct the petitioner(s) to meet with Town Counsel. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allocated for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.
4. Access to Town Counsel during Town Meeting sessions is not permitted.

*Approved January 12, 2004; revised and restated on October 13, 2010*

## **ARTICLE 27: RESTORE AUTHORITY TO EMPLOY TOWN COUNSEL TO THE BOARD OF SELECTMEN**

*Proposed by: Petitioners*

To determine whether the Town will vote to amend the Codes of the Town of Wayland by (a) deleting in its entirety Section 60.2.3(c) of Chapter 60 and (b) revising Section 58-1 of Chapter 58 to read "The Board of Selectmen shall have full authority as agents of the Town to employ counsel to commence, prosecute and defend suits in the name of the Town, unless otherwise especially ordered by vote of the Town."

**PETITIONERS' COMMENTS:** It is standard practice in municipal government (and in corporate governance) for the chief legal officer to report directly to the chief executive officer – the Board of Selectmen in Massachusetts towns. Section 58-1 of our bylaws gives the Selectmen sole authority to pursue and defend lawsuits in the name of the Town. However, when the Town Administrator Bylaw was adopted in 2004, the responsibility for hiring, firing and managing legal counsel was transferred from the Selectmen and vested in the Town Administrator. This split is highly dysfunctional and has led to unfortunate consequences. The Selectmen's traditional role in managing the Town's legal affairs has been drastically weakened. Passage of this article would restore the Selectmen's ability to select and retain counsel, manage the Town's legal affairs, and control the course of costly litigation. The Selectmen may still delegate day-to-day oversight of counsel to the Town Administrator.

**FINANCE COMMITTEE COMMENTS:** This article proposes to make two changes to the Town Bylaws relating to the Town Administrator. The article proposes to delete one subsection of the Town Code and to amend another.

Section 60.2.3(c) of the Town Code, which petitioners propose to delete, currently provides that the Town Administrator may:

Appoint, on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving, and, without cause, remove, without the ratification of the Board of Selectmen, Town Counsel and special counsel, except for counsel to the School Committee;

Section 58-1 of the Town Code, which petitioners propose to amend by inserting the three words underlined below, currently provides:

The Board of Selectmen shall have full authority as agents of the Town to employ counsel to commence, prosecute and defend suits in the name of the Town, unless otherwise especially ordered by a vote of the Town.

From 1957 to 2004, the Executive Secretary was the Town's most senior employee. This changed after 2004 Annual Town Meeting. Article 11 increased the responsibilities and accountability of the Town's Executive Secretary and changed the position's title to Town Administrator. Town Meeting created the Town Administrator position spurred in part by a 1999 report that suggested that Wayland's then-decentralized government "was negatively impacting day-to-day administration of the Town, limiting accountability and misplacing authority." As the Finance Committee noted at the time, the Town Administrator was expected to act as the Chief Operating Officer of Wayland.

Among other things, the Town Administrator assumed the Selectmen's historical authority to hire (subject to ratification by the Board of Selectmen) the Police Chief, Fire Chief, Finance Director, the



Human Resources Director, and Town Counsel, and to evaluate, discipline and remove the same Town officials without ratification by the Board of Selectmen.

Section 60.2.1 of the Town Code, which petitioners do not propose to amend, provides:

The Town Administrator shall be responsible for overseeing, coordinating, and making recommendations that may impact multiple Town boards and committees, broadly or in detail, regarding Town financial, personnel and legal activities. The Town Administrator will not set Town policy, but will ensure there is appropriate coordination in the implementation of Town policy working across all Town departments in conjunction with all elected and appointed boards and committees.

At the time the Warrant went to print, the Selectmen had not taken a position on this article, as is their custom.

**ARGUMENTS IN FAVOR:** The influential position of Town Counsel should report to the Town's chief executive officer, paralleling the practice followed by virtually all corporate and governmental organizations. This will ensure that the position receives oversight from the Town's highest management body (Board of Selectmen) rather than from the chief administrative employee (Town Administrator).

**ARGUMENTS OPPOSED:** Passage of this article would undo a part of the carefully considered work of Town Meeting when it created the Town Administrator position in 2004, which formalized a degree of separation of powers between the Board of Selectmen and many town officials, including Town Counsel.

Passage of this article would create an asymmetry between the Selectmen's relationship with current Town Counsel, on the one hand, and Police Chief, Fire Chief, Finance Director, Human Resources Director, and Department of Public Works Director. Under the current code all of these Town officials may be removed, without cause, by the Town Administrator.

Passage of this article may cause Town Counsel to tailor legal advice based on political considerations.

The Town Administrator is responsible for overseeing, coordinating, and making recommendations that may impact multiple Town boards and committees regarding Town legal activities, so Town Counsel should be accountable to the Town Administrator.

While this proposal is worth studying, the timing is not right.

**FINANCE COMMITTEE RECOMMENDATION:** The Finance Committee recommends against approval. Vote: 1-4-2.

**QUANTUM OF VOTE:** See Massachusetts General Laws Chapter 40, Section 21.

**CONSISTENCY WITH LAW:** It is the opinion of Town Counsel that the foregoing bylaw amendment is consistent with federal and Massachusetts law.

*The text of the Town Code is in Appendix J.*

DATE: OCTOBER 6, 2014  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: POLICY REVIEW: PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

**BOARD ACTION REQUESTED:**

**REVIEW AND COMMENT ON BOARD OF SELECTMEN POLICY ON LIQUOR LICENSES AND CONSIDER THE CHANGES BELOW**

1. Effective October 23, 2014, the ABCC will make effective a change in law allowing package stores to sell alcoholic beverages at 10 am on Sundays rather than at Noon. (See attached notice) The board's policy needs so that it is consistent with this change in law on the effective date.
2. It was recently brought to the Board's attention that its policy on temporary, non-commercial alcohol licenses only includes "permission to serve beer, wine, champagne and sherry." The board may wish to revise this to say "permission to serve alcoholic beverages as defined by Massachusetts General law Chapter 138, Section 1."

Definition of alcoholic beverage:

MGL 138 S. 1: Alcoholic beverages": any liquid intended for human consumption as a beverage and containing one half of one percent or ,more of alcohol by volume at 60 degrees Fahrenheit.

## **PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

These rules supplement the General Laws of the Commonwealth of Massachusetts and the Code and other Rules and Regulations of the Town of Wayland, Massachusetts.

### **I. COMMERCIAL ESTABLISHMENTS**

The Board of Selectmen has the authority to grant licenses to owners of establishments that sell alcoholic beverages for consumption on or off the premises of the establishment (see Wayland Code §72-4 regarding authority to deny, revoke, or suspend license for failure to pay taxes).

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. Violations of any laws, rules, or regulations may result in suspension or revocation of the license after a hearing conducted by the licensing authority.
- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages or convenience or grocery stores selling beer & wine) may be open on Sundays, subject to the following conditions:
  - a. No sales shall be made prior to 12:00 noon;
  - b. No sales shall be made after 9:00 p.m.;
  - c. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
  - d. No sales by such licensees may be permitted on any of the following days:
    - o Memorial Day (usually last Monday in May);
    - o Thanksgiving Day;
    - o Christmas Day;
    - o Monday following Christmas Day if Christmas Day falls on a Sunday.
- D. It shall be the responsibility of each licensee of an establishment granted a license to sell alcoholic beverages on premises to assure that, prior to his/her initial shift, each manager or assistant manager of the licensee meets with the Police Chief or his/her designee to discuss expectations and responsibilities of managing such establishments. A list of all managers or assistant managers shall be posted in public view in the establishment.

A designated manager or assistant manager will be on-site at all times the establishment is open. The on-site manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the town's rules and regulations for the provision

and consumption of alcoholic beverages. The on-site manager shall be certified in intervention procedures by servers of alcohol in accordance with Section F of these rules. The on-site manager will also be responsible for maintaining the building occupancy limits, as listed on the liquor license, and will be the point of contact for police, fire, or building officials that may inspect the premise at any time. The designated manager shall have full authority to make decisions concerning the operation of the establishment.

- E. Applications for extension of hours on New Year's Eve until 2:00 a.m. must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 a.m. All patrons shall be off the premises by 2:00 a.m.
- F. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.
  - 1. Listed below are programs currently available which meet the requirements of this regulation:

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    - a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
    - b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
    - c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
    - d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
  - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
    - a. Employee Name
    - b. Employee Date of Birth
    - c. Employee Social Security Number
    - d. Position
    - e. Type of Training (Name of Trainer and/or Company)
    - f. Date Valid
    - g. Date of Expiration (no more than three (3) years)
    - h. Date of Hire
  - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.

4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring or show proof of training certification at a course approved by the Board of Selectmen within the past three (3) years.
5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

## **II. NON-COMMERCIAL LICENSES**

The Board of Selectmen is authorized to grant permission to serve beer, wine, champagne, and sherry under Section A. below and to issue a temporary license under Section B. below under the following conditions. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

### **A. Town Property**

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in writing at least two weeks before the event and the Board of Selectmen issues a license.
  - b. Beverages are served without charge.
  - c. Consumption is by the glass on the premises.
  - d. The request is supported and approved by the Town board responsible for oversight of the property.

### **B. Property Open to the Public But Not Governed by the Board of Selectmen**

1. Non-profit and public service organizations may be granted a temporary license to sell beer, wine, champagne, and sherry under the following conditions:
  - a. Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
  - b. A fee of \$25.00 for each 24 hour period not to exceed 72 consecutive hours is paid in advance.

### **III. COMMERCIAL ESTABLISHMENTS WITHOUT LICENSE TO SELL ALCOHOLIC BEVERAGES**

1. Patrons of an establishment granted a common victualler's license for the sale of food to be consumed on the premises which have not been granted a license for the sale of alcoholic beverages may not consume alcoholic beverages on the premises (prohibits practice commonly referred to as "BYOB").
2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

#### **History:**

*Section I, Commercial (adopted 12/11/88, revised 1996).*

*Section II, Non-Commercial (adopted 12/1/88, revised 1996).*

*Section III, Establishments without license to sell alcoholic beverages (added 7/8/10).*

*Section I., C., Sunday sales and holiday restrictions (added 1/26/04, revised 2/9/04).*

*Section I., D., Duties and responsibilities of managers of on-premise establishments (added 7/8/10); list of managers publicly posted (added 10/13/10).*

*Section I., E., Extending hours (adopted 12/3/90, revised 1996).*

*Section I., F., Training of employees to serve alcoholic beverages (adopted 6/5/06).*

Revised and restated on October 13, 2010



Steven Grossman  
*Treasurer and Receiver General*

*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street*  
*Boston, MA 02114*

RECEIVED

SEP 10 2014

Board of Selectmen  
Town of Wayland

Kim S. Gainsboro  
*Chairman*

**THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY**  
**M.G.L. c. 138, §15 OFF-PREMISES RETAIL LICENSEES SUNDAY OPENING TIME**  
**ALLOWED AT 10:00 A.M.**

Effective October 23, 2014<sup>1</sup>, off-premises retail alcoholic beverages licensees (M.G.L. c. 138, §15) will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. Although under the law, these licensees are entitled as a matter of right to open at 10:00 a.m. and as such do not need the approval of the Local Licensing Authorities, licensees must notify the Local Licensing Authorities about the change of hours.

The simplest way for licensees to effectuate this change is to follow the process outlined in the CHANGE OF HOURS Application which may be found on our website at <http://www.mass.gov/abcc/pdf/forms/nofeetransmittal.pdf>. Licensees should use this form to notify the Local Licensing Authority of the change in hours and attach a corporate vote authorizing the change. Upon receipt of this request, the Local Licensing Authority must approve it. The Local Licensing Authority should forward an approved "Form 43" with the additional Sunday hours of sale to the ABCC for each licensee affected.

As mentioned above, this law does not go into effect until October 23, 2014. All licensees should ensure that sales of alcoholic beverages take place only on the days and hours approved by the Local Licensing Authority. Licensees who fail to notify the Local Licensing Authority about the change to their hours are prohibited from making sales at an earlier time than those permitted on the face of their license.

As always, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by applicable law. Individuals with questions concerning this advisory may contact Ralph Sacramone, Executive Director, at 617-727-3040 x 731.

(Issued: September 8, 2014)

<sup>1</sup> The Massachusetts Legislature amended M.G.L. c 136, §6(52) which allow off-premises M.G.L. c. 138, §15 or so called "package store" license holders to sell alcoholic beverages, beginning at 10 A.M. on Sundays.

DATE: OCTOBER 6, 2014  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: 2015 ANNUAL TOWN MEETING DATE AND ELECTION

**BOARD ACTION REQUESTED:**

**CONSIDER DATE FOR 2015 ANNUAL TOWN MEETING**

On September 29<sup>th</sup>, the Board considered whether to set the date for Annual Town Meeting on Thursday April 9, 2015 or Thursday April 30, 2015. The Finance Committee which also meets on October 6<sup>th</sup> was asked to provide the Selectmen with its advice on this question.



**TOWN ADMINISTRATOR'S REPORT**  
**FOR THE WEEK ENDING OCTOBER 3, 2014**

**ASSESSING – TAX BILLS**

Please see attached report from the Director of Assessing explaining why property taxes are distributed over the four quarterly bills to include higher payments in the third and fourth quarters.

**FINANCE DEPARTMENT – PROBLEM WITH 2012 EMPLOYEE W-2's**

For the 2012 W2 reporting year, payroll intended to correct 2 school employees' W2s. However, when the MUNIS file was transmitted, it contained new, incorrect W2s for all school and town. The IRS accepted the new batch and deleted the original, correct W2s. As a result, the IRS does not have correct W2s on file for employees for 2012. This has created problems for some employees with respect to IRS audits and loan applications. The Finance Departments have been working to correct the problem, but the IRS has been easy to work with in restoring the correct W2s. I will keep you apprised as we move towards a solution.

**PLANNING – ROUTE 27 SIDEWALK PROJECT**

Please see attached memo from the Town Planner regarding the Route 27 Sidewalk Project. Residents are requesting completion of this project. Department Heads will meet together with me to discuss how to proceed.

**POLICE - LOKERVILLE GREEN – TEMPORARY INTERSECTION REDESIGN**

Please see attached report from the Police Chief regarding the two month test of the temporary intersection scheduled to begin Monday October 20<sup>th</sup>. The Board of Public Works is pursuing Option 3. Public information will be through signboards, website postings and a Reverse 9-1-1 call.

**POLICE / PUBLIC WORKS – NSTAR STATION TRANSPORT AND DELIVERY**

Beginning Monday November 3<sup>rd</sup> at 9pm, Nstar will be moving its new transformer through the region to the Sudbury Substation at 163 Boston Post Road. Town personnel will learn this week about the impact of the move.

**ADMINISTRATION**

**MUNICIPAL USE OF SOCIAL MEDIA: FACEBOOK, TWITTER, YOUTUBE**

The topic for the MetroWest Managers Meeting this month was Social Media. The Police Department in Wellesley demonstrated how it uses Twitter to improve public relations through instant two-way communication with residents on traffic issues, hazards, and emergencies.

There are a number of benefits including reduced 9-1-1 calls. Social Media projects need to be planned and staffed strategically for each town so that these media are used appropriately and so the towns can manage the additional demands for information from the public that are created. A Webinar for Department Heads on the Use of Social Media in Local Government is scheduled.

#### **DOCUMENT MANAGEMENT PROJECTS**

The Assistant Town Administrator is working on a project to scan and provide access to key town documents through a single searchable system. As part of this John is reviewing the location of all committee and board minutes and departmental contracts.

#### **TOWN COUNSEL ACCESS**

In order to stay current with town legal issues and to comply with the Board's Policy on Town Counsel access, I asked Department Heads to send me, prior to meeting with or contacting Town Counsel, the legal question they would ask Counsel.

#### **DEPARTMENT HEAD MEETINGS**

Department Heads will continue to meet the first Monday of the month and effective next week will meet in teams with the Finance Team, including the School Business Manager, meeting first.

#### **PROCUREMENT**

The following procurements are active: 1) Audit Services, 2) Electronic Voting, 3) North Cemetery Preservation, 4) River's Edge Special Counsel, 5) Station #2 Tight Tank, and 6) Surplus Equipment.

#### **NEXT BOARD OF SELECTMEN MEETINGS**

The Board will meet next on October 20<sup>th</sup>. Potential agenda items include 1) Assessing – Discussion of Tax Bills and Tax Recap 2) Energy Committee: Update and projects for Town Building, 3) Glezen Lane – Next Steps, 4) Committee Appointments – COA Advisory, EDC, and Energy Committee – Associates, 5) Liquor Licensing – Vote to Accept Sunday 10 am openings of package Stores effective after 10/23/14. 6) Glezen Lane – Next Step. 7) Revised Audit Committee Charge.

**Balmer, Nan**

---

**From:** Brideau, Ellen  
**Sent:** Monday, September 22, 2014 6:26 PM  
**To:** Balmer, Nan  
**Subject:** FY 15 Tax Bill Increase

Hi Nan,

From the April Town Meeting appropriations, we are scheduled to have an 8.3% increase in the property tax levy. The impact on the average tax bill is approximately \$900 for the year.

1<sup>st</sup> and 2<sup>nd</sup> quarter bills for FY'15 contained 2.5% of the increase with the additional to be collected over the 3<sup>rd</sup> and 4<sup>th</sup> quarters.

For an example:

Using the FY'14 average tax bill of \$10,974. An 8.3% increase would bring the average bill to \$11,885.

1<sup>st</sup> & 2<sup>nd</sup> Q had a bill of \$2,813 totaling \$5,625 for the first half. 3<sup>rd</sup> & 4<sup>th</sup> Q bills would be \$3,130 with a total bill of \$6,260 for the second half.

Historically the total anticipated tax increase was added to the preliminary bills instead of just the 2.5%. This practice was questioned 2 years ago and after a discussion with the Bureau Chief of Municipal Law ( Kathleen Colleary) it was determined that although this practice was kinder to the residents it was not allowed.

Please let me know if you need additional information.

Sincerely,  
Ellen

Ellen Brideau, MAA  
Director of Assessing  
Town of Wayland  
508-358-3658- office  
508-358-0061 - fax

PLANNING



Sarkis Sarkisian  
Wayland Town Planner

TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
PLANNING DEPARTMENT

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3615  
FAX: (508) 358-4036

  
**TO:** Nan Balmer, Town Administrator  
**FROM:** Sarkis Sarkisian, Town Planner  
**DATE:** October 2, 2014  
**RE:** Project Route 27 Sidewalk from the Depot to Wayland Commons

With respect to the Route 27 Sidewalk Project, the Town of Wayland issued a Comprehensive Permit for Wayland Commons in 2006 under M.G.L. c 40b. A condition was placed that the Developer Gift \$75,000 for the construction of a sidewalk from the Wayland Depot to the Wayland Commons Development. The Town of Wayland received the \$75,000 gift in 2011. The Town of Wayland has designed and received all town permits for construction of the sidewalk. An Engineering estimate was recently performed for this project with a total costs of \$150,000 including 15% contingencies and police detail, thus we are short \$75,000. Other gift funds from Town Center in the amount of \$43,000 could be used with BOS approval to supplement the difference; however we still would be short \$32,000. I hope that we can find a solution for funding this project through a Capital Project request at the Spring Town Meeting. I also want to inform you that several neighbors have already appeared before the BOS on this matter.

Enclosed is an Engineering estimate by TEC Consulting and a copy of a printed email from an abutter.

Thank you

## CONSTRUCTION COST ESTIMATE

**DATE:** 8/18/14  
**TEC PROJECT #:** T0556

**PROJECT DESCRIPTION:** Route 27 Sidewalk

**DESIGN LEVEL:** 100%  
**ESTIMATOR:** MPD

**PROJECT LOCATION:** Wayland, MA  
**CHECKED BY:** SJM

| SPEC | ITEM   | QTY  | UNIT | DESCRIPTION                                             | UNIT PRICE | AMOUNT      |
|------|--------|------|------|---------------------------------------------------------|------------|-------------|
|      | 102.1  | 250  | FT   | TREE TRIMMING                                           | \$20.00    | \$5,000.00  |
|      | 103.   | 1    | EA   | TREE REMOVED - DIAMETER UNDER 24 INCHES                 | \$725.00   | \$725.00    |
|      | 104.   | 1    | EA   | TREE REMOVED - DIAMETER 24 INCHES AND OVER              | \$1,400.00 | \$1,400.00  |
| *    | 120.   | 200  | CY   | EARTH EXCAVATION                                        | \$25.00    | \$5,000.00  |
|      | 141.1  | 5    | CY   | TEST PIT FOR EXPLORATION                                | \$75.00    | \$375.00    |
|      | 146.   | 1    | EA   | DRAINAGE STRUCTURE REMOVED                              | \$500.00   | \$500.00    |
|      | 151.   | 160  | CY   | GRAVEL BORROW                                           | \$35.00    | \$5,600.00  |
| *    | 153.   | 10   | CY   | CONTROLLED DENSITY FILL - EXCAVATABLE                   | \$130.00   | \$1,300.00  |
|      | 156.   | 40   | TON  | CRUSHED STONE                                           | \$40.00    | \$1,600.00  |
|      | 170.   | 450  | SY   | FINE GRADING AND COMPACTING                             | \$3.00     | \$1,350.00  |
|      | 202.   | 1    | EA   | MANHOLE                                                 | \$3,000.00 | \$3,000.00  |
|      | 220.   | 1    | EA   | DRAINAGE STRUCTURE ADJUSTED                             | \$300.00   | \$300.00    |
| *    | 222.3  | 2    | EA   | FRAME AND GRATE (OR COVER) MUNICIPAL STANDARD           | \$750.00   | \$1,500.00  |
| *    | 223.1  | 2    | EA   | FRAME AND GRATE (OR COVER) REMOVED AND STACKED          | \$110.00   | \$220.00    |
|      | 241.12 | 20   | FT   | 12 INCH REINFORCED CONCRETE PIPE                        | \$60.00    | \$1,200.00  |
| *    | 252.24 | 50   | FT   | 24 INCH CORRUGATED PLASTIC (POLYETHYLENE) PIPE          | \$45.00    | \$2,250.00  |
|      | 358.   | 1    | EA   | GATE BOX ADJUSTED                                       | \$150.00   | \$150.00    |
| *    | 453.   | 1625 | FT   | HMA JOINT SEALANT                                       | \$1.25     | \$2,031.25  |
|      | 472.   | 10   | TON  | HOT MIX ASPHALT FOR MISCELLANEOUS WORK                  | \$160.00   | \$1,600.00  |
| *    | 482.3  | 850  | FT   | SAWING ASPHALT PAVEMENT                                 | \$2.00     | \$1,700.00  |
|      | 506.   | 550  | FT   | GRANITE CURB TYPE VB - STRAIGHT                         | \$35.00    | \$19,250.00 |
|      | 509.   | 35   | FT   | GRANITE TRANSITION CURB FOR WHEELCHAIR RAMPS - STRAIGHT | \$40.00    | \$1,400.00  |
|      | 509.1  | 5    | FT   | GRANITE TRANSITION CURB FOR WHEELCHAIR RAMPS - CURVED   | \$45.00    | \$225.00    |
|      | 514.   | 2    | EA   | GRANITE CURB INLET - STRAIGHT                           | \$325.00   | \$650.00    |
|      | 580.   | 180  | FT   | CURB REMOVED AND RESET                                  | \$20.00    | \$3,600.00  |
| *    | 590.   | 60   | FT   | CURB REMOVED AND STACKED                                | \$5.00     | \$300.00    |
|      | 670.   | 240  | FT   | FENCE REMOVED AND RESET                                 | \$30.00    | \$7,200.00  |
| *    | 697.1  | 3    | EA   | SILT SACK                                               | \$150.00   | \$450.00    |
| *    | 698.2  | 120  | SY   | GEOTEXTILE FABRIC FOR SUBSURFACE DRAINAGE               | \$8.00     | \$960.00    |
| *    | 701.   | 420  | SY   | CEMENT CONCRETE SIDEWALK                                | \$40.00    | \$16,800.00 |
|      | 701.2  | 6    | SY   | CEMENT CONCRETE WHEELCHAIR RAMP                         | \$75.00    | \$450.00    |
|      | 706.7  | 525  | SF   | CONCRETE PAVER BAND                                     | \$25.00    | \$13,125.00 |
|      | 715.   | 3    | EA   | RURAL MAIL BOX REMOVED AND RESET                        | \$150.00   | \$450.00    |
|      | 748.   | 1    | LS   | MOBILIZATION                                            | \$3,200.00 | \$3,200.00  |
|      | 751.   | 35   | CY   | LOAM BORROW                                             | \$50.00    | \$1,750.00  |
|      | 765.   | 245  | SY   | SEEDING                                                 | \$2.00     | \$490.00    |
| *    | 767.12 | 20   | CY   | COMPOST FILTER TUBE                                     | \$100.00   | \$2,000.00  |
|      | 767.31 | 245  | SY   | STRAW MULCH                                             | \$2.00     | \$490.00    |
| *    | 828.06 | 1    | EA   | GUIDE SIGN REMOVED AND RESET                            | \$1,000.00 | \$1,000.00  |
|      | 852.   | 210  | SF   | SAFETY SIGNING FOR TRAFFIC MANAGEMENT                   | \$15.00    | \$3,150.00  |
|      | 859.   | 1500 | DAY  | REFLECTORIZED DRUM                                      | \$0.25     | \$375.00    |
| *    | 874.2  | 4    | EA   | TRAFFIC SIGN REMOVED AND RESET                          | \$100.00   | \$400.00    |
|      | 901.   | 5    | CY   | 4000 PSI, 1.5 IN., S65 CEMENT CONCRETE                  | \$800.00   | \$4,000.00  |
|      | 910.1  | 65   | LB   | STEEL REINFORCEMENT FOR STRUCTURES - EPOXY COATED       | \$4.00     | \$260.00    |

**SUBTOTAL = \$118,776.25**

**15% CONTINGENCY & CONSTRUCTION ENGINEERING = \$17,816.44**

**POLICE DETAILS & ALLOWANCE (ASSUMED 1 POLICE OFFICER FOR 2 MO) = \$14,400.00**

**TOTAL = \$150,992.69**

# **Wayland Police Department**

## **Press Release**

**October 2, 2014**

**Change of Traffic Pattern**

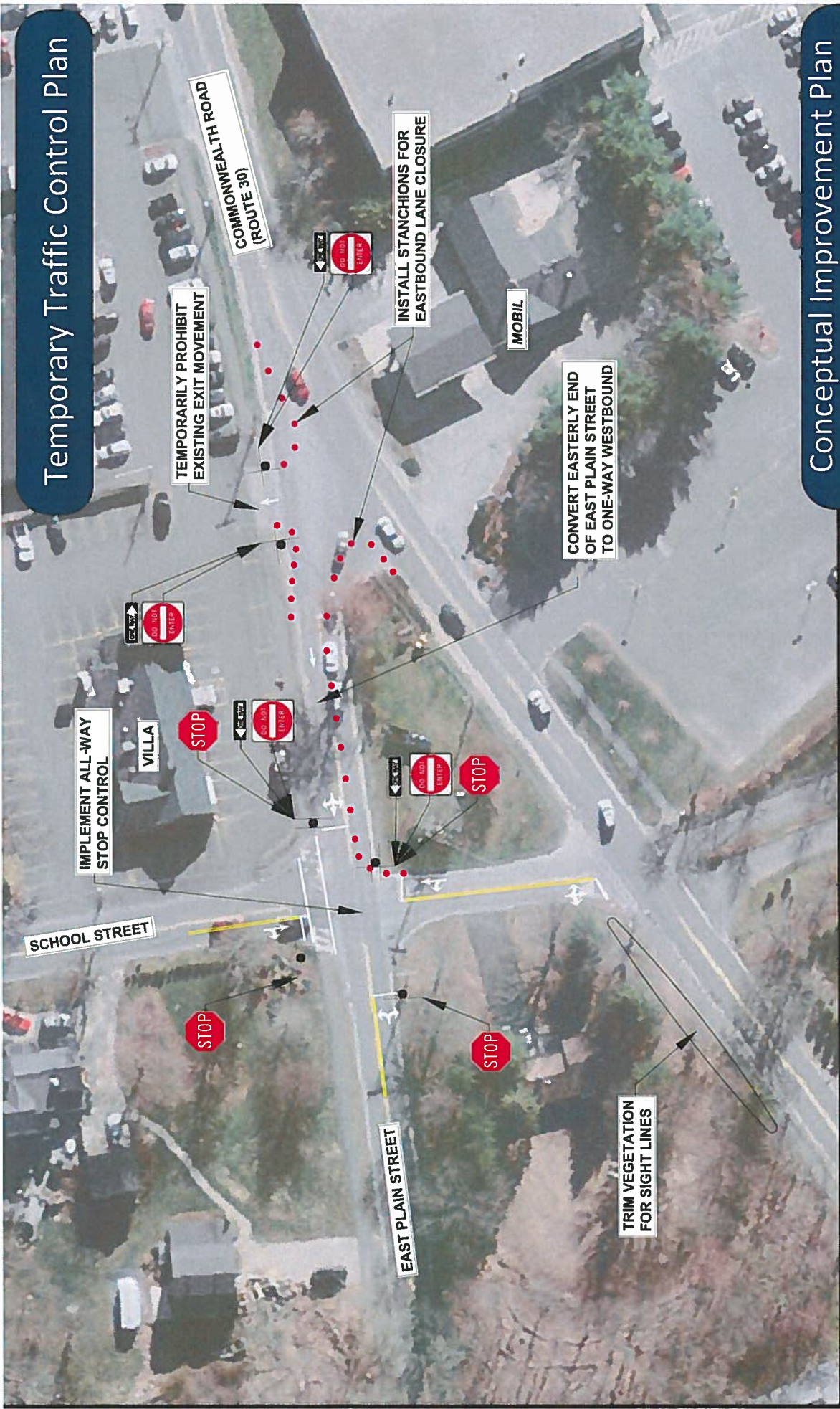
**East Plain Street/School Street/Commonwealth Road**

Effective Monday October 20<sup>th</sup>, 2014, the traffic pattern at the intersection of East Plain Street, School Street and Commonwealth Road will be temporarily modified. This intersection, which encompasses the Lokerville Green, has been the scene of many traffic crashes, including fatalities, over the years. A traffic study by TEC, Inc. traffic consultants recommended that the Town of Wayland consider implementing several options to improve overall safety of the intersection. All of the options would reduce the number of conflicting traffic streams, better control the speed of turning movements, and consolidate turns onto Route 30 to a singular location.

As part of the process to determine the best option, a temporary traffic plan will be implemented on October 20<sup>th</sup>. This plan will consist of making the section of East Plain Street in front of the Villa Restaurant a one-way road heading in a westerly direction. Reflectorized traffic barrels, road delineators, and barricades will be used to narrow part of the roadway. Temporary regulatory traffic signs will be used to restrict flow along the northerly end of Lokerville Green to westbound only. This temporary traffic control plan was approved by the Board of Public Works on July 9<sup>th</sup> and by the Board of Selectmen on September 29<sup>th</sup>.

It is anticipated that this temporary traffic control plan will be in place for two months. Motorists are asked to use extra caution when driving through this intersection and to use School Street to access Route 30. Side street delays are expected to be higher during this interim period. Town staff and the consultant will be monitoring the results of the temporary changes as long-term solutions are considered.

# Temporary Traffic Control Plan



# Conceptual Improvement Plan

Rt. 30 / East Plain St. / School St.

WAYLAND, MA

October 1, 2014



TEC, Inc. 65 Glens Street Lawrence, MA 01843  
TEL (978) 794-1793 FAX (978) 794-1793 tecmas.com



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
[www.wayland.ma.us](http://www.wayland.ma.us)

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, October 6, 2014**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Town Counsel Mark J. Lanza for the Month Ending September 30, 2014: \$12,291.47
3. Vote the Question of Approving the Invoice for Legal Expenses for Bateman & Slade Inc., Invoice No. 10635, September 26, 2014: \$483.23



**Mark J. Lanza**  
**Attorney at Law**  
9 Damonmill Square - Suite 4A4  
Concord, MA 01742  
Tel. # (978) 369-9100  
Fax # (978) 369-9916  
e-mail: mjlanza@comcast.net

INVOICE - TOWN OF WAYLAND - 9/30/2014

SUMMARY

|                                                                                                  |                    |
|--------------------------------------------------------------------------------------------------|--------------------|
| FEE CALCULATION: 84.5 HOURS X \$160.00 PER HOUR =                                                | \$13,520.00        |
| DISBURSEMENTS (See below for detail)                                                             | 135.72             |
| LESS: 50% of 20 WAYLAND CASE COSTS PAID FROM WWMDC FUNDS                                         | -1,094.25          |
| TOTAL 9/30/14 INVOICE.....                                                                       | <u>\$12,291.47</u> |
| AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....                                               | <u>\$11,059.47</u> |
| AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC<br>DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T ..... | <u>\$0.00</u>      |
| AMOUNT PAYABLE FROM SCHOOL BUDGET.....                                                           | <u>\$1,232.00</u>  |

DISBURSEMENTS

|         |                                          |                  |
|---------|------------------------------------------|------------------|
| 8/28/14 | Courier Serv.                            | W60.50           |
| 9/2014  | Long Dist. Tel. Charges (Detail on File) | 19.66            |
| 9/2014  | Postage                                  | 24.56            |
| 9/2014  | FAXing (978) 369-9916 & (978) 261-5034   | 0.00             |
| 9/2014  | Copying                                  | 19.50            |
| 9/2014  | Mobile Phone (Detail on file)            | 11.50            |
|         | Total Disbursements                      | <u>\$ 135.72</u> |

BATEMAN & SLADE, INC.  
— The Brief People —  
OLD CENTRAL WHARF — 77 CENTRAL STREET  
BOSTON, MASSACHUSETTS 02109

EMAIL: BATEMANSLADE@MSN.COM

(617) 423-5556

FAX: (617) 423-7812

Mark J. Lanza, Esquire  
Town Counsel  
41 Cochituate Road  
Wayland, Massachusetts 01778  
(978) 369-9100

September 26, 2014

Invoice No. 10635

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**Appeals Court**

No. 2014-P-0679


|                     |                 |            |
|---------------------|-----------------|------------|
| TWENTY WAYLAND, LLC | Print & File:   |            |
| v.                  | Reply Brief     | \$ 449.75  |
|                     | Sales Tax       | N/A        |
| TOWN OF WAYLAND AND | Postage/Courier | 33.48      |
| WAYLAND WASTEWATER  | Filing Fee      | <u>N/A</u> |
| MANAGEMENT DISTRICT | TOTAL           | \$ 483.23  |
| COMMISSION          |                 |            |

**Federal Tax Identification**

**No. 04-2552058**

***Invoices are due and payable UPON RECEIPT.***

***Thank you for using the Brief People, Bateman & Slade!***

Approved:   
Town Counsel  
Legal Expense  
10/2/2014



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**LIST OF PUBLIC DOCUMENTS PROVIDED  
TO THE BOARD OF SELECTMEN FROM  
SEPTEMBER 26, 2014, THROUGH AND  
INCLUDING OCTOBER 2, 2014, OTHERWISE  
NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR  
OCTOBER 6, 2014**

### **Items Distributed To the Board of Selectmen – September 26-October 2, 2014**

1. Letter of 9/18/14 from Pierce, Davis & Perritano to Nan Balmer, Town Administrator, re: Mark Frishman v. Mark J. Lanza et al
2. Invitation to River Trail Place, October 2, 2014, Model Premiere

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 29, 2014**

1. Public Comment, Patricia Abramson, 9/29/14, re: Free Cash
2. Public Comment, Linda Segal, 9/29/14, re: 2015 Annual Town Meeting Schedule
3. Public Comment, John Dyer, 9/29/14, re: Plan for East Plain Street Entry onto Route 30
4. Amended Letter of 9/11/14 from Clifton Larson Allen to Brian Keveny, Finance Director, re: Reconciliation of Treasurer's Cash Balance
5. Handout from Brian Keveny, Director of Finance, 9/29/14, re: Free Cash Statistics
6. Draft Annual Town Election/Annual Town Meeting Schedule 2015

### **Items Included as Part of Agenda Packet for Discussion During the October 6, 2014 Board of Selectmen's Meeting**

1. Memorandum of 10/3/14 from Town Administrator Nan Balmer re: Grant Applications, Tickborne Disease Network Expansion
2. Memorandum of 10/2/14 from Town Planner Sarkis Sarkisian re: License Application to DCR for Use of DCR Easement on MBTA Rail Trail
3. Memorandum of 10/3/14 from Town Administrator Nan Balmer re: Potential Energy and Capital Improvement on Town Building
4. Memorandum of 10/3/14 from Town Administrator Nan Balmer re: Policy on Town Counsel Access
5. Memorandum of 10/3/14 from Town Administrator Nan Balmer re: Alcohol Policy
6. Memorandum of 10/3/14 from Town Administrator Nan Balmer re: 2015 Town Meeting Date
7. Town Administrator's Report of October 6, 2014



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

## BOARD OF SELECTMEN Monday, October 6, 2014 Wayland Town Building Selectmen's Meeting Room

### CORRESPONDENCE

#### Selectmen

1. Public Comment, 2015 Annual Town Meeting Dates
2. Email of 9/26/14 from Doug Stotz to Police Chief Robert Irving re: Appreciation for Leadership on Issue of Glezen Lane and Sherman's Bridge Road
3. Memorandum of 9/29/14 from Beth R. Klein, Town Clerk, to Board of Selectmen re: Resignation of Deacon Geoffrey W. Higgins, Youth Advisory Committee
4. Memorandum of 9/29/14 from Ellen Brideau, Director of Assessing, to Brian Keveny, Director of Finance, re: Overlay Surplus
5. Letter of 10/2/14 from C. Peter R. Gossels to the Board of Public Works re: Condition of the Nike Site Property
6. Director's Report, Board of Health, September 22, 2014

#### Conservation Commission

7. Determination of Applicability and Chapter 194 Permit, 10/1/14, from Brian Monahan, Conservation Administrator, re: 20 Meadow View Road
8. Determination of Applicability and Chapter 194 Permit, 10/1/14, from Brian Monahan, Conservation Administrator, re: 2 Cameron Road
9. Order of Conditions and Chapter 194 Permit, 10/1/14, from Brian Monahan, Conservation Administrator, re: 9 and 15 Reservoir Road

#### Zoning Board of Appeals

10. Decision 14-24, 35 Sycamore Road
11. Public Hearing, October 14, 2014, 15 Mitchell Street
12. Continued Hearing, October 14, 2014, 180 Oxbow Road

#### Minutes

13. Historical Commission, June 4, 2014
14. Board of Public Works, September 10, 2014

#### Region

15. Letter of 9/23/14 from Committee for Safer Roads and Bridges re: Request for Support of Board of Selectmen to Endorse a No Vote on State Ballot Question One

## DiNapoli, MaryAnn

---

**From:** Gil Wolin <gil@wolinaviation.com>  
**Sent:** Wednesday, October 01, 2014 9:14 PM  
**To:** Karlson, Cherry; Nolan, Joseph F.; Antes, Mary; Boschetto, Anthony V.; Collins, Edward J.  
**Cc:** Balmer, Nan; DiNapoli, MaryAnn; thomas.greenaway@gmail.com  
**Subject:** Annual Town Meeting Schedule

I understand that two sets of dates are under consideration for Town elections and 2015 ATM. Please note that Thursday evening, April 9, marks the start of the seventh day of Passover – a day of religious obligation. Were the ATM to be scheduled that evening, I would not be able to attend.

Thank you,

Gil



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[www.wolinaviation.com](http://www.wolinaviation.com)

[gil@wolinaviation.com](mailto:gil@wolinaviation.com)

## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Friday, September 26, 2014 1:19 PM  
**To:** Joe Nolan (jnolan@citypointpartners.com) (jnolan@citypointpartners.com); Karlson, Cherry; Antes, Mary; Collins, Edward J.; Boschetto, Anthony V.  
**Cc:** DiNapoli, MaryAnn  
**Subject:** FW: Glezen Lane and Sherman's Bridge Road - Correspondence

-----Original Message-----

From: Doug Stotz [mailto:dougstotz@alum.mit.edu]  
Sent: Friday, September 26, 2014 9:23 AM  
To: Irving, Robert  
Cc: Susan Pope; Susan Wagner; Christopher Foster; Richard (Dick) Kilbourne; munroetree@gmail.net; Lynne Stotz; Todd Seeber; Susan F. (Sue) Seeber; Bernard E. Weichsel; Tsesan SHAW; John Shaw; Jack Beinsashowitz; Piyali Talukdar; Janet Carmichael; Graham Holmes; Beth Zeeman; Paul Stern; Sherilyn Burnett; p.trentini@verizon.net; Suzanne Thatcher; Balmer, Nan; Kadlik, Stephen; Senchyshyn, John  
Subject: Re: Glezen Lane and Sherman's Bridge Road

Chief Irving,

Many thanks for your quick and well considered response.

We have appreciated your consistent and town-wide leadership and thinking on these matters throughout your tenure and in the recent hearing. And we also appreciate your and your team's attention to Sherman's Bridge Road.

Incidentally, Sergeant Akins grew up in the neighborhood and could be a good source for any historical perspective that might be helpful to you.

Thanks again,

Doug Stotz

On Sep 26, 2014, at 8:35 AM, Irving, Robert <[Chief@wayland.ma.us](mailto:Chief@wayland.ma.us)> wrote:

Dear Lynne, Doug and Sherman's Bridge Residents,

When traffic mitigation occurs there is often a shift in traffic that can cause equal or greater problems and unintended consequences on neighboring roads. I assure you that any recommendation that I make to the BOS regarding traffic control keeps this in mind. The police department is well aware of the traffic issues on Sherman's Bridge Road and we will continue selective directed enforcement on your road in efforts to curb speeding.

Thank you for your comments, I will add them to our file on traffic issues in your area.

Respectfully,

Chief I.

-----Original Message-----

From: Doug Stotz [mailto:dougstotz@alum.mit.edu]

Sent: Thursday, September 25, 2014 4:19 PM

To: Irving, Robert; Susan Pope

Cc: Susan Wagner; Christopher Foster; Richard Kilbourne; munroetree@gmail.net; Todd Seeber; Susan F. Seeber; Bernard E. Weichsel; Tsesan SHAW; John Shaw; Jack Beinsashowitz; Piyali Talukdar; Janet Carmichael; Graham Holmes; Beth Zeeman; Paul Stern; Sherilyn Burnett; p.trentini@verizon.net; Suzanne Thatcher

Subject: Glezen Lane and Sherman's Bridge Road

Dear Sue and Chief Irving

We read the article on the Glezen Road situation in today's Wayland Town Crier with great interest. We fully agree the current restrictions on Glezen are extremely inconvenient and infuriating to Wayland Residents AND that these actually do very little to "fight the real enemy" of Glezen residents, which is morning and evening commuter traffic.

Chief Irving, you are to be congratulated on your prognosticative abilities in predicting "residents elsewhere in town asking for the same concessions". We would like to be the first to ask whatever remedies put in place for Glezen Lane be accompanied by similarly effective measures on Sherman's Bridge Road. We also invite our neighbors cc'ed on this to join us in this request.

Failing to implement mitigations in parallel will not resolve the issue but simply move it north to a road already suffering these identical issues. Furthermore, overall accidents will increase - much more traffic heads west on Sherman's Bridge Road than Glezen during the morning commute as newly-licensed high school students from Lincoln drive to Lincoln-Sudbury High School.

We note Sherman's Bridge Road is as narrow or even more so than Glezen west of 126, is both hillier and curvier, has no stop signs, and does not benefit from speed bumps.

Thank you,

Lynne and Doug Stotz  
39 Sherman's Bridge Road



**TOWN OF WAYLAND  
TOWN CLERK'S OFFICE  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
(508) 358-3630 (508) 358-3631**

Town Clerk  
Beth R. Klein

Assistant Town Clerk  
Diane Gorham

**RECEIVED**

**SEP 30 2014**

**Board of Selectmen  
Town of Wayland**

Date: September 29, 2014  
To: Board of Selectmen  
From: Beth R. Klein, Town Clerk  
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective September 27, 2014:

Deacon Geoffrey W. Higgins Youth Advisory Committee  
Term Expires: 6/30/16

Pursuant to Chapter 41: Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town clerk or district clerk.

cc: Nan Balmer, Town Administrator ✓  
Dr. Lynn Dowd



**Deacon Geoffrey W. Higgins**  
36 Rice Road  
Wayland, MA 01778  
[ghiggins@goodshepherdwayland.org](mailto:ghiggins@goodshepherdwayland.org)

September 27, 2014

Ms. Beth R. Klein  
Town Clerk  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2014 SEP 29 AM 8:29

Dear Ms. Klein:

I am writing to you to submit my resignation as the representative of the Clergy Association of Wayland on the Youth Advisory Committee (YAC). My fulltime position teaching English as a Second Language in the Randolph Public School system prevents me from serving on the committee.

Of the various roles in which I have served the Wayland community over the past years, my membership as clergy representative on the YAC has been a special one. I want to especially thank Lynn Dowd and Joe Karbowski as well as the entire committee for their expertise and support in all things youthful. It has been a privilege to have been a member of the committee and look forward to the opportunity to continue to serve our community in the future.

Sincerely,

*Deacon Geoffrey W. Higgins*

Deacon Geoffrey W. Higgins

Cc: Lynn Dowd



**Town of Wayland**  
 41 COCHITUATE ROAD  
 WAYLAND MASSACHUSETTS 01778  
 www.wayland.ma.us TEL. 508-358-3788

**OFFICE STAFF**  
 Ellen M. Brideau, MAA Director of Assessing  
 Denise Ellis, Assistant Assessor  
 Jessica Marchant, Administrative Assessor  
 Savitri Ramgoolam, Department Assistant

**BOARD OF ASSESSORS**  
 Susan M. Rufo, Chair  
 Jayson Brodie, Vice Chair  
 Molly Upton  
 Zachariah L. Ventress  
 David Hill

**MEMO**

**TO:** BRIAN KEVENY, DIRECTOR OF FINANCE  
**FROM:** ELLEN BRIDEAU, DIRECTOR OF ASSESSING *EMB*  
**CC:** BOARD OF SELECTMEN  
 FINANCE COMMITTEE  
**SUBJECT:** OVERLAY SURPLUS  
**DATE:** 9/29/2014

The Board of Assessors by a vote of 5 to 0 released the following Excess Overlay amounts from the Overlay Reserve Account to Overlay Surplus on September 29, 2014:

| Fiscal Year               | Amount Released |
|---------------------------|-----------------|
| 2009                      | \$ 0            |
| 2010                      | \$ 10,000       |
| 2011                      | \$ 20,000       |
| 2012                      | \$ 70,000       |
| 2013                      | \$ 50,000       |
| <b>Total \$ 150,000 -</b> |                 |

*Susan M. Rufo* 9-29-2014  
*Molly R. Upton*  
*Jayson Brodie*  
*David M. Hill*  
*Zachariah L. Ventress*

**RECEIVED**  
**SEP 30 2014**  
 Board of Selectmen  
 Town of Wayland

**C. PETER R. GOSSELS**

ATTORNEY AT LAW

84 STATE STREET · BOSTON · MASSACHUSETTS 02109-2299 · 617 / 742-9310

WAYLAND OFFICE BY APPOINTMENT: 32 HAMPSHIRE ROAD · WAYLAND · MASSACHUSETTS 01778-1021 · 508 / 358-7438

TELECOPIER 617 / 742-5734

October 2, 2014

The Board of Public Works  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Re: The Nike Site

Gentlemen,

I have, since 2010, raised questions with the Department of Public Works and others about the failure of the Town to maintain the Nike Site, which was acquired by the Town from the United States General Services Administration (GSA) by vote under Article 41 of the 2004 Annual Town Meeting in response to its offer to sell said site consisting of 13.46 acres to the Town for \$1.00 to be used for passive or active recreation. If the Town did not buy it, the GSA stated that it would dispose of it by public sale to a private developer. See page 92-93 of the Warrant for the 2004 Annual Town Meeting and pages 176 and 177 of the 2004 Annual Report.

The Town then voted under Articles 19 and 20 of the Warrant for the 2006 Town Meeting (pages 46-49 and 119) to exchange a portion of the Nike Site Housing Land for a portion of the site's "passive and active recreation land" and to create a 50 foot buffer strip that has since been used as a walking path. See pages 125 and 126 of the

The Board of Public Works  
Town of Wayland  
October 2, 2014  
Page 2

2006 Annual Town Report.

According to the Finance Committee's comment under Article 17 of the Warrant for the 2008 Annual Town Meeting (pages 49-52), the Town acquired 10.71 acres of the Nike Site from the GSA in May of 2005 at no cost "for use as a passive and active recreation area" after purchasing and developing the remainder of the site for public housing for \$1,269,775.00. It also reported that it would cost a total of \$350,000.00 to prepare the 10.71 acres for passive and active recreation. As a result, the Town appropriated the \$250,000.00 requested at that time to augment the \$100,000.00 that had been appropriated previously.

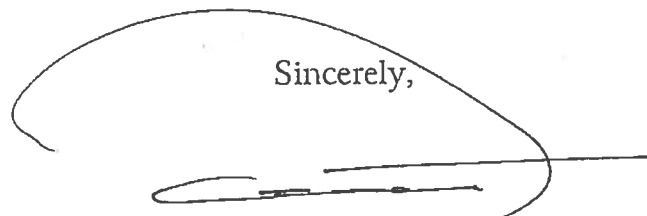
Since the Town acquired the Nike Site and voted to designate certain portions thereof for housing and that buffer strip, it has removed the materials and structures on that portion of the site that was to be devoted to passive and active recreation, planted three trees and some flowers along said buffer strip, and placed two benches there. The flowers have long since disappeared and the entire 10.71 acre site is now covered (and has been since 2011) with ugly six foot high weeds that make its use for even passive recreation impossible.

Despite my repeated requests to the DPW since 2010 that it remove the weeds that cover the site and make it accessible to the public for whose recreation it was purchased and cleared, nothing has been done. I have even suggested that the Nike Site be mowed and maintained as Lincoln maintains its large meadow at the Farrar Pond development next door; namely, by selling the hay it grows there to finance the maintenance.

The Board of Public Works  
Town of Wayland  
October 2, 2014  
Page 3

It seems to me that all of the money that the Town spent to clear the Nike Site in order to provide passive and active recreation to its residents should not be wasted by our failure to mow and maintain the meadow that should be created there.

Sincerely,

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the word 'Sincerely,' and extends to the right, ending in a horizontal line.

CPRG:cac

cc: Recreation Commission  
Board of Selectmen  
Finance Committee  
Gretchen Schuler

---

P.S. I should think that the Finance Committee might vote to release enough money from its reserve fund to finance the clearing of the 10.71 acre site if there is not enough money in the DPW budget.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOS

RECEIVED

SEP 26 2014

Board of Selectmen  
Town of Wayland

Julia Junghanns, R.S., C.H.O.  
DIRECTOR OF PUBLIC HEALTH  
TEL. (508) 358-3617  
www.wayland.ma.us

## Wayland Board of Health Director's Report September 22, 2014

Septic work and building approvals-Septic system installations, soil testing and construction projects have picked up again for the fall push. I have been extremely busy with site visits and inspections and the office phone has very busy with construction questions and walk-ins.

Annual Report-. We are in the process of pulling together all the information to prepare last year's numbers and statistics for the annual report.

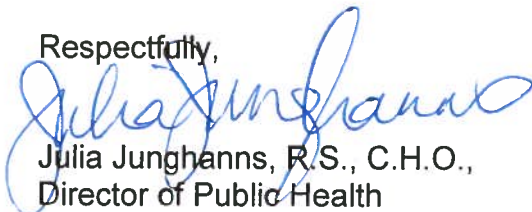
Housing and miscellaneous complaints-we have 3 ongoing housing complaints that I continue to work on. One situation is a follow-up to a formal legal order to landlord with ongoing progress checks/inspections, another is a mold/must complaint from a tenant (informal inspection and follow-up), the third is a complaint of a vacant house. I am also following up on what appears to be a cesspool failure at a rented property and will be sending a legal order to the owner.

New Local Tobacco Regulations Public Hearing- A legal ad has been sent to the press for posting in the Town Crier September 11, and 18. I also composed and sent an educational article to the Town Crier for print on 9/25. The public hearing is set for September 29<sup>th</sup> and MAHB Attorney Cheryl Sbarra will be attending.

Flu Clinic Preparation-Community Flu Clinics are planned for October 8, 15 and 29. Senior clinics are planned for September 23<sup>rd</sup> and 30<sup>th</sup>. Media resources have been contacted with clinic advertising. We are in the process of working out the details for a banner to advertise at the transfer station.

PHN/Nurse Leader Ruth Mori continues to work closely with the School Community Health Nurses in handling a number of issues related to start of school, i.e., the snap program, sports clearance, administration of paperwork and parent meetings.

Respectfully,

  
Julia Junghanns, R.S., C.H.O.,  
Director of Public Health

(6)



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

October 1, 2014

Thomas E. Gulley  
20 Meadow View Road  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-846] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 20 Meadow View Road, Wayland

Dear Mr. Gulley:

Enclosed please find the original Wetlands and Water Resources Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved project to decommission a swimming pool at 20 Meadow View Road in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

If you have any questions, please contact me at (508) 358-3669. Thank you.

Sincerely,

*Brian J. Monahan*

Brian J. Monahan  
Conservation Administrator

Enclosure

cc: Building Department w/enc.  
Town Clerk w/enc.  
DEP – NERO w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Abutters  
File

(7)



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

October 1, 2014

Paul Greiff  
2 Cameron Road  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-847] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 2 Cameron Road, Wayland

Dear Mr. Greiff:

Enclosed please find the original Wetlands and Water Resources Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved garage construction project at 2 Cameron Road in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

If you have any questions, please contact me at (508) 358-3669. Thank you.

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

cc: Building Department w/enc.  
Town Clerk w/enc.  
DEP – NERO w/enc.  
Jeffrey Mazzone Carpentry w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Abutters  
File





TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

October 1, 2014

Joseph and Melissa Hicklin  
62 Hartford Avenue South  
Upton, MA 01568

RE: Order of Conditions and Chapter 194 Permit for 9 & 15 Reservoir Road, Wayland  
(DEP File 322-827)

Dear Mr. and Mrs. Hicklin:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the water service/driveway project at 9 and 15 Reservoir Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

**Written notice must be submitted to the Conservation Commission not less than two or more than five business days prior to the commencement of the work permitted by these decisions.** All submissions must refer to the DEP file number and condition or conditions which the submission is intended to address.

**Please note that any modification of your plans must be reported to the Commission** and may necessitate either an amendment to the Order of Conditions or the submission of a new Notice of Intent. If you have any questions, please call 508-358-3669.

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.  
DEP NERO w/enc.  
Building Commissioner w/enc.  
Schofield Brothers of New England w/enc.  
William Hieronymus w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File

**RECEIVED**

**OCT -2 2014**

Board of Selectmen  
Town of Wayland

(9)



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

**DECISION NO. 14-24**

**NAME OF APPLICANT:**

Robert Carrier

**RECEIVED**

**OCT - 1 2014**

Board of Selectmen  
Town of Wayland

**APPLICATION FOR:**

Any necessary approvals, special permits and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure (demolish existing one-car garage, carport, shed and construct a two-car detached garage with storage below) within front yard setback under the Town of Wayland Zoning By Laws Ch. 198 Sections 201, 203, 401.1.2, 401.1.3, 702, 702.1, 1604.2, and 801 – Table of Dimensional Requirements (front yard setback). The property is located at 35 SYCAMORE ROAD which is in a SINGLE RESIDENCE DISTRICT and ACQUIFER PROTECTION DISTRICT. (14-24)

**DATE OF HEARING:**

September 16, 2014

**BOARD CONDUCTING HEARING AND RENDERING DECISION:**

Aida Gennis, Michael Thomas, Thomas White, Shaunt Sarian, Linda Segal.

**DECISION:**

Special Permit granted with conditions.

**VOTE OF BOARD:**

5-0 in favor.

**CONDITIONS:**

1. Construction must proceed in accordance with, and in the location set out in, the plans submitted to the Board consisting of 1 page, prepared by Sullivan, Connors & Associates, 121 Boston Post Rd., Sudbury, MA 01776, titled :ZBA Petition Plan 35 Sycamore Road, Wayland, MA and 7 pages stamped by Scott E. Nelson, Structural Engineer.
2. Construction must be in accordance with all applicable permits, and is subject to necessary approvals from other boards with jurisdiction over this project.

## FACTS AND REASONS:

The subject property, 35 Sycamore Road, is a single family residence on a non-conforming lot of 10,607 square feet in a district that requires 20,000 square feet. The frontage of the lot is 100 feet where 120 is required. The front yard setback is 7 feet 8 inches where 30 feet is required. The gross floor area of the proposed structure is 100% larger than the existing structure. The subject property has a one car garage and carport on it which encroaches into the front yard setback such that the front yard setback is 7 feet 8 inches. The Applicant seeks zoning relief to remove the existing structure and construct a two car garage with a storage area under it on substantially the same footprint. The proposed structure will be slightly narrower than the current one and the footprint will be slightly rotated to square it to the house. With this rotation the front yard setback will be improved as it is currently 7 feet 8 inches and after the proposed construction it will be 9 feet. The roof peak of the proposed structure will be 5 feet 7 inches higher than the current roof peak and will stand at 13 feet 6 inches above grade. The floor of the proposed structure will be 2 feet higher than the existing one which will prevent rainwater from entering the garage as the garage is sited at a low point in the road and water will flow into the existing garage and carport and will ice over in the winter creating a hazard for the Applicant.

Because the Applicant proposes to increase the gross floor area in existence by an amount exceeding 20 percent, a special permit is required pursuant to Section **198-401.1.3** of the bylaw and the Applicant must therefore demonstrate to the Board that the proposal “shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood,” as required by Section **198-401.1.2** of the bylaw. Under Section **198-203** of the bylaw, in order for the Applicant to receive a special permit, he must further demonstrate that “the use of the premises [as altered] . . . shall not be against the public interest, shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety”.

Section **198-702** and Section **198-702.1** require that all buildings on a property comply with the setbacks in Section 801 – Table of Dimensional Requirements. The subject property is in a zoning district that requires a 30 foot front yard set-back. The existing garage & carport are 7 feet 8 inches from the front yard setback and with this construction the new garage will still be in the front yard setback, although the setback will be improved. The property is located in an Aquifer Protection District, **Section 1604.2 of the bylaw**, restricts the amount of impervious surface of any use to no more than 15% of the lot or 2,500 square feet, whichever is greater, otherwise the use will require site-plan approval under this section. As the proposed footprint is substantially the same as the proposed footprint we see no increase in impervious surface to trigger the application of this section.

The Applicant has Board of Health approval, dated July 29, 2014, to construct a new garage in place of the existing garage and carport subject to 2 conditions: that the new storage room floor must not be lower than elevation 97.00 on the septic plan datum; and that the garage must maintain a 10 foot setback from the proposed septic.

A resident at 66 Hawthorne Road questioned what the visual impact of the construction will be from the street.

The Board determined after site visits to the neighborhood and after reviewing the materials presented by the Applicant, that the proposed construction will be consistent with the character of the neighborhood. The Board is authorized to issue a special permit for the alteration of a structure where it finds that it is not against the public interest, shall not derogate from the character of the neighborhood in which the use is to occur, and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and shall not be otherwise injurious to the inhabitants or their property or dangerous to the public health or safety (Section 203.1); also that a change, extension or alteration to a nonconforming structure shall not be substantially more detrimental than the existing nonconforming structure (Section 401.1.2).

The Board found, unanimously, that the proposed structure is not against the public interest; does not derogate from the character of the neighborhood; is not detrimental or offensive; is not injurious to the inhabitants or their property, or dangerous to the public; and is not substantially more detrimental than the pre-existing structure and thus meets the requirements of the zoning bylaws. The Board voted unanimously to approve the Special Permit subject to the conditions set forth herein.

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

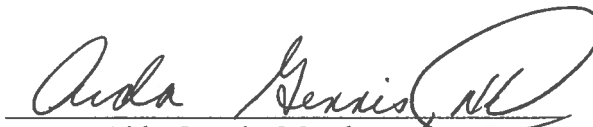
September 30, 2014

  
Aida Gennis, Member

**CERTIFICATION:**

The Board of Appeals, by delivery of a copy of this Decision to the Applicant, Robert Carrier, does hereby certify that copies of this Decision and all plans referred to in this Decision have been filed with the Planning Board of the Town of Wayland and with the Town Clerk of the Town of Wayland.

**BOARD OF APPEALS**

  
Aida Gennis, Member



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

A public hearing will be held on OCTOBER 14, 2014 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following applications at the time indicated:

8:30 p.m. Application of J. KEVIN and JUDITH COURCHINE for any necessary approvals, special permits and/or variances as may be required to demolish a 12.4 x 14.3 shed and construct a new 24' x 24' accessory structure (one car garage with attached shed) within required front yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3.2, 702, 702.1, 706.1 and 801-Table of Dimensional Requirements (front yard). The property is located at 15 MITCHELL STREET which is in a SINGLE RESIDENCE DISTRICT. (14-26)

At the conclusion of the hearings on the aforementioned applications, the Board may then meet for the purpose of deciding on or deliberating toward a decision on any applications previously heard by it and to which no decision has yet been filed or any other public business before the Board.

**BOARD OF APPEALS**

E. Michael Thomas  
Eric Goldberg  
Aida Gennis  
Thomas White  
Michael Connors

**RECEIVED**

**SEP 29 2014**

Board of Selectmen  
Town of Wayland

(11)

*Selectmen*



**TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
BOARD OF APPEALS**

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

**SEPTEMBER 29, 2014**

**POSTED**

**There will be a Zoning Board of Appeals**

**continued hearing on**

**OCTOBER 14, 2014**

**at**

**8:20 p.m.**

**for the applicant**

**NADIA URATO**

**(14-25)**

**180 OXBOW ROAD**

**to be held in the Town Building.**

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2014 SEP 29 PM 4: 18

**RECEIVED**

**SEP 30 2014**

**Board of Selectmen  
Town of Wayland**

(12)

## Wayland Historical Commission Meeting Minutes – June 4, 2014

Minutes: ( approved as written, 9/10/14)

Attendees: Rick Conard, John Dyer, Tonya Largy, Mike Lowery, Elisa Scola, Gretchen Ryder Sharry

Guests: Jen Koeller, Gretchen Schuler, Larry Kiernan, Phil Schneider, Kevin Murphy, 3 additional guests (Friends of the Rail Trail)

Chairperson Elisa Scola called the meeting to order

1. Minutes of the May 7, 2014 meeting were approved as amended
2. Public Comment: None
3. Wayland 375: (John)

Price of granite signage is in the \$3000-\$4000 range. Discussion of different types of plaques, use of large stones with bronze plaques, noted that bronze is frequently stolen. There is a meeting tomorrow night (6/5), at which there will be a treasurer's report.

### 4. Railroad Update:

Larry Kiernan of the Rail Trail group shared an update on the Rail Trail project, along with some pictures and graphics. It is a partnership with the town. DCR has done a lot of work and have worked with the MBTA. Expect to start building the stone dust path in summer 2014. Later when the funds become available, cover with hard pavement from Russells to the Depot. Any extra funds will go toward a railroad interpretive site. Later, there will be a stone dust path to the Weston and Sudbury lines.

WHC raised the question and concern about how much of the existing track will be saved. WHC would prefer to save a longer length of track. Larry stated that the DEP recommends "capping" to encapsulate contaminants. If we want to keep the track, we need a 3 phase environmental study, even in the historic district. Phase 1 has already been done. Problems with keeping the tracks are safety hazards, contaminants, and the expense to maintain. The finished bike path (and railroad interpretive site) will have a lot of traffic.

Larry shared a presentation board showing the proposed lay out, ariel view, indicating where people have made "cut through" walking paths. He also shared a letter from the BETA group regarding safety concerns.

Elisa stated that the WHC would like to save the tracks in the area from Rt 20 to Millbrook Rd where the double tracks are, keeping one set.

Rick shared a handout with examples of preserved track in several other communities, and the Trails with Rails report and website. He has also talked with two people who do environmental reviews and gave the example of the Concord rail trail group.

Gretchen Schuler suggested that we talk about the rail trail in segments-discuss specific pieces as opposed to the global aspect.

Larry asked who was going to provide the ongoing maintenance? He also proposed having an annual discussion/meeting re: the rail trail, tracks, and related issues.

WHC would like to preserve the switches, switch stand, mile posts, whistle posts, and other features of the railroad.

Mike Lowery mentioned that the Board of Health is responsible for health concern. Discussion as to width of the bike path. DCR recommends a 10foot width, but 12 feet is better.

Elisa shared her draft copy of a letter to Sarkis Sarkisian, Town Planner, from the WHC re: preservation of the tracks and other surviving railroad items. WHC discussed, voted and approved the letter.

#### 5. Archaeology Update: (Tonya)

Tonya has not received a response from John Moynihan re: RFP, but she will try again. Stones in the North Cemetery have been pushed over, and this has been reported. In regard to internet connection in the lab, the Town does not want to use a WIFI internet connection router, as Mike Lowery suggested. Tonya and Mike met with Leisha Simon, Technology Director, and gave her a tour of the lab. Leisha said she would get back to Tonya and Mike regarding an internet connection. Tonya mentioned the possibility of overseeing another Eagle Scout project.

The price to purchase artifact cases is approximately \$300. Motion made and approved unanimously ( 6 yes, 0 no) to purchase the cases. Motion made and unanimously approved (6 yes, 0 no) for the purchase of a digital camera, as discussed in previous meetings.

Tonya is creating a list of possible speakers for future public talks. One idea was to invite someone to explain the use of ground penetrating radar for the Sudbury site.

#### 6. Wayland 375 Update continued: (John)

The closing weekend for Wayland's 375<sup>th</sup> celebration year is next weekend. There will be a Beach Party on Friday 6/13. On Saturday, there will be a parade beginning at the Cochituate Ballfield and going to the Town Bldg, where there will be a celebration. There is also a Barn Dance in the evening. John shared a draft of a commemorative booklet, "Our Journey" that will be posted on the WHC website. WHC members to review booklet for our next meeting. Mike Lowery mentioned a free site on the Cloud for publications to be posted/saved (issuu.com)

#### 7. Historic Homes Update: (Elisa)

The historic home designation sign has moved back to the previous smaller size.

#### 8. Ceremonial Landscape Update: (notes from Sheila)

DPW: Monitor is on site. They are working well together. Possible anvil stone discovered.



MS Woods: In May, Sheila went to photograph the site and found that the area had been compromised (ex. fire circles). Sheila notified the police. Need to discuss the MS Woods site at next meeting.

9. New business and other items not identified prior to submission of the agenda: None

Next Meeting: Wednesday, September 10, 2014 at 7:30 PM

Meeting adjourned: 9:35 PM

Respectfully submitted,

Gretchen Ryder Sharry

Wayland Historical Commission

## WAYLAND BOARD OF PUBLIC WORKS

Wayland Town Building

September 10, 2014

7:00 PM

### MEETING MINUTES

M. Lowery (Chair), C. Brown, J. Mishara, M. Wegerbauer (Arrived 7:26 PM),  
S. Kadlik (Director)

Meeting opened at 7:00 PM

(Lowery announced that the meeting is being videotaped and recorded)

Lowery opened the meeting with a review of the agenda.

Lowery made a request for public comment

#### **Public Comment**

Gordon Cliff, 2 Highfields Road – Discussed with the Board his concern with the high number of accidents at the Rice Rd. / Old Connecticut Path / Pinebrook Rd. intersection.

Cliff noted that he has discussed the status of this intersection with Police Chief Irving, who according to Cliff, agreed that it is an issue.

Lowery reviewed photos he took of the intersection in question with the Board.

Cliff described that, in his opinion, visibility in the intersection is poor.

Kadlik noted that most of the shrubbery and trees effecting visibility are on private property.

Kadlik added that he has discussed adding additional signage to the area of the intersection with Chief Irving.

Lowery reviewed a public comment submitted via e-mail from Barbara Holtz, 11 Springhill Road, regarding signs in town that are obscured by overgrowth.

Kadlik noted that a DPW Service Request had been generated regarding this issue.

At 7:10 PM, Lowery ceded the Chair to Brown.

#### **Water Abatement Requests**

Brown explained the water abatement process and how abatements are processed.  
Lowery discussed recent Board of Public Works policy changes to abatements for irrigation issues.

Lowery described recent changes initiated by the DEP regarding State water regulations.

**51 Barney Hill**

John Michalczyk, 51 Barney Hill, appeared before the Board to discuss his request for abatement.

Michalczyk provided a completed irrigation application permit to the Board.

Brown made a motion to abate the 11/8/2013 water bill of 51 Barney Hill Road from 18,400 cu. ft. to 8700 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. Brown and Mishara in favor, Lowery opposed.

**75 Claypit Hill**

David Wood, 75 Claypit Hill, appeared before the Board to discuss his request for abatement.

Wood provided a completed irrigation application permit to the Board.

Brown made motion to abate the 2/6/2014 water bill from 26,300 cu. Ft. to 4500 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>.

Lowery expressed that he was uncertain if the increased usage could be attributed solely to the leak in the basement, and advised the resident of the Board's on-time policy for granting abatements.

Brown and Mishara in favor, Lowery opposed.

(Wegerbauer arrived at 7:26 PM)

**4 Cobblestone**

Neil Hornstein, 4 Cobblestone, appeared before the Board to discuss his request for abatement.

Lowery suggested that the DPW Office ask if properties have irrigation at the time of scheduling final water readings.

Brown made motion to abate the 2/6/2014 water bill from 36,600 cu. ft. to 20,900 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. Wegerbauer, Brown, and Mishara in favor; Lowery opposed.

## **29 Davelin**

Asim Qureshi, 29 Davelin, appeared before the Board to discuss her request for abatement.

Brown made a motion to abate the 12/23/2013 water bill from 26,400 cu. ft. to 10,700 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>.

Lowery amended the motion to reduce the amount of the abatement by half, due to having two separate leaks – toilet and irrigation.

Mishara 2<sup>nd</sup> Lowery's amendment.

Lowery in favor; Mishara, Brown, and Wegerbauer opposed – amendment fails.

All in favor of original motion.

## **5 Ellen Mary**

Susan Karelitz, 5 Ellen Mary, appeared before the Board to discuss her request for abatement.

Brown noted that Karelitz's irrigation company has checked for leaks, and none were found.

Brown suggested that her request for abatement be delayed until the issuance of the next water bill.

Karelitz noted that she has been monitoring her meter and has seen no sign of any issues.

Wegerbauer noted to Karelitz that if she is granted an abatement tonight, she will not be able to request an abatement for the same issue in the future.

Karelitz agreed to delay her abatement request until after the next water bill is issued.

Lowery noted that in his opinion, some portion of the bill should be paid prior to her abatement request hearing.

Brown made a motion that as a good-faith effort, Karelitz pay the amount \$2309.00 towards her water bill, waiving all interest and penalties. Karelitz's request for water abatement will be delayed until after the issuance of her next water bill.

All in favor.

### **159 Glezen**

Maria Apse, 159 Glezen, appeared before the Board to discuss her request for abatement.

Brown made motion to abate the 2/6/2014 water bill from 19,700 cu. ft. to 8300 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. Wegerbauer, Brown, and Mishara in favor; Lowery opposed.

### **20 Lewis**

Elizabeth Brewer, 20 Lewis, appeared before the Board to discuss her request for abatement.

Brown made motion to abate the 2/6/2014 water bill from 38,500 cu. ft. to 15,800 cu. ft., waiving all interest and fees.

Mishara 2<sup>nd</sup>. Wegerbauer, Brown, and Mishara in favor; Lowery opposed.

### **212 Oxbow**

Alexander Zeidel, 212 Oxbow, appeared before the Board to discuss his request for abatement.

Brown made a motion to abate the 2/6/2014 water bill from 10,200 cu. ft. to 5800 to cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. All in favor.

### **45 Three Ponds**

Sarah Falber, 45 Three Ponds, appeared before the Board to discuss her request for abatement.

Falber noted to the Board that she may wish to delay her request until the issuance of her next water bill, as she has been unable to find any leaks.

Lowery made motion to waive interest and fees until the abatement is settled.

Mishara 2<sup>nd</sup>, all in favor.

### **35 Williams**

Warren Reichten, 35 Williams, appeared before the Board to discuss his request for abatement.

Brown made motion to abate the 2/6/2014 water bill from 14,700 cu. ft. to 8200 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. All in favor.

## **17 Winthrop**

Fred Goldman, 17 Winthrop, appeared before the Board to discuss his request for abatement.

Brown made a motion to abate the 12/23/13 water bill from 31,400 cu. ft. to 12,300 cu. ft., waiving all interest and penalties.

Mishara 2<sup>nd</sup>. All in favor.

Brown ceded the chair at 8:04 PM to Lowery.

## **Discussion of the Status of the School Street / East Plain / Route 30 Intersection**

Lowery discussed with the Board the recent discussion amongst the Board of Selectmen on this issue, and their apparent preference for 'Option 3', as presented by TEC.

Brown noted the Board favored 'Option 1' due to its significantly lower cost.

Kadlik discussed the process of funding the proposed improvements to the intersection, noting that the source of funding would fall upon the Town.

Kadlik noted that 'Option 3' involves modifying park land, where any land that is taken needs to be replaced at the ratio of 2.5:1.

The Board discussed the proposed changes to the intersection under 'Option 1'.

Mishara discussed the impact changes to the intersection would have on the entrance and exit to the Villa Restaurant.

Brown requested that the opinion of Town Counsel be sought regarding the taking of park land.

The Board discussed with Kadlik the timeline for implementation of changes to the intersection.

## **The Board discussed the current status of traffic calming on Glezen Lane.**

## **Discuss Potential Wayland Projects to be Funded through the \$2.5M from Environmental Bond Bill**

Lowery noted that the Board of Selectmen had asked the Board of Public Works for a list of potential projects to be funded.

The Board discussed a list of projects, as contained in the 2007 Tata & Howard Capital Efficiency Report. This list was provided to the Board of Selectmen for review.

Kadlik discussed a recent meeting with Tata & Howard regarding the status of water projects.

Kadlik noted that the Rt. 20 water main project is currently under way, and the Pinebrook water main project will commence immediately afterwards.

**Executive Session: Enter Executive Session to Review Landfill Access Road Appeal WET-2014-012 with Town Counsel**

Lowery made motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of reviewing litigation strategy of the Landfill Access Road Appeal WET-2014-012.

Brown 2<sup>nd</sup>.

Wegerbauer – aye, Brown – aye, Lowery – aye, Mishara – aye.

Lowery invited attendance by Steven Kadlik, DPW Director, and Dan Cabral, DPW.

Wegerbauer 2<sup>nd</sup>.

Wegerbauer – aye, Brown – aye, Lowery – aye, Mishara – aye.

Lowery noted that the Board will reconvene in open session in approximately 30 minutes.

The Board reconvened in open session at 9:34 PM

**DPW Director's Report**

Lowery requested that Kadlik copy the Board when he emails his Director's Report to the Board of Selectmen.

Kadlik discussed the status of abandoned barrels on Conservation Land and discussed their removal.

Kadlik noted that he had discussed the issue with Fire Chief Smith, and the fire department had examined the barrels for the existence of hazardous materials.

Kadlik noted that during the process of removing the barrels, the foot bridge accessing the area gave way, causing the DPW's equipment to fall.

Kadlik noted that there was no leakage from the DPW equipment, and the DPW has since repaired the bridge.

Kadlik discussed a recent water main break on Sedgemoor Road and discussed plans to replace sections of water main in the area.

Kadlik noted that damage to private property at 14 Sedgemoor occurred as a result of the break, and information regarding the damage was turned over to the Town's insurance company.

Kadlik discussed recent work completed by the DPW to maintain school grounds.

Kadlik noted that the intersection of Parkland and Charles is currently out for design by TEC.

Wegerbauer asked about the status of requested signage on Rice Road.

Kadlik replied that the signage has already been placed.

Kadlik discussed with the Board the recent theft of street signs from Thompson Street, and noted that signs have been replaced.

Lowery asked that an open invitation be extended to new Town Administrator Nan Balmer to attend any Board of Public Works Meeting she would like to.

Kadlik discussed with the Board progress on the new DPW Facility.

Kadlik discussed the status of the progress on Happy Hollow Well upgrades.

Kadlik discussed the progress of upgrades to the Transfer Station with the Board.

Kadlik discussed the status of the Rt. 20 water main replacement project.

Lowery discussed work being done by National Grid on Rt. 20.

Kadlik noted the work is through MassDOT, not the DPW.

The Board discussed the status of the intersection of Old Connecticut Path & West Plain Street.

Wegerbauer discussed the status of scheduling an upcoming traffic calming hearing.

Kadlik noted that the only official traffic calming request he currently has is for Pequot.

Wegerbauer inquired about the status of traffic calming on Glen Road.

Lowery discussed the status of traffic calming on Pelham Island Road.

Wegerbauer requested that Glen Road be added to list of Traffic Calming issues.

Mishara requested that a traffic calming hearing be scheduled for 10/15/2014 at the Public Safety Building.

Mishara noted that next meeting is scheduled on the first night of Rosh Hashanah, and suggested that it be moved to Tuesday, 9/23/2014.

### **Purchase of Speed Monitoring Equipment for Traffic Calming Requests**

Wegerbauer noted that he does not see the need for additional traffic calming equipment.



Kadlik clarified that Chief Irving advised him it is not necessary to purchase additional equipment.

### **Board Members' Reports, Concerns, and Updates**

Brown discussed the status of extending the sidewalk on Rt. 27.

Kadlik noted that there is \$65,000 available, but as designed it is his opinion that the project would cost over \$200,000.

Brown noted that Town Planner Sarkis Sarkisian told him that only \$30,000 more is needed to finish the project.

Linda Segal, 9 Aqueduct – Noted that the \$65,000 estimate was provided when the ZBA issued the 40B permit in 2006.

Lowery asked what the cost for a proper estimate on the project would be.

Kadlik replied that an estimate by TEC is almost done, and \$6500 has been spent on it to date.

Lowery suggested that the Board may wish to co-sponsor an article with the Planning Board to get the funding to install the sidewalk.

Lowery discussed the status of appointing a member of the Board of Public Works to the River's Edge Advisory Committee.

Lowery noted that Counsel's opinion was that there would be no conflict of interest for a Board of Public Works member to serve on the River's Edge Advisory Committee.

Lowery added that he disagreed with Counsel's opinion.

Lowery noted that the Board is obliged by the public's vote at Town Meeting to appoint a member to the committee.

Brown made motion to appoint Mike Wegerbauer as Board of Public Works representative to the River's Edge Advisory Committee.

Mishara 2<sup>nd</sup>.

Brown, Lowery, and Mishara in favor; Wegerbauer abstain.

### **Topics not reasonably anticipated by the Chair**

Kadlik noted that Tom Abdella is now the liaison between the Finance Committee and the Board of Public Works.

### **Review and Approve Minutes**

Mishara made motion to approve the minutes of the 8/27/2014 meeting.

Wegerbauer 2<sup>nd</sup>. All in favor.

Wegerbauer asked that all information on open traffic calming hearings be compiled for Board members' review.

Brown suggested that the Board discuss the process of holding traffic calming hearings at the next meeting.

Mishara made motion to adjourn.

Brown 2<sup>nd</sup>, all in favor.

Meeting adjourned at 10:08 PM

**VOTE NO  
ON QUESTION ONE**

**RECEIVED**  
**SEP 29 2014**  
Board of Selectmen  
Town of Wayland

September 23, 2014

Chair Anthony Boschetto  
Town Hall  
41 Cochituate Road  
Wayland, MA 01778-2614

Dear Chair Boschetto,

On behalf of the Committee for Safer Roads and Bridges, we are writing to request the Board of Selectmen of Wayland, move to endorse a NO vote on statewide ballot Question 1. As the chairman of the Board of Selectmen, we would respectfully ask that help facilitate a vote to endorse NO on Question 1.

Question 1 would eliminate the gas tax indexing provision included in the Transportation Finance Act of 2013, taking away the stable, recurring funds that help Massachusetts both fix its crumbling roads and bridges and enhance the state’s public transit system. Along with the three cent increase in the gas tax, the indexing provision ensures that Massachusetts has the funding it needs to maintain and upgrade its roads, bridges and public transportation system. Passage of Question 1 would be a step backwards – eliminating \$1 billion in state funding over 10 years – causing our roads and bridges to fall into further disrepair.

The Committee is a coalition of citizens from around the state who recognize the severe public safety crisis Massachusetts is facing with our deteriorating roads and bridges. The Committee is working to defeat ballot Question 1 on November 4th to ensure Massachusetts has a reliable funding source to fix our unsafe roads and bridges. The coalition is made up of consumers, elected officials, environmental and municipal interests, chambers of commerce and businesses.

We believe that this issue is imperative to the well-being of communities across the Commonwealth, and yours is no exception. The state of our public infrastructure is in dire need of repair.

We welcome the opportunity to speak with you regarding this request and provide you all the information you may need. Enclosed is an endorsement form to sign in the case the Board votes to endorse the NO position on ballot Question 1.

Please visit us online at [www.saferroadsbridges.com](http://www.saferroadsbridges.com) or contact us at [campaign@saferroadsbridges.com](mailto:campaign@saferroadsbridges.com).

Sincerely yours,

Abbie R. Goodman  
Chair  
Committee for  
Safer Roads and Bridges  
Executive Director,  
ACEC/MA

Michael Widmer  
President,  
Massachusetts Taxpayers  
Foundation

15