



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN Monday, May 11, 2015 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.

- | | |
|---------|--|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public• Swear in New Firefighter |
| 7:02 pm | 2.) Public Comment |
| 7:10 pm | 3.) Presentation by Scott Peckins, Executive Director of Camping Services of the West Suburban YMCA |
| 7:25 pm | 4.) Discussion and Vote to Approve Board Portfolio Assignments |
| 7:35 pm | 5.) Joint Meeting with Planning Board to Interview and Vote to Appoint Associate Member of Planning Board to Full Member |
| 7:50 pm | 6.) Update from Town Planner on Improvements to Town Green by Brendan Homes |
| 8:00 pm | 7.) Update on Solar Project and Discussion on Payment in Lieu of Tax Agreement |
| 8:15 pm | 8.) Discussion and Vote to Extend the Charge of the OPEB Advisory Committee to September 30, 2015, Vote to Approve Appointment of Special Counsel, and Discussion and Vote on Investment Policy for OPEB Account |
| 8:45 pm | 9.) Discussion and Vote to Approve the Charge of the Council on Aging/Community Center Advisory Committee |
| 9:05 pm | 10.) Discussion and Vote to Approve Sending a Letter of Withdrawal and Draft Amendment to the Minuteman School Committee |
| 9:25 pm | 11.) Discussion on Date for 2016 Annual Town Meeting |
| 9:40 pm | 12.) Discussion and Vote to Appoint Special Counsel regarding School Revolving Funds |
| 9:55 pm | 13.) Potential Vote regarding Stone's Bridge CPA Project |

**BOARD OF SELECTMEN
Monday, May 11, 2015
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda Page Two

- | | | |
|----------|------|---|
| 10:05 pm | 14.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 10:10 pm | 15.) | Review Correspondence (See Separate Index Sheet) |
| 10:20 pm | 16.) | Report of the Town Administrator |
| 10:35 pm | 17.) | Selectmen's Reports and Concerns |
| 10:45 pm | 18.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 10:50 pm | 19.) | Adjourn |

(1)

Wayland Fire Department

Memo

To: Nan Balmer, Town Administrator
From: Chief Houghton
Date: May 4, 2015
Re: New Hire

Today the Wayland Fire Department appointed Mathew Bryer as a full time Firefighter\Paramedic to the department. Matt will be working days for the next 10 days to become familiar with the town and the operations of the fire department. Once his orientation days are complete he will be assigned to Group C and will be supervised by Captain Gemelli.

After receiving multiple applications, Matt was one of five finalists that were interviewed by John Senchyshyn, Deputy Chief Andy Holland and I. After being interviewed by the panel they met with Will Tyree who is the departments EMS coordinator, to be tested on his paramedic skills. At the end of the process Matt, and one other candidate, equally topped the list and Matt was ultimately selected for having more firefighting training and experience. Last week Matt completed all of his pre-hire requirements including a complete physical, background check and the Commonwealths Physical agility Test.

Matt comes to Wayland after working as a fulltime firefighter medic with the Haltom City Fire and Rescue in Haltom City Texas. Prior to spending two years in Texas, he worked for Boston EMS as an EMT. Matt and his wife Jennifer returned to Massachusetts to be closer to their families as they prepared for their first child who was born last week. Matt and Jenifer are now proud parents of their son Maddox.

We are planning on having Matt sworn in by the Town Clerk, and then have his badge pinned by his wife at the Selectmen's meeting on Monday May 11th

As always if you have any questions please let me know.

(3)

DiNapoli, MaryAnn

From: Scott Peckins <SPeckins@westsuburbanyymca.org>
Sent: Friday, May 01, 2015 9:03 AM
To: DiNapoli, MaryAnn
Subject: RE: Selectmen Agenda

Hi MaryAnn and Happy Friday!

- My title is Executive Director of Camping Services of the West Suburban YMCA
- If there is room, our CEO and/or Camp Chickami Director would like to attend. This is so you can get faces with names.

Subject:

- Introduction and invite for community partnership
- We have been in Wayland for 60 years!
- What we offer
- How can we assist the Town of Wayland

I am guessing it will be only 5 minutes excluding any questions or discussion from the Selectmen

Have a wonderful weekend!

Scott Peckins

Executive Director of Camping Services

WEST SUBURBAN YMCA

276 Church Street, Newton, MA 02458

(P) 617-244-6050 x3808 (F) 617-321-2267

(E) speckins@westsuburbanyymca.org (W) www.westsuburbanyymca.org

Skype address = ScottWSYMCA

The Y: We're for youth development, healthy living and social responsibility

From: DiNapoli, MaryAnn [mailto:MDiNapoli@wayland.ma.us]

Sent: Friday, May 01, 2015 8:31 AM

To: Scott Peckins

Subject: Selectmen Agenda

Good morning Scott. We are planning to schedule you on the Board of Selectmen agenda on Monday, May 11, 2015, at 7:10 p.m. Can you give me your title and a brief description of the subject matter for the agenda?

Thank you,

MaryAnn DiNapoli

Executive Assistant

Board of Selectmen

(508) 358-3621

Board of Selectmen Portfolio Assignments for April 2015 through April 2016

Mary Antes - term expires 2015

Conservation Commission
Community Preservation Committee
Council on Aging, Senior Property Tax Relief Committee
Council on Aging/Community Center Project (Shared)
Historical Commission
Historic District Commission
Housing: Housing Authority, Housing Partnership, Affordable Housing, 40B projects
WayCAM Public Access Corporation; Cable Television Advisory Committee
Municipal Space Advisory Committee (New)
Technology Planning, Electronic Communication and Improvements to Town Website (Shared)

Tony Boschetto - term expires 2016

Audit Committee
Finance Committee, Fiscal/Budget Strategy; Capital Planning; Financial Reporting(Shared)
Minuteman Regional Vocational Technical School
OPEB Advisory Committee
Permanent Municipal Building Committee
Town Center, Town Green, Municipal Parcel (Shared)
Wastewater Management District Commission

Lea Anderson - term expires 2018

Board of Assessors; Overlay Estimate; Tax Classification/ Tax Rate Hearing
Board of Health
Council on Aging/Community Center Project (Shared)
Emergency Preparedness
Planning Board and Zoning Board of Appeals
Public Safety Issues (Police, Fire, Including Ambulance, ALS Committee, Paramedic Services)
Surface Water Quality Committee
Technology Planning, Electronic Communication and Improvements to Town Website (Shared)
Open Meeting Law / Town Clerk

Joe Nolan - term expires 2017

Board of Public Works; DPW facility Project
Library Board of Trustees
MetroWest 495 Partnership, MetroWest Regional Collaborative
Recreation Commission
River's Edge Project/Sudbury Agreement (Shared)
Town Center, Town Green, Municipal Parcel (Shared)
Transportation Issues (Rail Trail, Canoe Launch, Senior/Disabled Transit, TIP Projects/Funding)

Cherry Karlson - term expires 2017

Economic Development Committee
Energy Initiatives Advisory Committee
Finance Committee, Fiscal/Budget Strategy; Capital Planning; Financial Reporting (Shared)
Personnel Board, Collective Bargaining, Negotiation Strategy; Health Insurance
River's Edge Project/Sudbury Agreement (Shared)
Schools
Town Counsel and Legal Services

May 11, 2015

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: APPOINTMENT TO VACANT POSITION ON PLANNING BOARD

REQUESTED ACTION:

- 1. MEET WITH THE PLANNING BOARD TO INTERVIEW AND CONSIDER DANIEL HILL, ESQ., ASSOCIATE MEMBER OF THE PLANNING BOARD, TO FILL A POSITION VACATED ON APRIL 2, 2015 BY KENT GREENAWALT WHO WAS A FULL MEMBER.**
- 2. VOTE TO APPOINT DANIEL HILL AS A FULL MEMBER OF THE PLANNING BOARD, EFFECTIVE IMMEDIATELY WITH A TERM TO EXPIRE AFTER THE ANNUAL ELECTION IN 2016. (ROLL CALL VOTE OF A QUORUM OF THE BOARD OF SELECTMEN AND PLANNING BOARD IS REQUIRED)**

BACKGROUND

Process for Appointment: This is an elected position. The requirements for filling this vacancy are addressed in state statute (MGL 41, S. 11), the Town Code (Ch. 198-204.3), and the Board Policy on Appointments to Boards and Committees. Taking these into account, after review by Town Counsel the following summarizes the process to fill the position:

1. Kent Greenawalt submitted his resignation effective April 2, 2105. Mr. Greenawalt's term would have ended in 2019.
2. Notice of vacancy was posted in Town Building foyer for 7 days.
3. An application to fill this position was submitted by Daniel Hill, an Associate Planning Board Member, elected for a term beginning in 2014 and ending in 2019.
4. The Planning Board and Board of Selectmen, after consideration, jointly appoint by majority vote of a quorum of each board, an applicant to fill the position.
5. The term of the position will be through the next annual town election.
6. If Mr. Hill is appointed, a vacancy will occur in the position of Associate member, which will be filled in the same way.

Attached: Mr. Hill's request is attached.

Balmer, Nan

From: Daniel C Hill <dhill@danhilllaw.com>
Sent: Thursday, April 30, 2015 7:17 PM
To: Balmer, Nan
Cc: Sarkisian, Sarkis
Subject: Wayland Planning Board

Dear Nan:

Please accept this email as my intention to be considered by the Board of Selectmen for the vacant seat on the Planning Board. I understand that the Board will be considering this appointment at its meeting on May 11th. Please let me know if you need anything more formal as an expression of interest.

Thanks, Dan

Daniel C. Hill, Esq.



43 Thorndike Street
Cambridge, MA 02141
p: 617-494-8300
f: 617-307-9010
www.landusereport.com



**Bulfinch Square
43 Thorndike Street
Cambridge, MA 02141
617-494-8300
www.landusereport.com**



Attorney Daniel C. Hill is engaged in a specialized land use permitting and litigation civil practice, and has represented clients in both the private and public sector. Hill Law often finds itself representing neighborhood and “citizen activists” in opposition of controversial land use development projects that are detrimental to traditional New England community values.

Attorney Hill graduated from Northeastern University School of Law in 1999, and began his legal career in the municipal law firms Anderson & Kreiger LLP and Kopelman & Paige, PC in Boston. He served as co-chair of the Boston Bar Association’s Affordable Housing Committee and is still an active member of the Real Estate Bar Association. Mr. Hill was named one of Mass. Lawyers Weekly’s “Up and Coming Lawyers” for 2006, in recognition of his professional versatility and development of client strategies in the field of affordable housing permitting. Every since 2006, Mr. Hill has been selected as a “Rising Star” in the annual New England SuperLawyers publication. Mr. Hill opened his own practice in 2008. He is an Associate Member of the Planning Board in the Town of Wayland.

Attorney Hill is an expert in Massachusetts real estate development laws, including the Zoning Act, Subdivision Control Law, the Wetlands Protection Act, and Chapter 40B. He has successfully represented numerous public and private clients in Superior Court and Land Court, and has argued cases involving zoning and land use matters before the Appeals Court and the Supreme Judicial Court as well as federal District Court in Boston and Worcester. He also appears before the Department of Environmental Protection and the Division of Administrative Law Appeals in environmental law matters.

REPRESENTATIVE TRANSACTIONS

Grafton, Mass. 2011 – 2015

Hill Law successfully sued Pulte Homes of New England on behalf of the Town of Grafton to recover \$1 Million in “excess profits” from a privately-built affordable housing development under Mass. General Laws Chapter 40B. The funds will be used to create and preserve affordable housing in the community. The settlement with Pulte, which is the third largest obtained for a municipality, was reached after intensive litigation in federal district court.

Hudson, Mass.
2011 – 2013

Hill Law obtained a judgment in Superior Court following a bench trial against another Chapter 40B developer, recovering over \$600,000 in excess profits earned on a local Chapter 40B project for the Hudson Housing Authority. This rare victory against a Chapter 40B developer is the first judgment for excess profits in Massachusetts courts in the statute's 40-year history.

Ashland, Mass.
2006 – 2007; 2013 - 2014

Attorney Hill successfully defeated one phase of a Chapter 40B project sponsored by the Town of Ashland in an environmentally-sensitive and remote location in the town. The project was proposed under the state's "comprehensive permitting" statute for affordable housing (Chapter 40B), which is weighted heavily in favor of affordable housing developers. Mr. Hill launched a multi-pronged challenge to the project before the town's zoning board and conservation commission, filing an appeal from the order of conditions issued under the Wetland Protection Act and petitioning the state MEPA office (Mass. Environmental Policy Act). Ultimately the town conceded defeat in the face of a title challenge brought by Hill Law concerning an obscure restriction that required the project site to be protected for conservation purposes.

Hadley, Mass.
2004 - 2008

Attorney Hill and his colleagues at Anderson & Kreiger successfully fought the construction of a Wal-Mart on farmland in Hadley, Massachusetts, challenging the project before the state Department of Environmental Protection and the Division of Administrative Law Appeals. The legal team challenged the project's compliance with the state's stormwater management regulations.

Natick, Mass.
2008 – 2012

Attorney Hill negotiated a favorable settlement with the mega-agricultural operation Lookout Farm in South Natick, Mass., currently owned by Steve Belkin. On behalf of a neighborhood association, Mr. Hill challenged the Farm's expansion into entertainment offerings, including festivals and concerts. Under the settlement, the use of the Farm's property, which has a robust and profitable fruit orchard operation, is restricted to farming.

Merrimac, Mass.
2013

A Dollar General "big box" store was turned away in the rural town of Merrimac near the New Hampshire border after Hill Law challenged the project's conformity with the Town's zoning bylaw, and filed an appeal from a special permit issued by the town's Zoning Board. Hill Law filed a companion claim in Superior Court under the Mass. Civil Rights Act against the property owner who had intimidated and coerced the citizen plaintiffs with threats posted on Facebook.

Active Chapter 40B Clients (3/18/15): Municipalities: Woburn, Lunenburg, Grafton.
Neighborhood Groups: Ashland, Carlisle, Dighton, Easton, Southborough, Stow, Wenham,
Weston.

RESUME

HILL LAW Cambridge, MA	Owner April 2008 - present
TALLAGE, LLC Boston, MA	General Counsel July 2010 - present
ANDERSON & KREIGER LLP Cambridge, MA	Senior Associate May 2003 – April 2008
KOPELMAN & PAIGE, P.C. Boston, MA	Associate September 1999 – April 2003
UNITED STATES SENATE GOVERNMENTAL AFFAIRS COMMITTEE Washington, DC	Law Clerk September 1998 – December 1998

MEMBERSHIPS and AFFILIATIONS

MASSACHUSETTS BAR ASSOCIATION
MASSACHUSETTS CITY SOLICITORS AND TOWN COUNSEL ASSOCIATION
MASS. REAL ESTATE BAR ASSOCIATION
WAYLAND PLANNING BOARD
WAYLAND RIVERS' EDGE AD-HOC COMMITTEE (Affordable Housing)

EDUCATION

NORTHEASTERN UNIVERSITY SCHOOL OF LAW Boston, Massachusetts	J.D. May, 1999
UNIVERSITY OF VERMONT Burlington, Vermont Major in Political Science, Minor in History	B.A. May, 1995

ADMISSIONS TO PRACTICE

Supreme Judicial Court of Massachusetts
U.S. Court of Appeals for the First Circuit
U.S. District Court for the District of Massachusetts

Town of Wayland

41 Cochituate Road, Wayland, MA 01778-2614
ph: 508-358-7701
fx: 508-358-3627

Planning Board

[Meeting Agendas](#)

[Meeting Minutes](#)

Additional Links:

[Planning Department](#)

[Design Review Advisory Board](#)

[Design Guidelines, February 2012](#)

[Planning Board Reports 2014 Annual Town Meeting](#)

Planning Board Members

Name	Title	Term
Kevin Murphy	Clerk	2012-2017
Ira Montague	Member	2013-2018
Kent Greenawalt	Member	2014-2019
Colleen Sheehan	Chair	2010-2015
Daniel C. Hill	Associate Member	2014-2019
Andrew Reck	Vice Chair	2011-2016



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

DATE: MAY 6, 2015
TO: NAN BALMER, TOWN ADMINISTRATOR
FROM: SARKIS SARKISIAN, TOWN PLANNER
RE: TOWN GREEN BACKGROUND INFORMATION AND CONSTRUCTION
UPDATE

REQUESTED ACTION:

**BOARD OF SELECTMEN IN CONJUNCTION WITH THE RECREATION
COMMISSION PREPARE A LICENSE FOR TOWN USE WITH TWENTY
WAYLAND/OWNERS OF TOWN CENTER GREEN.**

BACKGROUND

With respect to the Town Green at Town Center the following is some background information:

Location

The Town Center Green is located in Town Center (see attached report). There are two separate parcels combined to form two acres. The (Informal) Public Green is 1.68 acres and the (Formal) Public Green is .32 acres. On January 23, 2008 the Planning Board approved the Wayland Town Center Mixed-Use Project Master Special Permit, Special Permits and Site Plan Decision with a condition that a Town Green be constructed. Twenty Wayland has completed this condition.

Mixed Use Overlay MSP Planning Board Decision conditions

- "Developer shall be solely and responsible for the maintenance and operation, including but not limited to refuse and trash removal, road and sidewalk maintenance, lighting, landscape maintenance and similar activities of the MUP to be built on the property, including any town common, but excluding the Municipal Parcel and Parking Parcel."
- "The ownership and maintenance obligations of the Town Green shall be and shall remain forever private, and the Town of Wayland shall not have, now or

ever, any legal responsibility for operation, maintenance, repair or replacement of same.”

- “The Public Green shall be open to public use subject to such reasonable rules and requirements as the Applicant may establish in accordance with a plan for the operation and maintenance of the Public Green to be prepared by the Applicant in consultation with the Park and Recreation Commission or its successor. Nothing herein shall restrict the ability of the Town and the Applicant to enter into any lease, license or indemnification agreement with respect to any portion of the Public Green.”

Board of Selectmen establish policy goals and priorities for Town Administrator

On November 5, 2012 the Board of Selectmen approved a mission statement and set of policy goals and objectives for Town government through the fall of 2013. The section of the mission statement stated the following:

- “Facilitate consideration of Town Center Green improvements by Finance Committee and Town Meeting, and manage construction of authorized improvements.”

Town Center Green Committee

On February 13, 2012 the Board of Selectmen voted to approve the establishment of a temporary committee to be known as the Town Center Public Green Design Advisory Committee to advise the Board of Selectmen, Planning Board, Recreation Commission, Board of Public Works, Permanent Municipal Building Committee, Finance Committee and any other interested Town Departments or committees on the design, amenities and layout of the town green at the Wayland Town Center. The temporary advisory committee produced a plan that shows potential uses, amenities and equipment that might be placed on or adjacent to the town green to enhance the cultural, recreational, and aesthetic qualities of the Town Center Development, and made recommendations as to placement, spacing, timing and layout of such improvements to the town green. The committee created a plan and report which was presented to the public and has been posted on the Planning Department’s website since August 29, 2012. Total cost to construct the plan was estimated at over \$500,000.

River Trail Place Development 42 New Town Homes at Town Center

On September 24, 2013 the Wayland Planning Board approved 42 Town Homes at Town Center (River Trail Place). In the decision the Applicant offered to construct a portion of the Town Green plan. The decision is as follows:

- “Off-Site Improvements:
The Applicant has offered to participate in the construction of the public green in the amount of \$150,000.00, at developer’s cost, and the Applicant agrees to fund \$150,000.00 as a cash reserve account upon the issuance of the 21st Occupancy Permit if Applicant has not constructed the Town Green by that date.”

Town Planner follows up on decision and conditions with the River Trail Place Development

On April 7, 2014 Town Planner requests that River Trail begin construction of the Town Green this spring, in time for planting season. Town Planner engages Beta Engineering to prepare a priority plan and to check the estimated value of improvements. (See attached plan and estimate). The proposed improvements will take place on the (Informal) Public Green with the exception of a 6’ stone dust path across the (Formal) Public Green that will connect to Cow Commons. The cost estimate has a built in 10% contingency and an alternative sidewalk aggregate to stay within the \$150,000.

Next Steps

The Park and Recreation Commission in consultation with the owner Twenty Wayland prepare an operation and maintenance plan of the Public Green.

Board of Selectmen and the Recreation Commission develop a draft license and agreement including terms and conditions recommended by Town Counsel as stated in the Master Special Permit.

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: MEET WITH OPEB COMMITTEE

ACTIONS REQUESTED BY THE OPEB COMMITTEE:

- 1. VOTE TO EXTEND THE COMMITTEE CHARGE UNTIL SEPTEMBER 30, 2015**
- 2. VOTE TO APPOINT SPECIAL COUNSEL TO PROVIDE AN ASSESSMENT OF THE LEGAL STRUCTURE FOR THE OPEB ACCOUNT**
- 3. VOTE TO APPROVE THE INVESTMENT POLICY FOR THE OPEB INVESTMENT ACCOUNT**

BACKGROUND:

- 1. Extension of Charge:**
The OPEB Committee provides the attached request to complete its work by 9/30/15.
- 2. Special Counsel– Investment Account Legal Structure:**
The Selectmen previously approved the OPEB Committee’s request to hire Special Counsel. The Selectmen are now asked to appoint an attorney selected through an RFQ process. The \$5,000 cost for this engagement will be paid from the town’s health insurance account.
- 3. Investment Policy:**
The proposed Investment Account Policy has undergone significant revision and was received last Thursday. Therefore staff review of the latest draft was not possible.

See attachments from OPEB Committee

Selectmen's Agenda for the OPEB Advisory Committee 5-11-2015

There are several aspects of the OPEB program warranting discussion. There is a quick summary of each and a detailed explanation attached.

OPEB Committee Summary

It's been just about two years since the OPEB Committee began its work. We have had some success understanding and managing the OPEB issues. We would like to put the Town on a long-term course to fully fund the obligation by 2038. Below are several action items that we recommend to that end. We would like to secure your support in its achievement.

1) Vote to Extend the Committee Charter until September 30, 2015

We hope in four months beyond our original two-year charter that we will be able to complete the legacy program. The details of this request are in item 1 of the OPEB attachment.

2) Vote to Appoint Legal Counsel

In response to our RFQ, we have selected a law firm that we believe can give us an unbiased assessment of the legal structure of the OPEB Investment Account. It appears that a full assessment and possible structural document for the fund going forward can be completed for about \$5,000 and we would like your approval on that expenditure. See item 2 attached.

3) Vote to Approve the Investment Policy of the OPEB Investment Account

Wayland's Special Act regarding OPEB gives the ultimate responsibility for managing the OPEB Investment Account to the Town Administrator and the Finance Director with the Town Treasurer being the fund custodian.

Toward that end, we have drafted an Investment Policy that we believe will accomplish the goals and we ask for your confirmation of the approach. The Investment Policy is independent of the day-to-day governance that will be subsequently addressed separately. Although there is no statutory requirement to do so, we believe that the Selectmen should approve the overall Investment Policy. See item 3 attached.

4) Discuss with the Selectmen the Outline the OPEB Legacy Program

At the end of the extension of our charter, we hope to have put together a process for continuing the work of the OPEB Committee. We will address the following aspects:

- a) Preparation of the annual warrant article
- b) Input for the continuing actuarial studies
- c) Continued scrutiny of OPEB healthcare cost inflation
- d) Help on managing the OPEB Investment account

Investment Policy for Wayland's OPEB Investment Account, Rev A May 6, 2015

Executive Summary

The OPEB Investment account needs to achieve a 7% return if the Town is to fully fund the OPEB liability by 2038. Achieving the investment return goal is of upmost importance as fully 75% of the money we need comes from projected investment return. Below, we outline an investment policy to guide us to that goal. The Investment Policy is independent of the approach we use for the day-to-day governance of the account and we recommend adoption of the Investment Policy separately. This Policy is completely consistent with Wayland's Special Legislation and is also consistent with the advice from our present investment managers, with the advice from the OPEB Committee and with the long-term goals of the Investment Account. Fully three dollars of every four that we need to accumulate will come from the investment return, so it is imperative that we look at both the potential rewards as well as the potential risks associated with the adoption of this Investment Policy.

Investment Policy:

The policy of the Wayland OPEB Investment Account is simply to invest the funds of the OPEB Investment Account in a manner consistent with that of a Prudent Investor, such that those funds, along with annual contributions from the Town, will be sufficient to meet the Town's future OPEB obligations.

The initial goal of the fund is to reach a fully funded status by 2038. Fully funded status is reached when the value of the OPEB Investment Account is approximately equal to the actuarial accrued liability. Wayland's policy is to calculate the actuarial accrued liability based on a premium-based forecast of Wayland's actual cash expenditure for OPEB and not on a GASB45-based forecast. After achieving fully funded status, the OPEB Investment Account will be targeted to supplement any annual Town OPEB payments while maintaining a fully funded status as actuarially determined.

Asset Allocation and Rate of Return Goal:

The long-term 7% investment return goal is consistent with the stated policy.

Table A below establishes the asset allocations that we believe are appropriate to meet the 7% return goal. We have reviewed these allocations with knowledgeable Wayland residents who are professional investors. We have also reviewed these allocations with our existing Investment Managers, who also concur that the allocations in Table A would stand the best opportunity to meet the 7% overall OPEB Investment goal. Deviations from the asset allocation table may be necessary from time-to-time as directed by the day-to-day management of the account.

Table A

Wayland's OPEB Investment Account Asset Allocations:

Asset Class	Target Range	Central Tendency*
Cash	0 - 5%	~2%
Fixed Income	15 - 25%	~20%
Equities	70 - 80%	~75 - 78%
Alternatives	0 - 5%	~0 - 3%

* We use the term "central tendency" to generally describe the mean value or the typical annual return we would expect over a long period of time.

Balmer, Nan

From: Gutschenritter, David J. <djgutschenritter@StateStreet.com>
Sent: Sunday, April 19, 2015 2:24 PM
To: Boschetto, Anthony V.
Cc: Balmer, Nan; Senchyshyn, John; Cliff Lewis (clewis66@verizon.net)
Subject: OPEB Advisory Committee proposal/request

Hi Tony,

On behalf of the OPEB Advisory Committee, I would like to submit a proposal/request for consideration by the Board of Selectmen.

As you know, the OPEB Committee has made significant progress in advancing the cause of OPEB. However, the Committee feels that we still have some work left to do before we would feel comfortable that we have accomplished all that we set out to do. Since our charter expires on June 30, 2015, the OPEB Committee respectfully requests that our charter be extended until September 30th, 2015. There are 4 items that the Committee feels need more time to resolve and hand over to the Town in a form that will enable the work of the OPEB Advisory Committee to carry on.

The 4 items are processes that:

- 1) determine the actuarial assumptions to be used for Wayland's "Premium Based" actuarial analysis,
 - a. Investment returns
 - b. Health care cost inflation
 - c. Number of individuals receiving benefits
 - d. Other assumptions as needed by the actuary
- 2) focus on the cost of OPEB benefits and associated cost containment,
- 3) provide advice and counsel to the Town Treasurer, Finance Director, and Administrator on the investment of the OPEB Investment Account, and
- 4) assist the Finance Committee in the preparation of the annual warrant article as prescribed by the Town By-Laws.

In addition to the 4 ongoing items listed above, the issue of the appropriate legal structure for the OPEB Investment account is in the process of being resolved. This may not be resolved by June 30th.

It is the OPEB Advisory Committee's objective to deliver to the Board of Selectmen a set of recommendations by September 30th that will encompass the 4 items listed above as well as the resolution of the appropriate legal structure of the OPEB Investment Account.

The Committee would welcome the opportunity to discuss this request with the Board of Selectmen. We look to your guidance on the best way to proceed.

Thanks,

Dave

David J. Gutschenritter, Executive Vice President and Treasurer
State Street Corporation, 1 Lincoln Street, Boston MA 02111
617-664-0363

MURPHY, HESSE, TOOMEY & LEHANE, LLP
Attorneys At Law

CROWN COLONY PLAZA
300 CROWN COLONY DRIVE
SUITE 410
QUINCY, MA 02169

75-101 FEDERAL STREET
BOSTON, MA 02110

ONE MONARCH PLACE
SUITE 1310R
SPRINGFIELD, MA 01144

TEL: 617-479-5000 FAX: 617-479-6469
TOLL FREE: 888-841-4850

www.mhfl.com

Arthur P. Murphy
James A. Toomey
Katherine A. Hesse
Michael C. Lehane
John P. Flynn
Regina Williams Tate
Edward F. Lenox, Jr.
Mary Ellen Sowyrda
David A. DeLuca
Donald L. Graham
Andrew J. Waugh
Geoffrey P. Wermuth
Robert S. Mangiaratti
Kathryn M. Murphy
Alicia St. Florian
Thomas W. Colomb

Doris R. MacKenzie Ehrens
Clifford R. Rhodes, Jr.
Karis L. North
Bryan R. Le Blanc
Brandon H. Moss
Michael J. Maccaro
Kevin F. Bresnahan
Kathleen Y. Ciampoli
Brian P. Fox
Lauren C. Galvin
Tami L. Fay
Kier B. Wachterhauser
Sarah A. Catignani
Lena-Kate Ahern
Felicia S. Vasudevan

Ann M. O'Neill, Senior Counsel

Please respond to Quincy

March 19, 2015

OPEB Advisory Committee
Attn: Nan Balmer, Town Administrator
41 Cochituate Road
Wayland, MA 01778

Re: Request for Quotation for Legal Services

Dear Ms. Balmer and Members of the OPEB Advisory Committee:

We are writing to express our firm's strong interest in providing legal services to the Town of Wayland OPEB Advisory Committee (the "Committee") with regard to establishing and maintaining a compliant OPEB Trust Fund for the Town of Wayland (the "Town"). Our firm serves as legal counsel to over three hundred public and private entities in the Commonwealth, of which more than 150 are public entities. In our public law practice, we represent municipalities, school districts, public retirement systems, health care joint purchase groups, and a number of state agencies throughout the Commonwealth. Our unique blend of experience and knowledge of the issues, needs, and customs of public entities make our firm ideal to provide advice on OPEB Trust issues to the Committee.

We co-lead our firm's benefits and OPEB practice and would be responsible for this account. Our biographies are enclosed with this letter. We have provided advice in establishing and maintaining OPEB trust funds, drafting trust agreements, training for fiduciaries of OPEB trusts, and document review for over twenty public entities in Massachusetts, including municipalities, regional school districts and educational collaboratives. We have been invited to speak on OPEB issues to a number of groups across the Commonwealth, including the Norfolk County Collector and Treasurer's Association, the Plymouth County Collector and Treasurer's Association, the Massachusetts Association of School Committees and Massachusetts Association of School Superintendents, and the Massachusetts Association of Regional School Districts. Our experience working with Massachusetts public entities on OPEB issues combined with our

MURPHY, HESSE, TOOMEY & LEHANE, LLP
Attorneys At Law

OPEB Advisory Committee

March 19, 2015

Page 2

experience working with trusts and advising on fiduciary duties in the public and private sectors set our firm apart in this area.

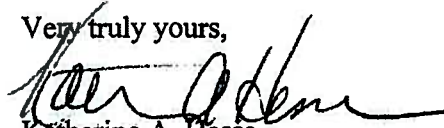
If selected, we would be committed to providing you with the requested opinion and advice in the time period you have established. We would also recommend having us draft a trust agreement and provide training to the trustees on their fiduciary obligations in maintaining such a trust. It is anticipated that GASB is going to require additional reporting on OPEB liabilities incoming years, and having a compliant trust in place is only going to grow more important for public entities. We believe that our experience and level of service in this area is second to none among law firms in Massachusetts.

We generally charge by the hour for our services. Our rate for specialized work, such as creating and opining on OPEB trusts, is \$ 250.00 per hour. We bill for our services on a monthly basis. If the Committee prefers, we would be willing to discuss a set fee for the work outlined in the Request for Proposals. I would not anticipate that the cost for providing the services listed in the Request for Proposals, including providing the report and attendance at a meeting would exceed \$3,000 - \$4,000.00. If requested, follow up work, including drafting a trust agreement and providing training to trustees, would likely not exceed an additional \$2,500. Future legal charges can be normally kept to minimum unless there are major unexpected statutory or GASB changes. If unforeseen circumstances arise, requiring additional time, we would notify the Committee in advance of proceeding with the work. Moving forward, as issues arise for the OPEB trust fund that require legal counsel, we would charge at our hourly rate.

A representative list of references for public entities to which we have provided counsel on OPEB matters is enclosed with this letter. Attorney Gini Tate from our firm represents the Wayland Public Schools. We have included in our references contacts in Wayland with whom Attorney Tate has worked and who know the quality of work our firm produces. We are also enclosing, for your information, one of the many PowerPoint presentations we have recently made on OPEB as well as a selection of recent client alerts we have released on issues of concern to public sector entities showing the breadth of our knowledge and experience in the public sector.

Thank you for considering Murphy, Hesse, Toomey & Lehane, LLP, to provide these legal services. We look forward to hearing from you in the near future. In the meantime, please contact us if we can be of service or provide any additional information.

Very truly yours,



Katherine A. Hesse



Brian P. Fox

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: COA / CC COMMITTEE CHARGE

REQUESTED ACTION:

- 1. VOTE TO APPROVE A COUNCIL ON AGING / COMMUNITY CENTER CHARGE**
- 2. DIRECT STAFF TO POST COMMITTEE POSITIONS, REQUEST OTHER TOWN BODIES TO MAKE APPOINTMENTS, AND PROVIDE A LIST OF CANDIDATES FOR THE BOARD APPOINTED POSITIONS TO THE SELECTMEN BY JUNE 1.**

BACKGROUND

On April 21st, the Selectmen reviewed a draft COA / CC Committee charge with the members of the temporary COA / CC Advisory Committee which brought Article 26 to the 2015 Town Meeting. Town Meeting appropriated \$150,000 for due diligence, feasibility and design for a COA / Community Center at Wayland Town Center. Comments from the Selectmen and committee members were solicited and are now incorporated in the attached revised draft charge.

Substantive changes in this revision include: 1) The charge is organized in phases with ordered tasks, matching a revised project schedule; 2) Expertise needed in committee members and appointment of staff ex-officio members are added; 3) Approval of expenditures by Board of Selectmen is required; 3) Addition of a task that, should the project not proceed, the committee will be asked recommend to the Board how the parcel might otherwise be used.

Other suggestions, not yet incorporated, are: 1) Inclusion of a member of the (not yet formed) committee on long range planning or inclusion of a planning board member. 2) Discuss the role of the Committee with regard to working with the Board on acquisition of the municipal parcel (See Phase II, #3.)

In reviewing the project schedule, please note that town staff will be active in contracting for the services of consultants including a licensed site professional, environmental scientists, architects, engineers and an Owner's Project Manager. This staff support should expedite the completion of tasks by the Committee.

**COUNCIL ON AGING/COMMUNITY CENTER
ADVISORY COMMITTEE
*DRAFT 5 11 15***

The Council on Aging/Community Center (CoA/CC) Advisory Committee was established by the Board of Selectmen (BoS) on May xx, 2015 for the purpose of completing the work authorized at the April 2015 Annual Town Meeting under Article 26. The Committee's work includes: conducting a review of site conditions including environmental site assessments, identifying permitting needs, confirming program requirements, and creating conceptual and schematic designs for a facility on the proposed municipal pad at Town Center.

The responsibilities of the Committee include, but are not limited to, the following:

Phase I:

1. For the proposed Municipal Pad and CoA/CC proposal, identify permitting needs, environmental constraints and required testing, and site restrictions to ascertain the probability of conforming to those requirements;
2. Undertake required due diligence to assess the environmental site conditions at the proposed Municipal Pad for the purpose of acquisition and construction;
3. Evaluate the quality of the existing building and its capacity to meet program requirements;
4. Confirm program requirements for a Council on Aging / Community Center. Determine the capacity of the proposed Municipal Parcel to satisfy the program requirements;
5. Consider alternate municipally owned locations for the proposed CoA/CC.
6. Conduct a public forum to present the project status and proposal, receive community input and discuss potential recommendations. Meet with other boards/committees as necessary.
7. Make a recommendation to the BoS on the viability and suitability of the existing building for a CoA/CC.

Phase II:

1. Prepare space programming for a CoA/CC.
2. Create conceptual and schematic designs for a CoA/CC.
3. Conduct a public forum to present the project status and proposal, receive community input and discuss potential recommendations. Meet with other boards/committees as necessary.
4. Make a recommendation to the BoS on whether to pursue the project and request funds for the next stages.
5. At the request of the BoS, prepare a draft warrant article seeking further study and detailed design funding.

Working together, the Committee and the Public Buildings Director will determine the suitability of this parcel and the viability of this project including identifying the highest and best use for the parcel. The Board of Selectmen will consider all information from Phase I to decide whether to acquire the municipal parcel.

After fulfillment of this charge, the Committee will provide a final report to the BoS which summarizes the Committee's work and outcomes, after which the Committee will be disbanded or its charge will be revised.

Expenditure of town meeting approved funds to be approved by the BoS after recommendation, review and approval by the Committee.

The Committee is comprised of seven (7) voting members appointed by and serving at the pleasure of the Board of Selectmen, one each from the Council on Aging and the Recreation Commission (member or designee), and five residents of the Town. Some of the appointments will be based on professional, volunteer or vocational expertise with preference given to citizens possessing experience in any one of the following areas: conservation requirements, environmental regulations, community centers, building/construction, project management, construction law, building design and construction. Appointments should reflect various town demographics. All terms expire upon the final recommendation and report of the Committee at Town Meeting.

The Town Administrator, Council on Aging Director, Recreation Director, and Public Buildings Director will serve as ex-officio non-voting members of the Committee.

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: WITHDRAWAL FROM MINUTEMAN

REQUESTED ACTION:

VOTE TO AUTHORIZE CHAIR OF BOARD OF SELECTMEN TO SEND A LETTER AND AN AMENDMENT TO THE MINUTEMAN REGIONAL SCHOOL AGREEMENT TO THE CHAIRMAN OF MINUTEMAN SCHOOL COMMITTEE, SCHOOL COMMITTEE AND ALL TOWNS PURSUANT TO TOWN MEETING'S VOTE TO WITHDRAW FROM THE MINUTEMAN SCHOOL DISTRICT.

BACKGROUND:

On April 21st, the Board authorized the Town Administrator to retain Special Counsel to prepare correspondence necessary to carry out Town Meeting's 2015 vote to withdraw from the Minuteman Regional School District. Attached please find:

- 1) Draft Letter from the Board of Selectmen
- 2) Draft Amendment to the current Regional School Agreement
- 3) Draft Notice of Withdrawal from the Town Clerk
- 4) Certified Vote of Town Meeting

CC: Mary Ellen Castegno, Wayland Representative to the Minuteman School Committee
Jeanne Downs, Wayland School Committee
Paul Stein, Wayland School Superintendent



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

May 11, 2015

By First Class Mail and By Certified Mail Return Receipt Requested

Mr. Jeff Stulin, Chair
Minuteman Regional Vocational Technical School Committee
758 Marrett Road
Lexington MA 02421

Re: Withdrawal from Regional School District

Dear Chair Stulin:

In April of 2015, the Wayland Town meeting voted to take action to withdraw from the Minuteman Regional Vocational Technical School District ("Regional District") and to request that the Regional District prepare an amendment to the current Regional District Agreement setting forth the terms and conditions by which the Town of Wayland may withdraw from the Regional District. In accordance with the current Regional District Agreement, the Wayland Town clerk sent written notice to the Regional District of the Town's vote to withdraw and requested that the Regional District Committee draw up an amendment to the Regional District Agreement setting forth the terms and conditions by which the Town of Wayland may withdraw.

Therefore, the Board of Selectmen requests that the Regional District Committee take action as soon as practicable to draw up such an amendment which should address, among other matters, the following:

1. The terms by which Regional District students residing in the Town of Wayland will continue and complete their education in the Regional District after the withdrawal of the Town of Wayland from the Regional District;
2. The terms by which the Town of Wayland will be able to send additional students residing in Wayland to the Regional District; and
3. The financial obligations of the Town of Wayland upon and after the effective date of the Town's withdrawal from the Regional District.

Mr. Jeff Stulin, Chair
Minuteman Regional Vocational Technical School Committee

Page Two

Pursuant to Sec. IX(B) of the MRVTSD Agreement, enclosed is a certified copy of the withdrawal amendment.

Sincerely,

Chair
Wayland Board of Selectmen

cc: Members of the Wayland Board of Selectmen
Nan Balmer, Wayland Town Administrator
Mary Ellen Castagno
Town Officials from Member Towns (List attached)

TOWN OF WAYLAND'S REQUESTED AMENDMENT TO MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT AGREEMENT REGARDING WITHDRAWAL

The following shall constitute the Town of Wayland's ("the Town") amendment to the Minuteman Regional Vocational Technical School District ("the District") Agreement, which the Town requests be drawn up by the District School Committee ("the Committee") to facilitate the Town's withdrawal from the District, pursuant to Sec. IX(A) of the Agreement and pursuant to the April 15, 2015 vote of Town Meeting:

I. CONTINUING LIABILITY FOR OPERATING COSTS/SPECIAL OPERATING COSTS

Following the date of the Committee's receipt of notice from the Town to the Committee that the Town seeks to withdraw and that Town Meeting has voted to withdraw and until the effective date of withdrawal, the Town shall continue to be liable for Operating Costs, except Special Operating Costs, as apportioned to the Town in accordance with Sec. IV(E) of the Agreement. The Town shall continue to be liable for Special Operating Costs until the effective date of withdrawal, as apportioned to the Town in accordance with Sec. IV(F) of the Agreement. The Town's liability for Operating Costs and for Special Operating Costs shall terminate on the effective date of withdrawal.

II. CONTINUING LIABILITY FOR CAPITAL COSTS

Following the effective date of withdrawal the Town shall continue to be liable for its apportioned share of Capital Costs in accordance with Sec. IX(D) of the Agreement, with the following exception. Notwithstanding the foregoing sentence, the apportioned obligations for which the Town shall continue to be liable during the period of the withdrawal procedure and after withdrawal shall exclude, and shall not include, any and all debt which is incurred by the District after the date on which notice is received by the Committee of the Town's intent to withdraw. The calculation of the Town's apportioned obligations shall therefore exclude, and not include, any and all such debt.

III. ENROLLMENT OF STUDENTS FROM THE TOWN

Pupils who are residents of the Town and who are enrolled as of the date of the Committee's receipt of the Town's notice of intent to withdraw may remain enrolled through the completion of their studies and graduation. Pupils who are residents of the Town and who are not enrolled as of that date may enroll during the withdrawal period provided that they can complete their studies and graduate before or as of the effective date of withdrawal. Following the effective date of withdrawal, the Town's withdrawal shall not affect the eligibility of residents of the Town to apply for nonresident admission under the District's Admissions Policy, sec. III, as effective January 13, 2004.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

May 11, 2015

By First Class Mail and By Certified Mail Return Receipt Requested

Mr. Jeff Stulin, Chair
Minuteman Regional Vocational Technical School Committee
758 Marrett Road
Lexington MA 02421

Re: Vote of the Wayland Town Meeting

Dear Chair Stulin:

By vote of the Wayland Town meeting on April 6, 2015, the Town voted in the affirmative to rescind its acceptance of Massachusetts General Laws Chapter 71, Sections 16 through 16I inclusive, and to file a written request with the Minuteman Regional Vocational School Committee ("Regional District") to prepare an amendment to the current Regional District agreement among the member towns setting forth the terms and conditions by which the Town of Wayland may withdraw from the Regional District.

Therefore, this letter shall constitute written notice to the Regional District Committee that the Town of Wayland has voted to request the Regional District Committee to draw up an amendment to the Regional Agreement setting forth the terms by which the Town of Wayland may withdraw from the Regional District.

Enclosed is a certified copy of the Town meeting vote.

Sincerely,

Beth R. Klein
Town Clerk

Enclosure: Certified copy of Town meeting vote on April 6, 2015 on Article 17: Withdraw from Minuteman Regional Vocational School District

cc: Chair and Members of the Wayland Board of Selectmen (with enclosure)
Nan Balmer, Wayland Town Administrator (with enclosure)
Mary Ellen Castagno (with enclosure)



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015, the following business was transacted under Article 17:

ARTICLE 17: WITHDRAW FROM MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT

- a.) Voted that the Town rescind its acceptance of Massachusetts General Laws Chapter 71, Sections 16 through 161, inclusive to establish a regional vocational technical school district with the towns of Arlington, Belmont, Concord and Lexington and such of the towns of Acton, Boxborough, Carlisle, Lincoln, Sudbury, Stow, and Weston which voted to accept such sections, and the construction, maintenance and operation of a regional school by said district in accordance with a proposed agreement filed with the Board of Selectmen; and
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to
 - (i) file with the Minuteman Regional Vocational School Committee a written request to prepare an amendment to the current Regional Agreement among the member towns of said district setting forth the terms and conditions by which the Town may withdraw from said district; and
 - (ii) take all other actions necessary to withdraw from said district.

VOTED:

IN FAVOR: 130

MOTION PASSED

OPPOSED: 4

A true copy, Attest:

Beth R. Klein

Town Clerk

Subject: FW: The Carlisle Mosquito - Minuteman Supt. calls regional agreement changes
"absolutely dead"



29 April 2015

Minuteman Supt. calls regional agreement changes "absolutely dead"

by Nancy Pierce

The Minuteman School Committee has come close to suspending a years-long effort to revise the regional agreement that governs the school. (See "Where does the regional voting stand on Minuteman Agreement?" April 23, 2014.) Consensus that the changes will not be adopted developed as the committee on April 14 discussed a last-minute proposal that would ask all 16 member towns to approve a change to the revised agreement approved by ten of them last spring. The regional agreement defines how member towns share funding for the regional vocational high school.

The regional agreement changes proposed last winter are "absolutely dead," Minuteman High School Superintendent Edward Bouquillon told the school committee, based on negotiations with the holdout communities. He said that the school committee must accept that the 2014 revisions will not pass in all 16 towns. He also cautioned that given the existing agreement, "I don't think the building project will pass under the standard town meeting process."

The regional agreement amendments "are muddying the water on the building project" and at some future time the school committee must "say we're taking those changes off the table," Weston Selectman Doug Gillespie, also a Minuteman School Committee member, warned. If the proposed changes are dropped, Weston, which has actually voted to withdraw from the district, would "enthusiastically support" the building project, he said.

Due diligence

Building Committee Chair Ford Spalding and former School Committee Chair Alice DeLuca, who have been steadfast advocates for the original revisions, also suggested the attempt should be dropped. "The discussion had to happen because [members] wanted the agreement changed," DeLuca said. "But we can now say we've made the attempt . . . we have done due diligence."

Many Minuteman students come from non-member towns and one impetus for the revised agreement was to encourage towns to join the district and thereby share the costs of a planned school building project. However, the school no longer needs to provide an incentive for nonmembers to join the district, Spalding said, because changes in state regulations will now require non-member towns to pay a per-student share of capital costs.

Spalding said that the campaign to change the regional agreement had been detrimental. He had visited eight member towns to ask for input on the building project and noted that positive comments about rebuilding turn negative as discussion moved to the revised regional agreement, which would make any rebuilding more expensive for those towns, he said. The 2014 revision did not get the capital allocation formula "right," Belmont member Jack Weis agreed, and it has caused "the flight of communities out the door . . . so they can come back in as nonmembers." (See "Minuteman Vocational High asks for guidance on building choices," March 4.)

One-time-only chance to withdraw

This latest change to the revision of the regional agreement was put forward by an advocacy group of member town managers and selectmen appointed by the school committee to negotiate with five communities that had not approved the 2014 revision.

This latest change would modify the section on withdrawal to permit a “one time only” right to withdraw from the district, without approval of any other towns. The withdrawal would not take effect unless and until all 16 member towns approved the new version of the regional agreement, district counsel Ed Lenox explained. Once all 16 towns had voted, the one-time window of opportunity would end, and a town could subsequently leave the district only if all 16 member Town Meetings approve the withdrawal, as is the case now.

Proposal debated

School committee members questioned whether the proposed revision would be enough incentive to change the reluctance in the holdout towns. Bouquillon told them that at least four members have indicated they want to leave the district, and their leaders want to know their withdrawal would not be caught by deadlines and other towns’ actions. “[This is] the only way they can get out, from their perspective,” he added.

Those towns will be “virtually guaranteed to leave” by the new provisions, Chair Jeff Stulin said. Boxborough leaders “have made it clear that revising the agreement in this vein is what they want,” member Cheryl Mahoney confirmed.

Several members objected to the sudden demand for a vote on a proposal that no one on the school committee had even “had a chance to read.” Spalding was also “shocked” to be presented with such a revision unexpectedly, in the middle of spring Town Meetings. This “will confuse my town,” he added.

This idea presents member towns with a “chicken and egg” decision, Weis said, since towns would have to vote without knowing which other towns will be in the reconstituted district. (Both operating and capital costs could be much higher for the remaining towns should many of the smaller, wealthier towns leave.)

Boxborough Selectman Amoroso and leaders in the town of Wayland, which this spring voted to leave the district, have been asking “Why don’t you let [us] out before the regional agreement is approved?” said Wayland member Mary Ellen Castagno. “It doesn’t appear you’re working with the towns,” she concluded.

What next?

Following a 6-3 vote to table the one-time withdrawal proposal indefinitely, Bouquillon reminded the school committee that “certain towns” would vote down the building project unless the current agreement is changed. Spalding disagreed, saying that the member towns have “only two choices,” to pay \$90 million with state aid or \$200 million without state aid to fix the building. “I’m sure Arlington is smart enough to figure that out,” he said.

Little discussion of future strategies followed, except that Lenox reminded the committee that an alternative path to incur debt is permitted under state law. If any one town votes to disapprove the building project, the school committee could call a district-wide ballot question, held simultaneously in all 16 towns. Votes would be totaled over all towns and the majority of voters would determine the outcome.

Minuteman spokesman Steve Sharek later told the Mosquito that the Minuteman School Committee has not yet voted to abandon the 2014 revisions, and Bouquillon will be asking the School Committee to consider action that will move the building project forward.

Carlisle’s vote for last year’s revised agreement has no impact on the town at this time, since all 16 towns have not approved. According to Carlisle Town Counsel Tom Harrington, the town could vote to change a previous decision, but he noted that there is no chance that the dangling approval could be a problem, since any further changes to the regional agreement would require a fresh vote from Carlisle. Δ

Selling 16 towns on a fix for Minuteman High



KIERAN KESNER FOR THE BOSTON GLOBE

Students meet in a multipurpose room that serves as the cafeteria and auditorium at Minuteman High School.

By Jennifer Fenn Lefferts | GLOBE CORRESPONDENT APRIL 30, 2015

As Minuteman High School in Lexington looks to provide a 21st-century education to its vocational/technical students, the building is stuck in the 1970s.

The school, built in 1972, is too large for its enrollment, needs major repairs, is not handicapped-accessible, and features an open-concept design that wastes space and makes it difficult to keep noise contained, school officials say.

CONTINUE READING BELOW ▼

“We need a new building to meet the educational needs of the future and this building doesn’t do it,” said Superintendent Edward Bouquillon.

For the past several years, Minuteman has tried to come up with a strategy to address the building issues, but plans have stalled over questions about cost, enrollment, and the regional agreement between the 16 member communities.

Each community must approve the project individually for it to move forward, unless school officials decide to hold an all-district election.

So far, school officials have adopted an education plan with two new trades, designed a building for 628 students, resolved to increase enrollment from member towns, researched building options, and locked in a 40 percent state reimbursement rate for the project, Bouquillon said.



KIERAN KESNER FOR THE BOSTON GLOBE

Superintendent Dr. Edward Bouquillon inside Minuteman High School. Pictured right to left, Ford Spalding and Dana Ham.

The Minuteman School Building Committee has been meeting with each town over the past several weeks to hear feedback on three options: a \$176.5 million renovation, a \$175.3 million renovation/addition, and a \$144.9 million new school.

Ford Spalding, chairman of the building committee, said the feedback has been positive, but many residents are asking how much it will cost each town and taxpayer.

“It’s all about the cost,” said Spalding, who represents Dover on the Minuteman School Committee.

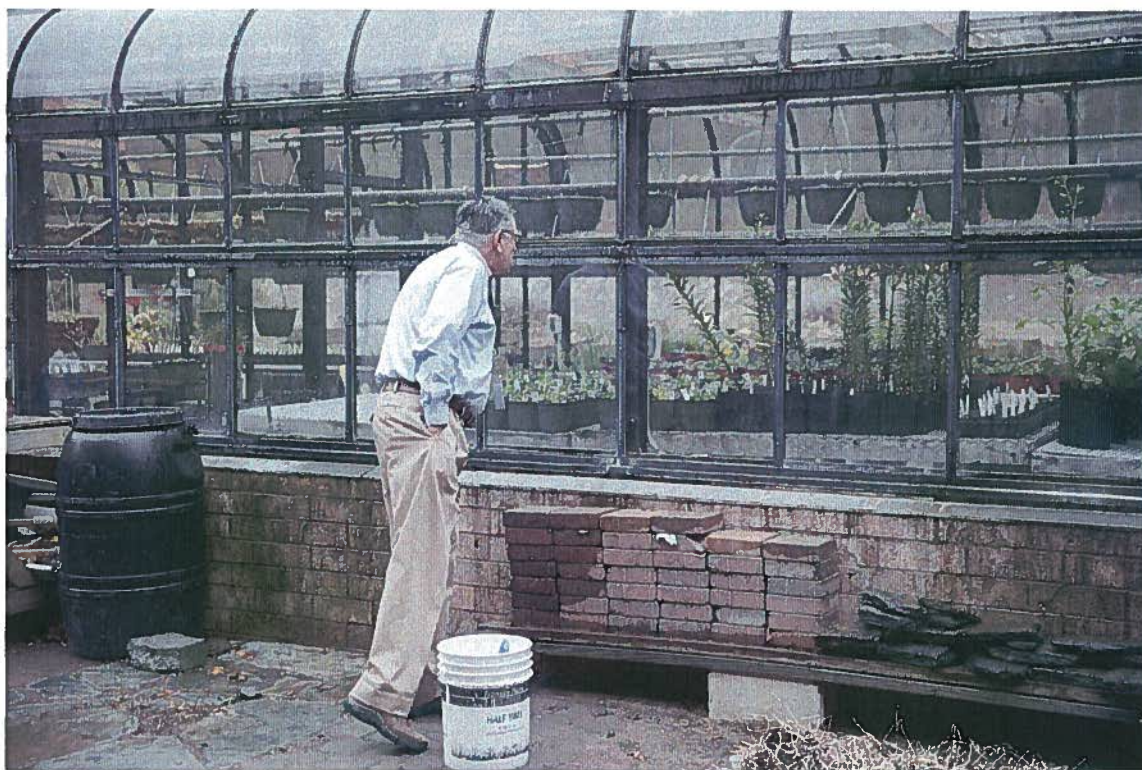
The member towns are Acton, Arlington, Bedford, Bolton, Boxborough, Carlisle, Concord, Dover, Lancaster, Lexington, Lincoln, Needham, Stow, Sudbury, Wayland, and Weston.

At a recent community meeting in Belmont, town officials and residents asked questions about the size of the building and whether Minuteman would be able to attract enough students to fill a school for 628 students.

“The issue has always been about the size of the school, not whether we support building or repairing the facility,” said Mark Paolillo, the vice chairman of the Belmont Board of Selectmen.

Minuteman’s enrollment for the 2014-15 school year is 745. However, just 413 come from member communities, with the remaining 332 coming from such places as Boston, Medford, Waltham, and Watertown.

Member communities have raised concerns about enrollment because they don’t want to foot the bill for out-of-district students.



KIERAN KESNER FOR THE BOSTON GLOBE

Ford Spalding looks inside the greenhouse at Minuteman High School.

“Belmont is not in favor of subsidizing nonmember towns at all, from a debt perspective and also from a payment perspective,” said Paolillo.

Over the last six years, there has been a 3 percent decline in the state’s public high school population but a 6.5 percent increase in the vocational/technical school population, said David Ferreira, executive director of the Massachusetts Association of Vocational Administrators.

But he said Minuteman is different because of its wide-ranging geographic region and high per-capita income.

Many of the towns in the district — including Concord, Carlisle, Dover, and Weston — are among the wealthiest in the state. And many of the traditional high schools are among the best in the Commonwealth.

But Bouquillon said the school is making a concerted effort to boost enrollment and maintains that most of the 628 seats in the new building will eventually be filled by member communities.

He said the school is doing more outreach and hoping to spread the word that Minuteman is also a school for college-bound students. The school is reaching out to female students interested in the so-called STEM fields — science, technology, engineering and math — and Bouquillon said he hopes a brand new building will appeal to all students.

“We’re going to a smaller school and we’re certain that those slots will be filled from our member towns eventually,” Bouquillon aid.

But Pat Brown, a selectwoman in Sudbury, isn’t convinced about the enrollment numbers. She said she is eager to see what they look like in the fall because that will be the first indicator of whether recent efforts to boost enrollment are working.

Brown also said many residents are confused about where things stand. She said some towns, such as Wayland, have talked about withdrawing from the district, leaving other towns wondering who will be in the district and whether it will cost more if a town leaves.

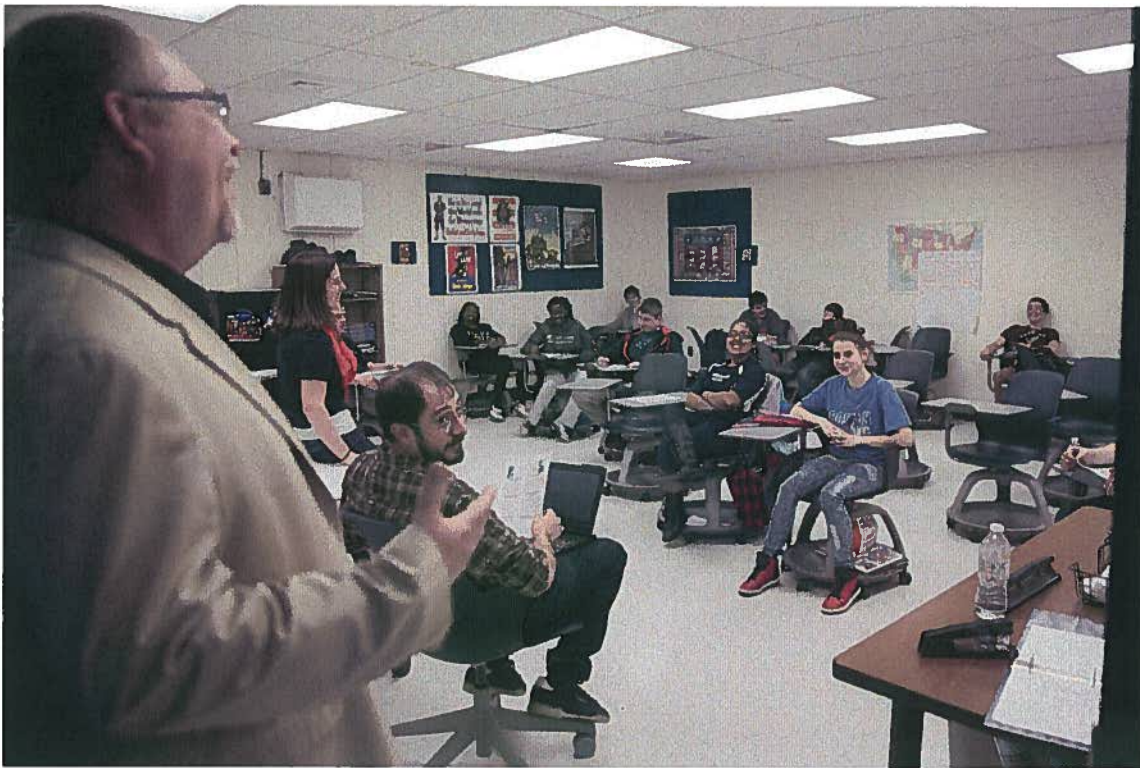
“There have been so many moving pieces,” she said.

A vocational/technical school is typically 50 percent more expensive than an academic high school, Bouquillon said, because in addition to traditional classrooms, the school must include space and specialized equipment for shop instruction. Minuteman’s 16 shops range from culinary arts to biotechnology.

If Minuteman builds a \$144.9 million school, projected annual costs over 30 years range from \$37,432 for communities with five or fewer enrolled students to \$1,487,023 for Arlington, which now sends 152 students.

The cost to towns would vary from year to year depending on enrollment fluctuations. And the impact on tax bills depends on each community’s tax base.

Bouquillon said a new state regulation will allow Minuteman to charge nonmember towns a capital fee, determined by state education officials, that would offset the cost to member communities. However, those details are still being worked out.



KIERAN KESNER FOR THE BOSTON GLOBE

Superintendent Dr. Edward Bouquillon greets a classroom full of students at Minuteman High School.

Now that the Minuteman Building Committee has visited each community, members will review the feedback and make a recommendation to the School Committee on May 11.

The School Committee will vote on a preferred option on May 19 and send it to the state for approval. A schematic design would then be presented to towns for a vote next spring.

In order for any project to advance, all member communities must support it at individual town meetings. Another option, which the district may consider, is to hold an election in all communities. All votes would be added together and the majority would win.

If the project is rejected, Bouquillon said, repairs are still needed and the towns would have to pay for them without any state support. The repairs could take up to 10 years and cost the district as much as \$198 million, he said.

In December 2012, the New England Association of Schools and Colleges, which accredits public high schools, placed Minuteman on “warning” status solely due to the condition of the building.

There are problems with the roof, exterior shell, electrical systems, plumbing, ventilation, egress, and parking lots. The building also does not meet today’s fire and building codes or handicap-accessibility requirements. About \$100 million is needed just to keep the building operational, Bouquillon said.

“We’re trying to keep up with stuff,” Bouquillon said, “but it’s going to come over us like a wave at some point.”

The cost of a new Minuteman High

Building a new Minuteman High School would cost \$144.9 million, with \$86.9 million picked up by the 16 member towns. The numbers below show the projected annual costs to communities over 30 years, based on a formula tied to enrollment, and the annual tax impact for the median home.

Town	Enrollment	Annual cost	Median tax increase
Acton	30	\$264,813	\$21.67
Arlington	152	\$1,487,023	\$64.00
Belmont	31	\$295,367	\$31.82
Bolton	10	\$101,850	\$36.27
Boxborough	5	\$40,740	\$17.22
Carlisle	8	\$81,480	\$32.69
Concord	16	\$122,221	\$10.36
Dover	3	\$37,432	\$13.40
Lancaster	32	\$325,923	\$78.03
Lexington	45	\$422,681	\$28.44
Lincoln	6	\$40,740	\$15.50
Needham	24	\$224,072	\$9.92

Town	Enrollment	Annual cost	Median tax increase
Stow	19	\$183,331	\$46.49
Sudbury	25	\$244,442	\$24.82
Wayland	4	\$37,432	\$6.24
Weston	3	\$37,432	\$6.08

SOURCE:Minuteman High School

GLOBE STAFF

Correspondent Chris Gavin contributed to this report. Jennifer Fenn Lefferts can be reached at jflefferts@yahoo.com.

Get Today's Headlines from the Globe in your inbox:

Enter your email address

SIGN UP

[Privacy Policy](#)

SHOW 6 COMMENTS

© 2015 BOSTON GLOBE MEDIA PARTNERS, LLC

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: DISCUSSION ON SPRING 2016 ANNUAL TOWN MEETING DATE

Current Constraints on Setting the First Day of 2016 Annual Town Meeting *
(Begins any day between 4/1 and 4/15)

- | | |
|--|--|
| 1. Friday April 1 – Tuesday April 12 | No Constraints known |
| 2. Saturday April 16 – Sunday April 24 | School Vacation Week / Part of prior week |
| 3. Friday April 22 - Saturday April 23 | 1 st and 2 nd Nights of Passover |
| 4. Thursday April 28 | 7 th Night of Passover |
| 5. Sunday May 1 | Greek Orthodox Easter |
| 6. Monday May 2 – Friday May 6 | School AP Exams in HS Field House |
| 7. Thursday May 5 | Feast of the Ascension |
| 8. Sunday May 8 | Mother's Day |
| 9. Monday May 9 – Sunday May 15 | No constraints known |

**The local Clergy Association will respond as soon as possible to confirm other religious holidays. Town Clerk requests election and annual town meeting not occur in the same week.*

Possible 2016 Annual Town Meeting Schedules

Weekday:

- | | |
|----------------------|---|
| 1. Election: | Tuesday March 29 |
| Town Meeting begins: | Monday April 4 |
| 2. Election: | Tuesday April 5 |
| Town Meeting begins: | Monday April 11 (If later that week, last day of ATM may be after school vacation week) |
| 3. Election: | Tuesday May 3 |
| Town Meeting Begins: | Monday May 9 |

Weekend:

- | | |
|----------------------|---|
| 4. Election: | Tuesday March 29 |
| Town Meeting begins: | Saturday April 2 and/or Sunday April 3 |
| 5. Election: | Tuesday April 5 |
| Town Meeting begins: | Saturday April 9 and/or Sunday April 10 |
| 6. Election: | Tuesday May 10 |
| Town Meeting Begins: | Saturday May 14 and/or Sunday May 15 |

365 January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

365 February 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29				

365 March 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

365 April 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

365 May 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
19	20	21	22	23	24	25
26	27	28	29	30	31	

365 June 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
23	24	25	26	27	28	29
30						

365 July 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31		

365 August 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
32	33	34	35	36		

365 September 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
36	37	38	39	40		

365 October 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
40	41	42	43	44	45	

365 November 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
45	46	47	48	49		

365 December 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
49	50	51	52	53		

- 1 Jan New Year's Day
- 18 Jan Martin Luther King Day
- 9 Feb Mardi Gras Carnival
- 12 Feb Lincoln's Birthday
- 14 Feb Valentine's Day
- 15 Feb Presidents Day
- 13 Mar Daylight Saving (Start)

- 17 Mar St. Patrick's Day
- 25 Mar Good Friday
- 27 Mar Easter
- 28 Mar Easter Monday
- 1 Apr April Fool's Day
- 5 May Cinco de Mayo
- 8 May Mother's Day

- 15 May Pentecost
- 16 May Pentecost Monday
- 21 May Armed Forces Day
- 30 May Memorial Day
- 14 Jun Flag Day
- 19 Jun Father's Day
- 4 Jul Independence Day

- 5 Sep Labor Day
- 11 Sep September 11th
- 17 Sep Citizenship Day
- 23 Sep Native American Day
- 10 Oct Columbus Day
- 15 Oct Sweetest Day
- 17 Oct Boss's Day

- 31 Oct Halloween
- 6 Nov Daylight Saving (End)
- 11 Nov Veterans' Day
- 24 Nov Thanksgiving
- 7 Dec Pearl Harbor
- 25 Dec Christmas Day
- 31 Dec New Year's Eve

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: APPOINTMENT OF SPECIAL COUNSEL: SCHOOL REVOLVING FUNDS

REQUESTED ACTION:

VOTE TO APPOINT ATTORNEY JAMES TOOMEY TO REPRESENT THE TOWN REGARDING THE TOWN'S ROLE IN THE MANAGEMENT AND DISPOSITION OF SCHOOL REVOLVING FUNDS THROUGH THE TOWN FINANCE AND TREASURER'S OFFICES

BACKGROUND:

As you know, the proper management and disposition of the school revolving funds by the the school business office under the School Committee / Superintendent and by the town finance departments under the Board of Selectmen / Town Administrator must be determined. The School Committee recently voted to employ special counsel for this purpose. In order to develop the correct approach to the management and disposition of these funds, it is recommended the School Committee and the Board of Selectmen retain the same special counsel for this common purpose. The School Superintendent and I discussed this and believe that joint representation is agreeable at this time.

Attorney James Toomey's firm, Murphy Hesse, Toomey and Lehane represents the School Committee. He has in the past opined on matters relating to these revolving accounts and is willing to represent the town in this matter.

FISCAL IMPACT:

The engagement of Attorney Toomey for the Town will be through June 30, 2015 at an hourly rate of \$230 and will not exceed \$8,000 after which time the engagement will be reviewed.

Because there is excess funding in the town's legal budget but not in the School's legal budget, if it is agreeable to the Selectmen, the town will pay for the costs not to exceed \$8,000 through June 30th after which the status of this engagement and these costs will be evaluated.

MEMO

**TO: Board of Selectmen
Nan Balmer, Town Administrator**

**FROM: Elisa Scola, Historical Commission Chair, Community Preservation Committee Member
Gretchen Schuler, Community Preservation Committee Chair**

DATE: May 7, 2015

RE: Stone's Bridge

As you know Annual Town Meeting allocated \$480,000 to stabilize and preserve two arches of Stone's Bridge. The Historical Commission would like to apply for Massachusetts Preservation Projects Fund (MPPF) administered by the Massachusetts Historical Commission (MHC). There are a few signatures and authorizations required for the application. This memo outlines the information and requests two votes of the Board.

- 1) Vote to agree to apply a preservation restriction on the bridge that will run with the deed should we be awarded the grant and sign Statement of Intent (draft attached);
- 2) Designate by way of vote that Nan Balmer as Town Administrator is authorized to:
 - a) sign contracts with the MHC if awarded this grant and;
 - b) sign a preservation restriction, if awarded this grant.
- 3) Include a letter of support of preservation of Stone's Bridge with application (draft attached).

MPPF is a matching grant program for construction projects that preserve historic resources listed in the State Register of Historic Places. (This qualification is being pursued through National Register listing.) Grant requests can be up to \$100,000 as long as there are matching funds. CPA Funds qualify as a match.

In order to apply for MPPF there are several approvals and signatures required that will need your attention. The owner of the property –the Board of Public Works – will sign the application as owner. (We will attend their meeting on May 12, 2015.) In addition they must agree to enter into a Preservation Restriction in perpetuity on the resource that is being preserved with MPPF dollars. The Preservation Restriction is recorded in accordance with MGL Chapter 184, Sections 30-33 (the same law governing Conservation Restrictions). In this instance the MHC would hold the restriction and the purpose is to protect the public investment in the resource. Upon guidance from Town Attorney Lanza, the Board of Selectmen must agree to apply a preservation restriction to the Bridge. You can authorize Nan to sign the agreement but the original authority must begin with you.

In addition the application requires names and signatures of:

- 1) Project Contact – Local Project Coordinator – (Steve Kadlik)
- 2) Authorization name – a person who will prepare project reports and is authorized to execute contract with MHC, oversee procurement, enter into contracts, and sign preservation restriction. – (Nan Balmer and Stephen Kadlik)
- 3) Certificate of Authorization – a person who certifies the authority of the person signing contracts and signing preservation restriction. (Beth Klein, Town Clerk)
- 4) Legal Opinion prepared by attorney about ownership of property and that a deed restriction can be recorded at the Registry of Deeds. (Mark Lanza)

The biggest hurdle is the timing. The applications are due Friday May 15, 2015. Awards are named July 8th. Work must be completed by June 30, 2016. Design and engineering fees are not included and all work is reimbursed after completed.

Thank you for your attention to this project.

Attachments:

- MPPF Application Form
- MPPF Application Instructions (Sample Preservation Restriction included in Appendix C)
- Draft Statement of Intent and letter of support to accompany application (in one electronic file)

STATEMENT OF INTENT LETTER

May 12, 2015

Brona Simon, Executive Director and SHPO, MHC
Massachusetts Historical Commission
220 Morrissey Blvd
Boston, MA 02125

Dear Ms. Simon:

On behalf of the Town of Wayland, I by this letter and as owners of record, confirm our intention to record a permanent Preservation Restriction and maintenance agreement on Stone's Bridge in Wayland, should we be awarded a grant from the Massachusetts Preservation Project Fund. The Preservation Restriction shall be recorded under the provisions of M.G.L., Chapter 184, Sections 31-33. There is no mortgage on the property.

The Board of Selectmen voted x-x-x in favor of this action at its meeting on May 11, 2015.

Sincerely,

Cherry Karlson
Chair, Board of Selectmen

LETTER IN SUPPORT OF PRESERVATION OF STONE'S BRIDGE

May 11, 2015

Brona Simon, Executive Director and SHPO, MHC
Massachusetts Historical Commission
220 Morrissey Blvd
Boston, MA 02125

Dear Ms. Simon:

The Wayland Board of Selectmen fully supports the project to restore Stone's Bridge located across the Sudbury River off of Old Stonebridge Road in Wayland. The bridge is located at an historically significant crossing that is part of the Knox Cannon Trail commemorating General Knox's passage through Wayland, then part of Sudbury. The Town also has plans to purchase the abutting property at 246 Old Stonebridge Road to create a conservation area along the Sudbury River. The historic Stone's Bridge is an integral part of the plan as it creates a focus for sight seers and an additional way of enjoying the river.

Sincerely,

Cherry Karlson
Wayland Board of Selectmen, Chair

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING MAY 8, 2015**

TRANSFER STATION EMPLOYEE

It has been reported in the news and confirmed by the DA's Office that Transfer Station Foreman Don Gladu was indicted on 4 counts of felony rape of a child and 1 count of indecent A&B on a child. Gladu was released by the court and is required to wear an electronic monitoring device. He is currently on paid administrative leave and has been instructed to stay away from any DPW work sites. As this personnel issue is continuing to evolve, no further comment can be made at this time.

COMMITTEE RE-APPOINTMENTS

1. Attached is a list of 53 committee members whose terms expire June 30th. Also attached is a list of all open seats, by committee, as of 7/1/15.
2. On May 4th, members whose terms expire 6/30 were asked to advise by May 30th whether they wished to be re-appointed.
3. During the period May 11 through May 29 the list of all open seats is posted in Town Building.
4. During the week of June 1st, staff will communicate with committee chairs to seek recommendations from the chairs on re-appointments.
5. Beginning at the June 8th meeting, the Board may conduct interviews of candidates seeking re-appointment to any committee but usually considers interviewing for the Conservation Commission (2 open seats), Finance Committee (2 open seats), Personnel Board (1 open seat) and Zoning Board of Appeals (2 open seats).
6. After interviews for re-appointments the Board will interview candidates for appointment.
7. At the conclusion of the interview process, the Board will make appointments.

WAYLAND MUNICIPAL AFFORDABLE HOUSING TRUST (MAHT)

Attached is a memo from the Treasurer of MAHT regarding the financial services the town will provide the Trust. At a future meeting the Selectmen may be asked to authorize the Town Administrator to sign separate warrants for the Trust.

IT

ELECTRONIC PACKETS:

Elizabeth Doucette, Gwen Sams – Lynch and Mary Ann DiNapoli worked together and did an excellent job to complete the electronic Board packet project.

IT SECURITY AND PLANNING PROJECT:

Last week, the School Department granted the town partial administrative access to the IT system so that the IT consultant funded by Town Meeting could begin work. We hope to have a preliminary report to the Selectmen next week and an assessment to begin decision-making after 3 weeks. The consultant reviewed the Elysium security assessment and found that there was no evidence that general exfiltration of data occurred or that the malware from the January and February intrusions spread more broadly than the identified computers. We are unable to release the security reports at this time because the report identifies security vulnerabilities that the IT consultant is correcting, working through school IT personnel.

PELHAM ISLAND ROAD

The DPW Director reports he is developing a plan to support the roadway and place a leveling course of hot top on the worst areas utilizing the \$71k from the winter recovery program.

Memo

Town of Wayland Board of Selectmen

To: Nan Balmer
Town Administrator

From: MaryAnn DiNapoli

Date: May 11, 2015

Re: Annual Reappointments

The following is the list of board/committee members whose appointments will expire on June 30, 2015.

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
Christopher Riley	Selectmen	Audit Committee	three
Richard Turner	Selectmen	Cable Advisory Committee	one
Thomas Klem	Selectmen	Cable Advisory Committee	one
Larry Kiernan	Selectmen	Central MA Rail Trail Committee	three
Barbara Howell	Selectmen	Conservation Commission	three
Robert L. Goldsmith	Selectmen	Conservation Commission	three
Mary M. Antes	Selectmen	Council on Aging	three
Betsy Soule	Selectmen	Council on Aging	three
Elizabeth Patterson	Selectmen	Council on Aging	three
Kathryn Grey	Selectmen	Cultural Council	three
Wendy Pachter	Selectmen	Cultural Council	three
Barbara Hoffman	Selectmen	Cultural Council	three
Susan Koffman	Selectmen	Dog Control Appeals Board	three
Jean Prince	Selectmen	Economic Development Committee	three
Sam Potter	Selectmen	Economic Development Committee	three
Harvey Michael	Selectmen	Energy Initiatives Advisory Committee	three
Thomas Greenaway	Selectmen	Finance Committee	three
Carol B. Martin	Selectmen	Finance Committee	three
Tonya Largy	Selectmen	Historical Commission	three
Elisa Scola	Selectmen	Historical Commission	three
R. Richard Conard	Selectmen	Historical Commission	three
John Dyer	Selectmen	Historical Commission	three
Desmond J. McAuley	Selectmen	Historic District Commission	three
Marjorie Ford	Selectmen	Historic District Commission	three
Patricia M. Harlan	Selectmen	Housing Partnership	three
Rev. Dr. Fred Moser	Selectmen	Housing Partnership (representing Clergy)	three
Martin S. Nichols	Selectmen	Housing Partnership (representing Housing Authority)	three

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
Mary M. Antes	Selectmen	Metropolitan Area Planning Council	one
Mary M. Antes	Selectmen	Metrowest Regional Collaborative Comm	one
Joseph F. Nolan	Selectmen	Metrowest Regional Transit Authority Advisory Board	one
Sarkis Sarkisian	Selectmen	Metrowest Regional Transit Authority Advisory Board (alternate)	one
Brian J. Chase	Selectmen	Permanent Municipal Building Committee	two
Douglas Goddard	Selectmen	Permanent Municipal Building Committee	two
Joseph Lewin	Selectmen	Permanent Municipal Building Committee	two
Eric Sheffels	Selectmen	Permanent Municipal Building Committee	two
Massimo Taurisano	Selectmen	Permanent Municipal Building Committee	two
Philip C. Schneider	Selectmen	Personnel Board	five
Thomas Sciacca	Selectmen	River Stewardship Council	one
Mary M. Antes	Selectmen	River Stewardship Council (Alternate)	one
Timothy J. Walsh	Selectmen	Sealer of Weights and Measures	one
Joan Bradford	Selectmen	Senior Tax Relief Committee (representing Council on Aging)	one
Linwood Bradford	Selectmen	Senior Tax Relief Committee (representing Board of Assessors)	one
Anne Gilbert	Selectmen	Senior Tax Relief Committee (representing Finance Committee)	one
Stephen J. Colella	Selectmen	Senior Tax Relief Committee	one
Patricia Nelson	Selectmen	Senior Tax Relief Committee	one
Pauline DiCesare	Selectmen	Senior Tax Relief Committee	one
Rebecca MacGregor	Selectmen	Senior Tax Relief Committee	one
Linwood Bradford	Selectmen	Surface Water Quality Committee	three
Thomas J. Largy	Selectmen	Surface Water Quality Committee	three
Rick Greene	Selectmen	Wastewater Management District Commission	three
Eric Goldberg	Selectmen	Zoning Board of Appeals	three
Linda Segal	Selectmen	Zoning Board of Appeals (Associate)	three

The following is the list of board/committee members whose appointments will expire on June 30, 2015, and are appointed by an authority other than the Board of Selectmen.

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
David R. Poirier	Board of Health	Animal Control Officer	one
Cynthia F. Bryant	Board of Health	Burial Agent	one
Anna Meliones	Recreation Commission	Community Preservation Committee	three
Susan Weinstein	Housing Authority	Community Preservation Committee	three
William Sterling	Planning Board	Design Review Board	three
Andrew Reck	Planning Board	Design Review Board	three
Leisha Marcoccio	Planning Board	Design Review Board	three

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
Marjorie Ford	Planning Board	Design Review Board	three
Katherine Schreiber	Planning Board	Design Review Board	three
Beth Grossman	Board of Health	Food Inspector	one
Julia M. Jughanns	Board of Health	Inspector of Milk	one
John Dyer	Moderator	Public Ceremonies Committee	three
William Murphy	Board of Health	Sanitarian	one



TOWN BOARD VACANCIES

APPOINTED BOARD, COMMITTEE, COMMISSION	APPOINTING AUTHORITY	VACANCY	FOR A TERM TO EXPIRE
Audit Committee	Finance Committee	One Vacancy	6/30/18
Cable Advisory Committee	Selectmen	Three Vacancies	6/30/16
Cable Advisory Committee	Selectmen	Two Vacancies	6/30/16
Central Massachusetts Rail Trail Committee	Selectmen	One Vacancy	6/30/18
Cochituate State Park Advisory	Selectmen	One Vacancy	6/30/16
Community Preservation Committee	Selectmen	One Vacancy	6/30/16
Conservation Commission	Selectmen	Two Vacancies	6/30/18
Council on Aging	Selectmen	Three Vacancies	6/30/18
Cultural Council	Selectmen	Three Vacancies	6/30/18
Dog Control Appeals Board	Selectmen	One Vacancy	6/30/18
Economic Development Committee	Selectmen	One Vacancy	6/30/18
Economic Development Committee	Selectmen	Two Vacancies	6/30/18
Energy Initiatives Advisory Committee	Selectmen	One Vacancy	6/30/18
Finance Committee	Selectmen	Two Vacancies	6/30/18
Historical Commission	Selectmen	One Vacancy	6/30/16
Historical Commission	Selectmen	Four Vacancies	6/30/18
Historic District Commission Alternate	Selectmen	One Vacancy	6/30/17
Historic District Commission	Selectmen	Two Vacancies	6/30/18
Housing Partnership	Selectmen	One Vacancy	6/30/18
Housing Partnership	Appointed by Selectmen Representing Clergy	One Vacancy	6/30/18
Housing Partnership	Appointed by Selectmen Representing Housing Authority	One Vacancy	6/30/18
Metropolitan Area Planning Council	Selectmen	One Vacancy	6/30/16
MetroWest Regional Collaborative Committee	Selectmen	One Vacancy	6/30/16
MetroWest Regional Transit Authority Advisory Board	Selectmen	One Vacancy	6/30/16
MetroWest Reg Transit Authority Advisory Board Alternate	Selectmen	One Vacancy	6/30/16
OPEB Advisory Committee	Selectmen	One Vacancy	6/30/18
Permanent Municipal Building Committee	Selectmen	Five Vacancies	6/30/17
Personnel Board	Selectmen	One Vacancy	6/30/20
Planning Board	Selectmen and Planning Board	One Vacancy	2016 Annual Town Election
River Stewardship Council	Selectmen	One Vacancy	6/30/16
River Stewardship Council (Alternate)	Selectmen	One Vacancy	6/30/16
Sealer of Weights and Measures	Selectmen	One Vacancy	6/30/16
Senior Tax Relief Committee	Appointed by Selectmen Representing Council on Aging	One Vacancy	6/30/16
Senior Tax Relief Committee	Appointed by Selectmen Representing Board of Assessors	One Vacancy	6/30/16
Senior Tax Relief Committee	Appointed by Selectmen Representing Finance Committee	One Vacancy	6/30/16
Senior Tax Relief Committee	Selectmen	Four Vacancies	6/30/16
Surface Water Quality Committee	Selectmen	Two Vacancies	6/30/18
Wastewater Management District Commission	Selectmen	One Vacancy	6/30/18
Wellhead Protection Advisory Committee	Board of Public Works	Two Vacancies	6/30/15
Zoning Board of Appeals	Selectmen	One Vacancy	6/30/18
Zoning Board of Appeals	Selectmen	One Vacancy	6/30/18
Zoning Board of Appeals Associate	Selectmen	One Vacancy	6/30/18

Anyone interested in filling the above openings may obtain further information from the Town Administrator's Office.



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

May 4, 2015

Christopher Riley
18 Autumn Lane
Wayland MA 01778

Dear Chris:

Your appointment to the Audit Committee will expire on June 30, 2015.

If you would like to be appointed for another three-year term, you do not need to acknowledge this notice. If you do NOT want to be appointed for another term, please complete the form below and return it to the Board of Selectmen, Wayland Town Building, 41 Cochituate Road, Wayland, by Friday, May 30, 2014. You may also call me at (508) 358-3621 or email mdinapoli@wayland.ma.us.

Your service to the town is valued, and we thank you for assisting us in this process.

Thank you,

MaryAnn DiNapoli
Executive Assistant

I do NOT want to be reappointed to the Audit Committee.

Christopher Riley
18 Autumn Lane
Wayland MA 01778

Signature

Date

APPOINTMENTS TO TOWN BOARDS AND COMMITTEES

The Board of Selectmen is responsible for making a number of appointments to town boards and committees. The following procedures generally will be used to post openings, make appointments, and fill vacancies.

POST OPENINGS

- The Town Administrator shall post all vacancies on the Town Building foyer bulletin board for a minimum of one (1) week.
- Applicants, who must be registered voters in the Town of Wayland, shall submit a statement describing their interest, background, and qualifications relevant to the opening being sought, and a résumé, if available.
- Applicants are encouraged to attend at least one meeting of the committee to which they seek appointment and discuss the board's function and responsibilities with a current member of the Board or the appropriate staff member before being considered for appointment.

ANNUAL APPOINTMENTS

- The Board of Selectmen shall interview all applicants new to Town Government.
- Boards or committees are encouraged to submit input on the reappointment of a member and questions for use by the Selectmen in interviewing applicants for their respective boards.
- All vacancies should be filled before the expiration of the term to the extent practical.

VACANCIES

Vacancies that occur between annual appointments shall be filled as soon as is reasonable following the guidelines for annual appointments.

REAPPOINTMENTS

The Selectmen shall solicit recommendations for reappointment from the chairpersons of boards and committees with members whose terms are ending.

- All candidates for reappointment to the Conservation Commission, Finance Committee, Personnel Board, and the Zoning Board of Appeals may be interviewed by the Board of Selectmen.
- Reappointments to other boards generally will not be subject to interviews by the Board of Selectmen unless there is an objection from the chair of the board or at the request of a Selectman.

Approved March 1, 2004; revised and restated on October 13, 2010

See Wayland Code §6-1. For provisions regarding specific appointments, see Wayland Code §19-1 (Finance Committee); §43-2 (Personnel Board); §198-201 (Zoning Board of Appeals); and §198-204 (Planning Board Associate Member).



TOWN OF WAYLAND

Municipal Affordable Housing Trust Fund

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TRUSTEES

MARY M. ANTES, CHAIR
JACQUELINE DUCHARME, CLERK
STEPHEN A. GREENBAUM, VICE CHAIR
KEVIN F. MURPHY
BRIAN T. O'HERLIHY, TREASURER
ARMINE S. ROAT
SUSAN WEINSTEIN

To: Nan Balmer, Town Administrator

Cc: John Senchyshyn, Assistant Town Administrator and Acting Treasurer
Brian Keveny, Finance Director
MAHTF Trustees

From: Brian O'Herlihy, Trustee & Treasurer

Date: May 3, 2015

Re: MAHTF Financial Matters and Staff Support

As a follow up to the April 28, 2015 phone call I had with you, John Senchyshyn, Brian Keveny and Suzanne Marchaud of Strategic Municipal Solutions to discuss the formal requests set forth in my memorandum dated April 19, 2015, you asked me to provide you with a summary of the items we discussed on the call.

- 1) The Town's Acting Treasurer will set up two savings accounts (using the Town's tax identification number) at The Village Bank, 62 Boston Post Road (Route 20), Wayland, MA – one of the accounts will be designated to hold funds provided by the Community Preservation Fund (approximately \$419,202 transfer approved at the 2015 ATM and any future transfers from the CPF) and the other account will hold all other funds provided by the Town of Wayland (approximately \$51,339 transfer approved at the 2014 ATM); Brendon Homes, the developer of the 42-unit Town Center residential condominium project (a total of \$76,748.58 as of April 28, 2015, or 6 payments of \$12,791.43 for each condo unit that has closed to date); and any future funds received by the Town and/or the MAHTF for affordable housing uses. These accounts will be set up within the next week or so.
- 2) The Town will not set up a checking account at The Village Bank. Rather, as funds need to be disbursed, the Town will process checks through the "normal" warrant process and checks will be issued from the Town's existing checking account. The Town will reimburse itself from the funds held in the two savings accounts on a periodic basis.

- 3) Due to recent IT security issues, the Town would prefer not to provide me with “read only” electronic access to the accounts at The Village Bank as all electronic banking is currently being performed through a secure connection at Town Hall. In lieu of having “read only” access, the Treasurer and/or Finance Director will provide copies of the bank statements to me upon request, but no less frequently than monthly.
- 4) You will discuss with the Board of Selectmen the possibility of having the authority to approve the warrants for checks associated with the MAHTF delegated by the Board of Selectmen to you, as Town Administrator, to facilitate the timeliness of approving the warrants and issuing the checks. All such approvals would still require the approval of the Treasurer of the MAHTF (amounts less than \$2,500) or a majority of the Trustees of the MAHTF.
- 5) The Town will maintain the financial “books and records” of the MAHTF using a June 30th fiscal year end.
- 6) The Finance Director has agreed that the requested financial information noted in Formal Request #3 in the memorandum dated April 19, 2015 seems reasonable and, therefore, I am assuming it will be provided to me on a monthly basis.
- 7) The MAHTF’s financial statements will be audited on an annual basis in accordance with subsection (h) of MGL Chapter 44, Section 55C and Section 7.3 the MAHTF’s by-laws (which, as of this date, have not been formally approved by the Trustees). It is anticipated that the Town’s outside auditor will be engaged to handle this requirement with the incremental costs associated with such audit being charged to the MAHTF.



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, May 11, 2015
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 Change of Hours Application for The Local, 11 Andrew Avenue, to Begin Serving Alcoholic Beverages at 11:00 a.m. on Sundays
3. Vote the Question of Approving the Invoice of Town Counsel Mark J. Lanza for the Month Ending April 30, 2015: \$14,039.15
4. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through April 28, 2015, Invoice 162, Account 5673-01M: \$1,500.00
5. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through March 31, 2015, Statement No. 103942: \$1,521.55
6. Vote the Question of Approving the Invoice of Anderson & Krieger LLP, Reference #112226/5415-001: \$81,241.63
7. Vote the Question of Approving the Appointment of Attorney Elizabeth Valerio, Deutsch Williams Brooks DeRensis & Holland PC, as Special Counsel regarding Annual Town Meeting Vote to Withdraw from Minuteman Regional Vocational School

DATE: MAY 11, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: LICENSING: CHANGE IN HOURS: THE LOCAL

REQUESTED ACTION:

VOTE TO APPROVE A CHANGE IN HOURS FOR THE ALL ALCOHOL COMMON VICTUALLER POURING LICENSE FOR "THE LOCAL" RESTAURANT AT TOWN CENTER TO PERMIT THE LOCAL UNDER ITS LICENSE TO SERVE ALCOHOL ON SUNDAYS BEGINNING AT 11:00 A.M.

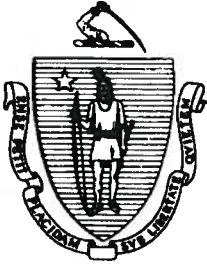
BACKGROUND

On Monday, March 16, 2015, the Board of Selectmen accepted Massachusetts General Laws Chapter 138 Section 15, which allowed the Board, under its authority as Local Liquor Licensing Authority, to permit the sale of alcoholic beverages on Sundays beginning at 10:00 a.m. At that time, The Local was also granted one-time permission to serve alcoholic beverages on Sunday, April 5, 2015, at 10:00 a.m.

The Local now requests a permanent change to its license to allow the service of alcoholic beverages to begin at 11:00 a.m. every Sunday. The Local has provided the attached "Change of Hours" request and will provide a certification of corporate vote by Monday.

Upon Board approval, the Local will be issued a revised liquor license with the new hours.

Attachments: The Local Application for Change in Hours
New License for Board Signature



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

134000028

ABCC License Number

WAYLAND

City/Town

MAY 11 2015

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input checked="" type="checkbox"/> Other CHANGE OF HOURS |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee **The Local Restaurant of Wayland LLC** EIN of Licensee **46-231-0261**

D/B/A **The Local Restaurant** Manager **Frank A. Santo Jr.**

ADDRESS: **11 Andrew Avenue** CITY/TOWN: **Wayland** STATE: **MA** ZIP CODE: **01778**

ANNUAL

Annual or Seasonal

All Alcohol

Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials)

RESTAURANT

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Complete Description of Licensed Premises:

Approximately 6,000 square feet of space on teh first floor with 800 square feet of exterior patio space

Application Filed: **May 5, 2015** Advertised: **Not Applicable** Abutters Notified: Yes No

Date & Time

Date & Attach Publication

Licensee Contact Person for Transaction **Michael Wolfson, The Local Restaurant** Phone: **508-276-8263**

ADDRESS: **11 Andrew Avenue** CITY/TOWN: **Wayland** STATE: **MA** ZIP CODE: **01778**

Remarks: **Request to Change Hours to 11:00 a.m. opening time on Sundays**

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

ABCC Remarks:

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE
LOCAL LICENSING AUTHORITY.**

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA:

NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

13400028

LICENSEE NAME:

THE LOCAL WAYLAND LLC

ADDRESS:

400 BOSTON POST ROAD

CITY/TOWN:

WAYLAND

STATE MA

ZIP CODE

01778

TRANSACTION TYPE (Please check all relevant transactions):

- Change of Hours
 Change of DBA
 Charity Wine License

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND
SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396**

Change of Hours Checklist

This application will be returned if the following documentation is not submitted:

- Vote of Corporate Board or LLC

Note: No fee is required for this transaction as formal ABCC approval is not necessary

**LICENSE
ALCOHOLIC BEVERAGES**

**THE LICENSING BOARD OF
The Town of Wayland
MASSACHUSETTS**

HEREBY GRANTS A

**COMMON VICTUALLER
License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages**

To Be Drunk On the Premises

To **The Local Restaurant of Wayland LLC dba The Local Restaurant**, Frank A. Santo Jr., Manager, on the premises at 11 Andrew Avenue, Wayland, MA 01778.

Approximately 6,000 square feet of space on the first floor with 800 square feet of exterior patio space. Maximum Occupancy 220.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 2015, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 11th day of May, 2015.

The Hours during which Alcoholic Beverages may be sold are from 8:00 a.m. to 1:00 a.m., except Sundays, 11:00 a.m. to 1:00 a.m.; holidays as directed.

LICENSING BOARD

**THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN
A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ**



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

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, 2014¹, 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/nofetransmittal.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)

¹ 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.

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 - 4/30/2015

SUMMARY

FEE CALCULATION: 85.8 HOURS X \$160.00 PER HOUR =	\$13,728.00
DISBURSEMENTS (See below for detail)	311.15
TOTAL 4/30/15 INVOICE.....	<u>\$14,039.15</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$13,607.15</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T	<u>\$ 48.00</u>
AMOUNT PAYABLE FROM SCHOOL BUDGET.....	<u>\$384.00</u>

DISBURSEMENTS

3/11 & 3/23/15	Courier Serv.	209.22
4/2015	Long Dist. Tel. Charges (Detail on File)	16.88
4/2015	Postage	21.25
4/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
4/2015	Copying	17.50
4/9/15	Mileage: 36 @ \$.50 =	18.00
4/30/15	Mileage: 16 @ \$.50 =	8.00
4/30/15	MBTA Fares	20.30
	Total Disbursements	<u>\$ 311.15</u>

DEUTSCH WILLIAMS BROOKS
DeRENSIS & HOLLAND, P.C.
ONE DESIGN CENTER PLACE, SUITE 600
BOSTON, MASSACHUSETTS 02210-2327
(617) 951-2300
Fax (617) 951-2323

RECEIVED

APR 30 2015

Board of Selectmen
Town of Wayland

INVOICE FOR LEGAL SERVICES

Town of Wayland
Town Building
41 Cochituate Rd.
Wayland MA 01778

Page 1
04/28/2015
Account No. 5673-01M
Invoice No. 162

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	1,500.00
BALANCE DUE	<u>\$1,500.00</u>

KOPELMAN AND PAIGE, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 103942

BOARD OF SELECTMEN
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH MARCH 31, 2015
APRIL 27, 2015

TOTAL FEES:	1,458.00
TOTAL COSTS:	<u>63.55</u>
BALANCE DUE:	<u>1,521.55</u>

RECEIVED

APR 29 2015

Board of Selectmen
Town of Wayland

ANDERSON KREIGER

Anderson & Kreiger LLP
One Canal Park, Suite 200
Cambridge, MA 02141
(617) 621-6500
EIN: 04-2988950

April 10, 2015

Town of Wayland
Attn: John Moynihan
Public Buildings Director
2nd Floor, Facilities Department
41 Cochituate Road, Wayland, MA 01778

Reference # 112226 / 5415-001

In Reference To: River's Edge Special Counsel

Total Current Billing:	<u>4,880.50</u>
Previous Balance Due:	76,361.13
Total Now Due:	<u>81,241.63</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM APRIL 17 2015, THROUGH AND INCLUDING MAY 7, 2015, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR MAY 11, 2015

Items Distributed To the Board of Selectmen – April 17-May 7, 2015

1. None

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of April 21, 2015

1. Draft Charge of the Council on Aging/Community Center Advisory Committee
2. Draft Letter to Minuteman Regional School Committee from the Board of Selectmen re:
Vote to Withdraw

Items Included as Part of Agenda Packet for Discussion During the May 11, 2015 Board of Selectmen's Meeting

1. Memorandum of 5/4/15 from Fire Chief David Houghton to Nan Balmer, Town Administrator, re: New Hire
2. Email of 5/1/15 from Scott Peckins, West Suburban YMCA, re: Selectmen Agenda
3. Board of Selectmen Portfolio Assignments for April 2015 through April 2016
4. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Appointment to Vacant Position on Planning Board
5. Memorandum of 5/6/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Town Green Background Information and Construction Update
6. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Meet with OPEB Committee
7. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Council on Aging/Community Center Committee Charge
8. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Withdrawal from Minuteman
 - Draft Letter from Board of Selectmen
 - Draft Amendment to the Current Regional School Agreement
 - Draft Notice of Withdrawal from the Town Clerk
 - Certified Vote of Town Meeting
9. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Discussion Spring 2016 Annual Town Meeting Date
10. Memorandum of 5/11/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Appointment of Special Counsel: School Revolving Funds
11. Memorandum of 5/7/15 from Historical Commission and Historic District Commission to Board of Selectmen re: Stone's Bridge
12. Report of the Town Administrator for the Week Ending May 8, 2015



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN Monday, May 11, 2015 Wayland Town Building Selectmen's Meeting Room

CORRESPONDENCE - I

Selectmen

1. Public Comment, Council on Aging/Community Center Committee Draft Charge
2. Public Comment, Electronic Voting at Annual Town Meeting
3. Public Comment, Route 27 and Route 30 Proposed Improvement Project
4. Letter of 4/16/15 from Town Counsel Mark Lanza to Jeffrey L. Roelofs, Esq., re: David Bernstein et al v. Wayland Planning Board
5. Letter of 4/22/15 from Richard P. Turner, Chair, Public Ceremonies Committee, to Board of Selectmen re: Invitation to Memorial Day Ceremonies
6. Letter of 4/24/15 from Nancy Carapezza to Board of Selectmen re: Wastewater 2015
7. Memorandum of 4/29/15 from Fire Chief David Houghton to Nan Balmer, Town Administrator, re: ISO Rating, and Letter of 4/27/15 from ISO to Nan Balmer, Town Administrator, re: Public Protection Classification
8. Email of 5/1/15 from Linda Segal to Nan Balmer, Town Administrator, re: Public Information Request, Wastewater Treatment Plant Effluent Testing
9. Email of 4/29/15 from Douglas J. Leard, Chair, Local Emergency Planning Committee, re: Eversource Meeting
10. Letter of 5/4/15 from George H. Harris to John Senchyshyn, Acting Treasurer, re: Retained Surplus Funds
11. Memorandum of 5/6/15 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Traffic Pattern at Lokerville Green
12. Email of 5/6/15 from Linda Segal to Board of Selectmen re: Revisions to Board of Selectmen Meeting Minutes
13. Director of Public Health Report, April 22, 2015
14. Monthly Report, Animal Control Officer, April 2015
15. Monthly Report, Police Department, April 2015

Conservation Commission

16. Order of Conditions and Chapter 194 Permit, 4/22/15, from Brian J. Monahan, Conservation Administrator, re: 24/26 Covered Bridge Lane
17. Order of Conditions and Chapter 194 Permit, 4/22/15, from Brian J. Monahan, Conservation Administrator, re: 121 Dudley Road
18. Order of Conditions and Chapter 194 Permit, 4/23/15, from Brian J. Monahan, Conservation Administrator, re: 12 Crest Road

DiNapoli, MaryAnn

From: Ken Isaacson <clickkeni@gmail.com>
Sent: Tuesday, April 28, 2015 11:35 AM
To: Selectmen
Cc: Balmer, Nan
Subject: feedback on COA/CC new charge
Attachments: COA - CC Draft Charge 4 21 15 with KI suggestions.pdf

Hello all,
Please see my comments on the attached PDF regarding the draft 'charge.'
Thank you,
Ken Isaacson

**COUNCIL ON AGING/COMMUNITY CENTER
ADVISORY COMMITTEE
CHARGE**

The Council on Aging/Community Center Advisory Committee is a temporary committee established by the Board of Selectmen for the purpose of conducting a review of site conditions including environmental site assessments, identifying permitting needs, confirming program requirements, and creating conceptual designs for a building/the existing building on the municipal pad on land on and off Boston Post Road and Andrew Avenue.

The responsibilities of the committee include, but are not limited to, the following:

I think it must be explicitly stated every point at which a public forum will be convened throughout the process.

- Undertake all necessary due diligence to assess the environmental site conditions
- Identify permitting needs, environmental constraints, and restrictions to ascertain the probability of conforming to those requirements
- Determine the capacity of the parcel to satisfy program requirements
- Evaluate the quality of the existing building and its capacity to meet program need
- Confirm program requirements
- Create conceptual/schematic designs for a Council on Aging/Community Center
- Make a recommendation to the Board of Selectmen on the wisdom of accepting the municipal parcel and the suitability of said parcel for a Council on Aging/Community Center
- Convene one public forum after each phase of the project
- If approved, prepare a draft warrant article for acquiring the municipal parcel (and conveying an access easement)
- If approved, prepare a draft warrant article seeking further study and detailed design funding
- If not approved, prepare a draft warrant article seeking funding for the highest and use of the parcel

The Committee shall be comprised of seven voting members: a representative or designee of the Council on Aging, Recreation Commission, Conservation Commission, and the Planning Board and three citizens of the town. The Board of Selectmen requests that the citizen members and board-designated members have professional expertise or experience in environmental law and/or community centers.

The directors of the Council on Aging, Recreation, and Public Buildings will serve as ex-officio members of the committee.

Members of the Selectmen: I agree there is a great need for a new CoA and Community Center. However, to address the repeated subject of concern raised regarding this project at Town Meeting, I would recommend the following, or words to this effect be included in the Charge of the new COA/CC committee:

"A member of the Long Range Planning Group shall be included on the new committee to ensure the question has been adequately explored as to whether this site is the optimal choice in town for both the CoA and a Community Center."

SUGGESTED SCHEDULE

May	Develop RFP for Owner's Project Manager, Licensed Site Professional if Necessary, and an A/E Firm
	Solicit Proposals
June	Select Consultants
June/July	Conduct Due Diligence
	Report to Board of Selectmen
	Go/No Go Decision on Phase II
August/September	Complete Phase II
	Develop Article for Next Phase

APPROVED FUNDING

Phase I: The Due Diligence study will cost \$63,500 as follows:

HAZMAT testing/reporting	\$ 4,500
21 E report	\$ 8,000
Owner's Project Manager	\$ 8,000
Civil engineering and landscape design	\$25,000
Soil testing for drainage	\$ 1,000
Alternatives analysis	\$ 5,000
Septic layout	\$ 1,000
Expenses for printing, etc.	\$ 6,000
Contingency	\$ 5,000
Subtotal	<u>\$63,500</u>

Phase II: The Feasibility Design study will cost \$86,500 as follows:

Space programming	\$15,000
Conceptual design	\$20,000
Schematic design for pricing	\$40,000
Expenses for printing, etc.	\$ 6,500
Contingency	\$ 5,000
Subtotal	<u>\$86,500</u>

Combined Due Diligence and Feasibility Design Studies: \$150,000.

DiNapoli, MaryAnn

From: Margo Melnicove <mmelnicove@hotmail.com>
Sent: Thursday, April 30, 2015 4:52 PM
To: Dave Bernstein
Cc: dennisj.berry@gmail.com; Selectmen; Klein, Beth; Balmer, Nan
Subject: 4/30/15 ELVIS meeting

Importance: High

Hi, Dave.

I am unable to attend tonight's meeting. Would you please read my public comment below into the record at the start of the meeting.

Thank you very much for all that you and your committee do to implement and maintain electronic voting at Town Meeting.

Margo Melnicove

Public Comment 4/30/15 ELVIS meeting

I would like to see the following steps taken to help prevent a recurrence of voter fraud at Town Meeting:

- 1) Institute a system for handset return that can be carefully monitored. A throng of departing voters throwing their handsets into a bin (or not) is unacceptable. I prefer requiring voters to return their handsets the same way they check them out -- by having someone at the check-out tables scan each handset when it's returned to ensure it's returned by the person who checked it out. I'm told this would take too long and people wanting to leave Town Meeting in a hurry would have a fit. I'm sorry, but this is the price all of us must pay for the illegal actions of a small number of voters.
- 2) Enforce the one person-one vote law by having police confiscate all handsets from anyone who is seen on the floor of Town Meeting in possession of more than one handset or who returns more than one handset upon leaving Town Meeting. Police shall escort offending voters from Town Meeting and notify them that they are prohibited from attending any remaining sessions of that Town Meeting.
- 3) Add a new section to the Warrant on page 2, above the section titled "How to Vote Electronically." This new section would be titled "Proxy Voting Equals Voter Fraud." It would include a definition of proxy voting, the state law(s) regarding one person-one vote, and the moderator's rule prohibiting proxy voting (D.1.b -- page 125 of current Warrant).
- 4) Include in the insert that's mailed with one of this year's remaining tax bills a notification that proxy voting at Town Meeting is against the law. Such a notice would carry a lot of weight and be taken very seriously by voters if it comes from the Board of Selectmen, the Moderator, the Town Clerk, and ELVIS.

Thank you for your attention, and for all of ELVIS' good work.

Margo Melnicove, Lakeshore Drive

DiNapoli, MaryAnn

From: Susan Foster <susanpfoster5@gmail.com>
Sent: Tuesday, April 28, 2015 8:30 PM
To: Karlson, Cherry; Antes, Mary; Anderson, Lea; Taboschetto@wayland.ma.us; Nolan, Joseph F.; Selectmen; dave.bernstein@comcast.net; Dennis Berry; Klein, Beth
Subject: ELVIS MEETING RECOMMENDATIONS

To: The Elvis Committee, Town Moderator, Mr Berry, Board of Selectmen members, and Beth Klein, Town Clerk,

I have 3 recommendations for our Town Meeting going forward.
I am sorry I cannot be in attendance at the ELVIS meeting.

1) I wanted to recommend to the ELVIS Committee, the Town Moderator, The Board of Selectmen, and the Town Clerk, (as I did at the BOS meeting on April 21)

Voters at Town Meeting must sign in, and receive their voting devices, and upon leaving, they must sign their devices out. Period.

This will stop ANY question of a voter having 2, 3 or more devices in their possession. This will end voter fraud.

The devices have a person's name "attached", it is not possible for a voter to be turning in another's device.

Voter fraud at Town Meeting must **never** happen again.

This procedure - sign in sign out, as we do at Town Elections, assures voters there is no fraud. No one can vote more than once.

It will not take a long period of time, according to our Town Clerk. Especially with the new computer system in place.

Mr Berry claims in a letter to the Wayland Patch, '...cast two votes and violate that integrity and every precept of democratic process.'

Mr Moderator it is more than that - it is **Voter Fraud**. It is against the law. Period. You need to do more than remind voters at Town Meeting that they may not have more than one device. You must have them dismissed from Town Meeting and not allow them to return.

2) I also strongly recommend to the Moderator, the ELVIS Committee, the Police Department, the BOS, the Town Clerk, that the bleachers not be allowed to be used for seating.

There are plenty of seats on the gym floor.

3) My final recommendation, is to dismiss from Town Meeting a person who is indicating to the voters, by holding up fingers, either one or two, showing them how to vote, Yes or No.

This is unacceptable and wrong. It should not be allowed.

(This happened at Town Meeting, with the group sitting in the bleachers. It was seen by many, but no one did anything about it and did not tell the Moderator. this is wrong also - " See Something, Say Something")

Thank you for your time to read and consider these recommendations.

I have also attached the letter to the Editor that appeared in the Crier, in case you did not read it.

Sincerely,

Susan Foster 23 Old Connecticut Path

Chads in Wayland / Voter Fraud

It saddens me that at the last night of Town Meeting (Mon., April 13), Article #27 was defeated under extreme controversy. A police officer spoke to Moderator Dennis Berry after the vote, and Mr. Berry announced that the officer told him there was "a very good likelihood there was someone using 2 handsets."

This is voter fraud.

Someone commented on line, "...there is no evidence at all." Yes, there was evidence, reported by the police officer and others, that at least a few voters had in their possession more than one voting device. That is FRAUD. One person, one voting device. It isn't any different in the voting booth at the polls. Period.

Another comment on line: "That a voter might have multiple handsets by their side is meaningless." No, it is not meaningless. Someone sitting in the bleachers later showed the moderator a photograph of a man in the bleachers with 3, yes 3 handsets, lined up on the bench by his side. This voter was seen returning all 3 handsets when he left Town Meeting. Two other men in the bleachers were observed with multiple handsets.

"We do not allow proxy voting. We each carry our own handsets," the moderator reminded Town Meeting after speaking with the police officer. "I'm speaking to the choir, because you didn't. The problem is the people who left."

The moderator was referring to the mass exodus from the bleachers after Article 27 was defeated.

I wonder if these voters, many with children in tow, had received the email from organizers of the Wayland Dad's Group that was quoted in a recent Wayland Voters Network newsletter: "To have a little fun on Monday, we are encouraging folks to bring your kids in their PJs."

According to WVN, this email urged support for Article 26 (feasibility study for community center at Town Center -- passed 268-140) and defeat of Article 27 (change start of Town Meeting to late April -- failed 167-191.) "Get down to Town Meeting to vote NO on Article #27. This is not beneficial to younger families because (a later starting date for Town Meeting) starts to interfere with spring vacation and sports. They WANT to exclude us. Say NO and vote against it."

These young, new Wayland residents were not only texted/blackberried/emailed to come and vote a certain way; during the debate on Articles 26 and 27, they were instructed how to vote by individuals who held up one or two fingers for the crowd in the bleachers to see. I must ask: Do these voters read the warrant? Do they weigh the pros and cons? Do they make up their own minds? Or do they just do as they are told?

I am reminded of a young female voter who I overheard talking with someone on her way out of Town Meeting a few years ago. "I don't even know," she said, "what I just voted for."

We are blessed to live in a democracy, but PLEASE know the issues, seriously consider the debate, and vote with your OWN mind and heart...and ONLY your own.

Susan Foster 23 Old Connecticut Path

DiNapoli, MaryAnn

From: Louis <lw29@comcast.net>
Sent: Monday, April 20, 2015 5:20 PM
To: Alias, SWQC
Cc: Selectmen; wayland.boardpw@gmail.com; Kadlik, Stephen; brunofiletto@yahoo.com
Subject: RE: Rt 27 and Rt 30 proposed improvement project

Mike,

As a follow up to below, the Church has never allowed parking and the parking on Damon Street is very limited as well. The only parking we have is what we have always had, in front of our properties and the town understood its importance and designated it for the business and our properties.

Sincerely,

Louis

Louis Wolfson
72 Main St Trust
29 Cimino Road
Needham, MA 02494

617-799-3326 cell
781-449-8383
781-449-0117 fax

From: Louis [mailto:lw29@comcast.net]
Sent: Sunday, April 19, 2015 5:55 PM
To: 'Mike Lowery'
Cc: 'Wayland Selectmen'; 'wayland.boardpw@gmail.com'; 'Kadlik, Stephen'; 'brunofiletto@yahoo.com'
Subject: RE: Rt 27 and Rt 30 proposed improvement project

Mike,

As you point out there is town posted on street parking only for the business on Main Street (as limited as it is, it is vital to the business there). Based on your comments below I am glad to hear that the on street parking is to remain.

I am sure you can understand my concerns especially where a new owner just purchased one of the business there and is making a huge capital investment in it. I too was in the process of improving the steps into the business, which I had to put on hold yesterday upon receipt of the letter, until I have an understanding of the extent of the improvements planned by the town.

As you mention the Hannah Williams Park is in the hands of the Park and Rec who although allow parking there, do not maintain, pave or plow it. The town did expand the Hannah Williams Park to the north on Town owned land, this is still under the town ownership, I believe.

Where it is the intent of the town to enhance the Village district, traffic and safety it would make sense to include the parking of the playground in this as it is outlined in the key objectives of the CDM Smith report. The Park and Rec act independently of the town (correct me if I am wrong) I have attempted to address this with them over the years to no success. This improvement intersection is important to the area and to provide a more cohesive situation between the safety, parking, businesses and beautification. it is an opportune time to address this much needed improvement to the parking in the area.

I cannot accomplish this on my own and need the support of the town has to make this happen, especially where the town has included a large parcel to that location.

I will call Mr. Kadlik and or his office to see if I can stop by and see the plans.

I do appreciate your taking the time this weekend to help quickly bring me up to speed. On another note, whatever happen to the proposed waste water / sewage for the area?

Thank you

Louis

Louis Wolfson
72 Main St Trust
29 Cimino Road
Needham, MA 02494

617-799-3326 cell
781-449-8383
781-449-0117 fax

From: Mike Lowery [<mailto:lowery.mike@gmail.com>]

Sent: Sunday, April 19, 2015 4:53 PM

To: Louis

Cc: Wayland Selectmen; wayland.boardpw@gmail.com; Kadlik, Stephen; brunofiletto@yahoo.com

Subject: Re: Rt 27 and Rt 30 proposed improvement project

Mr. Wolfson,

Since you asked - I have been a resident of Wayland since 1972, and a resident of Cochituate since 1982, and recall Johnson's Drug, the old Post Office, etc. Parking in Cochituate Village has never been sufficient. This has changed somewhat over time as new business has provided more parking.

You are aware that the custody of the Hannah Williams Playground is in the hands of the Recreation Commission, and any suggestions you have for improving the parking are in their jurisdiction. I frequently park there for reasons other than the playground and I believe the number of spaces actually increased when the Town reconstructed the playground for reasons of safety. There are no prohibitions on parking so I'm sure business customers do use this area.

Overall planning for the Village as a whole is the responsibility of the Planning Board and Planning Department. The preservation of historic character is one of their concerns and also a concern of the Historical Commission who attempted to create a Historic District in Cochituate at one time.

In Wayland's current regulations, off-street parking is the responsibility of the business which seeks to expand. Today's bylaw (*198-506 - Off-street parking*) calls for one off-street parking space per 140 square feet of floor space plus one space per two employees. The businesses at 74 Main Street surely benefit from the parking provided at Hanna Williams, on-street parking, and perhaps parking at the Community United Methodist Church.

Pedestrian and traffic safety, and handicap access were some of the objectives of this project.

Neither I nor Mr. Kadlick will be in Wayland next week. My role in all of this is as a volunteer board member who is trying to provide the information you might find useful for over the weekend - knowing Mr. Kadlick will be out of town next week. If you would like to arrange a meeting with Mr. Kadlick, please contact the DPW office at 508-358-3672.

Again, if you wish to have comments entered into the record of the public hearing, please mail them to Mr. Kadlick at the address in my prior message.

I did verify that the Town's GIS the address of record for 74 Main Street is in your care at your Needham address. I will inquire about the method of sending notices - if they are not being sent by certified mail, I think your suggestion is a good one and will bring it up at the next Board of Public Works meeting.

Regards,
Mike Lowery, Board of Public Works

120 Lakeshore Drive
Cochituate, MA 01778
508-397-8828

[Wayland DPW is on Facebook](#)

On Sun, Apr 19, 2015 at 3:57 PM, Louis <lw29@comcast.net> wrote:

Mike,

I agree that all abutters should receive notification of all public hearings, which we have not. I was aware of the TD Bank revitalization which did not impact our properties and that they would be contributing to enhance their development.

I am not sure how long you have been a resident of Cochituate, and I am in favor of improvements as long as it does not adversely affect our property or the business of the Village.

As you may or may not be aware there use to be parking of both sides of the street. From the corner of Johnson Drug Store past the Church, and on the other side of the street from Cochituate motors pass the Hannah Williams Playground. When the "New Playground – now no longer there" came in they made a parking area for the playground and removed parking that was used for the businesses. This parking lot became property of the "Parks and Rec" it is not maintained during the winter nor is it paved. I trust this is being addressed in the overall plan to enhance the village and its businesses.

I am happy to meet with you and Stephen and the consultants this week to go over the proposed plan to see what if any impact it will have. I have reviewed what you attached but neither is clear as to what it will actually be and is different from what was sent to me.

I am very concerned as a property owner, tax payer and business owner. My questions relate to the safety of the business store patrons and parking for them. What was provided me does not show any accommodations for such.

I would hope that this will be clarified and addressed as the "Project Goals" states safety for all users, enhance the village character (we are the only two existing building left of Village), link the village to Hannah Williams playground and to minimize abutter impact.

I hope in the future we as abutters will be notified directly by certified mail as they do for planning board issues or when the town/state is seeking an easement.

I look forward to speaking with you and Stephen.

Sincerely,

Louis

Louis Wolfson

72 Main St Trust

29 Cimino Road

Needham, MA 02494

[617-799-3326](tel:617-799-3326) cell

[781-449-8383](tel:781-449-8383)

[781-449-0117](tel:781-449-0117) fax

From: Mike Lowery [mailto:lowery.mike@gmail.com]
Sent: Sunday, April 19, 2015 2:21 PM
To: Louis
Cc: Wayland Selectmen; wayland.boardpw@gmail.com; Kadlik, Stephen

Subject: Re: Rt 27 and Rt 30 proposed improvement project

Mr. Wolfson,

I'm not familiar with the all town's communications history and past practices. The public hearing process and the hearings themselves are the means by which information and plans are communicated and views exchanged. I do know that abutters should have received notifications of all public hearings.

As a resident of Cochituate I am pleased that the town is taking steps to improve the way this intersection works, and to improve safety, facilitate emergency vehicles, and providing for better sidewalks and handicap ramps. I believe this project it will directly benefit your property. It has been a long time coming, but finally in hand.

As a member of the Board of Public Works, I have located two public documents which should help you understand the project in more detail. In the first attachment are Wayland-related pages from a 2008 state review of intersections. The other is a construction diagram of the project approved by the Conservation Commission. You will be able to zoom on on areas of interest. I hope these documents will answer your questions.

Concerning your wish to be heard - If you are not able to attend the public hearing, you may send written comments or questions to Wayland's DPW director. He will try to answer questions and share your comments with the Board of Public Works:

Stephen Kadlik, DPW Director

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

In addition to the formal processes of notification, this project has been mentioned in news stories on developments in the Cochituate business district - for example in 2009 when TD Bank came in:

<http://www.wickedlocal.com/x1596620382/Changes-brewing-in-Cochituate-Village>

"

The developer's traffic consultants believe the intersection of routes 27 and 30 will operate with less delay, even after the bank is built, following the town's proposed intersection improvements slated

for completion by 2011, for which TD Bank has proposed to contribute \$55,000 of the \$1.2 million cost.

Among the proposed improvements for the intersection are a traffic signal that provides timing for pedestrians to cross and for prioritization of emergency vehicles, as well as sidewalks and wheelchair ramps that meet Americans with Disabilities Act (ADA) requirements.

Finally, I note that several of your Cochituate business neighbors are members of the Wayland Business Association: <http://waylandbusiness.org/member-directory/> Members make social connections that help them keep abreast of developments affecting businesses in town.

Best regards,

Mike Lowery, Board of Public Works

120 Lakeshore Drive
Cochituate, MA 01778
[508-397-8828](tel:508-397-8828)

[Wayland DPW is on Facebook](#)

On Sun, Apr 19, 2015 at 7:23 AM, Louis <lw29@comcast.net> wrote:

Mike

That said neither of the two that are directly affected by this were ever notified of this. It may have been advertised in the paper, but all issues regarding impacting our properties have always been mailed to us directly.

Mike, I have reviewed what you attached and that is what I found on the internet. It is very vague with no mention of the business in the area, nor does it show a plan of what will be proposed.

The 2 million in funding is great, but it may impact me far greater than that.

I still wish to be heard, have questions answered and have a voice in what will impact my property forever.

Louis

Louis Wolfson

72 Main St Trust

29 Cimino Road

Needham, MA 02494

[617-799-3326](tel:617-799-3326) cell

[781-449-8383](tel:781-449-8383)

[781-449-0117](tel:781-449-0117) fax

From: Mike Lowery [mailto:lowery.mike@gmail.com]

Sent: Sunday, April 19, 2015 6:48 AM

To: Louis

Cc: selectmen@wayland.ma.us; wayland.boardpw@gmail.com; SKadlik@wayland.ma.us

Subject: Re: Rt 27 and Rt 30 proposed improvement project

Mr. Wolfson,

This project has been in the works for more than a decade, and on March 23, 2013 this document was presented in a fourth public hearing concerning the project:

http://www.wayland.ma.us/Pages/WaylandMA_Planning/25design.pdf

I hope this will acquaint you with the history of the project and its envisioned benefits to the Cochituate Village area. Wayland is fortunate that near \$2,000,000 funding for the roadway improvement will come from the states Transportation Improvement Program. Attached is a page from the Mass DOT 2016 projects list showing the project.

Best regards,

Michael Lowery, Board of Public Works

On Sunday, April 19, 2015, Louis <lw29@comcast.net> wrote:

Stephen Kadlik

Director Wayland Public Works

41 Cochituate Road

Wayland

Re: Rt 30 at Rt 27 Intersection Improvement Project

Dear Mr Kadlik,

I am the owner of 74 Main St in Cochituate. I received a certified letter today. It caught me **totally** off guard. This is the first time I have heard about this proposed project. I contacted my abutter Mr Tacanna, who is also unaware of it. I am shocked that in such an important project as this, why neither of us have never been contacted in the past for our input and concerns as this project effects our properties directly.

I see that in researching this thru the internet that it has been on again and off again over the years. Again why were we **never** notified - all these years? Two of the properties directly affect by this with the greatest to gain or lose, **never** contacted ever?

Based on my review of the document sent me there are many questions and concerns that directly affect our properties and the integrity of Cochituate Village. I have seen the village change greatly over the years and am not oppose to change.

I see that you are planning a meeting to discuss this on May 14. I will be out of the country for my daughter's wedding. I am requesting that the meeting be put off until my return on or after the 20th. I cannot send legal representation as they would have no idea of the issues that face us as property owners and business owners at this location since 1978

I am happy to meet with you, the consultants and the board of selectman to address my questions and concerns. Please confirm you received this.

Sincerely,



Louis Wolfson

72 Main St Trust

29 Cimino Road

Needham, MA 02494

617-799-3326 cell

781-449-8383

781-449-0117 fax



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL. (508) 358-7701
www.wayland.ma.us

April 16, 2015

Jeffrey L. Roelofs, Esq.
Law Offices of Jeffrey L. Roelofs, P.C.
30 Green Street
Newburyport MA 01950

RE: David Bernstein, et al v. Wayland Planning Board, et al;
Middlesex Superior Court Civil Action No. 2008-00552

Dear Jeff:

Enclosed with respect to the above-referenced case please find a copy of the Town of Wayland Parties' Memorandum in Support of their Motion for Temporary Relief from Judgment on Count II of the Plaintiffs' Amended Complaint.

This document is being served on you pursuant to Superior Court Rule 9A as a supplement to the motion and affidavit that were sent to you on April 6, 2015.

Thank you for your attention to this matter.

Sincerely,

Mark J. Lanza
Town Counsel

MJL/ms

Enclosures

cc: Twenty Wayland, LLC (w/ encl.)
Board of Selectmen (by hand, w/ encl.)
Planning Board (by hand, w/ encl.)
Board of Public Works (by hand, w/ encl.)

RECEIVED

APR 17 2015

Board of Selectmen
Town of Wayland

4

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552

DAVID BERNSTEIN, KATHLEEN BERNSTEIN,)
JEFFREY PORTER, JILL PORTER, SUSAN)
REED, WILLIAM PETRI, ARLENE PETRI,)
TIMOTHY MARSTERS, L. HOWARD HARTLEY,)
MARCIA ANNE HARTLEY, RICHARD MIKELS,)
DEBORAH MIKELS, and MICHAEL BATE,)

Plaintiffs,)

v.)

WAYLAND PLANNING BOARD,)
WILLIAM STEINBERG, ALBERT I. MONTAGUE,)
JR., DANIEL MESNICK, KEVIN MURPHY,)
and LYNNE DUNBRACK, as members of the)
Wayland Planning Board, ANETTE LEWIS,)
as an associate member of the Wayland)
Planning Board, TOWN OF WAYLAND,)
WAYLAND BOARD OF SELECTMEN, AND)
WAYLAND BOARD OF ROAD COMMISSIONERS,)
and TWENTY WAYLAND, LLC,)

Defendants.)

TOWN OF WAYLAND DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF
THEIR MOTION FOR TEMPORARY RELIEF FROM JUDGMENT ON COUNT II OF
PLAINTIFFS' AMENDED COMPLAINT

The Wayland Planning Board, William Steinberg, Albert I. Montague, Jr., Daniel Mesnick, Kevin Murphy, and Lynne Dunbrack, as members of the Wayland Planning Board, and Anette Lewis, as an associate member of the Wayland Planning Board, the Town of Wayland, the Wayland Board of Selectmen and the Wayland Board of Road Commissioners, by and through its successor, the Wayland

Board of Public Works¹ (collectively, the "Town Parties"), Defendants in the above-captioned action, respectfully submit the following memorandum in support of their Motion for Temporary Relief from the Judgment on Count II of Plaintiffs' Amended Complaint entered in this action on July 14, 2008 (the "Judgment").

INTRODUCTION

This action is an appeal pursuant to M.G.L. c. 40A, § 17 of the January 17, 2008 decision of the Wayland Planning Board granting special permits and site plan approvals for a mixed-use development at 400-440 Boston Post Road, Wayland, Massachusetts consisting of 372,500 square feet of commercial, residential and municipal building space and related infrastructure known as the Wayland Town Center Project (the "Project"). The Plaintiffs, who reside on Glezen Lane over one-half of a mile from the Project site, claimed that traffic generated by the Project would adversely affect them and their property². Before any

¹By the enactment of Chapter 347 of the Acts of 2008, the Board of Road Commissioners was abolished and its powers and authority were vested in the Town of Wayland Board of Public Works. 2008 Mass. Acts c. 347, § 4 (b) (1).

²Although none of the Plaintiffs had presumptive standing due to their distance from the Project site, the Defendants did not challenge their standing to appeal the Wayland Planning Board's decision. Had their claimed standing been challenged, it is unlikely that their status as "aggrieved person[s]" would have been sustained. See Nickerson v. Zoning Board of Appeals of Raynham, 53 Mass. App. Ct. 680, 681-684 (2002) (nonabutter of a store did not qualify as an "aggrieved person" under M. G. L. c. 40A, § 17, where, although the nonabutter undoubtedly would be inconvenienced by increased traffic due to the expansion of the store, his interest was not substantially different from that of all of the other members of the

hearings on dispositive motions or a trial, the case was settled by an agreement among the parties on July 14, 2008, which agreement was made and entered as a judgment of this Court.

Section I(G)(4) of the Judgment requires that if certain traffic volume maxima are exceeded, permanent physical alterations to the Glezen Lane-Route 27 Intersection must be made to prohibit left-turns from Glezen Lane westbound onto Route 27 southbound and prohibit right-turns from Route 27 northbound onto Glezen Lane eastbound at all times (24 hours, 7 days, year-round) and physical restrictions effectively prohibiting such turns, as described in Exhibit 4 to the Judgment must be installed and maintained. In the late Summer of 2014, the Plaintiffs informed the Town Parties that the specified traffic volume maxima had been exceeded and the permanent turns restrictions must be implemented. The Town Parties now seek temporary relief from the Judgment to (1) remove all motor vehicle turn restrictions at the intersection of Old Sudbury Road (Route 27) and Glezen Lane for a period of sixty (60) days in order to perform a traffic study relative to said roadways and intersection to determine the volume of traffic generated by the Project; and (2) complete the physical changes required in Section I(G)(4) of the Judgment by November 15,

community who would be inconvenienced by the heavy traffic). See also, Standerwick v. Zoning Board of Appeals of Andover, 447 Mass. 20, 32 (2006).

2015, weather permitting, in order to allow sufficient time for the preparation of plans and specifications, compliance with competitive bid laws and completion of construction.

STANDARD OF REVIEW

Mass. R. Civ. P. 60 (b) (6) authorizes relief from a final judgment in cases involving "extraordinary circumstances," Owens v. Mukendi, 448 Mass. 66, 71 (2006), quoting Bromfield v. Commonwealth, 400 Mass. 254, 257 (1987), or "whenever such action is appropriate to accomplish justice," Parrell v. Keenan, 389 Mass. at 815, quoting Klapprott v. United States, 335 U.S. 601, 615 (1949). Relief from judgment may not be granted under Rule 60 (b) (6) unless the reason relied on is not a possible ground for relief under Rule 60 (b) (1)-(5)³. Bromfield supra 400 Mass. at 256. A judge has the power to grant a motion for relief from judgment pursuant to a Rule 60 (b) (6) in the exercise of his discretion. Chavoor v. Lewis, 383 Mass. 801, 807, (1981). A motion under Rule 60 (b) (6) must be made within a "reasonable time" after the judgment was entered. Mass. R. Civ. P. 60 (b).

³ Those grounds are "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b) , (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application". Mass. R. Civ. P. 60 (b) (1)-(5).

ARGUMENT

I. TEMPORARY RELIEF FROM THE JUDGMENT IS APPROPRIATE TO ALLOW A TRAFFIC STUDY TO DETERMINE TRAFFIC VOLUME ON GLEZEN LANE GENERATED BY THE PROJECT.

The Judgment was based, in part, on the parties' agreement that "the measures set forth in this Agreement are warranted and appropriate to address through traffic on Glezen Lane generated by the Town Center Project...". (Judgment at 2, ¶ 5). However, construction of the Project had not begun at the time the Judgment was entered. (Exhibit A at 4). Thus, it was not then known (and could not have been known) whether the planned traffic control measures were warranted to address traffic on Glezen Lane generated by the Project. Id. at 4-5. Now, with approximately 80% of the permitted non-residential building space in the Project occupied, a more reliable traffic study may be done to determine the volume of vehicular traffic generated by the Project and its impact on Glezen Lane. Id. at 5. Data recently collected by the Town Parties' traffic consultant shows that the traffic volume generated by the Project is approximately 1/3rd less than originally projected during peak hours. Id. In order to perform an accurate study of the Project-related traffic impact on Glezen Lane, the existing turn restrictions must be removed during the study period. Id. at 6.

II. TEMPORARY RELIEF FROM THE JUDGMENT IS APPROPRIATE TO ALLOW FOR SUFFICIENT TIME FOR THE DESIGN, BIDDING AND CONSTRUCTION OF THE PHYSICAL ALTERATIONS TO IMPLEMENT THE PERMANENT TURN RESTRICTIONS AT THE GLEZEN LANE-ROUTE 27 INTERSECTION.

On September 2, 2014, Plaintiff David Bernstein filed with the Town a letter in which he asserted, among other things, that the applicable traffic volume maxima had been exceeded and the permanent turn prohibitions and related physical alterations at the Glezen Lane-Route 27 intersection must be completed by November 15, 2014. (Exhibit 1 at 2). There was insufficient time between September 2, 2014 and November 15, 2014 to design, bid and construct the physical alterations. (Exhibit A at 7). The Judgment provides that "Wayland shall complete the physical changes required in Section I(G)(4) within ninety (90) days of the determination that an applicable Maximum has been exceeded, provided, however, that no roadway construction shall be performed between November 15 and April 1 in order to provide an acceptable construction environment and temperature for roadway base, pavement and striping preparation and installation." (Judgment at 8). Thus, it was not possible to complete the physical changes by November 15, 2014 or April 1, 2015.

As stated in the Town Parties' Motion for Temporary Relief from Judgment, the work is subject to the competitive bid requirements of M.G.L. c. 30, §39M and the pre-bid advertising

requirements of M.G.L. c. 49, § 44J. In order to prepare plans and specifications and bid documents for the work and complete the bidding and construction process, at a minimum, temporary relief from the deadline in the Judgment to November 15, 2015 to do so, weather permitting, is appropriate.

CONCLUSION

For all of the foregoing reasons, the Town Parties' Motion for Temporary Relief from the Judgment on Count II of Plaintiffs' Amended Complaint entered in this action on July 14, 2008 should be allowed.

Respectfully submitted,
The Town Parties, by their attorney,

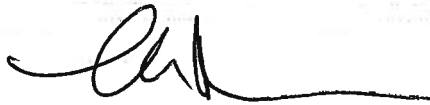


Mark J. Lanza BBO # 549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624 or (978) 369-9100

Dated: April 16, 2015

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2015, a copy of the foregoing document was served on the Plaintiffs by sending a copy thereof to their counsel of record via first class , and on the Defendant Twenty Wayland, LLC, which is pro se, by sending a copy thereof to its Manager of record at it address of record via first class mail.



Mark J. Lanza

RECEIVED

SEP -2 2014

Board of Selectmen
Town of Wayland

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

August 27, 2014

Wayland Town Clerk
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

Frederic Turkington, Town Administrator
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

Robert Mercier, Acting Town Administrator
John Senchshyn, Assistant Town Administrator
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

**Re: Notice of Default of Judgment on Count II of Plaintiffs' Amended Complaint in
Bernstein, et al. v. Wayland Planning Board, et al., Middlesex Superior Court Civil Action
Number 08-0552**

Dear Sirs and Madam:

This is notice, pursuant to Sections II(B) and (D) of the Judgment on Count II of the Plaintiffs' Amended Complaint in the above-referenced matter (the Judgment), that the Town of Wayland has breached Section I(G)3 and 4 of the Judgment. Should the Town further breach the Judgment, including by failing to timely implement the "Permanent Turn Prohibitions and Physical Restrictions, Glezen Lane – Route 27" specified in Section I(H) of the Judgment, the undersigned plaintiffs will, as provided by Section II (B), "institute proceedings to enforce this Judgment and to compel specific performance."

Also pursuant to Section II(B) of the Judgment, "the party who prevails or substantially prevails [in said proceedings] shall be entitled to recover from the other party(ies) their reasonable attorneys fees, interest, expert fees and costs, in addition to any other legal and equitable relief to which they are entitled, provided the Court finds that the non-prevailing party breached the Judgment without a reasonable basis for believing that its actions or inactions would not constitute a breach."

For the reasons discussed below, the Town of Wayland has no basis for believing that its inaction with respect to the traffic mitigation measures specified in Sections I (G)(4) and I(H) of the Judgment would not constitute a breach of the Judgment. We hope that the Town of

Wayland will comply with the Judgment and timely complete the remaining traffic mitigation measures so that further proceedings and the costs relating to them will be unnecessary.

1. The Tier III Speed Tables Specified in Section I(G)(3) of the Judgment Should Have Been Installed in April

Pursuant to Sections I(G) 3 and I(H) of the Judgment, the Tier III Speed Tables were to have been installed “if, after implementation of measure 2 above, any weekday or weekend Maximum specified in Section I(B) is exceeded”. The Maxima were exceeded during every week of the reporting period following the implementation of “measure 2” so the Tier III Speed Tables should have been installed on or about April 1, 2014 since November 23, 2013, the last day of the fourth reporting period pursuant to Section I(E), was during the winter construction hiatus of November 15 to April 1 specified in the Judgment.

For no good reason, the Town did not begin the installation of the Tier III Speed Tables until the week of July 14, over three months after the end of the winter construction hiatus specified in the Judgment and that breach has now delayed the implementation of the permanent turn prohibitions and physical restrictions specified in Section I(G)4 of the Judgment.

2. The Permanent Turn Prohibitions and Physical Restrictions Specified in Section I(G)4 of the Judgment Must Be Completed by November 15

Pursuant to Section I (G)4 of the Judgment, the “Permanent Turn Prohibitions and Physical Restrictions, Glezen Lane – Route 27” specified in Section I(H) must be completed after “traffic volumes during the weekday 9 am – 4 pm period or Saturdays and Sundays exceed forty (40%) percent of the Baseline Traffic Volume (specified in Section I(B) as adjusted pursuant to Section I(C), or if traffic volumes during the weekday 6:00 am – 9:00 am period or 4:00 pm – 7:00 pm period exceed fifteen (15%) percent of the Baseline Traffic Volume (specified in Section I(B) as adjusted pursuant to Section I(C)).”

Section I(E) of the Judgment specifies that a “Maximum” “shall be deemed exceeded for purposes of triggering Wayland’s obligation to implement the next specified mitigation measure if at least four (4) of the 13 three-week rolling averages during that 13-Week Reporting Period exceed the specified Maximum.

The Sunday traffic volumes have been exceeding the Section I (G) 4 maximum since the end of March. Data from the week ending August 30 will yield the fourth three-week rolling average triggering “the next specified mitigation measure” pursuant to Section I(E).

Given the Town’s unexcused breach of the Judgment by its delay in installing the Tier III Speed Tables, we expect the Town to install the Permanent Turn Prohibitions and Physical Restrictions before the winter construction hiatus.

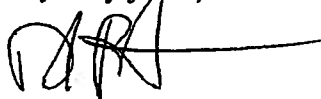
In a June 13, 2014 e-mail to Mr. Bernstein, Mr. Senchyshyn indicated that Town Counsel Lanza had opined that, notwithstanding the representations of the Board of Selectmen and Board of Road Commissioners in Section II(C) of the Judgment that the "Judgment had been duly authorized by all necessary votes, actions, and other requirements of the Town of Wayland", further actions on the part of the Wayland Historic District Commission might be necessary prior to the completion of the permanent turn prohibitions and physical restrictions specified in Section I(G) 4 of the Judgment.

While fully reserving our right to contest the validity of this opinion in light of the representations and warranties in the Judgment, it is incontrovertible that the Town of Wayland is required by the Judgment to do whatever is necessary to allow its timely compliance with the terms of the Judgment. Since the Judgment was entered six years ago, the Town of Wayland can have no "reasonable basis for believing" that its "inaction" in not securing whatever approvals it believes are necessary to timely comply with the Judgment "would not constitute a breach."

We remind the Town of Wayland of its commitment in Section II(C) of the Judgment to "take all steps necessary to address the basis for [any declaration or determination the Judgment is unenforceable], to ratify or otherwise render such terms enforceable, **and to otherwise secure performance of Wayland's obligations set forth in this Judgment** (emphasis added)."

It was the Town of Wayland, not the Plaintiffs, that insisted on the elongated schedule for the implementation of the traffic mitigation measures specified in the Judgment. It is long past the time for the Town of Wayland's implementation of the remaining mitigation measures. We hope that the further intervention of the Court will not be necessary to this end.

Very truly yours,



David Bernstein



Jeffrey Porter

Cc: Mark J. Lanza, Town Counsel
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

Patricia A. Cantor, Special Counsel
Kopelman and Paige, P.C.
101 Arch Street
Boston, Massachusetts 02110

Jeffrey L. Roelofs
Law Offices of Jeffrey L. Roelofs, P.C.
30 Green Street
Newburyport, MA 01950



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

PUBLIC CEREMONIES
COMMITTEE

TOWN BUILDING
41 COCHITUATE ROAD
TEL (508) 358-7701
www.wayland.ma.us

April 22 2015

Ms. Cherry Karlson
Chair, Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland MA 01778

Dear Ms. Karlson:

The Public Ceremonies Committee Cordially invites all members of the Board of Selectmen to attend the Memorial Day Parade and ceremonies on May 25, 2015.

The parade forms at 10:30 a.m. at the Middle School, followed by the ceremony at the Lakeview Cemetery at 11:30 a.m.

We are hoping that you attend to give the welcoming remarks.

Richard P Turner

Richard P. Turner, USN RET
Chairman
Public Ceremonies Committee

**Leonard and Nancy Carapezza
233 Boston Post Road
Wayland, MA 01778
508.358.2456**

RECEIVED

APR 27 2015

Board of Selectmen
Town of Wayland

April 24, 2015

Joseph F. Nolan
Board of Selectmen
Town of Wayland
Wayland, MA 01778

Re: Wastewater 2015

Dear Mr. Nolan,

Thank you for your letter dated March 31, 2015. This letter, received in response to my March 23 letter to the Board of Selectmen, did not address the entire process of all that has transpired in the WWMDC and the smaller users of the system

You chose to respond only to the 'Sewer Betterment Assessment Abatement Applications' that will be discussed on Wednesday, April 29, 2015 at the Wastewater District meeting. The Commissioners have been very open and responsive to their process of managing what they have been charged to accomplish by the town. From our discussions with the Commissioners we are realistic about what the decision will be related to the Betterments.

I will continue to lobby the Board of Selectmen to work for a more equitable solution for the users in the WWMDC. What has transpired since the inception of the district, complicated with the Wayland 20 agreements, should be open for discussion, not only related to the financing of the new wastewater plant and fees, but also potential major complications in the future.

Thank you for your interest in this matter.

Sincerely,



Nancy Carapezza

C: Nan Balmer, Town Administrator

P.S. Your response letter was delayed in delivery to me, since the post office delivered the letter to my residence, not the BPR address!

6

Memo

To: Nan Balmer, Town Administrator
From: Chief Houghton 
Date: April 29, 2015
Re: ISO rating

Early this year the town was visited by the ISO to conduct the Public Protection Classification (PPC) survey. ISO staff made several visits to Wayland to gather information that establishes a rating that allows the insurance underwriters to set policy on the properties they will write coverage for, as well as the cost of insurance on both residential and commercial properties.

The rating schedule that they use goes from 1 to 10 with one being the best. There are very few communities that obtain a rating of 1 and Wayland currently has a rating of 4. Some of the components they review include apparatus and equipment age, apparatus capabilities, and apparatus test records. The evaluation also looks at our current staffing levels and how many people we have responding to an incident, department training records, certifications for vehicles and staff, average response times, fire alarm systems as well as components of our dispatch center. As part of the evaluation they also visit the water department and evaluate the water supply system in town including hydrants, water main and hydrant testing and maintenance of the public system. Once we have the documents for the private hydrant maintenance and testing that was adopted at this year's Town Meeting, I will ask for that to be added to the evaluation process for the future.

The Rating of a 4 is very good for Wayland however; I feel we can do better. Overall we received 62.39 credit points out of a total of 105.5 available. To obtain the desired 3 rating we will need to get an additional minimum of 7.69 points. The subject areas that we are the most deficient in are Company Personnel, Training, Deployment Analysis on the fire side and inspection and flow testing on the water department side.

I have received the complete report and have attached the Summary page for your review. I will begin to working on a long and short term strategic plan that will result in the rating change to a 3.

If you have any questions please let me know.

Summary of Public Protection Classification Review

Completed by ISO

for

Wayland

FSRS Item	Earned Credit	Credit Available
Emergency Reporting		
414. Credit for Emergency Reporting	1.95	3
422. Credit for Telecommunicators	3.20	4
432. Credit for Dispatch Circuits	2.01	3
440. Credit for Receiving and Handling Fire Alarms	7.16	10
Fire Department		
513. Credit for Engine Companies	5.86	6
523. Credit for Reserve Pumpers	0.00	0.5
532. Credit for Pumper Capacity	3.00	3
549. Credit for Ladder Service	2.48	4
553. Credit for Reserve Ladder and Service Trucks	0.00	0.5
561. Credit for Deployment Analysis	5.64	10
571. Credit for Company Personnel	5.42	15
581. Credit for Training	2.43	9
730. Credit for Operational Considerations	2.00	2
590. Credit for Fire Department	26.83	50
Water Supply		
616. Credit for Supply System	20.73	30
621. Credit for Hydrants	3.00	3
631. Credit for Inspection and Flow Testing	3.20	7
640. Credit for Water Supply	26.93	40
Divergence	-2.73	-
1050. Community Risk Reduction	4.20	5.50
Total Credit	62.39	105.5

Final Community Classification = 04



1000 Bishop Gate Blvd. Ste. 300
Mt. Laurel NJ 08054-5404

t 1.800.444.4554 Opt 2
f 1.800.777.3929

April 27, 2015

Ms. Nan Balmer, Administrator
Wayland
41 Cochituate Rd
Wayland, Massachusetts, 01778

RECEIVED

APR 29 2015

Board of Selectmen
Town of Wayland

RE: Wayland, Middlesex County, Massachusetts
Public Protection Classification: 04
Effective Date: August 01, 2015

Dear Ms. Nan Balmer,

We wish to thank you Mr. Brain Vaudreuil and Mr. David Houghton for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community's PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

ISO's Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers – including the largest ones – use PPC information as part of their decision-making when deciding what business to write, coverage's to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO's information on public fire protection may depend on several things – the company's fire-loss experience, ratemaking methodology, underwriting guidelines, and its

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9."
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B."
- Communities graded with single "9" or "8B" classifications will remain intact.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Dominic Santanna

Dominic Santanna
(800) 444-4554 Option 2

cc: Mr. Brain Vaudreuil, Operations Foreman, Wayland Water Dept
Mr. Vincent Smith, Administrator, Wayland Public Safety Bldg.
Mr. David Houghton, Chief, Wayland Fire Department

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Friday, May 01, 2015 9:42 AM
To: DiNapoli, MaryAnn
Subject: FW: public information request - WWTP effluent testing

Correspondence

From: Linda Segal [mailto:lmsegal@comcast.net]
Sent: Friday, May 01, 2015 9:40 AM
To: fred.knight@gmail.com; Sam Potter; Rick Greene; Cincotta, Cynthia
Cc: Junghanns, Julia; Keefe, Ben; Balmer, Nan; Linda L. Segal
Subject: public information request - WWTP effluent testing

Good morning, WWMDC.

This week's published report attached below, Wayland's increasing senior population, media attention to type-2 diabetes, and Ian Catlow's recent input to the Commission about possible future WWTP space needs/upgrades (2015 ATM article 25 proposed easement discussion) prompt the following questions:

- 1) Does the WWMDC have a policy governing testing protocols and reporting for the presence of pharmaceuticals and other undesirable wastes in WWTP effluent discharged into the Sudbury River?
- 2) What pharmaceuticals does the WWMDC test for in plant effluent? Does the WWMDC specifically test for the presence of metformin and guanlyurea?
- 3) Where/How can the public access Wayland's effluent test data, since the new plant began operating with DEP approval in November 2012?
- 4) What public education does the WWMDC perform, or plan to perform, with all plant customers regarding pharmaceuticals and other undesirable wastes in plant effluent?

Thanks for your assistance with this public information request.

When is your next WWMDC meeting?

Regards,
Linda

From: Nancy Alderman [mailto:nancy.alderman@ehhi.org]
Sent: Friday, May 01, 2015 6:53 AM
To: Recipient List Suppressed.; undisclosed-recipients:
Subject: Exposure to widespread diabetes drug feminizes male fish

<http://www.environmentalhealthnews.org/ehs/news/2015/apr/diabetes-fish-endocrine-disruption-hormones-metformin>

Exposure to widespread diabetes drug feminizes male fish
April 28, 2015 By Brian Bienkowski Environmental Health News

Exposure to metformin, a first-line treatment for type-2 diabetes, feminizes male minnows and impacts fertility at levels common in wastewater effluent.

Male minnows exposed to a widely used diabetes drug ubiquitous in wastewater effluent had feminized reproductive parts and were smaller and less fertile, according to a new study.

It is the first study to examine the drug metformin's impact on fish endocrine systems and suggests that non-hormone pharmaceuticals pervasive in wastewater may cause reproductive and development problems in exposed fish.

Metformin is largely used to combat insulin resistance associated with type-2 diabetes, which accounts for about 90 percent of all diagnosed U.S. adult diabetes cases.

Researchers from the University of Wisconsin-Milwaukee exposed young fathead minnows to water containing levels of metformin commonly found in wastewater effluent. Eighty-four percent of 31 metformin-exposed male fish exhibited feminized reproductive organs.

"Normally in females you see eggs developed in ova, in males, you see a different structure - producing tiny sperm instead of an egg structure," said Rebecca Klaper, an associate professor at the University of Wisconsin-Milwaukee and senior author of the study. "We saw development of larger egg structures within the [male's] testis."

A couple of non-exposed males had very minor feminization, but signs of egg development were nothing compared to what happened in the exposed fish, Klaper said. In addition to the feminization, exposed male minnows weighed less and had significantly less babies when they reproduced, suggesting that the feminization may impact their ability to reproduce properly.

Pharmaceutical chemicals are ubiquitous in wastewater effluent. Researchers estimate that, by mass, metformin is among the most common pharmaceutical in wastewater.

More than nine percent of the U.S. population has diabetes, according to the Centers for Disease Control and Prevention. The agency estimates that from 1980 to 2011, cases of diagnosed diabetes almost tripled.

"Normally in females you see eggs developed in ova, in males, you see a different structure - producing tiny sperm instead of an egg structure. We saw development of larger egg structures within the [male's] testis." -Rebecca Klaper, University of Wisconsin-Milwaukee

Increased illnesses means more drugs. Pharmaceutical drugs get into our wastewater when people flush their medication or, more commonly, when they excrete them. Metformin, unlike many pharmaceutical drugs, is not metabolized by the human body, and gets excreted unchanged.

Metformin's "really been hitting people's radar more of late," said Dana Kolpin, a U.S. Geological Survey research hydrologist based in Iowa and project chief of the agency's emerging contaminants project. Kolpin said as water testing methods have gotten more sophisticated, metformin seems to be one of the most frequently detected. "It's persistent and mobile," he said.

Scientists have expressed concern that birth control and other hormone mimicking drugs in water could impact fish populations and cause feminization. Last year U.S. Geological Survey researchers reported intersex fish in Pennsylvania's Susquehanna, Delaware and Ohio river basins, suggesting that estrogenic chemicals were to blame.

However, metformin is not an estrogenic or hormone-mimicking drug. Rather it is designed to improve insulin sensitivity. It appears a "nontraditional endocrine disrupting chemical," Klaper and her University of Wisconsin-Milwaukee colleague, Nicholas Niemuth, wrote in the study published in the journal *Chemosphere*. While researchers are not totally clear how the drug disrupts fish hormones, metformin has been shown to alter the activity of certain enzymes that are involved in hormone pathways.

"We know from some vertebrate studies that insulin and metabolism in an organism is tied into reproduction," Klaper said. "But how metformin would cause a difference in actual egg production is something we don't know but is very interesting. Now we're trying to figure out why."

Klaper previously found that metformin caused some signs of endocrine disruption when she exposed adult fish to the drug for 28 days. However, no intersex tissue was found, suggesting that exposure during development might be the major concern.

Metformin gets into wastewater effluent when people excrete it. It's one of the most common pharmaceuticals found in effluent.

It's not clear if all fish would react to metformin exposure as the fathead minnows did, Kolpin said. Klaper said the development of male and female fish is not entirely the same across species. She said they would continue testing fathead minnows and also look at zebrafish to see if they exhibit similar impacts.

Kolpin said some waterways also have been shown to have a metformin transformation compound, called guanylurea, which is formed when metformin comes in contact with bacteria such as in sewage.

"It'll be worth finding out if its transformation product also has these bioactive properties," Kolpin said. The U.S. Environmental Protection Agency's latest drinking water contaminant candidate list - water pollutants not subject to regulations yet but that might render water unsafe - includes several pharmaceuticals that act on hormones. Metformin is not on the list, published in February.

Klaper and Niemuth wrote that metformin would probably not show up as an endocrine disruptor under the current testing used by the U.S. EPA Agency, which relies on the binding of chemicals to hormone receptors. Structurally, metformin doesn't resemble hormones. The results, they argue, suggest the EPA should broaden its testing.

"Given its environmental persistence and presence worldwide, this compound merits further research on its potential environmental impacts as well as its impacts on vertebrate development more generally and should be added to the list of potential EDCs [endocrine disrupting chemicals]," Klaper and Niemuth wrote.

EHN welcomes republication of our stories, but we require that publications include the author's name and Environmental Health News at the top of the piece, along with a link back to EHN's version.

For questions or feedback about this piece, contact Brian Bienkowski at bbienkowski@ehn.org.

Nancy Alderman, President
Environment and Human Health, Inc.
1191 Ridge Road
North Haven, CT 06473
(phone) 203-248-6582
(Fax) 203-288-7571
<http://www.ehhi.org>

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, April 29, 2015 1:23 PM
To: DiNapoli, MaryAnn
Subject: FW: Eversource Meeting

Correspondence

From: Douglas J. Leard [mailto:DJL@emergencypreparedness4all.com]
Sent: Wednesday, April 29, 2015 1:17 PM
To: Irving, Robert; Houghton, David; Balmer, Nan
Cc: Douglas J. Leard
Subject: Eversource Meeting

Good morning.

I attended the Eversource meeting with community representatives this morning at the Newton Marriott. To summarize:

Wayland's Community Liaison, Joanne O'Leary was the main presenter along with Dick Tobin in Emergency Preparedness and an arborist.

Joanne spoke of the major merge of utilities in Mass, NH and CT and the standardization that has been established between states.

Eversource has what they call an Incident Command Center located in Dorchester which is available for tours upon request. Emergency Operations Center branches are located thought the region, specifically to Wayland is the Southborough location.

Eversource has established 5 levels of priority:

- #5 - Small impact, <12 hours
- #4 - Moderate impact, <24 hours
- #3 - Serious impact, 48 hours
- #2 - Major impact, 96 hours
- #1 - Catastrophic event, 7+ days

#3, #2 & #1 require full activation of their Emergency Response Plan (ERP) and ICS structure

Pre-Event Planning:

Municipal officials review ERP Declaration and receive email notification.

Pre-designated portals will receive a community portal ID password.

Outbound calls are made by Eversource to designated/approved Life Support Customers.

3 Priorities:

Each community has an opportunity to provide 3 community priorities.

The definition of Community Priorities is specific.

Eversource offer a "Outage Map" which has proved invaluable to many along with a "Community Portal."

Eversource stressed that the customer telephone # 800-592-2000 be publicly advertised by all communities. The Public Safety Dispatch number is CONFIDENTIAL to 2 public safety officials.

Calls received from Eversource Dispatch are ranked by priority:

FPA1 - Imminent Danger

FPS2 - Regular Duty (i.e. wires down)

FPS3 - Regular Duty

(F=fire & P=police)

Eversource is also available via Text messaging and Social Media.

Dick Tobin spoke briefly on wire safety and reminded communities that they offer such programs to local communities.

Eversource does a "Live Line Trailer" demo with restrictions due to required manpower.

Recommended that one stays 1 pole span away from any hazardous situation.

Eversource has a Community Task Force which is deployed to hard hit communities once the storm has passed and initial assessments are completed.

Eversource has a large number of 28' Mobile Command Trailers throughout the 3 states.

Tree Trimming:

Eversource trims approximately 2,700 miles of line per year.

They attempt to cover 25% of their service area per year meaning that they return to each community every 4 years.

The National Forest Service ranks the service area of Mass., NH & CT as in the Top 10 in forestry coverage.

Brief discussion on the "Electric Hazard Awareness Program" (EHAB) required for tree trimmers, etc.

That's about it from here:-)

Have a GREAT day!

Doug

NOTE: JOANNE STATED THAT THIS PRESENTATION IS AVAILABLE UPON REQUEST.

CONFIDENTIALITY NOTICE - This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for

GEORGE H. HARRIS
Attorney at Law
8 HOLIDAY ROAD
WAYLAND, MASSACHUSETTS 01778

Tel & Fax: (508) 358-2379

E-mail: geoharris2@gmail.com

May 4, 2015

Via Electronic Mail

John Senchyshyn, Acting Treasurer
Town of Wayland
Town Building
41 Cochituate Road
Wayland, MA 01778

Dear John:

It has come to my attention that the town treasurer is improperly holding monies on behalf of the Wayland School Committee (Committee) under some ten separate accounts pursuant to G. L. c. 71, §§ 47 or 71E, the latter being a local-option statute never adopted by the Town of Wayland.¹ Furthermore, over the years, the treasurer has improperly permitted the Committee to expend funds from these separate accounts without further appropriation authorized by town meeting. This problem has been known to exist by the Committee, if not by the treasurer, for over two years, yet it continues.

As far as I am aware, these extra-legal practices have been ongoing since about 1999. The surplus funds presently held in these segregated accounts exceed \$500,000. The ten accounts to which I refer are the following: Base, Pegasus, The Children's Way, Global Language, Tutoring, Enrichment, Full Day Kindergarten, Building Use, Professional Development, and Curriculum.

The treasurer may not rely on language under G. L. c. 71, § 47 to hold monies received by the Committee for these ten activities. Section 47, by its terms, applies only to "the conduct of activities provided for under this section or any other activity not expressly provided for in this chapter but sponsored by the school committee in which participation is contingent upon the payment of a fee by the participant." Therefore, any activity expressly provided for elsewhere in

¹ In a misguided effort to correct past errors, the Committee voted on March 11, 2013 to approve retroactively ten revolving funds under the statutory reference G. L. c. 71, § 71E, apparently believing that it could unilaterally adopt this local-option statute, bypassing the approval of town meeting. The Committee's action, nevertheless, indicated its belief that these ten programs were within the scope of that statute.

chapter 71 is not within the scope of § 47. The aforementioned ten activities are “expressly provided for in this chapter,” in § 71E, viz., “summer school programs and programs designated by prior vote of said committee as community school programs, and in connection with the use of school property under section seventy-one.”²

Because the Town has not voted to adopt § 71E, the treasurer must place revenues received from participants in the ten activities into the general fund. General Laws c. 44, § 53 provides that all moneys received by any town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid upon their receipt into the town treasury and such sums paid into the town treasury shall not later be used without specific appropriation thereof, except for certain sums not here relevant. This is an inviolate statute overseen by the Department of Revenue. The Technical Assistance Section of the Division of Local Services, DOR has written as follows (Statutory Treatment of Municipal Revenues, undated):

A fundamental principle of municipal finance in Massachusetts is that all revenue, received or collected from any source and by any department, belongs to a common pool referred to as the general fund. As such, it is unrestricted and available for expenditure for any lawful purpose after appropriation by town meeting, a town council or city council. (M.G.L. Ch. 44 Sec. 53). Included is real and personal property taxes, excises, special assessments and betterments, unrestricted local aid, investment and rental income, voluntary and statutory payments in lieu of taxes and other local receipts not expressly dedicated by statute.

Municipalities can only segregate money for specific purposes if authorized to do so by another general law or special act. Cities and towns cannot unilaterally decide to hold, earmark or set aside funds to finance a particular project or purchase, even if it intends to spend through an appropriation later.

(Emphasis added.)

Unfortunately, despite DOR’s carefully worded warning, the treasurer for years has unlawfully segregated funds from these ten activities and permitted the Committee to expend them without further appropriation of town meeting.

Monies received by the Committee from participants in the ten activities may not continue to be segregated and expended without appropriation because no general law or special act authorizes same. These monies must be held in the general fund by the treasurer. Failure to

² Furthermore, if the programs listed under § 71E were already included under § 47, which predates § 71E, there would have been no need for the Legislature to have created § 71E in 1977. These two sections do not overlap and are independent.

John Senchyshyn, Acting Treasurer
May 4, 2015
Page 3

do so is a violation of municipal finance law. Consequently, corrective action must be taken immediately.

I am writing to ask the following questions:

1. Has the Board of Selectmen discussed this matter? If so, when and what was the outcome?
2. Is this matter under investigation? If so, by whom and when will it be completed?
3. Is the treasurer or acting treasurer continuing to segregate all monies associated with the aforementioned ten activities apart from the general fund and if so, under what legal authority?

Until this matter is fully resolved, I am respectfully requesting that the treasurer or acting treasurer place a hold on all retained surplus funds from the ten activities or programs, with the exception of fees paid in FY 2014 or 2015 by participants for services not yet delivered. These retained funds rightfully belong to taxpayers, not the Committee.

I look forward to receiving your response. Thank you.

Sincerely yours,

George H. Harris

cc: Board of Selectmen (by email)
Wayland School Committee (by email)
Nan Balmer, Town Administrator (by email)
Kathleen Colleary, Chief, Bureau of Municipal Finance Law, DOR (by email)
Suzanne C. Marchand, Strategic Municipal Solutions (by email)
Brian Keveny, Finance Director (by email)



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

5/6/2015

RECEIVED

MAY - 6 2015

Board of Selectmen
Town of Wayland

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Traffic Pattern at Lokerville Green

The new traffic pattern at the Lokerville Green continues to prove to be an effective way to mitigate traffic safety and control at this busy intersection. Generally, the response from neighbors, business owners and the general public has been positive. Since implementation, there have been only 3 minor motor vehicle accidents at this location, none of which resulted in injury (attached).

On October 20th, 2014 the temporary traffic pattern was begun. On November 18th, 2014 the Board of Selectmen voted to extend the trial period through the winter.

At this point, I recommend that the Board of Selectmen consider the permanent approval of Option 1 of the TEC recommendations. It may be beneficial if the Board of Public Works, or its chairman, be present during this discussion as they would have the task of implementing these permanent changes.

cc: Mr. Stephen Kadlik, Director of Public Works

1/8/2015

→ = Direction 1 = Vehicle 1 2 = Vehicle 2 Q = Pedestrian B = Bicycle

Crash Diagram:

ie: → 1 → 2 → Q → B

If Crash Did Not Occur on a Public Way:

Off-Street Parking Lot

Garage

Mall/Shopping Center

Other Private Way

Indicate North by Arrow

Commonwealth RD.

Crash Narrative:

Please see "Continuation" for complete narrative.

Witnesses:

Name (Last, First, Middle)	Address	Phone #	Statement

Property Damage:

Owner (Last, First, Middle)	Address	Phone #	41-Type	Description of Damaged Property

Truck and Bus Information:

Registration # _____ (From Vehicle Section)

Carrier Name _____ Bus Use 42

Address _____ City _____ St _____ Zip _____

US DOT #: _____ State Number _____ Issuing State _____ MC/MX/IC #: _____

Interstate 43 Cargo Body Type Code 44 GVWR/GCWR 45

Trailer Reg #: _____ Reg Type _____ Reg State _____ Reg Year _____ Trailer Length 46

Hazmat Information:

Placard 47 Material 1 digit # 48 Material Name _____ Material 4 digit # _____ Release code 49

Patrol Officer Christopher Custodie *Chris Custodie* 76CC Wayland Police Patrol Division 01/08/2015
 Police Officer Name (Please Print) Signature ID/Badge # Department Precinct/Barracks Date

Wayland Police Department

Incident Narrative Report

Print Date: January 08, 2015

Printed By: ccustodie

Narratives for Incident Number 201500000296 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrol Officer Christopher Custodie

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
01/08/2015 12:33	Rear End	Patrol Officer Christopher Custodie	Open		01/08/2015

On January 8th 2015, I (Officer Custodie) was assigned to the 07:00-15:00 shift in marked unit 1351 to the South sector of Wayland.

At approximately 09:15 I was contacted by Wayland Police Dispatch and sent to 321 Commonwealth Rd for the report of a two car traffic accident with no injuries reported. Upon arrival I was met by Maccini, John (DOB [REDACTED]) operating Vehicle #1 (Ma Con Reg [REDACTED]), and Putney, Elaine Cantelmo (DOB [REDACTED]) operating vehicle #2. I asked all parties involved if they suffered any injuries from the accident, and they both said no. Maccini explained that he was on School St and approaching Commonwealth Rd when his foot slipped off of the brake pedal, and he rear ended vehicle #2. Putney explained that she was stopped on School St attempting to turn onto Commonwealth Rd, when vehicle #1 struck her from behind. All of the operators were advised to contact their insurance companies, and that an accident report will be filed.

Respectfully Submitted,
Officer Christopher Custodie #15

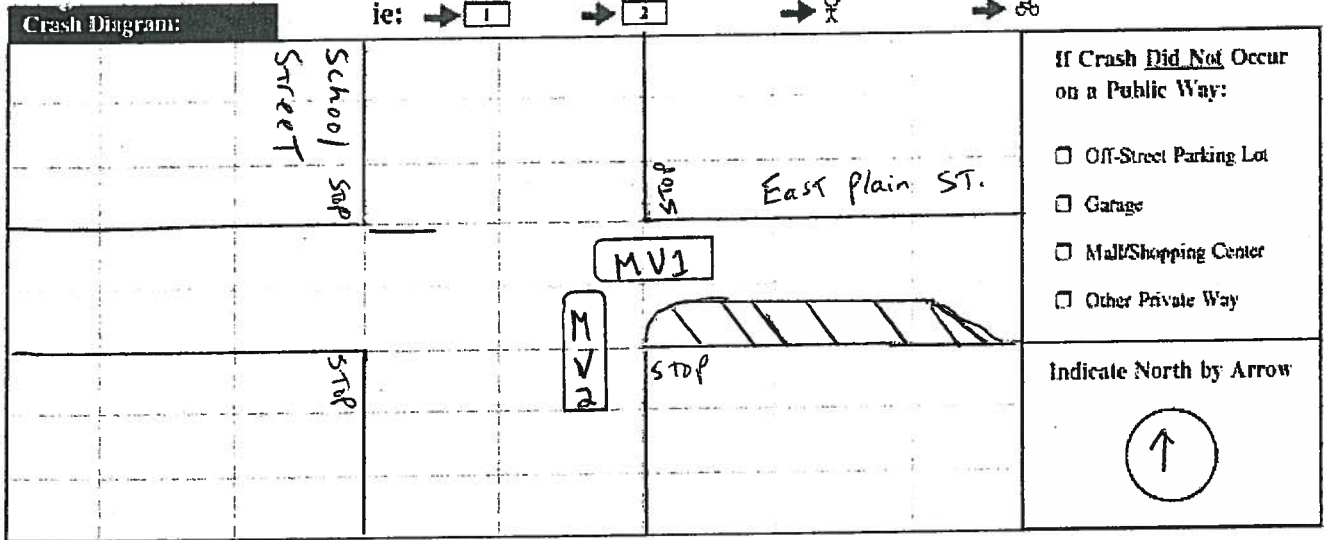


Signature - Reporting Officer

Signature - Reviewing Officer

11/5/2014

→ = Direction 1 = Vehicle 1 2 = Vehicle 2 Pedestrian Bicyclist



Crash Narrative:

Motor vehicle # 1 was traveling west bound on East Plain Street. Motor vehicle # 2 was traveling north bound on School Street. Motor vehicle # 1 stopped at a stop sign at a four way intersection. Motor vehicle # 2 also stopped at a stop sign at the same four way intersection. Motor vehicle # 1 and 2 stopped and started simultaneously and collided in the middle of the intersection, causing damage to both vehicle's.

I spoke with both operator's involved and was advised that they both had stopped at the stop sign and than proceeded through the intersection at the same time

Witnesses:

Name (Last, First, Middle)	Address	Phone #	Statement

Property Damage:

Owner (Last, First, Middle)	Address	Phone #	41-Type	Description of Damaged Property

Truck and Bus Information:

Registration # _____ (From Vehicle Section)

Carrier Name _____ Bus Use 42

Address _____ City _____ St _____ Zip _____

US DOT #: _____ State Number _____ Issuing State _____ NC/MX/CC #:

Interstate: 43 Cargo Body Type Code 44 GYWR/GCWR 45

Trailer Reg #: _____ Reg Type _____ Reg State _____ Reg Year _____ Trailer Length 46

Hazmat Information:

Picard 47 Material 1 digit # 48 Material Name _____ Material 4 digit # _____ Release code 49

Officer Tyler A Castagno *Tyler Castagno* 28WA Wayland Police Patrol Division 11/05/2014

Police Officer Name (Please Print) Signature ID/Badge # Department Precinct/Barracks Date

WTS

1/26/2015

Location: Street Name and Property number, or at Intersection School @ E. Plain				
Direction of Travel Before Crash:				
Vehicle#1	N	E	(S)	W
Vehicle #2	N	E	(S)	W
Crash- Collision With:				
Pedestrian		Ran Off Road, Hit Object		
Motor Vehicle <input checked="" type="checkbox"/>		Parked Motor Vehicle		
Other		Bicycle		
Vehicle Operation Prior to Crash:				
Vehicle #1 Slowing				
Vehicle #2 Stopped				
Road Surface	Light Conditions	Traffic Controls	Weather Conditions	
Wet <input checked="" type="checkbox"/>	Daylight <input checked="" type="checkbox"/>	Stop Sign <input checked="" type="checkbox"/>	Clear	
Snow <input checked="" type="checkbox"/>	Dawn or Dusk	Yield Sign	Rain	
Ice <input checked="" type="checkbox"/>	Road Lighted	Traffic Light	Snow <input checked="" type="checkbox"/>	
Dry	Road Unlighted	No Control Present	Ice	
Narrative: Motor vehicle # 2 was stopped on School st. Facing south bound at a stop sign. Motor vehicle # 1 slid on the pavement due to snow and ice, causing damage to both vehicles.				
Signature [Signature]			1/26/15	
Officer's Name and Rank			Date	
Supervisor Initial: [Signature]				

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, May 06, 2015 4:33 PM
To: DiNapoli, MaryAnn
Subject: FW: Correspondence - BoS meeting minutes
Attachments: 2015ATMArticle27handoutsidfinal.PDF

Correspondence

From: Linda Segal [mailto:lmisegal@comcast.net]
Sent: Wednesday, May 06, 2015 3:58 PM
To: Karlson, Cherry; Antes, Mary; Anderson, Lea; Boschetto, Anthony V.; Nolan, Joseph F.
Cc: Selectmen; DiNapoli, MaryAnn; Balmer, Nan; Linda L. Segal
Subject: Correspondence - BoS meeting minutes

Good afternoon, Selectmen.

I write to respectfully request the following additions to the following meeting minutes included in your April 21 agenda packet:

February 3, 2015: A10. Report of the Town Administrator. N. Balmer reported that unauthorized internet access to town accounts had occurred last Friday. No money had been lost and an investigation is underway, including by the FBI.

March 30, 2015: A6. Warrant Hearing. (about 2/3 of the way down on page B) L. Segal asked if anyone had spoken with Raytheon and if the Town would be indemnified.....

April 13, 2015: A4. Correspondence. The Board also noted the email by Public Buildings Director Ben Keefe, which prompted L. Segal to distribute the Article 27 handout to the Board. (see attached)

Thank you.

Regards,
Linda

VOTE YES FOR ARTICLE 27 – IT MAKES SENSE

In 2009, the Finance Committee unanimously supported the selectmen's article (see below) to allow later town meeting start times, similar to many peer towns. It was last implemented successfully in May 2010.

Wayland's clergy association recommends not conflicting with religious observances. Isn't scheduling Town Meeting within a week of the April 15 income tax filing deadline also creating an undue burden on our citizens?

2009 Annual and Special Town Meeting Warrant

Wayland, Massachusetts

ARTICLE 23: CHANGE THE RANGE OF DATES FOR THE ANNUAL TOWN MEETING

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 36, by striking from the first sentence of §36-1 thereof the words "in April" and inserting in place thereof the words "between April 1 and May 15 inclusive".

* **FINANCE COMMITTEE COMMENTS:** This change will expand by 15 days the time period during which the Annual Town Meeting (ATM) can begin. In those years when all of the following occur during April, Good Friday/Easter, Passover, Patriot's Day, and school spring recess, the ability to schedule ATM can be problematic. It is important to the Town that when sensitive topics like Proposition 2 ½ overrides and the High School building project are up for discussion and vote at ATM, there be sufficient time to prepare and have a fulsome discussion. Allowing for a later ATM date also gives more time for the Town to react to changing financial conditions while preparing its annual budget.

This article should also be thought of in the context of Article # 24, Change Deadline for the Submission of Annual Town Meeting Warrant Articles. Moving both deadlines back should minimize the need to conduct a Special Town Meeting within the ATM to deal with issues that missed the earlier December 15 cutoff date.

* **ARGUMENTS IN FAVOR:** Additional flexibility in scheduling ATM will allow the Town to schedule ATM at a time when there is the greatest possibility of having the most participation and allows more time to prepare for the meeting. Thorough preparation and maximum participation are critical to making ATM successful.

ARGUMENTS OPPOSED: Some would say that allowing extra time doesn't necessarily mean that a better result will occur and that the process already takes too long as it is.

* **RECOMMENDATION:** The Finance Committee recommends approval. Vote: 6-0.



2015 TOWN MEETING START DATES (Article 27)

FINCOM PEER TOWNS		SCHOOL COMMITTEE PEER TOWNS	
Weston	May 11	Weston	May 11
Sudbury	May 5	Sudbury	May 5
Andover	May 4	Boxborough	May 5
Littleton	May 4	Dover	May 4
Hopkinton	May 4	Needham	May 4
Cohasset	May 2	Sherborn	April 28
Medfield	April 27	Belmont	April 27
Hingham	April 27	Carlisle	April 27

TOWNS WITH SET ATM DATES

Weston – second Monday in May
Sudbury – first Tuesday in May
Littleton – first Monday in May
Maynard – first Monday in May

2010 SCHOOL COMMITTEE

Met 15 times from Jan. 1–May 13, 2010

2015 SCHOOL COMMITTEE & SC FINANCE SUBCOMMITTEE

Met 24 times from Jan. 1–April 6, 2015 (in 5 weeks less time)



CPDS



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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 April 22, 2015

RECEIVED

APR 24 2015

Board of Selectmen
Town of Wayland

Septic work and building approvals- Things have picked up for the spring construction season; septic system installations, soil testing and field work. We have started to receive many building approval applications and requests for inspection. We continue to have a push on the backlog of septic and building plan reviews (with the help of consultants).

Department Assistant Patti White worked very hard calculating numbers for the Finance Director regarding end of year salary line item amounts. This required a lot of thought and time due to the intricacies of our budget. Information was provided to the Finance Director today.

We have received several resumes for the Health Agent/Sanitarian position. Interviews are scheduled for next week.

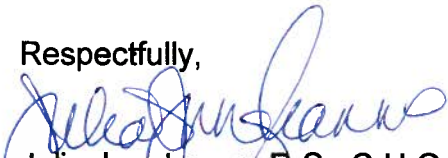
I am currently investigating a trash complaint at a residential property where there is a large open container of residential trash being stored.

EMMCP will be doing the helicopter larvicide application of wetland areas on Friday, April 24th. The helicopters will be low flying. The product that is used is "BTI". Because it is a granular Bti application and the material is classified by the EPA as relatively non-toxic, it is not necessary for residents to take any special precautions. The Police Chief will be preparing a reverse 911 to advise residents.

With the help of the Police Chief we were able to collect the outstanding permit fees and ticket fees for the Refuse Hauler that had been hauling in town without a permit for 2 years.

We are working with the procurement officer to prepare needed processes and paperwork for the contracts that will need to be renewed this year.

Respectfully,


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

**TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
APRIL, 2015**

TOTAL NUMBER CALLS HANDLED

55

# Complaint Calls	7
# Lost Dog Calls	3
# Lost Cat Calls	2
# Other Cat related calls	2
# Animal / Wildlife Calls	3
# Miscellaneous Calls	27
	1

TOTAL # DOGS PICKED UP

(deceased dog -unknown owner)

Total # not licensed
Total # dogs not claimed
still in dog officer custody
#surrendered to Humane Shelter

TOTAL # HUMAN BITE CALLS

2

TOTAL # ANIMAL -> ANIMAL BITE

10 Day Quarantine Order -Human Bite	ISSUED 2 / RELEASED 1
10 Day Quarantine Order -Animal Bite	ISSUED 0 / RELEASED 0
45 Day/6 Month Quarantine Orders	ISSUED 3 / RELEASED 2

TOTAL # CITATIONS ISSUED

No license citations
Leash Law/Dog not under owner control
Other Offense
Court summons processed

Submitted by:
Jennifer A. Condon
Animal Control Inspector/Officer

14



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

April 2015

On April 27th, the Wayland Police Department was notified that the town of Wayland had been named the sixth safest town in the United States by Safewise. Safewise is a community-focused security organization, committed to increasing safety education, awareness and preparedness. Wayland's ranking is the highest of any Massachusetts town. Last year, the town of Wayland had been ranked second in the state, behind the town of Sudbury. The good news was posted on the police department's Facebook page and viewed by more than 8,000 people subscribed to the social network.

On April 2nd, a Boston woman was arrested at the Middlesex Bank for attempting to cash a fraudulent check. On April 13th, two women were arrested for larceny after they shoplifted several expensive, electronic, toothbrushes from the C.V.S. Pharmacy on Boston Post Road. The women fled the scene in a vehicle, but were stopped by Sudbury officers on Route #20 in their town.

During the month there were two arrests for Operating a Motor Vehicle with a Suspended License and two others for Operating a Motor Vehicle Without a License. One person was arrested during the month on a warrant for Failure to Appear in Court.

During the month, Officers took a report of another case of vandalism by spray painted graffiti. The damage was done to a storage shed in a resident's back yard. Last month, similar damage was done at a residence on Millbrook Road, a construction trailer on Michael Road, and a mausoleum at Lakeview Cemetery. The most significant damage occurred at the Dean Mausoleum that has stood in Lakeview Cemetery for more than 100 years. Blue spray paint defaced the front of the mausoleum. A special cleaning contractor was secured by the Department of Public Works to restore the mausoleum. Wayland detectives and the Wayland Youth Officer are actively investigating this case.


Robert Irving
Chief of Police

RECEIVED

MAY - 7 2015

Board of Selectmen
Town of Wayland

15

Wayland Police Department Detective Division Report of April 2015

INVESTIGATIONS

Missing Juvenile – Commonwealth Road
Vandalism – Lakeview Cemetery
Vandalism – Michael Road
Larceny over \$250 – Old Connecticut Path
Credit Card Fraud/Larceny over \$250 – Dudley Road
Residential Burglary follow-up – Pear Tree Lane
Sexual Assault follow-up
Child Enticement follow-up
Alcohol compliance checks

MEETINGS/TRAININGS

PTO Meeting
RAD simulations
ALICE – Claypit Hill
Coplink Training
Inservice Training

MISCELLANEOUS

Washington DC Middle School Trip
Police/Fire presentation Longfellow Children's Center
Framingham District Court - MV/Criminal Hearings

***Wayland Police Department
Monthly Training Report***

Officers of the Wayland Police Department attended the following training programs during the month of April 2014:

In-Service

MPTC
Reading Academy

Sean Fitzgerald

April 1 & 2, 2015

In-Service

MPTC
Boylston Academy

Mark Wilkins

April 27-30, 2015

Supervisor Leadership Institute

F.B.I. – Law Enforcement Executive Development Association
Natick, MA

Sean Gibbons

April 1-3, 2015

Command Institute

F.B.I. – Law Enforcement Executive Development Association
Worcester, MA

Sean Gibbons

April 13-17, 2015

New England Crisis Negotiators Association Conference

Cape Cod Ma

Jennifer Ordway

April 27-29, 2015

Wayland Police Department

Press Release

April 27, 2015

Chief Robert Irving was informed today that the town of Wayland has been named the sixth safest town in the United States by Safewise.

Safewise is a community-focused security organization committed to increasing safety education, awareness, and preparedness. Wayland's ranking was the highest for any Massachusetts town.

Chief Irving states, "This ranking shows the hard work and dedication of all public safety personnel in Wayland and the tremendous partnership between the community and the police officers, firefighters and dispatchers that serve and protect the town on a daily basis."

The full listing of the Safewise 100 Safest Cities in America can be seen at <http://www.safewise.com/safest-cities-america>.

The SafeWise Report Announces the 100 Safest Cities in America

The SafeWise Report released its “100 Safest Cities in America” report this week. To compile this report, SafeWise used the most recent FBI crime data from 2013 to analyze and rank these cities, which all have a minimum population of 10,000 people.

“Widening the safest cities concept from a state-by-state analysis to include all of America seemed like the next logical step at SafeWise,” SafeWise security analyst Mike Strayer said. “That said, I think it’s safe to say we didn’t expect to see so many innovative, community-safety programs thriving all around the U.S. independently of one another.”

See the full list, here: <http://www.safewise.com/safest-cities-america>

About SafeWise

SafeWise is a community-focused security organization committed to increasing safety education, awareness, and preparedness. We help our users compare security options in an informative and pressure-free environment so they can make the choice that’s right for their family. If you have any questions or concerns regarding the safest cities reports, please don’t hesitate to reach out.

To learn more, check out the [SafeWise National Safety Resources](#).

Press Contact:

Elli Bishop

elli@safewise.com



**STANETSKY
MEMORIAL CHAPELS**

*Sensitive to the needs of the
Jewish community since 1892*

1668 BEACON STREET
BROOKLINE, MA 02445
(617) 232-9300
Fax (617) 734-8927
(800) 842-4280

April 20, 2015

Chief Robert Irving
Wayland Police Department
38 Cochituate Road
Wayland, MA 01778

Dear Chief Irving,

On Saturday, April 11, a Stanetsky funeral director called the Wayland Police Department for advice regarding a funeral at Congregation Beth El of the Sudbury River Valley with interment at Beit Olam East Cemetery off of Concord Road, that was scheduled for the next day. We were trying to decide about taking a left from Route 27: should we go on Bow Road or at the lights? The officer on duty was kind and even suggested we call back on Sunday and, if it were possible, they would assist.

The funeral turned out to be quite large with an estimate of about 90 cars. The officers on duty were wonderful about blocking Route 27 and also Route 126 so that our procession went smoothly.

Not only were we grateful for your help, but the family commented several times about the "warm community feel" displayed by assistance from the local police department.

I hope you will share our admiration and appreciation with the officers who helped us.

With sincere thanks,

Jane D. Salk
Manager

SGT. GIBBONS
OFF. HENDERSON

Irving, Robert

From: Longfellow Children's Center <longfellowchildrenscenter@gmail.com>
Sent: Thursday, April 09, 2015 8:57 AM
To: Irving, Robert
Subject: Fwd: Safety presentation

----- Forwarded message -----

From: Longfellow Children's Center <longfellowchildrenscenter@gmail.com>
Date: Wed, Apr 8, 2015 at 4:18 PM
Subject: Safety presentation
To: mwilkins@waylandpolice.com

Dear Chief Irving,

Last Friday our preschoolers were treated to a safety presentation by the Wayland Police and Fire Departments. Your department representatives, Detective Seanna Lombardo and Safety Officer Shane (I'm sorry - I don't know his last name) were wonderful with our students. They explained the role of the police very well and made it relevant for 3,4 and 5 year olds. They were kind and empathetic, answering questions with humor and understanding. The children thoroughly enjoyed the morning and are still talking about it. Their parents were very grateful that your staff took the time to visit with us, which models such wonderful community service.

Thank you so much for supporting this very worthwhile endeavor. We hope to continue to offer such programs to our students each year, with your blessing. I am grateful for your service to our families.

Best,
Karen

--
Karen Mahoney
Director of Children's Programs
Longfellow Children's Center
[508-358-0710](tel:508-358-0710)

--
Karen Mahoney
Director of Children's Programs
Longfellow Children's Center
[508-358-0710](tel:508-358-0710)



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

April 22, 2015

Ben Stevens
Trask Development
30 Turnpike Road, Suite 8
Southborough, MA 01772

RE: Order of Conditions and Chapter 194 Permit for 24/26 Covered Bridge Lane, Wayland
(DEP File 322-834)

Dear Mr. Stevens:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the construction of two single-family homes and related site work at 24/26 Covered Bridge Lane, 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.

It was noted during a recent site visit that some work has begun at the site prior to this date. **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.
Samiotes Consultants, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

RECEIVED

APR 23 2015

Board of Selectmen
Town of Wayland

16



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

April 22, 2015

RECEIVED

APR 24 2015

Board of Selectmen
Town of Wayland

Skip Miller
58 Marshall Street #3
Needham, MA 02492

RE: Order of Conditions and Chapter 194 Permit for 121 Dudley Road, Wayland
(DEP File 322-840)

Dear Mr. Miller:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the deck project at 121 Dudley 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.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

April 23, 2015

RECEIVED

APR 24 2015

Board of Selectmen
Town of Wayland

Arthur Gerber, Trustee
Gerber Irrevocable Trust
144 Floral Street
Shrewsbury, MA 01545

RE: Order of Conditions and Chapter 194 Permit for 12 Crest Road, Wayland (DEP File 322-837)

Dear Mr. Gerber:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic project at 12 Crest 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.
Sullivan, Connors & Associates, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, May 11, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE - II

Zoning Board of Appeals

19. Decision No. 15-04, 26 Parkland Drive
20. Decision No. 15-06, 228 Glezen Lane
21. Public Hearing, May 12, 2015, 5 Stanton Street, 32 Aqueduct Road
22. Continued Hearing, May 26, 2015, 19 Amey Road

Minutes

23. Electronic Voting Implementation Subcommittee, February 26, 2015, April 6, 2015
24. Finance Committee, September 22, 2014
25. Historical Commission, March 16, 2015
26. Historic District Commission, March 26, 2015
27. Housing Partnership, February 17, 2015
28. Local Emergency Planning Committee, December 2, 2014
29. Municipal Affordable Housing Trust Fund Board, March 4, 2015
30. Personnel Board, March 23, 2015
31. Board of Public Works, April 14, 2015

State

32. Letter of March 2015 from State of Massachusetts Animal Response Team
re: Implementation of Senate Bill 1772, "An Act Ensuring the Safety of People with
Pets in Disasters"



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

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

DECISION NO. 15-04

RECEIVED

APR 21 2015

Board of Selectmen
Town of Wayland

NAME OF APPLICANTS:

ROBERT and CAROLINE HIGGINS

APPLICATION FOR:

Any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing non conforming structure by more than 20% (construct second story addition) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3 The property is located at 26 PARKLAND DRIVE, which is in a SINGLE RESIDENCE DISTRICT.

DATES OF HEARING:

March 24, 2015 and April 14, 2015

BOARD CONDUCTING HEARING AND RENDERING DECISION:

Thomas White, Michael Connors, Eric Goldberg, Aida Gennis and Linda Segal.

DECISION:

Special Permit granted, with conditions

VOTE OF BOARD:

5-0

CONDITIONS:

1. The project is to be constructed in substantial conformance with the plans and specifications presented to the Board consisting of drawings A1, A2, A3, A4, A5, A6, A7, S1, S2, S3, S4 dated 16 Jan. 2015 and date stamped, "Received Town of Wayland Building and Zoning Dept, Feb 23, 2015" prepared by Thomson Architects, Inc. and drawing "Plot Plan for 26 Parkland Drive in Wayland, MASS" dated February 13, 2015 and date stamped "Received Town of Wayland Building and Zoning Dept Feb 23, 2015" prepared by C & G Survey Company
2. The applicants shall obtain and maintain compliance with any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.

FACTS AND REASONS:

The property in question is located at 26 Parkland Drive. The applicant seeks zoning relief to construct a second story addition to an existing non-conforming structure situated on a non-conforming lot. The lot is pre-existing non-conforming due to insufficient lot area.. The lot contains 19,070 square feet in a district requiring 20,000 square feet. The existing house is non-conforming because it does not meet the front yard setback requirement.

The original hearing for the applicant was scheduled for March 24, 2015. A lawful quorum of the Zoning Board of Appeals was not available at this time. The applicant signed an extension form and the hearing was continued to April 14, 2015.

Because the applicant seeks to alter and extend a pre-existing, nonconforming property, under M.G.L. c. 40A § 6 and § 401.1.2 of the Zoning Bylaw, the applicant must obtain a Special Permit, and must demonstrate to the Board that the proposed “change, extension or alteration shall not be substantially more detrimental than the existing non-conforming structure or use to the neighborhood”. The existing dwelling is a one-story structure in a neighborhood of one and two story structures.. The applicant submitted plans to remove the existing roof and construct a second story and new roof within the existing footprint of the original one story structure. The project also reconfigures the first floor interior space. The sides and rear setbacks are conforming and there is no further encroachment into the front setback thus limiting the increase in the non-conformity. Review by the Board determined the proposed addition met the criteria for a special permit.

In order to be granted a special permit in accordance with § 203 of the Zoning Bylaw, the applicant must demonstrate to the satisfaction of the Board that “the use of the premises for which the application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such 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 that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.”

The board of health approved the project on February 10, 2015.

No members of the public spoke in opposition to the project.

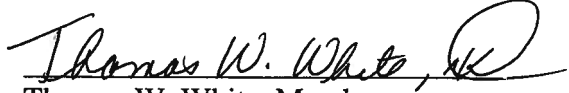
By a vote of 5-0, the board finds pursuant to G.L c. 40A § 6 that the proposed construction does increase the nonconformity but that the proposed project is not against the public interest, will not derogate from the character of the neighborhood and will not be detrimental or offensive because of noise, 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 and thus meets the requirements set forth in § 203 of the zoning bylaw.

By a vote of 5-0, the board concludes the proposed addition will not be substantially more detrimental than the existing structure to the neighborhood and votes to approve the Special Permit subject to the conditions set forth herein.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

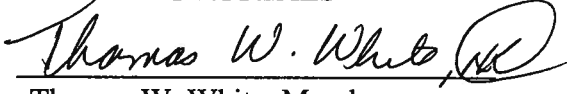
April 17, 2015


Thomas W. White, Member

CERTIFICATION:

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

BOARD OF APPEALS


Thomas W. White, Member



TOWN OF WAYLAND
MASSACHUSETTS
01778

BOARD OF APPEALS

RECEIVED
Selectmen
MAY -1 2015

Board of Selectmen
Town of Wayland

TOWN BUILDING
41 Cochituate Road
TELEPHONE: (508) 358-3600
FAX: (508) 358-3606

DECISION NO. 15-06

NAME OF APPLICANT:

WAYLAND SWIMMING & TENNIS CLUB, INC.

APPLICATION FOR:

Any necessary approvals, special permits, variances and/or amendments as may be required to modify previous ZBA Decisions including but not limited to Decision Nos. 94-5, 97-21, 01-51, 03-09, 04-16, 05-21, 06-32, 10-16, 11-34, and 12-09 in order to (1) extend term of special permit for 5 years and (2) amend condition #9 to add limited adult morning lap swimming under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 802—Table of Permitted Principal Uses By District (Use #21). The property is located at 228 GLEZEN LANE, which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.

DATE OF HEARING:

April 14, 2015

BOARD CONDUCTING HEARING AND RENDERING DECISION:

Eric Goldberg, Aida Gennis, Linda Segal and Michael Connors

DECISION:

Special Permit amended as set forth below, with conditions.

VOTE OF THE BOARD:

4-0 in favor of granting amended special permit

CONDITIONS: (SEE APPENDIX A)

1. The term of the amended permit shall be five (5) years from the date of filing of this decision.
2. Condition 9(e) is amended to read as follows:

The club will open to members and guests no earlier than 9:00 a.m. on weekdays and no earlier than 10:00 a.m. on weekends and the club will close no later than 9:00 p.m. on all nights. Five exceptions to this limit are granted for the following specific activities....

e. Early morning adult lap swimming is permitted for up to ten (10) adults. Solely for this purpose, WSTC may open at 7:00 a.m. on Monday through Friday (not Saturday or Sunday). No more than ten (10) swimmers are allowed. No music, use of the diving board or any other loud noises are permitted. This Condition 9(e) is authorized for one complete season. Thereafter, WSTC may apply to the Board for an amendment of its special permit to extend the term of this condition.

The club, at its own expense, shall hire an attendant who shall enforce club hours described herein.

FACTS AND REASONS:

The applicant, Wayland Swimming & Tennis Club, Inc. ("WSTC"), is a nonprofit recreational facility located on an approximately 11-acre parcel of land at 228 Glezen Lane. WSTC has operated its recreational facility including swimming, tennis and basketball activities at the location since 1962. A series of special permits have authorized its operations, including ZBA Decision Nos. 64-16, 69-15, 73-61, 81-14, 94-5, 97-21, 01-51, 03-09, 04-16, 05-21, 06-32, 10-16, 11-34, and 12-09.

The special permit conditions limit membership at WSTC to 200 families, plus up to 18 additional families residing in those nearby residences specifically listed in the permit. Parking at WSTC is capped at 67 parked vehicles during club hours and 75 parked vehicles during certain special events.

WSTC proposes in its current application to extend the term of the special permit an additional five years and to have an early morning adult lap swimming six days per week (excluding Sundays).

At the hearing, no one spoke in opposition extending the term of the special permit for another five (5) years as WSTC has now been in operation for over 50 years at its current location. Rather, there some discussion about permitting a lengthier extension term, but the Board determined that five (5) years was appropriate. Two neighbors raised concerns regarding the addition of an adult lap swim, particularly during the weekends when neighbors are more likely to be sleeping later. After all comments from the general public were heard, the Board debated the matter and determined that the better approach was to narrow WSTC's request by eliminating the adult lap swim on Saturday mornings and limiting this use to one complete season. Having one season of data and experience available, WSTC would be free to return to the Board and request that the term of this use be extended.

By a vote of 4-0, the Board adopted both of the two conditions identified above and amended the permit accordingly.

For the convenience of WSTC and the general public, all conditions from previous decisions, including this decision, have been consolidated in the attached Appendix.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD OF APPEALS

APRIL 29, 2015


Eric Goldberg, Acting Chair

CERTIFICATION:

The Board of Appeals, by delivery of a copy of this decision to the applicant, WAYLAND SWIMMING & TENNIS CLUB, INC., does hereby certify that copies of 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


Eric Goldberg, Acting Chair

APPENDIX

Physical Features

1. Facilities shall be limited to the following: one swimming pool and patio, eight tennis courts, one small locker house building, small children's playground, tetherball, shuffleboard, barbecue area, and volleyball area. Some or all of the facilities are shown on a plan entitled "PLAN OF LAND IN WAYLAND, MASS." dated February 6, 1981 by Everett M. Brooks Co., Civil Engineers, Newtonville, Mass. and received by the Building Department on March 30, 1981 (the "Plan"). There shall also be permitted a number of storage sheds on the property which may be erected only in the locations shown on a plan entitled "Wayland Swimming and Tennis Club, Showing Existing Features and Proposed Parking Areas" date June, 1999, as modified by hand at the hearing on December 18, 2001. Said Storage sheds shall be no more than 10 feet by 10 feet and must all be located no less than 100 feet away from any property line. A volleyball area is to be located adjoined to the pool grounds, measuring 50 ft by 80 ft. This area will be enclosed by a 5 foot high solid screen fence, matching existing fencing around the pool. There will be no outdoor lighting for this area. The area will consist of a sand-filled space, with a single volleyball net of height 8 ft. at its midline. (For siting of the volleyball area, see plot plan entitled "Plot Plan of Land in Wayland, Massachusetts," prepared for Wayland Swimming & Tennis Club by Schofield Brothers of New England, Inc. and dated May 4, 2010).
2. Applicant will provide one access road at least 18 feet in width to the premises which shall enter the area from Glezen Lane at a location which provides a clear view from both directions of that roadway. The access road shall be constructed and maintained with a permanent, dust-free surface. Brush and small trees shall be cleared from the applicant's locus on both sides of the area on Glezen Lane abutting on the access road to provide this view and said area shall be maintained free of such brush and trees. The traveled portion of the access roadway opening on Glezen Lane shall be a minimum of 36 feet in width and this width shall be maintained for at least sixty feet from Glezen Lane along the access road.
3. Applicant will provide a standard fire hydrant in close proximity to the parking and clubhouse area, connected to a water line sufficient in all respects to be reasonably satisfactory to the Town's Fire Chief for fire protection purposes.
4. Applicant will provide a solid screen fence at least five feet high around the swimming pool area, completely enclosing it to prevent trespass when not in use, and will provide a means of locking this fenced area when the club is not open to members.

Uses

5. The club shall be used only for swimming, tennis, swimming and diving meets and uses incidental thereto. Basketball can be played on Court 5 (as that court is designated on the plans on file with the Building Department) each day the club is otherwise open. The applicant shall not install more than one basketball blackboard. The applicant shall not allow anyone to play basketball before 10:00 a.m. or after sunset (the time of which is as it is published in the *Boston Globe* newspaper or a similar resource). Volleyball can be played in the volleyball area as described in Part 1. Hours of volleyball use are limited to 10:00 am until sunset.

6. All facilities on the premises shall be operated and maintained solely by the applicant. Applicant will not assign or transfer this permit. Only the club may operate swimming, tennis or other activities incidental thereto under this permit.

Membership

7. Applicant's membership shall be limited to a maximum of two hundred families plus the families who reside at 213, 214, 219, 223, 229, 233, 237, 238, 241 and 244 Glezen Lane, and at 1, 7, 8, 11, 12, 15, 18 and 19 Autumn Lane. The applicant shall be permitted to add the family that resides at 210 Glezen Lane without having to make further application to this Board. New memberships shall be restricted to residents of Wayland.

Operation

8. Applicant will limit use of its swimming facilities to May 1 through October 1, inclusive. Applicant will limit use of its tennis courts to April 1 through November 10, inclusive; however, during the period from April 1 to May 1, only the two hard courts may be used.
9. The club will open to members and guests no earlier than 9:00 a.m. on weekdays and no earlier than 10:00 a.m. on weekends and the club will close no later than 9:00 p.m. on all nights. Three exceptions to this limit are granted for the following specific activities:
 - (a) Twice a year the club may provide quiet children's entertainment beginning at dusk and continuing no later than 10:30 p.m. No swimming, tennis or other activity will be allowed in conjunction with this entertainment. The showing of a children's movie, with the viewing screen located near the sliding door between the clubhouse and the pool deck, is an example of this type of entertainment.
 - (b) The club may open clay courts 3 and 4 at 8:00 a.m. on Mondays through Saturdays and at 9:00 a.m. on Sundays.
 - (c) Basketball may not be played before 10:00 a.m. or after sunset (the time of which is as it is published in the *Boston Globe* newspaper or similar resource), even when the club is otherwise open.
 - (d) Volleyball may not be played before 10:00 am or after sunset (the time of which is as it is published in the *Boston Globe* newspaper or similar resource), even when the club is otherwise open.
 - (e) Early morning adult lap swimming is permitted for up to ten (10) adults. Solely for this purpose, WSTC may open at 7:00 a.m. on Monday through Friday (not Saturday or Sunday). No more than ten (10) swimmers are allowed. No music, use of the diving board or any other loud noises are permitted. This Condition 9(e) is authorized for one complete season. Thereafter, WSTC may apply to the Board for an amendment of its special permit to extend the term of this condition.

The club, at its own expense, shall hire an attendant who shall enforce club hours described herein.

Parking

10. The bounds of the parking area are limited to the area of the original fifty-seven (57) parking spaces shown on the Plan plus eighteen (18) additional parking spaces shown on the Plan which are separated in two categories. The first category comprises ten parking spaces which are not visible from Glezen Lane and includes parking spaces numbered fifty-eight (58) to sixty-two (62) inclusive, parking spaces numbered seventy-seven (77) to eighty (80) inclusive and one unnumbered parking space located nearby but not adjacent to parking space sixty-two (62). The second category comprises eight parking spaces which are visible from Glezen Lane and includes parking spaces numbered seventy (70) to sixty-three (63) inclusive.
11. During normal club operations, applicant's parking shall be limited to sixty-seven (67) parking spaces: the original fifty-seven (57) parking spaces plus the ten (10) parking spaces from the first category above. During the club's annual membership party and Colonial League swimming and diving meets, the applicant may use all seventy-five (75) parking spaces provided that written notification of any such special event is delivered to all abutters at least twenty-eight (28) days prior to the event. When the permitted number of parking spaces are full, no more vehicles shall be allowed on site. Applicant shall prevent all members and guests on site from parking elsewhere on site, on the access road within one hundred feet of Glezen Lane or on any adjoining public or private ways. To the extent permitted by law, parking spaces which can be seen from Glezen Lane shall not be painted.

Noise and Light Abatement

12. Applicant shall limit the number of people on the premises at any one time to two hundred, counting members, guests and children. An attendant shall keep careful count of persons and vehicles whenever a large number of persons is on site or is expected on site to insure that the limits of 200 persons and either 75 or 67 spaces is not exceeded.
13. Applicant will not place any additional structure, tennis court, parking area, pool or other similar area of concentrated use within one hundred feet of any boundary line of applicant's premises.
14. The club shall maintain the following changes to the premises:
 - (a) The tennis backboard has been replaced with a rebound net, which makes practically no noise.
 - (b) The fulcrum on the diving board shall be maintained in the full forward position at all times, with the exception of scheduled swim and diving meet events. These competitions do require the capability to adjust the fulcrum according to the weight and ability of the competing diver. Should an acceptable sound abatement device become commercially available which (a) meets strict safety criteria as determined by the diving board manufacturer, (b) is otherwise acceptable to the manufacturer, (c) does not void any warranties and (d) is reasonably priced, then WSTC shall install such device.
 - (c) The timer that controlled the tennis court lights has been replaced by a timer with a battery backup. A club employee will check the timer settings before leaving in the evening to prevent the lights from being used after the club closes.
15. Applicant will not permit any loud-speakers, electronic sound systems, boom boxes, bull horns or similar means of projecting sound on the premises and will limit any radios, television or

similar devices to a sound level compatible with a residential neighborhood. Electronic starter devices and loudspeakers may be used only during swimming meets to conduct said meets.

16. Applicant will not permit any floodlights on the premises with the exception of the tennis court lights described herein. No additional lighting for tennis courts is to be installed. Tennis court floodlights shall be turned off at 9:00 p.m.
17. Applicant will provide reflectors on the lights surrounding tennis courts 3 and 4 to project its lighting downward onto the tennis courts such that no bulbs will be visible from any abutting house.
18. With the exception of routine pruning and tree removal as necessary for safety purposes, applicant will maintain the portion of the premises not developed as contemplated by this permit in a natural state, thereby providing the natural tree growth to screen the area and restrict the spread of noise from the premises.
19. The outgoing president shall provide the incoming president with a copy of this special permit.
20. The term of this amended permit shall be five (5) years from the date of this decision. If the Applicant wishes to reapply to extend the term of this permit, it should do so reasonably prior to the end of the five-year period.
21. The construction and operation of a volleyball court, in substantial conformity with the plot plan dated May 4, 2010, is authorized. Operation of the volleyball court shall conform to all of the restrictions and conditions applicable to operation of the basketball courts on the premises.
22. WSTC shall demarcate, by bright and visible paint striping on the pavement, the location of all no parking areas along its driveway from Glezen Lane to the clubhouse.



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

RECEIVED

APR 24 2015

Board of Selectmen
Town of Wayland

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

A public hearing will be held on May 12, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following applications at the time indicated:

- 8:20 p.m. Application of JUDY DION and BENJAMIN NICHOLSON for any necessary approvals, special permit, variance as may be required to amend Special Permit #02-06 dated April 9, 2002 (condition #5), to finish loft space and to allow a home occupation (paintings conservation studio) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 901.1.2 and 804-Table of Permitted Accessory Uses by Districts (Use #62). The property is located at 5 STANTON STREET which is in a SINGLE RESIDENCE DISTRICT. (15-08)
- 8:35 p.m. Application of CAROLYN and RICH ROSS for any necessary approvals, special permits, and/or variances as may be required to construct front entry within required front yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 702.1, and 801 – Table of Dimensional Requirements (front yard). The property is located at 32 AQUEDUCT ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-09)

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

Eric Goldberg
Aida Gennis
Thomas White
Michael Connors



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

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

APRIL 23, 2015

REC

APR 24 2015

POSTED

Board of Selectmen
Town of Wayland

There will be a Zoning Board of Appeals

continued hearing on

MAY 26, 2015

at

8:20 p.m.

for the applicant

SAMUEL and DEANA HANNA
(15-05)

19 AMEY ROAD

to be held in the Town Building.

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2015 APR 23 AM 11:04

Electronic Voting Subcommittee Meeting

Meeting Minutes for 2/26/2015

#1: The meeting came to order at 7:35 pm

#2: Jon Sieber appointed Secretary pro tem

Attending were: David Bernstein (chair), Jonathan Sieber, Beth Klein, Larry Krakauer, Alan Reiss.
Wayland Facilities Director

#3: Public Comment – none

#4: Review and approve previous minutes

Minutes of meeting on 12/11/14 were approved unanimously

#5: Progress reviews

- Encouraging additional EVS suppliers to satisfy Wayland's requirements

DB reported on a subgroup (DB, JS, LK) of us having talked to vendor DSI.

We concluded that they could be a viable supplier in the near future (with an advantage that they have control over more of the underlying technology). They would be interested in giving some town a free session which would demonstrate their capabilities to us and others. We will continue discussions with them and will tell inquiring towns that both vendors are willing to do the free trial.

- ETM attendance reporting

OTI expects that their new system will be ready for town meeting. It will let anyone check in at any station by automating the process and should be both a timesaver for attendees and a manpower saver for checkin people. It will backup the data on a thumbdrive.

We discussed risk reduction and decided that trying to do both a manual checkin and the new one at the same time would be even less efficient than the current system. Because of this we don't feel we should move forward if we are not comfortable running only the new system.

To achieve that level of comfort we are going to suggest that OTI demo the new system as soon as they can.

- E Display of info at TM

We discussed the possibility of having the motion under consideration on display.

DB had contacted the AV people to get some info. They suggested multiple machines with a switch controlling which one is displayed.

We are running out of time to implement the logistics of this.

Since the current town meeting budget has money for the large screen up front, the additional cost of the extra monitors for this would be about \$5k (upgrading from standard to enhanced).

DB will ask Groton how they use their system, ask the AV company if they have any recommendations, and verify that the moderator is interested. If we intend to do this we need to develop a plan before we know about the budget.

#6: Review plans and responsibilities for 2015 ATM on 4/6/15

We went over the list and noted that:

DB will update the date in the How To Vote article

The town will determine how many checkin stations they want and that Beth will recruit the people to man them (including some number who will stay till the end).

Beth will email the register voter list to OTI.

The layout of the room (including work tables) will be in place by noon on Sunday.

Appropriate people will be advised that we will need to have exclusive access from 4/5 - 4/8.

#7: Public Comment – None

#8: Adjourn at 9:13

Minutes of the Electronic Voting Implementation Subcommittee

2015-04-06

1. The meeting was called to order at 6:30 pm with Alan Reiss, Dave Bernstein, Larry Krakauer, and Lynne Dunbrack in attendance
2. Dave Bernstein was appointed Secretary pro tem
3. There was no public comment
4. Minutes from our 2015-02-06 meeting were approved by a vote of 3-0 with 1 abstaining
5. We reviewed our duties for the upcoming Annual Town Meeting
6. There was no public comment
7. The meeting adjourned at 6:32 pm



Town of Wayland Massachusetts

Finance Committee

Thomas Abdella
Nancy Funkhouser (Vice Chair)
Thomas Greenaway (Chair)
Carol Martin
Bill Steinberg
Dave Watkins
Gil Wolin

Finance Committee Meeting Minutes, September 22, 2014

Attendance: T. Greenaway (Chair), C. Martin, B. Steinberg, G. Wolin, Dave Watkins, Tom Abdella (7:05 pm), Nancy Funkhouser and Finance Director Brian Keveny.

I. Call to Order

The meeting was called to order at 7:00 PM in the Senior Center of the Wayland Town building. The meeting was video taped.

II. Public Comment

Pat Abramson, 5 Goodman Lane: Requested that the FinCom recommend to the BOS that a STM be held this fall to apply free cash to the budget before the tax rate is set.

Nan Balmer was in the audience and was introduced as our new TA.

III. OPEB Committee Update

Dave Gutschenritter reported that the Committee has worked on:

1. Asset allocation vis a vis the investment policy. The Committee is working with investment managers to enhance the analytics around GASB and Wayland's own assumptions.
2. Reducing the expenses of the OPEB liability which requires significant effort because of collective bargaining requirements. Dave reported that the Town has already begun migrating towards more efficient and effective benefit plans.
3. Working with fee based programs to plan for covering their obligations
4. Following legislation and engaging state representatives on OPEB related issues.

Further discussion ensued regarding the role of OPEB in the short term, this year's focus, and the form the committee will take going forward.

IV. Report from Finance Director, Brian Keveny:

CIP Forms: Brian Keveny reported that he is still waiting on submission of some departmental CIP forms and confirmed that the documents are on the webpage for FY16 draft documents. Brief discussion ensued regarding scheduling department visits at future FinCom meetings and liaison roles.

Budget Analyst Workstream: Brian distributed a memo outlining duties of the analyst to date.

Cemetery Capital Project: There was discussion about the capital item for the cemetery approved last year and Tom Abdella clarified the funding sources for the projects.

Debt Service projections: The Committee discussed a handout provided by Brian Keveny, and a clarification of exempt and non-exempt debt was provided. A broader discussion about debt service and budgetary ramifications took place with Committee members. Eastern Bank will join us to discuss the bond premium on 10/15.

- V. **Discussion of Free Cash Balance:** Committee members discussed the resulting free cash balance which has changed due in part to closing out capital projects to the General Fund as well as the increase in cash from the bond premium. Current free cash at approximately \$6.3MM represents approximately 8.8% of our FY 15 budget which is slightly higher than we had expected. No consensus was reached on whether to recommend a STM to the BOS.
- VI. **FY 2016 Capital Improvement Plan:** There was a broad discussion about whether we should set an overall capital spending amount in advance of reviewing the forms and the consensus was not to.
- VII. **Liaison Report/Roles –** Departmental Liaisons were encouraged to reach out to departments if they have not done so already.
- VIII. **FY2016 Operating Budget Guidelines:** After some discussion, the Committee agreed upon requesting a level service budget from departments and updated the memo to be distributed to departments. Bill Steinberg moved to approve the revised Guideline Memo and Nancy Funkhouser seconded the motion. The motion was approved unanimously (7-0).
- IX. **Efficiencies in Committee Processes –** Discussion was tabled.
- X. **Long-Range Planning Project Discussion and Assignments:** Committee members were assigned subject material to prepare for our upcoming meeting as follows: Evaluation of Prior Goals (Watkins, Abdella, Wolin), Peer Towns (Funkhouser, Steinberg), Financial Policies (Martin, Greenaway), Sustainability (Abdella, Greenaway) Financial Functions (Keveny)
- XI. **Members Reports:** Carol Martin reported that she attended the School Committee Summit. Nancy Funkhouser reported that she will distribute a memo from the Fire Department concerning a request for funds to be discussed in the future, and Nancy Funkhouser raised the potential issue of a conflict of interest in her liaison role with the Police Department and the Committee agreed to retain her assignment to that department but that she should abstain from voting on Police related budgetary matters in the future.
- XII. **OML Complaint:** Tom Greenaway reported that as discussed at the previous meeting, he had Town Counsel review the OML response draft he had prepared before sending it out and counsel had no comments. The Committee then discussed the Complainant's most recent letter and agreed no response from the Committee would be provided.
- XIII. **Chair's Update:** Tom Greenaway indicated that there was a former Committee member question about a split tax rate and that we would engage in that discussion at a future meeting. Future meeting dates were discussed and agreed upon.

XIV. Executive Session: At 10:01 pm Tom Greenaway asked for a second to the motion that the FinCom enter into Executive Session. The motion was seconded. A roll call vote was taken:

Abdella: Yes
Steinberg: Yes
Watkins: Yes
Funkhouser: Yes
Greenaway: Yes
Martin: Yes
Wolin: Yes

At 10:33 pm the Committee returned to Regular Session and Tom Greenaway asked for a second to the motion to declassify the 2010 Executive Session Minutes as redacted, substituting the three missing minutes dated October 18, November 29, and December 13, 2010 with meeting agendas. The motion was seconded and approved unanimously (7-0).

XIII. Adjournment: At 10:34 pm Nancy Funkhouser moved to adjourn the meeting and Tom Abdella seconded the motion. The motion was approved unanimously (7-0).

Respectfully submitted,

Nancy Funkhouser

Documents:

1. Debt Analysis presentation
2. Memo on Research Analyst Duties dated 9/17/2014 addressed to Finance Committee from John Senchyshyn, Asst. Town Administrator
3. Departmental CIP Forms
4. Public Comment Letter – from Pat Abramson dated 9/22/2014
5. Free Cash memo dated 9/18/2014 addressed to Finance Committee from Brian Keveny, Finance Director
6. OML complaint letter dated 9/15/2014 from George Harris addressed to the Assistant USAG's office
7. Budget Guidelines Memo dated September 20, 2013

Wayland Historical Commission Meeting Minute – March 16, 2015

Wayland Town Building, 7:30 pm

Minutes: approved as amended

Attendees: Sheila Carel, Rick Conard, John Dyer, Tonya Largy, Elisa Scola, Gretchen Ryder Sharry
Guests: Duane Galbi

Chairperson Elisa Scola called the meeting to order

1. New Business (Sheila)

Presentation and discussion of draft of Sensitivity Maps, ¼ mile buffer indicated around designated areas. Next step is to go before Bd of Selectmen (possibly in May). After Town Meeting, go to various Town Bds presenting history, maps, proposal for WHC to be on checklist before having work begin

2. Public Comment: None

3. Review of February 23, 2015 meeting minutes: approved as written

4. Stone's Bridge Update: (Elisa)

Elisa stated that there has been much discussion as to ownership of the bridge, including Bd of Public Works, Conservation Commission. Elisa is meeting with Mark Lanza, Town Attorney, regarding ownership. Nan Balmer, Town Administrator, is contacting Framingham.

There was a very nice article in the Wayland Town Crier last Thursday about the bridge and its history.

Article for 276 Old Stonebridge Rd parcel purchase to be presented at Town Meeting by the Conservation Comm.

Duane Galbi stated that he talked to the Boy Scouts regarding helping with the bridge. They would like a larger project and do not raise money. He also talked with other organizations, such as the DAR and SVT, which does not give out money, but referred him to the Mass Cultural Council. Duane spoke to the coordinator of the Senior Center and offered to speak to them regarding Stone's Bridge. WHC suggested that it would be good to have neighbors write (to the Town Crier) in support of the Bridge. Duane will contact some of the neighbors. Elisa had spoken to Mike Lowery, who gave her the name of Ben Keefe in the Buildings Dept to talk to. Elisa shared a draft of what she will present at Town Meeting. Discussion as to format. Also discussion as to photo display board and possible screen presentation at Town Meeting.

5. Archaeology Update: (Tonya)

Tonya shared a letter from Bill Sterling re: Article 26. Feedback given regarding wording.

Jo Goessels contacted Tonya regarding her collection of historic artifacts and her documentation. It would be a great project for a student, contacted U Mass Archaeology, referred to Dr.Howard.

Tonya shared a letter to Rebecca Stanizzi (Chr, Economic Development Comm) from Siobahn Zane (WHC) written in 2011. WHC to write an updated letter clarifying defined, sensitive, protected area.

Barbara Donohue has finished her task and submitted her invoice, which Tonya approved.

Re: Rte 27/Rte 30 letter sent by Elisa. Mass DOT said they sent a letter in 2007 and no one responded. They would not re-send the letter. Tonya spoke to Steve Roper.

6. Technology Update: none

7. Ceremonial Landscape Update: none

8. Railroad Update: (Rick)

There is a Rail Trail meeting on 3/26/15. Rick brought up the annual volunteer brush clearing weekend. It will be either the first or second weekend in May.

9. New business and other items not identified prior to submission of Agenda:

Cochituate Community Methodist Church Bell copies of repair proposal were available to be picked up in WHC mailbox. Group needs to get back to WHC re: maintenance before we can vote-possibly next month.

Sheila to reply to negative Wayland Patch article, stating what there is in Wayland.

Next Meeting: Monday, April 13, 2015 at 7:30 PM

Meeting adjourned: 9:05 PM

Respectfully submitted,

Gretchen Ryder Sharry

Wayland Historical Commission

Wayland Historic District Commission Meeting
March 26, 2015

Present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Kevin Crowley, Marji Ford, Sheryl Simon, Kathie Steinberg

Others: Doug Crowe, new owner of Kirkside, 221 Boston Post Road

Public Comment: There was none.

Welcome New Members. Gretchen welcomed Marji Ford as a new member and Sheryl Simon as an alternate member to the Commission.

Certificate of Non-Applicability - Fence repair and repainting at 221 Boston Post Road. Doug Crowe is the new owner of Kirkside, and was present to meet the Commission and stay for the meeting. The fence will be repaired and re-painted with the same paint color. Doug found a can of the paint color for the fence in the basement, carefully marked by the previous owner, Chris Hagger. (This paint color had been mixed specifically for the trim on the house and for the fence.)

Minutes of December 22, 2014 will wait until the next meeting.

Election of Officers. Gretchen was nominated as chair; Margery was nominated as clerk; and Alice was nominated as vice-chair. These nominations received a unanimous, favorable vote. (6-0)

Heat Pump at 11 Cochituate Road. Margery passed around a photo of the heat pump lines on the north side of 11 Cochituate Road. The HDC had recommended that the lines be placed near the corner of the house so that they might have the appearance of downspouts -- and they certainly had that appearance. (The condenser was larger than expected and could not be placed unobtrusively on the north side of house -- so it was placed in the back, on the west side of house; which is not visible from the public way.)

Sidewalk Update. Gretchen gave an update on the sidewalk between the Wayland Depot and stone piers on Old Sudbury Road. (This will provide a pedestrian path between the Old Town Center and the New Town Center.) The Board of Public Works (BoPW) took up the issue of this sidewalk two

months ago and committed to applying for Chapter 90 funds to fund construction along with the \$75,000 received as a condition of the Comprehensive Permit for Wayland Commons. BoPW received an Order of Conditions and Wayland Chapter 195 Permit from Conservation Commission on March 12, 2015. Design and bid packets were prepared by DPW and TEC and bids are due March 31, 2015. The sidewalk will be constructed this spring or summer. Kathie thanked Gretchen for following through on this issue. Gretchen will write an article for the Town Crier on the collaboration involved with this project.

Rail-Trail Update. The cost is \$724,700 for removing rails and laying a stone dust path from Sudbury to Weston along the Central Mass RR line -- and fixing the old connective railroad bridge. Town Meeting Article #24 recommends \$445,000 of CPA funds be allocated to this project. An additional \$250,000 is from the Town Center developer for the rail-trail and the Selectmen voted to spend this gift money on the rail-trail. An additional \$40,000 has been verbally committed to the project. Paths leading from the rail trail to neighborhoods are likely to evolve. Kathie asked about connecting the old and new town centers. It is likely that a path will be made from the rail trail up to the new town center about midway between the Depot and Route 20. A similar path on the south side will be trickier since most of the land is privately owned. Permitting needs to be completed, and there are \$14,000 remaining from CPA funding of 2010. It is likely that the construction will be overseen by a town employee, such as the Town Planner. The main permit will come from DCR after the Mass Historical Commission's questions have been answered. The rail-trail is likely to be built in segments, starting with Russell's to the Depot.

Design Review Guidelines. We have been looking (broadly) at the guidelines for a while now, so we are now ready to consider them in detail. We have adopted the window policy; and will now be moving forward with other topics. Kevin suggested that the Commission consider one or several topics per meeting. Another suggestion was to spend at least 30 minutes each meeting on the guidelines until they are done. Alice suggested definitions (or a glossary) at the end of the guidelines. There was also agreement that pictures can be very helpful when giving a description or definition. Kathie suggested that we take topics that would naturally be grouped together. For instance a masonry list would include: chimneys, foundations, parking and paving, and stonewalls.

The Commission spent about a half hour going over the wording under “Additions” in the draft guidelines -- primarily for clarity. Gretchen noted the proposed word changes.

The next meeting of the HDC will be April 16.

The meeting adjourned at 9 pm.

Respectfully submitted,
Margery Baston

WAYLAND HOUSING PARTNERSHIP

Minutes – February 17, 2015

Submitted by Rachel G. Bratt

Unanimously approved, April 21, 2015

Attending: Chris DiBona, Kathy Boundy, Rachel Bratt, Pat Harlan, Marty Nichols, Armine Roat, Betty Salzberg, Fred Moser

At 7:50, Rachel called the meeting to order.

Since we were joined by two residents (Timothy Ta and Chris Orchutt), we started the meeting with “new business” so that we could hear from them.

Both residents live near the Commonwealth Residences site (formerly Kathryn Barton property), which has recently been sold. The new owner is continuing with the original plan to develop 52 units of rental housing, 25% of which will be affordable. The project had been approved by the ZBA perhaps 7-8 (or more) years ago as a Chapter 40B comprehensive permit. The residents voiced their support of affordable housing, but are concerned about the size of the new building and the impact on their properties, which about the development. Members of the Housing Partnership provided information about the 40B process, affordable housing in general, and the strong likelihood that the new development will not have adverse impacts on their properties. In any case, with the developer having the 40B permit in hand, there is not much opportunity for input at this point. We also acknowledged that being in the midst of a construction project is not pleasant and that until the development is completed, it is understandable that there will be some level of anxiety.

Marty moved to accept the minutes, with one correction, of November 18, 2014 minutes; Chris seconded. Accepted unanimously by all those present who had been at that meeting.

Kathy moved to accept the minutes, with one correction, of January 20, 2015; Armine seconded. Accepted unanimously by all those present who had been at that meeting.

We briefly discussed the joint committee meeting of January 20. Chris voiced some degree of optimism about the fact that all the key groups involved with housing got together and, perhaps, will work more closely in the future. However, Kathy felt that there was only limited interest on the part of most of those present, with participation by a few people. We all agreed that closer contact between the various boards last year, when the Covered Bridge proposal for off-site affordable housing had been considered by the Planning Board, would have been beneficial and would have saved everyone a lot of time.

Three new working groups have been proposed based on the Jan 20 meeting. The third group likely will not be able to do much work until after the other 2 produce findings.

- Defining a shared vision and priorities for affordable housing that will help guide decisions
- Monitoring and preserving existing affordable housing,
- Assessing whether there is a need for new zoning or overlay districts, as outlined in Master Plan, and defining which of the options presented in the Master Plan, or other alternatives, are the most desirable.

Kathy raised questions about the scope of the second group. Rachel provided some information, but additional background is needed from Brian Boggia.

Marty agreed to join the Monitoring group, but noted that his term on the WHP expires on 6/30/15 and he is not likely to continue beyond that.

Kathy agreed to serve on the third committee.

No one, so far, has offered to be on the first committee.

Pat noted that the first Habitat duplex is now weather-tight and that interior work is starting. The foundation for the second duplex has been laid and framing is beginning. The project is almost fully funded, but there is a need for additional in-kind contributions.

Fred indicated that the Family Promise Initiative has gone well. Homeless families were housed for several weeks at Temple Shir Tikva, with other congregations supplying supports of various kinds. There will be another round of families coming to Temple Shir Tikva in a few weeks, since another congregation had backed out.

Chris reported that the River's Edge project is moving toward developing an RFP.

Armine reported that the by-laws of the Housing Trust will be finalized soon. The experiences of other towns are being used to inform how Wayland will operate. The Community Preservation Committee is transferring \$397,000 to the Trust.

Members agreed that there was no need for a March meeting.

The next meeting was schedule for Tuesday April 7, 2015 at 7:45. Subsequently, however, found out that this conflicts with Town Meeting, so another time will be set.

At 9:10 Marty made a motion to adjourn, seconded by Chris.

**TOWN OF WAYLAND
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
MEETING: DECEMBER 2, 2014 @ 08:00AM
PUBLIC SAFETY BUILDING
MEETING MINUTES (Approved 04/16/2015)**

Members Present:

Jay Abelli (Building), Nan Balmer (Town Adm), Brendan Decker (GIS), Deputy Chief Dave Houghton (WFD), Ben Keefe (Dir. Facilities), Chief Robert Irving (WPD), Julia Junghanns (BOH), Stubby Kadlick (DPW), John Senchyshyn (Asst. TA), Chief Vinnie Smith (WFD), Supt. Paul Stein (Schools), Leisha Simon (IT Director), Lt. Patrick Swanick (WPD), Doug Leard (LEPC Chair)

Members Absent:

Alf Berry (Survey), Julie Secord (COA).

Other Town Employees Present:

Mike Linderman (DPW), Brian Boggia (Housing),

Guests:

JoAnne O'Leary (NStar), George Popovici (NStar Sr. Safety Engineer)

08:05 AM...Doug Leard, LEPC Chairman called the meeting to order and thanked the members for attending.

Public Comment: None

08:10AM...LEPC meeting minutes of June 24, 2014 were approved unanimously. (Motion by Chief Irving, Seconded by Chief Smith).

08:12AM...LEPC Chair, Doug presented a brief updated on the following topics:

A.L.I.C.E.: On 10/28/14 A.L.I.C.E. (Alert-Lockdown-Inform-Counter-Evacuate) training was conducted at Wayland High School. Chief Irving noted that after the training in our schools A.L.I.C.E. will be introduced to the town office building. Doug expressed his appreciation that ALL town building staff become familiar with such training and procedures.

Energy Initiatives Committee: Doug sent a letter to this committee, on behalf of the LEPC, in support of the committee's efforts to provide an energy alternative to our Middle School shelter. The committee has been awarded grant money to pursue technical assistance for the purpose of researching options of linking a solar PV system to the existing diesel generator.

COA/Community Center needs: Doug noted that he replied to an email request to provide input on a proposed new COA/Community Center. Doug's suggestions dealt

more with building design as it relates to emergency preparedness, components discussed in a recent A.L.I.C.E. training program, and the potential for use as a shelter.

Multihazard Emergency Planning for Schools: Doug has assembled a “team” to attend a program offered at the Emergency Management Institute in Emmitsburg, MD. The “team” includes: Youth Officer Shane Bowles, Asst; Principal Scott Parseghian, Deputy Fire Chief Dave Houghton and Doug Leard, LEPC Chair. This four-day program is open to “teams” from across the country. IT Director Leisha Simon encouraged us to learn how other schools across the country deal with the issues of “communications/systems” in the classroom.

08:20AM...Doug introduced JoAnne O’Leary, Community Relations & Economic Development Specialist for NStar (Northeast Utilities). JoAnne talked about NStar’s Emergency Response Plan (ERP) which classifies incidents from the most minor (Level 1) to the most severe (Level 5).

Dispatching is done from both Dorchester and Southborough. NStar has recently established designated teams to respond to local community issues. These teams are called “Task Forces.”

JoAnne briefly discussed “critical facilities” and NStar’s response to such facilities in order to address the emergency power needs of these designated “critical facilities”.

800-592-2000 is the telephone the public should call when attempting to reach NStar.

George Popovici, NStar’s Sr. Safety Engineer spoke briefly. Doug asked if NStar has a safety video that communities could give to local cable TV companies to broadcast. Joanne will look into this possibility.

JoAnne briefly mentioned the current energy capacity concerns facing our nation today and that communities should be aware of “planned power outages.” Chief Irving asked if NStar would be able to give communities advanced notice of such a planned power outage. Such a notice to designated municipal leaders would give the community an opportunity to pre-warn its residents and business owners.

09:00AM...Doug thanked JoAnne and NStar for their information update.

In conclusion, Doug encouraged LEPC members to think of any particularly interesting topics they would like to see presented at future meetings.

09:05AM The meeting was adjourned. Next meeting TBD.

**Municipal Affordable Housing Trust Fund (MAHTF)
Meeting Minutes – March 4, 2015**

Attendance: Mary Antes; Stephen Greenbaum; Kevin Murphy; Brian O’Herlihy; Armine Roat; and Susan Weinstein (arrived 8:10 PM).

Absent: Jacqueline Ducharme

Others in attendance: None.

Open Meeting: M. Antes called the meeting to order at 7:55 P.M. at the Wayland Town Building. B. O’Herlihy kept the minutes of the meeting.

Public Comment: None.

Previous Minutes: February 4, 2015.

Materials Distributed: Draft minutes for meeting held on February 4, 2015; revised draft of MAHTF by-laws; and copy of e-mail dated 2/14/15 between Town Counsel Mark Lanza and B. O’Herlihy regarding tax status of MAHTF.

Notes:

- 1) The Trustees reviewed the draft minutes for the meeting held on February 4, 2015. A. Roat moved approval. B. O’Herlihy seconded. Motion approved 3-0-2 (Murphy/Greenbaum).
- 2) B. O’Herlihy provided report of Treasurer which included (i) update on e-mail received from Town Counsel Mark Lanza concluding that the MAHTF is exempt from Federal income taxes by virtue of its status as an “instrumentality” of the Town of Wayland and suggesting the Trustees consider applying for a ruling from the IRS regarding tax exemption and possibly establishing the MAHTF as a 501(c)(3) organization to facilitate future fundraising; (ii) update on process for opening of checking and savings account at Village Bank, including necessary approval by the Trustees of a resolution document provided by the Village Bank, authorizing certain aspects of opening and operating such accounts; and (iii) request that one or more Trustees agree to function as authorized signatories on the bank accounts along with the Treasurer.
- 3) S. Weinstein moved approval of the Village Bank resolution document required to open bank accounts for the MAHTF. K. Murphy seconded. Motion approved 6-0.
- 4) In addition to the Treasurer, M. Antes, S. Greenbaum, K. Murphy and S. Weinstein agreed to be authorized signatories on the bank accounts established at the Village Bank and all of these individuals signed the required paperwork to establish the account. The Treasurer agreed to establish the bank accounts prior to the next scheduled meeting of the MAHTF.
- 5) S. Weinstein reviewed proposed changes to the draft by-laws with the Trustees and upon completion of the review, the Trustees agreed that the draft by-laws were ready to be reviewed by Town Counsel with the expectation of adoption by the Trustees at its next meeting.

- 6) M. Antes reported on conversations she had with several individuals, a few of whom she thought the Trustees might be interested in meeting with at an upcoming meeting. These included David Levy and Wendy Cohen of New Seasons Development LLC, a Concord, MA based affordable housing development firm and a member of the Stow Municipal Affordable Housing Trust.
- 7) M. Antes led a discussion around a list of areas that might warrant further analysis as the Trustees begin to develop a strategic plan for the MAHTF, including the following:
 - a. Identifying funding options and alternatives;
 - b. Advocacy role;
 - c. Direct ownership of properties;
 - d. “Buy down” of home prices to make them affordable;
 - e. Identification of pre-qualified affordable buyers;
 - f. Housing demand study;
 - g. Providing small grants to affordable homeowners/renters;
 - h. Assistance with condo fees;
 - i. Monitoring of affordable units;
 - j. Outreach to affordable developers;
 - k. Evaluation of real estate opportunities;
 - l. Recruiting professionals to assist with acquisition/development underwriting and due diligence, e.g., building inspectors, appraisers, etc.;
 - m. Create a list of affordable housing developers;
 - n. Financing alternatives, e.g., affordable housing tax credit syndications;
 - o. Develop list of available resources;
 - p. Explore potential for additional affordable units at Town Center;
 - q. Evaluate involvement with affordable housing units that don’t count toward the 10% affordable target, e.g., 100% and 120% of AMI units;
 - r. Identification of potential acquisition targets;
 - s. Town-wide survey;
 - t. Solicitation of broker input and guidance; and
 - u. Coordination with other Town of Wayland affordable housing groups.

The Trustees agreed to think about how best to evaluate these (and other) strategic opportunities with the ultimate goal of developing a strategic plan. The discussion to be continued at future meetings.

- 8) The Trustees set the next meeting for Wednesday, April 15, 2015 at 7:30 P.M. at the Wayland Town Building.

M. Antes agreed to post the meeting date/time and agenda.

Adjourn: S. Weinstein moved to adjourn the meeting at approximately 9:15 P.M. S. Greenbaum seconded. Motion approved 6-0.

Respectfully submitted,

Brian T. O’Herlihy

Personnel Board Meeting
Wayland Town Building – Large Hearing Room
Meeting Minutes
March 23, 2015 7:10 pm

Members Present:

M. Peabody (MP), P. Schneider (PS), D. Cohen (DC), M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

MP called the meeting to order at 7:10 pm

Public Comment

None

MP moved the Personnel Board enter Executive Session pursuant to MGL Ch30A, Sec 21(a)(2) to discuss contract negotiations and employment agreements for the DPW Director and Fire Chief; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Negotiations with the Teamsters, Library, SEIU, Police, Fire, and AFSCME Unions; to Review an AFSCME Separation Agreement; to Discuss MOAs with SEIU, Teamsters, Library and AFSCME Unions; to Review and Potentially Vote to Approve Executive Session Minutes of 1/12/15, 2/23/15 and 3/2/15; to Review and Potentially Vote to Release the Following Executive Session Minutes:

5/5/14	10/20/14	1/12/15
6/2/14	11/24/14	
9/15/14	12/8/14	

as an open discussion might have a detrimental effect on the town's negotiating position. MJ seconded the motion.

MP took a roll call vote:

Member Cohen	Aye
Member Jones	Aye
Member Schneider	Aye
Vice Chair Peabody	Aye

The Board having voted 4-0 to move into Executive Session, the motion carried. MP announced that the Board would be going into Executive Session for approximately 90 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:11 pm.

The Board returned to Open Session at approximately 8:30 pm.

Asst. Children's Librarian Job Description

JS presented the revisions from the last meeting to the Asst. Children's Librarian job description. Edits were highlighted in the draft.

MJ moved to approve the Asst. Children's Librarian job description as presented. PS seconded the motion. Four members voting in the affirmative, the motion passed.

Draft Domestic Violence Policy

Members reviewed the draft Domestic Violence Policy. Following a discussion of the draft, members proposed further edits to more closely align the policy with the language in the M.G.L.

MJ moved to approve the draft Domestic Violence Policy as amended. PS seconded the motion. Four members voting in the affirmative, the motion passed.

JS stated that he would forward the policy to the unions for their comment prior to distribution to employees.

Review of February 23, 2015 Meeting Minutes

The draft minutes were amended as follows:

... 10 months. ...

... **Calendar Year (CY) 14 Vacation Carryover Requests** ...

PS moved to approve the draft minutes of February 23, 2015 as amended. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of March 2, 2015 Meeting Minutes

PS moved to approve the draft minutes of March 2, 2015. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

Potential ATM Items

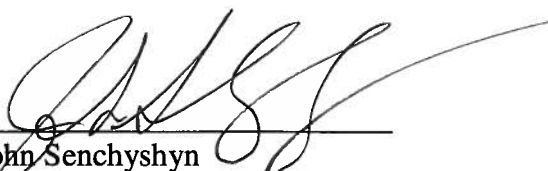
JS inquired if there is any specific information the Board would like for ATM. MP asked if employee counts would be available. JS stated that the Wage & Classification Article had FTE counts by department. Members asked if board meetings during ATM required posting. JS stated that he would follow-up and confirm.

Topics not Anticipated 48 Hours in Advance

None.

Next Meeting

The Board scheduled there next meeting for Monday, May 4, 2015.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

March 23, 2015

Document:

Draft Asst. Children's Librarian

Draft Domestic Violence Policy

Draft Minutes:

2/23/2015

3/2/2015

WAYLAND BOARD OF PUBLIC WORKS

Wayland Town Building

April 14, 2015

7:00 PM

MEETING MINUTES

C. Brown (Chair), W. Baston, M. Lowery, J. Mishara, M. Wegerbauer, S. Kadlik (Director)

Meeting opened at 7:00 PM

(Brown announced that the meeting is being broadcast live)

Brown opened the meeting with a review of the agenda.

Brown introduced newly elected member Woody Baston to the Board of Public Works.

Brown asked for public comment – there was none.

Elect Chair/Vice Chair and Appoint Member to CPC

Lowery made a motion to nominate Brown as Chair.

Mishara 2nd. Baston, Lowery, Mishara, Wegerbauer, in favor. Brown abstain.

Brown made a motion to nominate Lowery as Vice Chair.

Mishara 2nd. Baston, Brown, Mishara, Wegerbauer in favor. Lowery abstain.

The Board discussed the appointment of a member to the Community Preservation Committee.

Lowery made a motion to nominated Baston as member of the CPC.

Mishara 2nd. Brown, Lowery, Mishara, Wegerbauer in favor. Baston abstain.

Discuss Results of Town Meeting Articles Relevant to the BOPW/DPW

The Board discussed the status of Town Meeting articles sponsored by the BOPW.

Kadlik discussed with the Board the defeat of Article 15 to fund Glezen Lane Traffic Control Measures, and noted that it has not been determined what the next step is.

Brown asked if a redesign of the intersection could be done in-house.

Kadlik described the extent of the project and noted that it would have to be outsourced.

The Board discussed the current status of the Glezen legal settlement.

The Board discussed the elimination of the capital requests relating to the funding of traffic calming measures.

Lowery expressed his opinion that the Finance Committee should consult with the Board of Public Works prior to eliminating items from the proposed capital budget.

The Board discussed the status of the traffic calming budget and potential sources of funding for traffic calming measures.

Lowery made a motion that Kadlik do whatever possible to find funding for the installation of permanent speed bumps on Glezen Lane East as promised to residents.

Mishara 2nd. Baston, Lowery, Mishara, Wegerbauer in favor. Brown abstain.

Kadlik updated the Board on the status of obtaining easements to complete the Route 27/126 intersection.

Kadlik noted that several articles passed, including the acquisition of 246 Stonebridge, the stabilization of Stone's Bridge, and the design of a sports field at Oxbow Meadows, will result in an increased demand on DPW personnel, and an additional two employees is needed.

Kadlik discussed the status of the Route 27 / Route 30 intersection.

Kadlik noted that the ornamental street lighting in the plans is not paid by MassDOT, and noted that with the existing lights in the area they would represent an unnecessary expense of approximately \$300,000 for the town.

Brown made a motion to delay the installation of ornamental lighting, but requested that the necessary conduit be installed to make future placement of street lighting possible.

Mishara 2nd, all in favor.

Discussion on the Enforcement of Existing Cemetery Rules & Regulations

DPW Park and Highway Superintendent Michael Lindeman discussed that status of spring cleaning at the town cemeteries and noted that as part of the process, plots would be brought into compliance with the existing rules and regulations.

Lowery asked how residents would be advised of the rules and regulations.

Lindeman responded that signage would be placed at the cemeteries, pamphlets would be made available at the cemeteries, and noted that the rules are currently available online and at the DPW office.

Lindeman discussed with the Board that nature of maintaining the cemeteries within the established regulations.

Initial Discussion and Schedule for Water Rate Setting

Brown asked Kadlik when he felt water rates should be solidified.

Kadlik noted that he would like rates to be established in late July or early August.

Wegerbauer noted that there is typically a public hearing held to gather input.

The Board discussed the status of the town's renewed water withdrawal permit.

Brown asked Kadlik to look into what public notification is necessary regarding water rate setting.

Kadlik noted that he would be contacting potential consultants to conduct a water rate study in anticipation of setting water rates.

Brown asked to add Discussion and Schedule for Water Rate Setting to the 4/28/15 BOPW Meeting.

Draft policy on Temporary Signs in the Right-of-Way

The Board determined that this should be placed on next agenda, and asked that existing signage regulations be included in the Board packets.

DPW Director's Financial Report

Kadlik discussed the status of the DPW budget with the Board.

Kadlik noted that FEMA has ruled that the February storms were not eligible for disaster relief aid, and are just providing aid for the January blizzard.

Board Members' Reports, Concerns, and Updates

Brown asked Lindeman about the status of fields.

Lindeman noted that some of the town's baseball and softball fields, as well as all middle school fields, have already been opened; and added that most are scheduled to be open by the weekend.

Lindeman updated that Board on complaints received regarding debris found in the screened loam on the Town Building soccer fields.

Lindeman noted that the fields in question are not yet open, and that maintenance and preparation is currently ongoing with the fields' final raking not yet completed.

Lindeman noted that the Park Division is currently understaffed, leaving the current staff overwhelmed and unable to do all the work expected as quickly as desired.

Brown requested that an organized list be kept to document staffing needs of the DPW.

Kadlik and Lindeman described to the Board the amount of work currently being undertaken by the DPW and explained the increases in work load the department has incurred.

Lowery noted that he felt this issue should be brought to the attention of residents, and added that he will contact Susan Wagner of the Town Crier to publicize the demands placed on the DPW.

Baston noted a large amount of salt and sand debris on the edge of Claypit Hill Road.

Baston expressed his desire to schedule a brief walk-through of the DPW's current materials storage area.

Lowery noted that the wooden fence along Lakeshore Drive in the area of Mansion Road is in very bad condition after the winter, and suggested that it be considered for replacement.

Lowery asked about the status of the Route 27 sidewalk installation.

Kadlik noted that the initial bids were too high, and the project is being sent out for re-bid in May.

Kadlik discussed the status of the new DPW Facility.

Lowery asked about the status of the Parkland and Charles intersection reconfiguration.

Kadlik replied that he has spoken with TEC to schedule the final layout design, with the goal of construction by the time the beach opens.

Lowery asked about the status of the North Cemetery expansion project.

Lindeman noted that he believes the ground-penetrating radar is done, but is waiting on the final report.

Lowery noted that he wished to discuss the status of Mill Pond at a future meeting.

Kadlik noted that the permanent installation of the changes at the intersection of East Plain, School, and Route 30 needs to be discussed.

Brown noted that if the changes are to be made permanent, he felt it is to be determined by the Board of Selectmen.

Mishara asked about the changing of the traffic signals at the Five Paths Intersection.

Kadlik noted that we are waiting for a determination from TEC.

Wegerbauer asked Kadlik if the DPW is happy with the space being allocated as an alternative material storage area.

Kadlik noted that it is not enough room to fully satisfy the needs, but it will still severely impact the operation of the DPW.

Brown noted that the Selectmen have been advised that with the use of the land, it will cost the town an extra \$100,000 and may necessitate the purchase of a snow-melter to offset the loss of snow storage.

The Board discussed the status of the River's Edge parcel and the potential conveyance of the land to the Board of Selectmen.

Wegerbauer asked if the DPW has the equipment to prepare the turf field or if the preparation is contracted out.

Lindeman noted that the DPW has equipment to groom the field, but had to use a contractor to sweep and vacuum the field.

Lowery asked where the sweepings from the field were disposed of.

Lindeman replied that it was disposed of in bulky waste recycling at the transfer station.

Kadlik discussed the status of the intersection of West Plain and Route 126, noting that the pavement has separated and will be milled and repaved.

Brown noted that the PMBC will have a commissioning agent on site the week of April 20 to inspect the new DPW Facility.

Brown noted that a resident from Bogren Lane has contacted the DPW to discuss the condition of the road.

Brown advised him to speak during public comment, but the resident insisted on speaking under a specific agenda item.

Brown expressed his concern for setting a precedent of having individual roads on the agenda.

Mishara noted that the place to start would be with public comment, and the Board would consider further action based on that comment.

Lowery noted that an explanation of the road resurfacing scheduling process would benefit the public.

Lowery noted that Bogren Lane had recently had its potholes filled, and in his opinion the road was in better condition than many other roads in town.

Brown noted that he also drove the road and that in his opinion the road is fine.

Kadlik described the typical life cycle of roads and the process of repairing roads in need. Kadlik noted that localized repairs are needed on Bogren, but it does not need to be fully repaired.

Brown noted that the Board has committed to holding a formal traffic calming hearing for Stonebridge, and asked the Board when the hearing should be held.

The Board determined that they will conduct a traffic calming hearing on Stonebridge at the next meeting.

Kadlik updated the Board on the status of Pelham Island Road, noting that he is looking into placing down a levelling course on the road.

Lowery noted that the road is unsafe in its current state and in his opinion should be closed.

Brown noted that if Kadlik decides to close the road, the Board would support his decision.

Wegerbauer suggested that the status of Pelham Island Road be placed on the next agenda.

Brown asked that the discussion and update on the River's Edge property be placed on the next agenda.

Review and Approve Minutes (Delivered in Advance of the Meeting)

Mishara made a motion to approve the minutes of the 3/24/15 meeting.

Wegerbauer 2nd. Baston, Brown, Lowery, Wegerbauer in favor. Mishara abstain.

Mishara made a motion to approve the minutes of the 3/30/15 meeting.

Wegerbauer 2nd. Baston, Brown, Lowery, Wegerbauer in favor. Mishara abstain.

Brown noted that the Board did not formally convene on any evening prior to Town Meeting, and therefore there are no minutes for 3/30/15, 4/6/15, 4/7/15, and 4/8/15.

Brown made a motion to adjourn.

Lowery 2nd, all in favor.

Meeting adjourned at 9:01 PM.



RECEIVED

APR 29 2015

Board of Selectmen
Town of Wayland

March 2015

Dear Chief Elected Official:

In March 2014, MA Senate Bill 1172, "An Act Ensuring the Safety of People with Pets in Disasters," was signed into law (see reverse for text of law). This law requires Massachusetts cities and towns to have a plan in place "to include strategies to support the needs of people with household pets and the needs of household pets under their care, including service animals" before, during and after an emergency or natural disaster. The best defense for a disaster is a prepared and practiced plan. There are numerous challenges in developing plans for animal evacuation and sheltering, which can only be solved by creative ideas and innovative programs.

This letter is to introduce you, as the Chief Elected Official, to this new law. Implementation of this law will require a cooperative effort between your town or city Emergency Manager, Animal Control Officer, and many others - with the full backing of Senior Town Officials and various Department Heads. The State of Massachusetts Animal Response Team (SMART) is available to assist in the implementation of the law in your city or town by providing resources and information about best practices.

One of the roles you can play as the Chief Elected Official is to help educate pet owners and town leaders about how to include animals in emergency management plans. This new law provides for animals before, during and after disasters and may include control, evacuation and sheltering of animals. There are two different types of emergency animal shelters:

- **Temporary Shelter:** animals are mainly cared for by members of a sheltering organization and volunteers who are trained in animal handling until animals can be returned to their owners.
- **Co-location Shelter:** located in the immediate vicinity of the human shelter which allows the pet owners to be more involved with their pets' daily care.

The latter offers more advantages and should be the first goal of any sheltering plan. It is recommended that a site be chosen in advance of any disaster. When possible, it is best to collaborate with people responsible for the human shelter. A co-location arrangement can be a benefit to both to both people and their pets. Some types of facilities to consider would be animal care facilities, fairground facilities, warehouses and school/university buildings. Each shelter site will need certain amenities to provide the best care for the animals. The following links can help you get started in your planning.

<http://www.smartma.org> (go to "resources")

<http://www.nasaaep.org> (go to "library" for best practices)

<http://www.drc-group.com/project/dart.html>

Additionally, please see the list below of existing animal response teams. You can contact the one closest to you for local resources:

- Berkshire DART (<http://wmdart.org/teams/berkshire-county/>)
- Cape Cod DART (<http://www.ccdart.org>)
- Central MA DART (<http://www.cmdart.org>)
- Hampshire Emergency Animal Response Team (Hampshire County - <http://wmdart.org/teams/h-e-a-r-t/>)
- Hudson DART (<https://sites.google.com/site/hudsonmrccard/home>)
- Martha's Vineyard DART (Rita Brown, Assistant Emergency Management Director, rabrown1950@comcast.net or 508-221-8347)

In the process of working on your emergency plan feel free to contact SMART at info@SMARTma.org. We are here to help. Please note that we are sending a similar letter to your Town or City Emergency Management Director and Animal Control Officer.

David Schwarz, D.V.M., President, S.M.A.R.T.



THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

[Home](#) [Glossary](#) [FAQs](#)

site search

Options

- [Massachusetts Laws](#)
- [Bills](#)
- [State Budget](#)
- [People](#)
- [Committees](#)
- [Educate & Engage](#)
- [Events](#)
- [MyLegislature](#)

- [Home](#)
- [Bills & Laws](#)
- [Laws](#)
- [Session Laws](#)
- [Acts of 2014](#)
- [Chapter 54](#)

Massachusetts Laws

Session Law

[Print Page](#)

[Massachusetts Constitution](#)

[General Laws](#)

[Session Laws](#)

[Rules](#)

[Acts](#)

[2014](#)

[Chapter 54](#)

AN ACT ENSURING THE SAFETY OF PEOPLE WITH PETS IN DISASTERS

Jump to:

2014

[PREV](#) [NEXT](#)

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 1 of chapter 639 of the acts of 1950, as amended by section 1 of chapter 579 of the acts of 1968, is hereby amended by inserting after the word "persons" the following words:- and household pets and service animals, as defined by the Federal Emergency Management Agency, pursuant to [42 U.S.C. § 5170b](#).

SECTION 2. Said section 1 of said chapter 639, as so amended, is hereby further amended by adding the following paragraph:-
Any emergency plan of operations shall include strategies to support the needs of people with household pets and the needs of household pets under their care, including service animals. The local organization for civil defense shall take appropriate steps to educate the public regarding the resources available in the event of an emergency and the importance of emergency preparedness planning.

SECTION 3. Any emergency plan of operations shall be consistent with sections 1 and 2 not later than 12 months after the effective date of this act.

Approved, March 24, 2014.

[Show / Hide Site Map](#)

[Mass.gov](#) | [Site Map](#) | [Site Policy](#) | [Contact Us](#)

Copyright © 2015 The General Court, All Rights Reserved