



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, June 8, 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 |
| | | • Announcements; Review Agenda for the Public |
| 7:02 pm | 2.) | Public Comment |
| 7:10 pm | 3.) | Presentation from State Military Purple Heart Organization |
| 7:20 pm | 4.) | Committee Interviews and Appointments |
| | | • Philip Schneider, Personnel Board |
| | | • Eric Goldberg, Zoning Board of Appeals |
| | | • Linda Segal, Associate Member of the Zoning Board of Appeals |
| 7:35 pm | 5.) | Consideration of Board and Committee Vacancies and Potential Vote for Reappointments |
| 7:45 pm | 6.) | Vote to Authorize Chair to Sign Application to Department of Environmental Protection for Presumptive Approval to Change Site Assignment at River's Edge Property |
| 7:55 pm | 7.) | Vote to Petition State Legislature for Additional Liquor License for Town Center |
| 8:05 pm | 8.) | Discussion and Potential Vote on Date for Fall Special Town Meeting |
| 8:25 pm | 9.) | Policy Review and Discussion |
| | | • Board Description, Guiding Principles and Code of Conduct |
| | | • Board Procedures: Officers and Meetings |
| 8:45 pm | 10.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 8:50 pm | 11.) | Review Correspondence (See Separate Index Sheet) |
| 9:00 pm | 12.) | Report of the Town Administrator |
| 9:10 pm | 13.) | Selectmen's Reports and Concerns |
| 9:15 pm | 14.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:20 pm | 15.) | Adjourn |

(4-5) INTERVIEWS AND REAPPOINTMENTS

DATE: JUNE 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: COMMITTEE INTERVIEWS AND REAPPOINTMENTS

ACTIONS REQUESTED:

1. **VOTE TO REAPPOINT PHILIP C. SCHNEIDER TO THE PERSONNEL BOARD**
2. **VOTE TO REAPPOINT ERIC GOLDBERG TO THE ZONING BOARD OF APPEALS**
3. **VOTE TO REAPPOINT LINDA SEGAL AS AN ASSOCIATE MEMBER OF THE ZONING BOARD OF APPEALS**
4. **VOTE TO REAPPOINT MEMBERS AS PER ATTACHED MEMORANDUM**

BACKGROUND:

1. Openings for vacant appointed committee and board positions and for positions held by members with expiring terms were advertised on the Town Bulletin Board and website and a notice was placed in the Town Crier that the town is seeking volunteers.
2. Members seeking reappointment were asked to respond by 5/30 if they did not want to be reappointed.
3. The Board decided at its June 1st meeting to interview only members seeking reappointment from Finance committee, Personnel Board, Conservation Commission and Zoning Board.
4. Personnel Board interviews on June 8:
 - a. Philip C. Schneider – Regular member to a five-year term
5. Zoning Board Interviews on June 8:
 - a. Linda Segal – Associate Member to a Three-Year Term
 - b. Eric Goldberg – Regular member to a Three-Year Term

6. Interviews are scheduled for June 24th for the following appointments and reappointments:
 - a. Finance Committee (2 Three year Terms)
 - i. Gordon Cliff
 - ii. Anette Lewis
 - iii. Carol Martin
 - b. Conservation Commission (2 3-year terms)
 - i. Barbara Howell

Bob Goldsmith has offered to serve a one-year term on the Conservation Commission; he will not be available for an interview on June 24.

7. Recommendations were requested from Committee chairs and received from
 - a. Email of 6/1/15 from Sherre Greenbaum, Chair, Conservation Commission, in support of Barbara Howell and Bob Goldsmith
 - b. Email of 6/1/15 from Gretchen Schuler, Historic District Commission and Community Preservation Committee, in support of Marji Ford and Desmond McAuley for the Historic District Commission, and Anna Meliones (appointed by the Recreation Commission) to the Community Preservation Committee, and Susan Weinstein (appointed by the Housing Authority) to the Community Preservation Committee, and noting one vacancy on the Community Preservation Committee to be appointed by the Board of Selectmen

DATE: JUNE 5, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI
RE: AGENDA ITEM 5
 REAPPOINTMENTS TO BOARDS AND COMMITTEES

AGENDA ITEM 5: The following board and committee members are ready for potential reappointment for the terms listed as per Agenda Item 5.

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
Richard Turner	Selectmen	Cable Advisory Committee	one
Thomas Klem	Selectmen	Cable Advisory Committee	one
Larry Kiernan	Selectmen	Central MA Rail Trail Committee	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
Barbara Hoffman	Selectmen	Cultural Council	three
Susan Koffman	Selectmen	Dog Control Appeals Board	three
Sam Potter	Selectmen	Economic Development Committee	three
Harvey Michaels	Selectmen	Energy Initiatives Advisory 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
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
Massimo Taurisano	Selectmen	Permanent Municipal Building Committee	two

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
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
Pauline DiCesare	Selectmen	Senior Tax Relief Committee	one
Patricia Nelson	Selectmen	Senior Tax Relief Committee	one
Stephen J. Colella	Selectmen	Senior Tax Relief Committee	one
Rebecca MacGregor	Selectmen	Senior Tax Relief Committee	one
Thomas J. Largy	Selectmen	Surface Water Quality Committee	three
Linwood Bradford	Selectmen	Surface Water Quality Committee	three
Rick Greene	Selectmen	Wastewater Management District Commission	three

Balmer, Nan

COMMITTEE CHAIR REAPPOINTMENT

From: Gretchen Schuler <ggschuler@verizon.net>
Sent: Monday, June 01, 2015 9:47 AM
To: Balmer, Nan
Subject: reappointments - HDC and CPC

RECOMMENDATION

Dear Nan,

Thank you for asking (through MaryAnn) about reappointments to various committees.

Historic District Commission: 1) Marji Ford – just appointed to fill out term and YES hopes to be reappointed and I wholeheartedly support that!!

2) Desmond McAuley – is architect appointee and I so hope he will seek reappointment (has not responded to my e-mail yet).

Desmond is a wonderful asset to HDC and other members are relieved when he is present as he so well offers excellent ideas, comments and well-articulated decisions. I will let you know when I hear from him.

Community Preservation Committee: 1) Anna Meliones is appointee from Recreation Commission. Is seeking re-appointment. Thankfully!

2) Susan Weinstein is appointee from Housing Authority. Hopefully will seek reappointment.

We still have one vacancy on CPC – It is an At-Large BOS appointment for which I have recently suggested applying to at least one person but no movement yet.

Gretchen

Balmer, Nan

From: Sherre Greenbaum <sherregreenbaum@gmail.com>
Sent: Monday, June 01, 2015 4:40 PM
To: Balmer, Nan
Cc: Monahan, Brian
Subject: Conservation Commission reappointments

Nan-

As chair of the Conservation Commission, I completely support the reappointment of both Barbara Howell (3-year term) & Bob Goldsmith (1-year term).

I have learned from experience on the Commission that Barbara is essentially indispensable to its work. She is a highly dedicated and dependable resource on the conservation areas. She has a phenomenal historical memory of projects and knowledge of the laws and regulations governing the Commission's jurisdiction. She fully researches/reviews applications and contributes meaningfully during hearings and meetings.

Bob likewise is a great contributor. He can always be called on to do the extra work that may be required to understand the background and implications of a project. He brings a technical expertise which the Commission can rely upon. He is dedicated to the Commission's work, and we would be very fortunate to have the benefit of his skills for another year.

Please share these comments with the Selectmen during the reappointment process.

Thank you.
Sherre

(6) RIVERS EDGE

DATE: JUNE 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: EXECUTION OF APPLICATION TO MASS DEP FOR PRESUMPTIVE APPROVAL
TO USE RIVER'S EDGE SITE FOR HOUSING

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN AUTHORIZE THE CHAIR TO SIGN ON BEHALF OF THE TOWN, SUBJECT TO REVIEW AND APPROVAL BY SPECIAL COUNSEL FOR THE RIVERS EDGE PROJECT, THE TOWN'S APPLICATION TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PRESUMPTIVE APPROVAL TO USE A PORTION OF THE RIVERS' EDGE HOUSING PROJECT SITE ON BOSTON POST ROAD WAYLAND MASSACHUSETTS WHICH IS WITHIN THE AREA SUBJECT TO THE SANDHILL LANDFILL SITE SITE ASSIGNMENT FOR HOUSING PURPOSES.

BACKGROUND:

On March 30th, the Board voted to apply to the Department of Environmental Protection for presumptive approval of the new affordable housing use at Rivers Edge. Since then consultants for the project prepared a draft application.

Counsel advises the Board now vote to authorize the chair to sign the application. The application is complete with the exception of an affidavit from the DPW Director regarding the prior uses of the site. The application will be reviewed by Special Counsel for the Rivers Edge Project prior to execution by the Chair.

Town of Wayland
Post-Closure Use Presumptive Approval Application
Form BWP SW 45, Transmittal Number X266340
June 15, 2015

DESCRIPTION OF PROPOSED ACTIVITY

Pursuant to 310 CMR 19.034(1), the Town of Wayland is submitting an application for presumptive approval of post-closure use of part of the site-assigned parcel known as the Wayland Sand Hill Landfill. Factual information supporting this application is attested to in the attached Affidavit of Stephen Kadlik ("Kadlik Affidavit").

On February 9, 1979, the Wayland Board of Health, in accordance with M.G.L. Chapter 111, Section 150A, issued a site assignment for property located on the north side of the Boston Post Road (Route 20) in Wayland (the "Site-Assigned Property"). A copy of the 1979 site assignment, with plans, is attached as Exhibit A to the Kadlik Affidavit; a March 2013 figure showing the boundaries of the Site-Assigned Property is also attached hereto. The Town of Wayland operated a sanitary landfill on part of the Site-Assigned Property from 1980 to 2008. The Town has submitted a post-closure report to the Massachusetts Department of Environmental Protection ("MassDEP").

As discussed in a meeting between representatives of the Town and MassDEP staff on February 19, 2015, the Town now intends to make available for construction of rental housing a part of the Site-Assigned Property that was never used for landfill activities. On June 2, 2015, the Wayland Planning Board endorsed an "Approval Not Required" plan in anticipation of the potential development of part of the Site-Assigned Property. A surveyed plan titled "ANR Subdivision Plan, Assessors Map 22, Lot 3, Lot 6 & Lot 7, Boston Post Road, Wayland, Massachusetts" and dated June 1, 2015 ("ANR Plan") is attached as Exhibit B to the Kadlik Affidavit. The ANR Plan shows a parcel denoted as "Lot A, 143,107± S.F." ("Lot A"), which is within the Site-Assigned Property. No activities associated with the sanitary landfill have ever been conducted on Lot A. None of the appurtenances for the landfill are located on Lot A or will be affected by construction of the residential project on that lot. As shown on the ANR Plan, Lot A has been combined with two other lots to form a parcel of approximately 8.24 acres (the "River's Edge Parcel"). The Town intends to convey the River's Edge Parcel for the construction of rental housing and supporting infrastructure. The River's Edge Parcel will be conveyed subject to a restriction that there shall be no drinking water wells or irrigation wells installed on the Parcel.

The ANR Plan also shows an area denoted as "Access Road," part of which is also within the Site-Assigned Property. No activities associated with the sanitary landfill other than access to it have ever been conducted on the Access Road. The Town intends to convey an easement to part of the Access Road for access to the River's Edge Parcel.

The Town believes that the proposed residential use of Lot A and the Access Road qualify for the presumptive approval procedure in 310 CMR 19.034. It does not believe that DEP's approval of this use requires review under the Massachusetts Environmental Policy Act ("MEPA"). If MEPA review is required for the construction of the rental housing project, it will be obtained by the developer.

(7) PETITION FOR
ADDITIONAL LIQUOR
LICENSE AT TOWN
CENTER

DATE: JUNE 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: PETITION STATE LEGISLATURE TO ENACT A SPECIAL ACT RE: AN ADDITIONAL PACKAGE
STORE LICENSE.

ACTION REQUESTED:

I MOVE THAT THE BOARD OF SELECTMEN PETITION THE GENERAL COURT OF THE COMMONWEALTH PURSUANT TO THE PROVISIONS OF CLAUSE (1) OF SECTION 8 OF ARTICLE 2 OF THE AMENDMENTS TO THE CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS AND ALL OTHER APPLICABLE LAWS TO ENACT A SPECIAL ACT AUTHORIZING THE BOARD OF SELECTMEN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 138 SECTION 15 TO BE EXERCISED BY A LICENSEE AT A PREMISES LOCATED IN THE WAYLAND TOWN CENTER MIXED USE DEVELOPMENT SITE, SUBSTANTIALLY THE SAME AS THE SPECIAL ACT PRINTED ON PAGE 90 OF THE WARRANT FOR THE 2015 ANNUAL TOWN MEETING, AS REVISED AT SAID TOWN MEETING

BACKGROUND:

The above motion was prepared by Town Counsel to authorize the Selectmen to petition the legislature for a liquor license consistent with the vote taken at Town Meeting, a certified copy of which is attached.



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

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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 20:

ARTICLE 20: AUTHORIZATION FOR THE TOWN OF WAYLAND TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES

Voted that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or to take any action relative thereto.

AN ACT AUTHORIZING THE TOWN OF WAYLAND TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same as follows:

SECTION 1.

- a) Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Wayland may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said Chapter 138, to an establishment located in the new Town Center. The license shall be subject to said Chapter 138, except said section 17;
- b) Upon the issuance of the license authorized by this act, licensee shall surrender to the licensing authority the license currently held for the sale of wines and malt beverages not to be drunk on the premises, if any;
- c) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the Department of Revenue and the department of unemployment assistance indicating that the licensee is in good standing with those entities, and that all applicable taxes have been paid;
- d) If the license granted under this act is cancelled, revoked, or no longer in use, it shall be physically returned with all legal rights, privileges and restrictions pertaining thereto, to the

licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

SECTION 2.

This action shall take effect upon its passage.

VOTED ON MAIN MOTION AS AMENDED:

IN FAVOR	140
OPPOSED	07
MOTION PASSED	

A true copy, Attest:



Beth R. Klein
Town Clerk

(8) SPECIAL TOWN MEETING

DATE: JUNE 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: FALL 2015 SPECIAL TOWN MEETING

REQUESTED ACTION: VOTE DATE FOR SPECIAL TOWN MEETING

BACKGROUND:

With the possible exception of a school event on Wednesday 10/28, we identified no religious holidays, elections or school events in late October and early November and suggest that the Board set a date for a Fall Town Meeting during the weeks of October 26th or November 2nd (See attached calendar). In recent years, special town meetings were called on Wednesdays or Thursdays.

Under MGL Section 39, Section 10, the Board of Selectmen may call a Special Town Meeting pursuant to a warrant, notice of which shall be given at least 14 days before the meeting. Under the Town Code, 36-3, the warrant for a meeting called by the Selectmen shall be open for 7 days after it is called, with the notice of the closing date for the warrant posted within 48 hours after the Board calls the meeting. The requirements are different for Special Town Meetings called by petitioners. (See attached).

For the Fall Special Town Meeting which occurred on November 20, 2013, the warrant was opened on September 10, 2013 and closed on September 10, 2013.

POTENTIAL FALL TOWN MEETING ARTICLES - (AS OF 6/5/15)

- 1) Finance / Recreation / Schools: Revolving Funds
- 2) Planning: Zoning By-Law on Tear Down
- 3) Planning: Acceptance of 4 Roads
- 4) Planning: Zoning By-law - Auto Dealer Uses
- 5) Planning: Zoning By-Law Amendment - Update Definition of Home Occupations
- 6) Planning: Zoning By-Law Amendment - Conservation Cluster
- 7) COA / CC: Fund Any Next Steps for COA / CC Project
- 8) DPW: Funding for Rt. 30 / School Street Permanent Traffic Mitigation
- 9) DPW: Funding for Vehicle
- 10) Library: Potential Funding for Site Investigation
- 11) Information Technology: Funding for Priority Projects

365 January 2015

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

365 February 2015

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

365 March 2015

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

365 April 2015

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

365 May 2015

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

365 June 2015

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

365 July 2015

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

365 August 2015

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
31							1
32	2	3	4	5	6	7	8
33	9	10	11	12	13	14	15
34	16	17	18	19	20	21	22
35	23	24	25	26	27	28	29
36	30	31					

365 September 2015

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
36			1	2	3	4	5
37	6	7	8	9	10	11	12
38	13	14	15	16	17	18	19
39	20	21	22	23	24	25	26
40	27	28	29	30			

365 October 2015

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
40					1	2	3
41	4	5	6	7	8	9	10
42	11	12	13	14	15	16	17
43	18	19	20	21	22	23	24
44	25	26	27	28	29	30	31

365 November 2015

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
45	1	2	3	4	5	6	7
46	8	9	10	11	12	13	14
47	15	16	17	18	19	20	21
48	22	23	24	25	26	27	28
49	29	30					

365 December 2015

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
49			1	2	3	4	5
50	6	7	8	9	10	11	12
51	13	14	15	16	17	18	19
52	20	21	22	23	24	25	26
1	27	28	29	30	31		

- 1 Jan** New Year's Day
- 19 Jan** Martin Luther King Day
- 12 Feb** Lincoln's Birthday
- 14 Feb** Valentine's Day
- 16 Feb** Presidents Day
- 17 Feb** Mardi Gras Carnival
- 8 Mar** Daylight Saving (Start)
- 17 Mar** St. Patrick's Day
- 1 Apr** April Fool's Day
- 3 Apr** Good Friday
- 5 Apr** Easter
- 6 Apr** Easter Monday
- 5 May** Cinco de Mayo
- 10 May** Mother's Day

- 16 May** Armed Forces Day
- 24 May** Pentecost
- 25 May** Memorial Day
- 25 May** Pentecost Monday
- 14 Jun** Flag Day
- 21 Jun** Father's Day
- 4 Jul** Independence Day

- 7 Sep** Labor Day
- 11 Sep** September 11th
- 17 Sep** Citizenship Day
- 25 Sep** Native American Day
- 12 Oct** Columbus Day
- 16 Oct** Boss's Day
- 17 Oct** Sweetest Day

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

Calendar & Holidays

2015

Calendar-365.com

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 39** MUNICIPAL GOVERNMENT**Section 10** Warrant: issuance contents

Section 10. Every town meeting or town election, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting. The warrant shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town, or in a manner approved by the attorney general. The warrant for all town meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The town meeting may be held in one or more places; provided, that if it is held in more than one place, the places are connected by means of a public address system and loud speakers so that the proceedings in all such places may be heard and participated in by all the voters present therein. Whenever the moderator determines that voters are being excluded from the town meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate therein for any reason whatsoever, he shall either, on his own motion recess the meeting for any period during the day of the meeting or, after consultation with the members of the board of selectmen then present, adjourn the same to another date, not later than fourteen days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate therein shall be available. The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser. The selectmen shall call a special town meeting upon request in writing, of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser; such meeting to be held not later than forty-five days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

The written requests of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The selectmen shall submit such written requests to the board of registrars of voters or the board of election commissioners who shall check and forthwith certify the number of signatures so checked which are names of voters in the town, and only names so checked and certified shall be counted. A greater number of names than are required in each case need not be certified.

36-3

[Amended 5-6-1982 ATM by Art. 33; 5-7-1997 ATM by Art. 47; 5-7-1997 ATM by Art. 48; 5-14-1998 ATM by Art. 59; 4-3-2003 ATM by Art. 33; amended 5-10-2004 STM by Art. 11; 4-13-2009 ATM by Art. 24]

All articles for insertion in the warrant for the annual Town meeting must be presented in writing to the Board of Selectmen in accordance with law on or before January 15 or such earlier time as may be fixed by the Board of Selectmen, and all such articles for special Town meetings must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. In the event that January 15 is a Saturday, Sunday or legal holiday, all articles for insertion in the annual Town meeting warrant must be so presented by 4:30 p.m. on the next weekday following January 15 that the Wayland Town Building is open. The warrant for any special Town meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in § 36-2 above.

A.

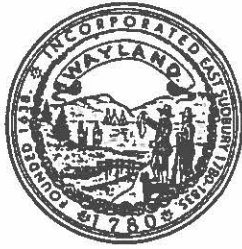
However, after an article for insertion in the warrant has been duly presented to the Board of Selectmen by registered voters in accordance with law, said article may be amended or withdrawn by a majority, but not fewer than 10, of said registered voters after the warrant closing date.

B.

Town Counsel shall be accessible to registered voters for consultation on presenting articles for insertion in the warrant or on making motions or amendments from the floor of Town meeting. Town Counsel shall be available for consultation at reasonable times in accordance with guidelines promulgated by the Board of Selectmen.

C.

No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any Town meeting unless so voted by a board, commission, committee, or other governmental body of the Town of Wayland by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting.



Wayland Board of Selectman

Board Description and Guiding Principles

The Board of Selectmen is a five-member, non-partisan board that acts as the principal policy-making authority the town. Members are elected in staggered, three-year terms. The Board elects a chair each year following the conclusion of the Annual Town Meeting, who serves as the chief elected official of the town, approves the agenda for Board meetings, conducts its meetings, and is the primary spokesman for the Board. The Board also elects a vice chair, who serves as clerk of the Board.

The oath of office binds each Selectman to adhere to the laws to the Commonwealth, Town by-laws, and Board policies. The Board exercises general supervisory authority over all matters not specifically delegated by law or by vote of the town to another officer or board. Overall, the Board has broad responsibility for the safety and well-being of the town.

The Board has the following major duties and responsibilities:

1. To sign or veto items on warrants for payment of all town bills.
2. To make appointments to town office.
3. To hire professional administrative assistance.
4. To retain legal counsel and direct the legal affairs of the town.
5. To prepare the Town Meeting warrant, including ordering of articles.
6. To develop, articulate, and implement policies to steer the town government.
7. To provide leadership for the town.

The Board upholds these principles through the words and actions of individual members and as a whole:

- **Each member is integral to the effectiveness of the whole board.**

The Board provides leadership as a team. Selectmen shall share information regarding town matters with the Board and with members of other committees who may be seeking help or relevant information. Further, Board members will exercise care to not interfere with the ordinary business of town offices in the pursuit of information. The Town Administrator is the conduit between the Board and each Selectman and town departments, and reports and follows through accordingly.

- **Authority is limited to actions taken by the Board as a whole.**

The power of the Board is invoked only when a quorum is present at a duly posted meeting. No individual Selectman has authority to act on behalf of the Board, unless such specific authority has been granted by the Board, and no member should represent themselves as having individual authority or influence.

- **Selectmen make decisions based on information received and discussion held at Board meetings.**

Board members make decisions only after all relevant facts on an issue have been presented and discussed in formal session. Selectmen respect that each member is entitled to his or her viewpoint and opinion. The Board makes decisions by considering the needs of the town and for the good of the entire community.

- **Members respect the intent of executive session.**

Executive session is held only in particular circumstances to protect the interests of the Town or individuals' privacy as provided in state law. The content of the proceedings is privileged. Statements uttered, sentiments expressed, information shared, and actions taken in executive session shall not later be discussed in an open meeting or publicly or privately with non-members who were not present in the executive session.

- **Board members abide by decisions of the Board.**

Action taken at official meetings is binding. Each member abides by decisions of the Board made at a duly posted meeting, even when such decisions were controversial or contrary to an individual member's vote.

Adopted on July 15, 1997; revised on July 9, 2007; revised and restated on October 13, 2010

OFFICERS AND MEETINGS

OFFICERS

1. At the first meeting of the Board of Selectmen held after the adjournment of Annual Town Meeting *sine die*, members shall elect a chairman and vice chairman/clerk whose terms of office begin immediately and end when duly elected successors are chosen at the first meeting of the Board of Selectmen following the adjournment of the subsequent Annual Town Meeting.
2. The chairman shall be the presiding officer at meetings of the board. S/he will set the agenda, represent the board, and act as its spokesman, or designate the same.
3. The vice chairman shall preside at meetings in the absence of the chair, assist the chairman as needed in managing the affairs of the board, and coordinate/schedule the warrant process for the board.
4. If both the chairman and vice chairman are unavailable, the senior Selectman in time served as a Selectman shall preside at meetings of the board.
5. The intent of this policy is for the chairman of the board to rotate among members of the board willing to serve. Nothing in this policy prohibits a selectman from succeeding him/herself if the board so votes.
6. Should the chairman be unable to continue to serve, the vice chairman will become the chair and an election held to choose a new vice-chairman. Should the vice chairman be unable or unwilling to serve, a new chairman shall be elected. Should both positions become vacant, the senior elected Selectman shall hold both offices until an election can be held to fill the vacancy in both positions.

MEETINGS

1. The Board of Selectmen shall convene weekly on Monday evening at 7:00 p.m. or as otherwise scheduled. Special meetings may be called when necessary. Unless deemed appropriate by the board, discussion shall not begin on new business items after 11:00 p.m.
2. The Town Administrator shall provide the members with appropriate background materials on matters before the Board and shall provide copies of all correspondence sent to the Selectmen. S/he shall maintain accurate records of all meetings and action taken, including executive sessions.
3. Three members shall constitute a quorum.

Approved on April 26, 2010; restated on October 13, 2010

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JUNE 5, 2015**

RECREATION REVOLVING FUND

The Recreation Director provided the following timetable to move toward a recommendation on the Recreation Revolving Fund:

Below is a summary of where our Recreation Commission currently stands with discussions about our Revolving Account:

- We held a working/discussion meeting on Monday, June 1st to discuss details of the Revolving Fund with all of our commission members present.
- The commission is analyzing the models available to municipal recreation departments in more detail to gain a better understanding of each model and what will allow us to function long term.
 - o Recreation Revolving Account – 53D
 - o Municipal Revolving Account – 53 E ½
 - o Enterprise Fund – 53F
- Jess is organizing one document which will outline, in detail, all revenues and expenses in the department to paint a clear picture of our balances and responsibilities.
- Jess has also been working with the Facilities, DPW, and School departments to gather information related to park/recreation land management, as that will eventually tie into the financial discussion in terms of what Recreation will have to budget and pay for long term.
- Jess will review this document with Nan within the next several days, as well as the Recreation Commission at our next meeting on June 15th.
- The Recreation Commission plans to have all facts gathered to make their recommendation of a new, long term financial model by July, at which time they would like to meet with the Town Administrator/Finance Committee/BOS to discuss and hear feedback and discuss further if needed.
- The Recreation Commission understands a final decision on a new financial model must be made with all involved parties by September.

SCHOOL REVOLVING FUNDS

School and Town staff met with Special Counsel to begin a review of the status of school revolving funds. More information will be available after research and communication with the Department of Revenue.

GOALS

In preparation for a future discussion with the Board about Selectmen / Town administrator goals, I am meeting individually with each Department Head. These meetings cover budget, personnel, and departmental projects and are lasting 60 to 90 minutes each.

ANNUAL TOWN MEETING - DRAFT SCHEDULE

The attached draft Annual Town Meeting schedule was reviewed by the Chair of the Finance Committee and Department Heads. Please provide your ideas on how we can make the Annual Town Meeting process more efficient and provide maximum transparency for the public.

REQUEST FOR ACCESS TO TOWN COUNSEL – DUANE GALBI

Duane Galbi asked me to forward to you the attached request for access to Town Counsel. It is the board's policy for the Town Administrator to manage access to Town Counsel, limiting access to department heads, Selectmen, Committee Chairs and Town Meeting petitioners.

VACATION:

I will be away on vacation from Friday June 17 through Sunday June 20, returning the afternoon of Monday June 21st. During my absence, Assistant Town Administrator John Senchyshn will be responsible for the day to day town operations.

2016

ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING SCHEDULE

2015

<i>June</i>	Finance Committee provides capital budget schedule to departments.
<i>Mon Sept 21</i>	Capital Projects due to the Finance Committee
<i>Mon Sept 28</i>	Finance Committee votes FY 2017 Operating Budget Guidelines issued to departments, boards and committees
<i>Mon Oct 5</i>	Board of Selectmen review of capital project requests for committees and departments under BOS jurisdiction
<i>Mon Oct 12</i>	Columbus Day
<i>Oct 13 and 26</i>	Review of Capital Projects by Finance Committee
<i>Fri Oct 30</i>	FY2016 operating budget requests due to Finance Department from departments, boards and committees
<i>Mon Nov 9</i>	Review of Capital Projects by Finance Committee
<i>Mon Nov 16</i>	FY 2017 operating expense budget submitted to Board of Selectmen by Town Administrator for departments under the jurisdiction of the Board of Selectmen (per Town Code Sec. 19-4)
<i>Mon Dec 7</i>	Board of Assessors to present recommendation on tax classification; Joint Hearing of Board of Selectmen, Board of Assessors and Finance Committee on tax recapitulation. (per Town Code Sec. 19-9)
<i>Mon Dec 7</i>	Board of Selectmen vote to open warrants for Annual Town Meeting and Election
<i>Mon Dec 7</i>	Planning Board has preliminary meeting with Board of Selectman on Zoning and Planning Board articles.
<i>Mon Dec 7 and 14</i>	FY 2017 operating budget review by Board of Selectmen for selected budget drivers or departments.
<i>Wed Dec 9</i>	Notice of the opening of the warrant shall be sent to all Town boards and committees and as required by Town Code Section 19-3, shall be published in a newspaper of general circulation and posted at public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

<i>Mon Dec 14</i>	School Superintendent presents preliminary FY 17 Operating Budget to School Committee
<i>Mon Dec 14</i>	Board of Selectmen meets with Audit Committee to hear FY 15 presentation from Auditors
2016	
<i>Mon Jan 4</i>	Nomination papers available from Town Clerk for Town Election
<i>Mon Jan 4</i>	Petitioners' Workshop with Selectmen
<i>Week of Jan 4</i>	Departments review 12/31/15 expenditure data to estimate FY 16 turn backs and confirm FY 17 budget with Finance Director and Town Administrator
<i>Month of January</i>	Finance Committee conducts budget review and deliberations
<i>Tues Jan 5</i>	Planning Board Public Hearing on Zoning Articles; Hearing to be continued or closed - Vote before Jan 15.
<i>Mon Jan 11</i>	Board of Selectmen votes any remaining warrant articles it will propose.
<i>Mon Jan 11</i>	Deadline for capital project sponsors to provide draft warrant summaries to Finance Committee.
<i>Mon Jan 4 and Jan 11</i>	Large Departments make operating budget presentations to Finance Committee. By January 15 th Board of Selectmen will recommend to Finance Committee budgets for entities under its jurisdiction (19-4)
<i>First week in Jan</i>	Place ad for Finance Committee Warrant Article Hearing to run 2 weeks before for 2/5 hearing date.
<i>Fri Jan 15</i>	Deadline for submission of warrant articles at 4:30 p.m. (per Town Code Sec. 36-3) No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any Town meeting unless so voted by a board, commission, committee, or other governmental body of the Town of Wayland by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting. (Town Code 36-3C)
<i>Fri Jan 15</i>	Articles are draft ordered (A,B,C) by Town Administrator and distributed to Moderator, Finance Committee, Selectmen, Town Counsel and Town Clerk. Conveyance of submitted zoning by-law articles to the Planning Board, (Town Clerk per MGL c. 40A s.5)
<i>Mon Jan 18</i>	Martin Luther King Jr, Day
<i>Tues Jan 19</i>	Finance Committee approves letter to Board of Selectmen requesting debt exclusion ballot question (if any)

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

- Mon Jan 25** Town Counsel, Town Planner, Building Commissioner, Town Clerk and Town Administrator meet to review zoning articles, if needed
- Mon Jan 25** Finance Committee ATM Article Hearing
- Mon Feb 8** Finance Committee presents debt exclusion recommendation to Selectmen (if any proposed – N/A)
- Mon Feb 8** Finance Committee votes FY 17 operating budget recommendation
- Mon Feb 8** *Board considers opening of STM Warrant (within annual) from Tuesday 2/2 through Monday 2/8 at 4:30 pm and sets all related dates at that time. Last date to set STM within annual is 45 days before or 2/22/16. The warrant for any Special Town Meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town Meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in § 36-2.*
- Mon Feb 8** Selectmen meeting with Planning Board on Town Meeting articles (if necessary)
- Mon Feb 8** Selectmen determine final (numbered) order of ATM warrant articles
- Fri Feb 12** Deadline, Noon, for submission of sponsor’s report and petitioners’ comments for ATM articles.
- Mon Feb 15 – 19** **President’s Day and School Vacation week**
- Tues Feb 16** Last day for submission of nomination papers to Town Clerk for Town Election (49 days before Election)
- Tues Feb 16** Planning Board discusses, votes reports on zoning articles (May be earlier)
- Thurs Feb 18** Articles put in final form by Town Counsel.
- Mon Feb 22** Selectmen accept public comment; discuss wording and vote on ballot questions (if any)
- Tues March 1** Last day to withdraw nomination papers for Town Election (35 days)
- Tues Mar 1** Last day for Selectmen to submit ballot question (if any) to Town Clerk (35 days before election)
- Wed Mar 2** Town Clerk sends ballot to printer
- Wed Mar 2** Last date for Vehicle descriptions (valued at \$10,000 or more from Parks, Recreation, Highway and Water) prepared by procurement officer to be filed with Town Clerk per Town Code Sec. 19-7
- Wed Mar 2** **Deadline: Finance Committee article comments (with supporting charts and appendices) and Planning Board articles due to Board of Selectmen Town Administrator and Executive Secretary – No changes accepted after this date.**

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

<i>Thurs March 10</i>	Compilation of warrant completed and all changes made; Warrant to printer
<i>Mon March 14</i>	Motions for articles completed by Town Counsel and provided to Moderator and Town Clerk; Pre-Town Meeting to Review Motions this week.
<i>Mon March 14</i>	Final copy of Warrant delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director
<i>Mon March 14</i>	Advertise for Selectmen's March 28 Hearing
<i>Wed March 16</i>	Last day to register to vote prior to Town Election / Town Meeting (20 days prior)
<i>Mon Mar 21</i>	Selectmen sign warrants for posting
<i>Thurs Mar 24</i>	Postal delivery of warrants (Town Code 36-2A, MGL c. 39, s10)
<i>Thurs Mar 24</i>	Motions for articles are posted at Town Building and Library
<i>Thurs Mar 24</i>	Town Clerk post warrants (Town Building, Library, Happy Hollow School, Cochituate Post Office) per Town Code Sec. 36-2A (at least 7 days prior to Annual Town Election and 14 days prior to Special Election) and under 36-1, posts on town sign boards no later than 2 weeks before election and town meeting
	Candidates Night - League of Women Voters
<i>Wed March 23</i>	Moderator's Forum (Tentative Date)
<i>Sun March 27</i>	Easter
<i>Mon March 28</i>	Selectmen conduct ATM Warrant Hearing at 7:00 p.m.; Finance Committee make presentation on debt exclusion ballot question (if any)
<i>Mon March 28</i>	Last day for Selectmen to review proposed motions and vote positions on Annual Town Meeting Warrant articles
<i>Tues April 5</i>	ANNUAL TOWN ELECTION
<i>Wed April 6</i>	Prepare and print final errata sheets, Moderator's instructions to Town Clerk, tellers, and Planning Board reports (if necessary) for distribution at Town Meeting
<i>Wed April 6</i>	Warrants and lists delivered to Town Meeting site. List of non-resident employees provided to Moderator and Town Clerk
<i>Thurs Apr 7</i>	ANNUAL TOWN MEETING (Thursday at 7:30 p.m.)
<i>April 11, 12, 14 (M, T, Th)</i>	Adjourned sessions of Annual Town Meeting (Monday at 7:30 p.m., Tuesday at 7:30 p.m., and Thursday at 7:30 p.m. as necessary)

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

Balmer, Nan

Subject: FW: Town Counsel feedback on DOT interpretation of thickly settled

From: Duane G [<mailto:duane.wayland4wayland@gmail.com>] [DUANE GALBI REQUEST]
Sent: Friday, June 05, 2015 8:07 AM
To: Balmer, Nan
Cc: Irving, Robert; Karlson, Cherry; Joe Nolan (jnolan@citypointpartners.com)
(jnolan@citypointpartners.com)
Subject: Re: FW: Town Counsel feedback on DOT interpretation of thickly settled

Nan,
I have talked to the Chief about this before.

My request was to the BOS to use the Town Counsel to find the legal interpretation of the MGL (Part1, Title14, Chapter90, section1) that the DOT is using to determine thickly settled or not. My request is to be present during these discussions with the Town Counsel.

I believe understanding this is a precursor to the BOS hearing, which I was promised, on how to best proceed in these cases.

Please bring my request and email to the attention of the BOS.

Thx,
Duane

On Thu, Jun 4, 2015 at 5:08 PM, Balmer, Nan <nbalmer@wayland.ma.us> wrote:

Duane

I will refer your e-mail to Chief Irving who is taking the lead in considerations about speed limit posting. I believe we discussed this before but don't remember the policy implications of your suggestion.

Nan

From: Duane G [<mailto:duane.stonebridge@gmail.com>]
Sent: Thursday, June 04, 2015 9:42 AM
To: Nolan, Joseph F.; Karlson, Cherry; Balmer, Nan
Subject: Town Counsel feedback on DOT interpretation of thickly settled

I had a discussion with Joe about if the town should take advantage of the opportunity to lower speed limits by not posting certain special speed limit regulations.

Before the BOS discusses this issue (and brings in residents from Plain St and old Con. path, etc), I think it makes sense to engage with Town Counsel to better understand exactly what the DOT's interpretation of the MGL covering thickly settled is. With this, we could start the BOS meeting knowing exactly where it would be possible to apply the before mentioned approach.

I request access to Town Counsel for the purpose of understanding the DOT's interpretation of thickly settled. I would request a BOS member or member of the town administration or police attend the meeting with me in order to have a consistent view of the the Town Counsel feedback.

--Duane Galbi

617-470-1059



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, June 8, 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 Invoice of Town Counsel Mark J. Lanza for the Month Ending May 31, 2015: \$10,112.84
3. Vote the Question of Approving and Signing the Successor Collective Bargaining Agreement for the AFSCME 1 – Professional Bargaining Unit for the Period of July 1, 2014 through June 30, 2017
4. Vote the Question of Approving the Update to Wayland's Flexible Spending Plan to Recognize the 2015 Increase in the Allowable Federal Medical Flexible Spending Maximum Amount from \$2,500.00 to \$2,550.00
5. Vote the Question of Approving the Application to Sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Coastal Vineyards, David W. Neilson, Manager, on Saturdays, July 1, 2015, August 12, 2015, September 9, 2015, and October 7, 2015, from 10:00 a.m. to 2:00 p.m.
6. Vote the Question of Approving the Minutes of April 13, 2015, April 21, 2015, May 11, 2015, and May 18, 2015

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 - 5/31/2015

SUMMARY

FEE CALCULATION: 62.8 HOURS X \$160.00 PER HOUR = \$10,048.00
DISBURSEMENTS (See below for detail) 64.84
TOTAL 5/31/15 INVOICE.....\$10,112.84
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....\$ 9,296.84
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC
DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T\$608.00
AMOUNT PAYABLE FROM SCHOOL BUDGET.....\$208.00

DISBURSEMENTS

5/2015	Long Dist. Tel. Charges (Detail on File)	12.56
5/2015	Postage	16.78
5/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
5/2015	Copying	12.50
5/6/15	Mileage: 16 @ \$.50 =	8.00
5/6/15	MBTA Fares	15.00
	Total Disbursements	<u>\$ 64.84</u>

DATE: June 8, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: AFSCME 1 - Professional Collective Bargaining Agreement

REQUESTED ACTION:

Vote to sign the successor Collective Bargaining Agreement for the AFSCME 1 - Professional bargaining unit for the period of July 1, 2014 through June 30, 2017.

BACKGROUND:

On March 30th the BOS approved the Memorandum of Agreement that sets forth the changes in the successor Collective Bargaining Agreement for the AFSCME 1 – Professional bargaining unit. The changes from the Memorandum of Agreement have been incorporated into the contract, which the union has signed. The document is ready for the BOS to sign.

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

THE TOWN OF WAYLAND

AND

LOCAL 690 WAYLAND - 1

**AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES**

(AFSCME 690 Wayland - 1)

July 1, 2014 – June 30, 2017

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ARTICLE 1 - PREAMBLE & PURPOSE

1-1. This Agreement is entered into by and between Local 690 Wayland - 1, American Federation of State, County, and Municipal Employees, AFSCME Local 690 Wayland - 1, hereinafter referred to as the "Union", and the Town of Wayland, Massachusetts, hereinafter referred to as the "Town", for the purpose of maintaining the optimum public service which the parties are committed to give to the people of the Town; for the purpose of establishing harmonious collective bargaining relations between the Town and the Union; for the purpose of providing for the equitable disposition of all disputes and grievances; and for the purpose of promoting equitable economic standards and work conditions for the employees of the Town covered by this Agreement.

ARTICLE 2 - RECOGNITION

2-1. The Town hereby recognizes the Union as the sole and exclusive collective bargaining representative for all employees within the bargaining unit, said bargaining unit to consist of all those positions declared appropriate by the State Labor Relations Board in Case No. MCR-4207. A full list of the above-mentioned positions appears in Appendix 1, entitled "Bargaining Unit Positions". The Wastewater Facility Superintendent position is excluded from the bargaining unit. By mutual agreement, effective July 1, 2005, the Town and the Union hereby recognize the positions of Community Health Nurses as members of this bargaining unit. By mutual agreement, effective July 2, 2009, the Town and the Union hereby recognize the positions of DPW Highway/Transfer Station Superintendent, DPW Parks and Cemetery Superintendent and DPW Water Treatment and Distribution Superintendent as members of this bargaining unit.

2-2. New employees hired to fill any of the positions covered by this Agreement do not become eligible for Union membership until the expiration of the probationary period, which ends 4 months from the date of hire.

ARTICLE 3 - DEFINITIONS

Work day - Any of the days on which an employee is regularly scheduled to work.

Calendar day - All days of the calendar week.

Local 690 Wayland - 1 - AFSCME Local Chapter 690 Wayland -1, a subordinate unit of AFSCME Council 93, shall mean interchangeably AFSCME Local Chapter 690 Wayland -1 and AFSCME Council 93.

Employee - shall refer to those employees covered by this Agreement. Where reference is made to male gender, it shall be understood to also include female gender.

Month - A calendar month, that is, from the date of one month to the same date of the ensuing month.

Probationary Employee – Any newly hired employee whose tenure of service in the Town has not exceeded 4 months. Such employees have limited rights during this stage of employment and may be discharged at any point. The probationary period may be extended by mutual agreement of the Town and the union for a period not to exceed 3 additional months. If extended, all probationary provisions as described in this Article will remain effect.

Trial Employee - Any employee promoted to a higher or equally graded position within the bargaining unit. Such employee will serve a 2-month trial period. During this period the supervisory authority may return the employee to his/her previous position or the employee may request to return to his/her previous position. If returned to a previous position, the employee will receive the same rate of pay as when he/she left the original position.

Supervisory Authority - the official, board, agency, commission, committee, council or other authority empowered by law to supervise, direct and control the activities of employees. When the term “supervisory authority” refers to other than a single individual, it shall be construed to refer to a majority vote of said authority.

As of March 25, 2015, for purposes of sick leave administration, the Human Resources Director shall have supervisory authority over employees’ sick leave utilization.

Town - the Town of Wayland, Massachusetts.

Union - Local 690 Wayland -1 and AFSCME Council 93.

ARTICLE 4 - ANTI-DISCRIMINATION PROVISIONS

4-1. The Town and the Union shall not discriminate against any member of the bargaining unit because of race, religion, creed, color, sex, sexual orientation age, physical and mental handicap, marital status, country of ancestral origin, political beliefs and affiliations, or membership in any lawful organization.

4-2. The Town shall not discriminate against, intimidate, or coerce any member of the bargaining unit in the exercise of the right to bargain collectively through the Union or on account of membership in, or activities on behalf of, the Union.

4-3. The Union shall not discriminate against any member of the bargaining unit in the administration of this Agreement because of non-membership in the Union.

ARTICLE 5 - UNION DUES & AGENCY SERVICE FEE DEDUCTIONS

5-1. Subject to applicable law as set forth in the Massachusetts General Laws, Chapter 150E, as amended (hereinafter referred to generally as MGL Ch.150E, s.12), the Town shall deduct from earned salary of those employees who individually authorize such deduction in writing on the form attached

hereto (Appendix E) periodic union membership dues and service charges (hereinafter referred to as dues) required as a condition of acquiring or retaining membership in the Union.

5-2. The Town shall remit all sums deducted under such check-off authorization to the Treasurer of the Union, together with a list of the employees from whom such deductions have been taken. Concurrently the Town shall submit to Local 690 Wayland -1 a list of the employees from whom such dues have been deducted indicating the amount from each employee. Such remittance shall be made by the tenth day of the succeeding month, provided the Town has possession of the necessary business equipment to effectuate such arrangement.

5-3. In addition to the above all members of the bargaining unit who are not members of the Union or who have not voluntarily executed an authorization for dues as provided above, shall be required to pay certain fees hereafter referred to as "agency service fees", to the Union, pursuant to and in conformance with MGL Ch. 150E, s. 12, as amended. All of said members of the bargaining unit shall be required as a condition of employment to make payment of said agency service fees to the Union on or after the completion of the 4-month probationary period.

5-4. The Town shall deduct from earned salary said agency service fees and remit all of said deducted sums to the Treasurer of the Union, together with a list of the employees from whom said fees have been deducted. Such remittance shall be made by the tenth day of the succeeding month, provided the Town has the necessary business equipment to effectuate such arrangement.

5-5. Dues and agency service fees may be changed from time to time, and in the event of such changes, the Treasurer of the Union will notify the Town, which shall make adjustments in the deduction of said dues and fees to reflect such changes.

5-6. The Town shall give written notice monthly to the Treasurer of the Union of those employees who become eligible for membership in the Union and of those employees who have resigned from employment or who have been terminated.

5-7. The Union shall indemnify and save the Town harmless against any claim, demand, suit, or other form of liability that may arise out of or by reason of action taken by the Town for the purpose of complying with this article, or in reliance on any assignment furnished to the Town.

5-8. It is acknowledged by the Town and the Union that all court ordered garnishments, such as Child Support, will be deducted from wages prior to dues deductions.

ARTICLE 6 - UNION BUSINESS

6-1. Local 690 Wayland -1 designated representatives and officers shall be allowed reasonable time off with pay during work hours to investigate, process and adjust grievances to attend hearings and meetings with Town officials, and to attend meetings involving contract negotiations with Town officials; all with prior notification and approval of the supervisory authority. Discretion in the exercise of these duties will be used to prevent interruption of services.

6-2. The Union shall forward to the Town a written list of its officers, members of its negotiating committee, executive board, grievance committee, and stewards, as applicable, as they are either elected or appointed, and shall promptly notify the Town of any change in those holdings such offices.

6-3. Local 690 Wayland -1 and AFSCME staff, officers and stewards shall have the right to visit employees, Local 690 Wayland -1 officials and stewards, and all committee members of Local 690 Wayland -1 on Town premises for the purpose of discussing union business with prior notification of the supervisory authority. Discretion shall be used in the exercise of these duties to prevent interruption of services.

6-4. One (1) Local 690 Wayland -1 official or member may be elected or appointed by Local 690 Wayland -1 to represent it at each union-related conference or convention. Said official or member, who may differ for each event, shall be granted leave with pay for such purposes; but the total number of days of leave with pay for such purposes shall not exceed 5 work days per contract year. Requests for such leave shall be submitted to the supervisory authority at least 2 weeks prior to the time being requested.

6-5. The Town shall supply to the Union an original copy of this collective bargaining Agreement.

6-6. The Town shall provide, for exclusive use by the Union, a reasonable amount of bulletin board space where notices may be posted in all Town buildings wherein employees function.

6-7. Up to 3 members of the bargaining unit shall be permitted to participate in collective bargaining negotiations.

ARTICLE 7 - MANAGEMENT RIGHTS

7-1. The management of the Town, its operations, and work force are rights vested exclusively in the Town and, except as limited by specific provisions of this Agreement, the Town shall continue to have the sole and exclusive rights customarily reserved to management, including the right to hire, promote, and transfer; and, for the following, the right to discipline, demote, suspend, and discharge for just cause only; the right to relieve employees from duty because of a lack of work or other proper reasons; the right to schedule operations, shifts, and all hours of work; the right to assign work and require work during periods not considered customary; the right to select supervisory and management personnel and control their conditions of employment; and the right to establish rules pertaining to the operation of the facilities and permissible conduct of employees. The Town shall have the sole right to determine the process, means, personnel, and equipment to be used, quality of material, quality and quantity of work required.

ARTICLE 8 - INDEMNIFICATION

8-1. The Town may provide legal defense for employees who are defendants in civil litigation arising from errors of commission or omission committed during the performance of duties on behalf of the Town. Said legal defense will not be unreasonably withheld.

ARTICLE 9 - NO STRIKES OR LOCKOUTS

9-1. The Union and its members will not cause, call, or sanction any strike, work stoppage, or slowdown, nor shall the Town lock out employees during the term of this Agreement.

ARTICLE 10 - PAST PRACTICE/ SAVINGS CLAUSE

10-1. Except as otherwise expressly provided for in this Agreement, all privileges and benefits that employees have hitherto enjoyed shall be maintained and continued by the Town during the term of this Agreement.

10-2. Should any provisions of this Agreement be found to be in violation of any federal or state law of the Supreme Judicial Court of Massachusetts or a federal court of competent jurisdiction, such decision will only affect that provision. All other provisions of this Agreement shall remain in full force and effect.

ARTICLE 11 - TECHNOLOGICAL CHANGES

11-1. In the event the Town introduces new equipment, methods, or processes as a substitute for or replacement of present equipment, methods, and processes, employees in positions affected by such changes and innovations shall be given a reasonable period of time, not to exceed 6 months, to train in the use of such new equipment, methods, and processes.

ARTICLE 12 - SUBCONTRACTING PROCEDURES

12-1. The Town shall make every reasonable effort to provide work for employees. In the event that work performed by said employees is subcontracted, the Town and the Union will cooperate to minimize the impacts of any such subcontracting.

ARTICLE 13 - GRIEVANCE PROCEDURES

13-1. For the purpose of this Agreement, a grievance shall be defined as a dispute regarding the interpretation or application of the language of this Agreement. Any incident which occurred prior to July 1, 2005 pertaining to the Community Health Nurses shall not be subject to the grievance

procedure. Any incident which occurred prior to July 2, 2009 pertaining to the DPW Highway/Transfer Station Superintendent, DPW Parks and Cemetery Superintendent and DPW Water Treatment and Distribution Superintendent shall not be subject to the grievance procedure.

Step One: The Union or an employee covered by this agreement, may file a written grievance with the immediate supervisor or supervisory authority no later than 10 workdays from the date on which the incident giving rise to the grievance occurred or when the employee or union should have known of the occurrence of the action or condition being grieved. The supervisor or supervisory authority shall meet with the employee and/or union within 10 workdays thereafter and shall give a written decision within 5 workdays of the meeting.

Step Two: If the Union or employee is not satisfied with the disposition of the grievance at Step One, or if no decision has been rendered within 5 workdays, the Union or grievant may appeal to the Personnel Board or its designee within 5 workdays. Such appeal shall be in writing setting forth the details of the grievance, the applicable provisions of the agreement alleged to have been violated, and the decision, if any, rendered at Step One. Within 10 workdays after receipt of the written grievance, a hearing shall be scheduled or a decision rendered. If a hearing is scheduled, it shall be held no later than 20 workdays following receipt of the appeal. A written decision shall be rendered within 5 workdays after the close of the hearing.

Step Three: If the Union or employee is not satisfied with the disposition of the grievance at Step Two, or if no decision has been rendered within 5 workdays, the Union or grievant may appeal to the Board of Selectmen or its designee within 5 workdays. The Board of Selectmen or its designee shall convene a hearing within 10 work days and shall render a written decision within 7 work days, starting the day following the close of the grievance hearing, or by 4:30pm on the day following the Board's next regular meeting, whichever is later. The Board's failure to issue a decision within the applicable time period shall be construed as denial of the grievance.

Step Four: If the Union is not satisfied with the decision of the Board of Selectmen or its designee, or if no decision has been rendered by the Board of Selectmen or its designee within 5 workdays of the close of the hearing, the Union may submit the grievance to arbitration within 10 workdays as provided within this agreement.

13-2. Any step or steps in the grievance procedure, as well as the time limits prescribed at each step of this grievance procedure, may be waived by mutual agreement of the Union and the Town in writing. At each step of the grievance procedure where a decision is required, the decision shall be in writing.

13-3. Grieving employees and Union officials shall be compensated at their regular rate of pay during normal work hours for the processing of grievances and arbitrations. Requests for time off shall be made in advance and shall not be unreasonably denied.

13-4. At the request of the Union, grievances resulting from suspension, discharge or demotion shall be given priority over all other grievances being processed. Decisions resulting from disciplinary actions shall be rendered to the employee and to the Union. Whenever disciplinary action is necessary,

the Town and the Union agree to the concept of progressive disciplinary action, except in cases of serious offenses as determined by the Town.

13-5. The Union may submit the grievance to the American Arbitration Association in accordance with its rules and procedures; or the parties may mutually agree to an alternative form of arbitration.

13-6. All arbitrated decisions shall be final and binding. The expense of all arbitration shall be final and binding. The expense of all arbitration shall be borne equally by the employee/Union (50%) and by the Town (50%).

13-7. Only grievances arising out of the provisions of this contract relating to the application or interpretation thereof, may be submitted to arbitration. The arbitrator shall have no power to add to, subtract from, or modify the terms of this agreement.

13-8. All matters concerning changes in wage schedules, monetary or wage benefits, or any other matters requiring the appropriation of money shall not become a subject for arbitration. It is understood that this paragraph shall not be applied to any other obligation arising under this Agreement.

13-9. The aggrieved employee, the Union, and the Town may mutually agree to extend any time limits identified in this article. If the Town fails to reply as required by this article within the time limits set forth in each of the steps of this grievance procedure, as such time limits may be mutually extended, then the employee or Union may file the grievance at the next step of the grievance procedure.

ARTICLE 14 - PERSONNEL RECORDS

14-1. Each employee shall be granted full access to his/hers own personnel record and may at his/hers request, have a representative of the Union present during such access. Access to personnel records will be conducted in the presence of a Human Resources representative. The employee is not permitted to remove any documents from the file, but may request and shall be provided copies of any documents contained in the file. No material derogatory to an employee's conduct, service, character or personality shall be placed in any employee's file unless the employee has had the opportunity to review such material. The employee shall have the right to submit a written response to such material.

ARTICLE 15 - HOURS OF WORK, GRADES & VACANCIES

15-1. The work schedule outlined at Appendix B shall remain in effect for non-Community Health Nurse employees unless modified by joint agreement of the parties. The Community Health Nurses shall work 35 hours per week with a normal workday of 7 hours per day. When foreseeable, the Town will notify the Union in advance of any change in grade, compensation, work schedule, or number of employees.

15-2. The various positions within the bargaining unit shall be assigned to a grade in accordance with Appendix A. All positions within the bargaining unit are professional salaried positions. Effective July 1, 2005 Appendix A will reflect wages on a weekly basis. The calculation shall be based on a 52-week pay year. It is not the intent of the Town to revert to annualized wages after July 1, 2005.

The Community Health Nurses positions shall have their own grade as identified in Appendix A. The school year for Community Health Nurses is defined as 182.5 days with classes in session and 2.5 in service days as determined by the Public Health Director. Community Health Nurses' weekly wages will be averaged by dividing their annual wages by 52 weeks. During the school year Community Health Nurses will receive the aforementioned average weekly pay. On or around June 30th of each year, the Community Health Nurses will be paid the remaining balance of their outstanding annual wages in one lump sum payment. Designated paid holidays are included in the annual salary.

15-3. Part-time bargaining unit members who regularly work a minimum of 15 hours per week shall be entitled to paid-time-off benefits on a pro-rated basis. This section does not apply to job share participants who are defined in Section 15-4.

15-4. Any position may be shared by more than one employee with the approval of the supervisory authority and the Personnel Board. Employees who share a full-time position shall be entitled to the fringe benefits of said full-time position on a pro-rata basis as permissible by law or benefit plan, to be negotiated between the employees sharing the position and their supervisory authority, and with the approval of the Personnel Board.

15-5. Individuals not included in the bargaining unit shall not perform work normally assigned to employees of the bargaining unit; except that during periods of illness or other extended absences, excluding scheduled vacation time, such individuals can perform said work.

15-6. The Union shall be permitted to submit to the appropriate supervisory authority recommendations for any and all content areas to be included in any examination for any classification within the bargaining unit, and upon receipt of such from the Union, the supervisory authority shall forward same to the Personnel Board.

15-7. The Town shall maintain an up-to-date classification and pay plan and system to enable the Town to review and update job descriptions. Individual requests for classification reviews need not be linked to contract negotiations. Should the Union or an employee believe that the employee's position is improperly described or classified, the Union or employee may, through the supervisory authority, request that a study of the position be conducted by the Personnel Board, which shall complete said study and submit a copy to the requesters within 4 months of said request. Unless the essential functions or the responsibilities of the position are demonstrably changed, no more than 4 positions may be submitted for review in any calendar year.

15-8. Announcements of all vacancies within the bargaining unit, whether new or to be re-filled, shall be distributed by email to each Town department when the decision to re-fill them is made, and shall be posted within the Town offices for no less than 1 week. All qualified bargaining unit members who apply for the vacancy shall be interviewed.

ARTICLE 16 - WORKING OUT OF GRADE OR POSITION

16-1. Except for scheduled vacations, whenever an employee is required by his supervisory authority or supervisor to work in a higher grade or position for a period of more than 20 consecutive work days, such employee shall be notified in writing that he is required to do so no less than 24 hours before starting to work, or sooner if possible, in the higher grade or position. While working in the higher grade or position, such employee shall receive the salary rate at the step within said higher grade equal to 1 step higher than his current grade, retroactive to the first day of such assignment.

ARTICLE 17 - PAY SCHEDULES

17-1. Employees shall receive compensation in accordance with the pay plan shown in Appendix A. There will be across-the-board general salary increases as follows:

Effective July 1, 2014	1.0%
Effective July 1, 2015	1.5%
Effective July 1, 2016	2.0%

17-2. A newly appointed employee may be hired at any step in the pay schedule, except that Personnel Board approval shall be required for appointment above the fourth step. Said employee, upon the written approval of his supervisory authority and for no less than a satisfactory evaluation, shall receive a 1-step increase at the completion of 6 months employment, and an additional 1-step increase on each anniversary date thereafter until the maximum of the grade has been achieved. An employee who receives an unsatisfactory performance evaluation may be placed on a performance improvement plan. If the employee so requests, a union representative may be present. For the purposes of step increases, a new anniversary date shall be established for reclassified employees, which shall be the effective date of the reclassification as voted by the Personnel Board. Reclassified employees shall only be eligible for a 1 step increase on each subsequent anniversary following a reclassification.

17-3. Employee performance evaluations shall be completed by the supervisory authority and submitted to the Human Resources Department following the completion of the employee's 4-month probationary period and by each anniversary date, said date being the date of hire of the employee, or if reclassified, the date of each employee's last reclassification. All subsequent steps required to complete the evaluation shall be completed within 30 calendar days by the Personnel Board or its designee. If deadlines are not met or in any event, all steps and pay increases, and other benefits that would otherwise be due as a result of a passing evaluation, shall be retroactive to the employee's anniversary date, except evaluations requiring additional supervisory board action. Copies of all performance evaluations will be retained in the employee's personnel file.

17-4. Effective July 1, 2007 the Community Health Nurses shall be paid in accord with Appendix A. Effective July 1, 2007 the Community Health Nurses who worked the previous school year shall be placed at Step 6 on the wage scale.

17-5. Upon attaining a Masters' Degree Community Health Nurse shall be eligible for an annual payment of \$1,500. The degree must be in a relevant nursing or public health discipline as determined by the Human Resources Director.

17-6. Effective no earlier than the first pay week of April 2008, employees will be paid on a bi-weekly basis. All employees will receive their pay via direct deposit.

ARTICLE 18 - MEAL ALLOWANCE

18-1. The Town shall furnish a meal to any employee who is requested by his/her supervisory authority to work at least 3 hours either immediately prior to the beginning of, or immediately following the end of his regular work day. In addition, this provision will apply to evening meetings, except evening meetings on Monday or Tuesday when Monday is a holiday, when said meetings are not held immediately following the end of the regular work day. In the event the Town is unable to furnish meals, the Town shall provide the employee with a \$10.00 meal allowance.

ARTICLE 19 - CAR MILEAGE ALLOWANCE

19-1. Mileage allowance for private automobiles will be paid to those employees who are required and authorized by their supervisory authority, to utilize their personal vehicles to conduct Town business and not for commuting purposes including commuting to and from evening meetings, and shall equal the rate established by the US Internal Revenue Service, as revised by said agency. The rate will be adjusted each year to coincide with revisions by the Internal Revenue Service. Requests for mileage reimbursement will normally be submitted within 30 days of incurring the expense.

ARTICLE 20 - SAFETY PROVISION

20-1. The Town shall provide reimbursement for field related clothing and construction boots, upon the presentation of a receipt for same, with replacement as needed, not to exceed \$355 per fiscal year, for each employee, with the exception of the following positions: Accountant, Information Technology Manager; Treasurer/Collector; Director, Council on Aging; Director, Youth Services; and Assistant Director, Youth Services; and Substance Abuse Professional.

ARTICLE 21 - REQUIRED & SPECIAL LICENSE ALLOWANCES

21-1. Except for Class D drivers' licenses, the Town shall assume the cost of all approved job-related licenses required to be held by employees.

21-2. A DPW Highway/Transfer Station Superintendent, DPW Parks and Cemetery Superintendent and DPW Water Treatment and Distribution Superintendent who holds a special license not required by his/her job description and uses that special license to perform work for the Town, shall be compensated three hundred (\$300) per year. In order to qualify for the compensation, the employee is required to have prior approval of the DPW Director. Special licenses for the purposes of the section shall mean HVAC License, Scuba Diver License, Licensed Electrician, Licensed Plumber and any additional special licenses the DPW Director may deem necessary for operations. Compensation for special licenses will be subject to applicable tax deductions.

ARTICLE 22 - PROFESSIONAL DEVELOPMENT

22-1. The Town shall provide an educational allowance fund, up to a maximum of \$1,000 per employee per fiscal year, to reimburse eligible employees for educational costs in accordance with the provisions of this article. The total expenditure for professional development by bargaining unit members cannot exceed more than \$5,000 in any fiscal year.

22-2. All employees are eligible to participate in this allowance upon completion of 12 months of continuous employment. Employees receiving educational aid from any grant, scholarship, or veteran's benefit shall have educational allowance granted hereunder reduced by the amount of said grant, scholarship, or veteran's benefit.

22-3. Courses shall be approved that are directly related to the employee's present position assignment or that will increase the employee's qualifications for advancement within his department. Each full-time employee may take no more than 4 courses for reimbursement during each fiscal year; each part-time employee may take no more than 2 courses for reimbursement during each fiscal year; and the combined total of such courses taken by employees sharing one permanent full-time position may not exceed 4 during each fiscal year. One course means a course taken during one semester or term.

22-4. Employees wishing to participate in this program must have their course approved prior to enrollment in such course. Prior approval is obtained by the employee submitting to his supervisory authority, with a copy to the Human Resources Director, an "Application for Educational Allowance" for each course to be taken. Applications must be approved by the supervisory authority and the Human Resources Director. The supervisory authority will forward all such applications to the Town Accountant for approval as to availability of funding. Applications will be approved based on the date that completed "Applications for Educational Allowance" are received in the Town Accountant's Office.

22-5. Employees shall be reimbursed for all costs upon passing an approved course. Approved courses that are not completed and passed--as defined by the institution offering said courses--are not reimbursable under this plan. All reasonable costs associated with attendance at and completion of approved course are reimbursable under this plan, and include, but are not limited to, tuition, registration and application fees, lab fees, books. To receive reimbursement an employee must submit to his supervisory authority and the Human Resources Director a copy of all bills and invoices from the school, plus proof of payment of said bills and invoices, plus an accounting of all costs that are not billed; plus certification of attendance and passing grade. The supervisory authority and the Human Resources Director, upon signing said documentation, shall forward same to the Town Accountant for payment. The employee must be on the active payroll as an employee as of the date said course was completed. The Town is not liable for any taxes or assessments to federal, state, town, or county governments due on any reimbursements paid to employees under this plan.

22-6. When an employee is directed by the Town to attend a course as part of the job, the Town will pay directly for all costs associated with such attendance where possible, and reimburse the employee for all such costs that cannot be paid for directly, including mileage for travel to and from said course. No payment for such courses shall be made from, nor be considered part of, the educational allowance benefit of this article.

22-7. If an employee attains a master degree in a field of study directly related to his/her position, he/she shall be, if not at the maximum of the applicable pay grade, advanced to the next step within his/her pay grade. This step increase shall not change the employees' anniversary date with regard to future step increases.

22-8. Community Health Nurses shall be eligible for this article.

ARTICLE 23 - HOLIDAYS

23-1. The following shall constitute the official paid holidays to be granted to each non-Community Health Nurse employee in each calendar year: New Year's Day, Martin Luther King's Birthday, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day; and any other holiday as determined by the Board of Selectmen. Effective July 1, 2008 the day after Thanksgiving will be added as a paid holiday.

When one of the foregoing holidays is celebrated on a Sunday, the holiday will be observed on the following Monday. When one of the foregoing holidays falls on a Saturday, the holiday will be observed on the preceding Friday.

23-2. If a holiday is celebrated on a regularly scheduled work day, full-time employees shall be entitled to the day off and shall be paid for the number of hours in his/her official work schedule for that day. Part time and job share employees shall be entitled to the day off and shall be paid for the average number of hours worked per week divided by five, for that day.

23-3. Whenever an employee is required to work on a holiday, he shall be paid for the number of hours in his official work schedule for that day, plus he shall receive compensatory time off. Any employee reporting on such a holiday shall be so compensated with at least one-half (1/2) day.

23-4. If a holiday is celebrated on an employee's regularly scheduled day-off, he/she shall receive a day-off with pay for the average daily hours worked based on the regular hours worked per week.

23-5. If a holiday falls on a regularly scheduled work day within an employee's vacation period, the employee shall not be charged vacation leave for his absence on that date.

23-6. In order to qualify for holiday pay, an employee must be in full-pay status the scheduled workday immediately preceding the holiday and the scheduled workday immediately following the holiday. This section will not apply to employees absent on approved workers' compensation leave.

23-7. The following 10 holidays have been incorporated into the wage schedule for the Community Health Nurses: New Year's Day, Martin Luther King's Birthday, Presidents' Day, Patriots' Day, Memorial Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day. Should any of the aforementioned holidays not fall during the school year, the Community Health Nurses shall not receive pay for said holiday. With the exception of the day after Thanksgiving, the Community Health Nurses shall be granted any other holiday as determined by the Board of Selectmen that falls during the school year. With the exception of Section 23-6, no other provisions of Article 23 – Holidays shall apply to the Community Health Nurses.

ARTICLE 24 - ANNUAL VACATION LEAVE

24-1. For the purposes of this article, annual vacation leave (hereinafter also referred to as vacation leave or vacation) shall accumulate on the basis of the calendar year. Vacation credits shall accumulate and shall be credited in accordance with Section 3 of this article, with an accurate accounting of said leave reported to each employee quarterly or upon the employee's request.

24-2. All employees on the Town payroll as of on March 27, 2015 who are covered by this Agreement shall receive vacation leave with pay according to the following schedule:

<u>Years of Service</u>	<u>Annual Vacation Leave with Pay</u>
Up to 10 years	20 work days
10 years or more	25 work days

Department Head employees hired after the signing of this MOA shall earn vacation leave in accordance with the aforementioned schedule. For purposes of vacation accrual, Department Heads are defined as the following positions: Assessing Director, Building Commissioner, COA Director, Conservation Administrator, DPW Parks Superintendent, DPW Highway/Transfer Station Superintendent, DPW Water Superintendent, Health Director, Town Planner, Town Surveyor, Treasurer/Collector, and Youth & Family Services Director.

Non-Department Head employees hired after the signing of this MOA shall receive vacation leave with pay according to the following schedule:

<u>Years of Service</u>	<u>Annual Vacation Leave with Pay</u>
Up to 5 years	15 work days
5 years or more	20 work days

Newly hired employees will begin to accrue vacation leave after the successful completion of their probationary period. Newly hired employees who successfully complete their probationary period will accrue vacation leave back to their date of hire.

24-3. The schedule for earning vacation leave is as follows:

For 15 days per year: 8.75 hours/month

For 20 days per year: 11.6667 hours/month

For 25 days per year: 14.5834 hours/month

24-4. This earning schedule is based on 260 regularly scheduled work days per year and a 5-day work week. Part-time employees shall earn vacation leave at the same rate that is calculated on the number of days worked, provided they regularly work a minimum of 15 hours per week. Vacation leave shall be prorated between employees sharing full-time positions. Vacation leave may be taken in 1/2-day increments. Employees' requests for vacation leave shall be pre-approved by the Department Head. Department Heads shall provide the Town Administrator or designee with 48 hours of notice for vacation requests less than 5 days. Department Heads shall provide the Town Administrator or designee with 5 days of notice for vacation requests of 5 days or more. Said requests shall not be unreasonably denied.

24-5. Commencing the first day of the first January following the implementation of this Agreement, and each January 1 thereafter, an employee shall be compensated for each day, or portion thereof, of vacation leave that said employee was unable to utilize due to unforeseeable work circumstances. Said circumstances must be approved by the supervisory authority, and by the Personnel Board no later than December 1 of the year for which the request for said payment is made.

24-6. When the service of an employee shall be terminated by resignation, death, dismissal, or otherwise, if such employee shall not have used vacation leave equal to his vacation credits, such employee or his estate shall on such termination be entitled to receive full pay for all of said vacation credits as of the date of termination.

24-7. Each eligible employee may be allowed to take 4 consecutive weeks of earned vacation leave during any calendar year. Said leave shall be subject to approval of the department head or supervisory authority and subject to the operational efficiency of the department and shall not be unreasonably denied.

24-8. An employee who becomes ill during the course of vacation leave shall be given an opportunity to change said vacation leave to sick leave on the condition that a physician's certificate confirming the sickness shall be filed with the Human Resources Director upon return to work.

24-9. Effective January 1, 2015, up to 10 accumulated vacation leave days may be carried forward to, and shall be used within, the next leave year. With permission of the supervisory authority and the Personnel Board, up to an additional 5 days, for a total of 15 days, may be carried forward and shall be used within the next leave year.

24-10. When an employee is not on payroll and has been absent due to illness for more than 10 consecutive working days, he will not accumulate vacation leave for the period of the absence.

24-11. Nothing in Article 24 – Annual Vacation leave shall be applicable to the Community Health Nurses.

ARTICLE 25 - SICK LEAVE & WORKER'S COMPENSATION

25-1. Sick leave with pay shall be granted to employees covered by this Agreement. Sick leave with pay is hereby defined to mean a necessary absence from duty due to personal illness or injury, or exposure to contagious disease.

25-2. Employees shall be granted 13 days of sick leave during each year of service, to be accumulated without limit, and shall be credited at the rate of 7.5840 hours/month, with an accurate accounting of said leave reported to each employee upon the employee's request and quarterly.

The Community Health Nurses shall accrue sick leave at the rate of 7.5840 hours/month during the school year. Partial months of the school year shall be pro-rated based upon the number of school days in the original school calendar.

25-3. Upon the retirement, resignation when eligible for retirement after 15 years of service, or upon the death of any employee, the Town shall pay to said employee, or to the employee's estate, an amount equal to sixty percent (60%) of any unused sick leave then remaining, not to exceed the amount as follows:

15 Years of Service	Not to Exceed \$7,500
20 Years of Service	Not to Exceed \$10,000

25-4. When an employee is unable to work due to illness or non occupational injury, the employee may use sick leave, not to exceed the limit of the employee's accrued sick leave, and be compensated at his/her regular rate of pay. Sick leave may be used in hourly increments with a minimum usage of 2 hours.

The supervisory authority must be satisfied that the leave is caused by the employee's illness. A doctors certificate (Appendix C) may be required by the Town in connection with a claim for sick

leave, including future sick leave, when a pattern of absences of any duration reasonably raises a suspicion of an abuse of sick leave or when the supervisory authority has reason to believe that an absence is not due to the employees illness.

A sick leave certificate (Appendix C) will be required for absences of more than 5 consecutive work days.

If an employee refuses to submit a requested certificate, the Town shall be entitled to refuse sick leave and/or take such disciplinary action as maybe appropriate.

25-5. Employees may utilize up to 3 days of accrued sick leave per calendar year for the purpose of caring for a member of their immediate family (spouse, child or parent). The use of this benefit shall be for unforeseen short-term illnesses and may be used on an intermittent basis.

25-6. In the event an employee is incapacitated as the result of bona fide injury or sickness arising out of and in connection with service to the Town and for which Worker's Compensation is payable, he shall be granted the difference between Worker's Compensation payments and his regular straight time rate of pay on the same basis and under the same procedures as set forth in this article for sick leave. Whenever an employee shall be absent from his duties and receiving compensation as provided in the Worker's Compensation Law, he shall be granted sick leave in accordance with the rules applicable thereto. Deductions from accumulated credits shall be applied only to that part of his salary which is paid as an addition to Worker's Compensation payment. Annual vacation leave credits may be applied in the same manner. When such absence shall not be covered by sick leave or annual leave, it shall be deemed to be leave without pay. An employee suffering an occupational injury, eligible for medical payments under Worker's Compensation, who returns to work within 5 days of receiving said injury may, at his election, be compensated out of his sick leave, if any.

25.7 An employee who is receiving Worker's Compensation shall be permitted to use his accumulated sick leave or his available vacation leave in 1-hour increments for the purpose of receiving the difference between what he receives under Worker's Compensation and his regular weekly salary. The Town, at the employee's election, shall pay him the necessary amounts and charge them to his unused and accumulated sick leave or available vacation leave.

25-8. When an employee is not on payroll and has been absent due to illness for more than 10 consecutive working days, he will not accumulate sick leave for the period of the absence.

25- 9. An employee injured on the job or absent due to his non-work related illness may return to work on modified duty. Absence due to the employee's own illness requires satisfactory medical documentation from the treating physician. Absence due to a work related injury requires satisfactory medical documentation from the treating physician or the Town's medical authority. Return to work on modified duty is subject to work available as determined by the Department Head and the Human Resources Director. If the Department Head is requesting modified duty, the Human Resources Director shall determine the availability of work. Modified work is a temporary means to aid in the recovery of an injured or ill worker. Progression to eventual full duty function is the expectation of the modified work program. A modified duty program may be discontinued by the Department Head

and/or Human Resources Director at any point in time based on the availability of work or the supporting medical documentation.

25-10. Effective March 9, 2015, Sick Leave accrual shall be capped at 1050 hours/150 days for newly hired employees. Newly hired part-time employees' sick leave shall be capped in proportion to their part-time schedule.

ARTICLE 26 - SICK LEAVE BANK

26.1 The sick leave bank will be managed and administered by a sick leave bank committee consisting of 5 members, 3 members from the AFSCME union, and 2 members from management. The committee shall meet at least once every calendar year to administer the bank.

26-2. The purpose of the sick leave bank shall be to permit employees who have exhausted their paid sick leave accumulation to continue on paid sick leave by withdrawing paid sick leave days from the bank's general fund.

26-3. The bank's general fund shall be the accumulation of contributions by individual employees. All employees will be required to contribute 1 day of paid sick leave per year to the general fund from their personal accumulation. Part-time employees will contribute on a pro-rata basis. Employees irrevocably waive any personal rights to use or take advantage of the contributed days, and irrevocable waive any legal or equitable relief or recourse against the Town or against the Union relative to the sick leave bank.

26-4. Employees who have exhausted their sick leave accumulation may be allowed to withdraw from the fund. Said withdrawals shall be requested by employees and must be approved by the committee. The committee may approve withdrawals up to the balance of the fund. The committee shall not normally approve requests for more than 30 calendar days per employee per withdrawal. Up to a maximum of 2 withdrawals for a total of 60 calendar days may be approved by the Committee per employee per calendar year.

26-5. Whenever the accumulation of the bank shall have fallen below ten (10) days, the committee shall notify in writing all employees of the bargaining unit. Employees shall within fifteen (15) days after the giving of said notice, assign one (1) additional day to the sick leave bank. Any employee who shall have exhausted his personal sick leave accumulation on the date of the giving of said notice, shall assign the additional day at the time when his personal sick leave accumulation exceeds one (1) day. Further, such member shall retain his rights in the bank until such period of assigning the additional day has expired.

26-6. The committee shall notify the Town in writing of approved withdrawals. The Town shall then adjust payroll and personnel records accordingly. The Town may conduct annual audits of the sick leave bank.

26-7. Decisions of the committee shall be binding, fair, and equitable. The grievance provisions of this Agreement shall not apply regarding the sick leave bank.

26-8. The committee shall establish and maintain rules for administering the sick leave bank consistent with these provisions, and as approved by the Personnel Board, including provisions for repayment to the bank of days utilized.

26-9. Employees who retire or leave employment with the Town may donate up to 20 sick leave days to the Sick Leave Bank, provided that the total Sick Leave Bank does not exceed the 200 day cap established in the rules and regulations by more than 40 days. Any such donation must be submitted to the committee in writing.

ARTICLE 27 - BEREAVEMENT LEAVE

27-1. Employees shall be entitled to leave with pay for 3 workdays in the event of death of a member of an employee's immediate family. The term "immediate family" shall mean an employee's sister, brother, grandparents, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, or any other person residing in the employee's household. In the event of death of the employee's spouse, child, parent or step-parent, the employee shall be granted 5 workdays leave with pay.

An additional 2 days of paid leave for the purpose of travel may be granted as needed by the department head or supervisory authority and shall not be unreasonably withheld, but in no event shall the total bereavement leave exceed 5 workdays.

ARTICLE 28 - JURY LEAVE

28-1. Every employee who is ordered by the appropriate authority to report for jury duty shall be granted a leave of absence from his regular duties during the actual period of such jury duty, and shall receive for such period of jury duty his regular pay, and shall accumulate all other benefits at his regular rate of accumulation. In order to qualify for jury leave, the employee shall provide reasonable documentary proof of actual service of jury duty to the Human Resources Director. The employee shall reimburse the Town for any jury payments received from the court for time served. Employees serving on jury duty should make every reasonable attempt to report for work when not actively serving on a jury.

ARTICLE 29 - MILITARY LEAVE

29-1. Any employee hired prior to April 1 in any year who is absent for an ordered tour of military training duty with a US military organization, reserve, or National Guard unit will be paid the difference between his regular weekly pay rate and his certified military pay for each week of such absence, as provided in MGL Ch. 33, s. 59.

29-2. Employees on such absence shall accumulate sick leave and annual vacation leave credits at their regular rate of accumulation. Such accumulations shall be carried over to the credit of said employee at the conclusion of each calendar year during such absence.

29-3. Employees on such absence shall be granted yearly salary increases when due in accordance with the conditions of eligibility outlined in this Agreement. At the conclusion of such absence, the employee shall be returned to his position, subject, however, to applicable federal and state laws.

29-4. Such training activities as defined in this article shall not include weekly drill nights or similar drill periods lasting less than one day, or training periods voluntarily engaged in by the employee beyond the training period required generally of the members of the armed services.

ARTICLE 30 - SMALL NECESSITIES LEAVE

30-1. Eligible employees may take up to 24 hours of unpaid leave in a 12-month period for the following reasons:

- 1) to participate in school (including certain day care facilities) activities directly related to the educational advancement of a son or daughter;
- 2) to accompany a son or daughter on routine medical or dental appointments; or
- 3) to accompany an elderly relative (at least 60 years of age and related by blood or marriage to the employee) on routine medical or dental appointments or appointments for other professional services relating to the elder's care.

Employees may request Small Necessities Leave in writing from their Department Head or Supervisory Authority, at least seven days in advance of the requested leave, if the need for leave is foreseeable. Otherwise, employees are expected to provide as much notice as possible to their Department Head or Supervisory Authority. Leave may be taken intermittently or on a reduced leave schedule. Employees should attempt to schedule leave in a manner that is least disruptive to their department.

Employees may use any accrued paid time-off (excluding sick leave) for all or a portion of their Small Necessities Leave.

Employees may be required to provide certification of the need for Small Necessities Leave.

ARTICLE 31 - OTHER LEAVE

31-1. An employee may apply for and be granted leave without pay for any unusual condition, such leave to be approved by the supervisory authority and by the Personnel Board. If a leave of absence is granted, no benefit provisions of this agreement will apply to include paid time-off, during this absence. However, prior continuous service will be retained for purposes of and eligibility for

benefits. An employee may remain covered by the Town's Group Insurance Plan if he pays 100% of the premium.

When an employee is on sick leave or receiving benefits under workmen's compensation and his accrued time expires, he will fall under the provisions of this article.

31-2. An employee shall be entitled to FMLA leave for any of the purposes listed in the federal Family and Medical Leave Act of 1993 (FMLA), as it may be amended. Employees will be required to comply with any obligations defined in the legislation. For items not defined by law, Town policy will apply. For the purpose of determining leave eligibility under FMLA, the twelve-month roll back method shall be used. While on FMLA leave, an employee may use already accrued sick and/or vacation leave.

31-3. Compensatory Time Off For Court Appearance - Any employee who is required to testify as a witness for the Town or appear in any case as a result of the employee's official duties as a Town employee on a day off or during vacation, shall be allowed to take compensatory time off.

31-4. Emergency Time Off - When an emergency exists--as declared by the Board of Selectmen, the Superintendent of Schools, the Commonwealth of Massachusetts, or the federal government--and employees are released from duty because of said emergency, any employee remaining on duty shall be allowed to take compensatory time off.

31- 5. Personal Leave – Non-Community Health Nurse employees shall be granted 2 days personal leave with pay per calendar year. Personnel leave may be used in 3.5 hour increments. Such leave must be used during the calendar year and, if it is not used, it shall be forfeited.

31-6 Community Health Nurses shall be granted 4 days personal leave with pay per school year. Personal Leave may be used in half-day increments. Such leave must be used during the school year and, if not used, it shall be forfeited. When possible, reasonable advance notice shall be given as a substitute nurse must be scheduled. Use of more than 1 consecutive personal day must be pre-approved by a Board of Health supervisor.

31-7 During periods of severe weather emergencies, the Highway/Transfer Station Superintendent, the Parks and Cemetery Superintendent, the Water Treatment and Distribution Superintendent and the Water Treatment Plant Manager (hereinafter referred to as the "Superintendents") may be required to work additional hours to manage emergency operations within their areas of responsibility. During declared states of emergencies affecting Wayland, either declared by the Governor or declared by the Wayland Board of Selectmen, the Superintendents will be compensated for additional hours worked in their capacity as Superintendents at their regular hourly rate of pay. Compensation will only be for hours worked on-site.

During a natural or man-made disaster which is not a declared state of emergency, the Town Administrator may approve compensation for the Superintendents consistent with the terms set forth in the previous paragraph. The decision of the Town Administrator shall be final and binding. Any such decision will not be subject to the grievance process.

Nothing in this memorandum shall change or imply a change to the compensation due any other member of the bargaining unit. Positions within the bargaining unit shall remain consistent with the definition contained in Section 15-2 of this Agreement which states, "All positions within the bargaining unit are professional salaried positions."

Should a DPW Superintendent plow snow at the sole direction of the DPW Director, the DPW Superintendent shall be compensated at the top step of the Sr. Foreman, Grade D9 in accordance with the Sr. Foreman's overtime provisions.

ARTICLE 32 - GROUP INSURANCE/BENEFITS

32-1. The Town shall continue to provide group life and accidental death and dismemberment insurance coverages, or their equivalents, and it shall make every effort to make it possible for each employee to purchase additional life insurance under a group insurance plan.

32-2.

- a. In accordance with Massachusetts General Laws, only those bargaining unit members who are regularly scheduled to work twenty (20) hours or more per week will be eligible for group health insurance.
- b. The Town agrees that in the event that it is unable to provide coverage through any carrier, or if they should choose to offer any other health insurance plan(s), the Town will contribute at least the same percentage rate(s) for a comparable plan(s).
- c. Providing cost-effective health insurance is beneficial to both the Town and bargaining unit members. In order to meet that objective the Union recognizes that group health insurance plans, carriers, providers, benefits, coverages, deductibles, co-payments and prescription co-payments may change from time-to-time.

The parties agree, that at any time and at the request of either party, they will engage in bargaining over group health insurance (including but not limited to carriers, providers, benefits, coverages, deductibles, premiums, premium contribution rates, co-payments and prescription co-payments). Both parties recognize that reasonable advance notice shall be given for bargaining over proposed changes.

- d. The parties agree that the Town may, at its discretion, provide group health insurance exclusively through MIA. This one time change shall occur only during the life of this contract. For any change made after July 1, 2006 the Town shall negotiate with the union as described in paragraph c. In the event that the Town elects to make such a change, the Town will make the following contributions to the premiums for the MIA Blue Cross/Blue Shield Plans:

	<u>Individual Plan</u>	<u>Family Plan</u>
PPO	50%	50%
POS	50%	50%
HMO Blue of New England	75%	69.5%

The Town will give the Union written notice prior to making such change.

- e. The Town offers the following health insurance plans, and the Town's contribution rate to the health insurance premium is as follows:

	<u>Individual</u>	<u>Family</u>
Harvard Pilgrim (RSP)	74.0%	64.0%
Network Blue NE Options (RSP)	74.0%	64.0%
Tufts Navigator (RSP)	74.0%	64.0%
Fallon Direct (RSP)	74.0%	64.0%
Fallon Select (RSP)	74.0%	64.0%
Harvard Pilgrim PPO	50.0%	50.0%

- f. Part-time employees will contribute to health insurance plans at the rate of 50.0%. Part-time employees hired prior to April 1, 2008 will be eligible for Town health insurance contribution rates equivalent to full-time employees.

For employees participating in a job share and working 20 hours or more per week, the health insurance contribution rates will be equivalent to full-time employees. For employees participating in a job share and working less than 20 hours per week, there is no eligibility for health insurance.

32-3. The Town shall provide at least 1 group dental protection plan and at least 1 group long term disability insurance plan on a non-participating basis unless, after every reasonable effort is made to obtain such plan or plans, no company or carrier offers to provide such plan or plans. In the event that the Town negotiates to provide a co-payment for group dental insurance with any other bargaining unit, the change shall be applicable to this bargaining unit.

32-4. Employees shall be eligible to participate in a deferred compensation plan offered by or through the Town.

ARTICLE 33 - CPR TRAINING

33-1. The CPR stipend for employees is eliminated. Base annual wages for Grades G-1 through G-9 shall be increased effective June 30, 2011 by \$250.00. Grades G-7A and G-15 are not included in this adjustment.

ARTICLE 34 - ALTERATION OF AGREEMENT

34-1. The Town and the Union acknowledge that this Agreement represents the results of collective bargaining negotiations between said parties conducted under and in accordance with the provisions of MGL, Ch. 150E, and constitutes the entire agreement between the parties for the duration of the life of this Agreement. After execution of this Agreement, this Agreement may be altered or modified only by the mutual consent of the parties, and any alteration or modification of this Agreement shall be binding upon the parties hereto only if executed in writing.

34-2. The waiver of any breach or condition of this Agreement by either party shall not constitute a precedent in the future enforcement of all the terms and conditions herein.

ARTICLE 35 - STABILITY OF AGREEMENT

35-1. The failure of the Town or the Association/Union to insist, in any one or more incidents, upon performance of any of the terms or conditions of this Agreement shall not be considered as a waiver or relinquishment of the rights of the Town or the Association/Union to future performance of any such term or condition, and the obligations of the Association/Union or of the Town to such future performance shall continue in full force and effect.

35-2. The provisions of this Agreement supersede any conflicting or inconsistent rule, regulation or order promulgated by the Town.

35-3. Should any part hereof or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted legislation or by any decree of a court of competent jurisdiction, such invalidation of such part or portion of this Agreement shall not invalidate the remaining portions hereof. The parties agree to meet and discuss the extent, if any, to which the portions declared invalid should be amended.

ARTICLE 36 - SEVERABILITY

36-1. In the event that any article, paragraph, section, or portion of this Agreement, or any arbitrator's decision rendered under the terms of this Agreement, is found to be invalid by a decision of a tribunal of competent jurisdiction, or is unreasonably inconsistent with any national policy of wage and price controls, or shall have the effect of causing loss to the Town of funds made available through federal or state law, such specific article, paragraph, section, portion, or arbitrator's decision, specified in such tribunal decision, or so in conflict, or having such effect, shall be of no force and effect, but the remainder of this Agreement shall continue in full force and effect. In such event the Union or the Town shall have the right immediately to re-open negotiations solely with respect to a substitute for such article, paragraph, section, portion, or arbitrator's decision. The Union and the Town shall use their best efforts to contest any such loss of federal or state funds that may be threatened.

ARTICLE 37 - DURATION OF AGREEMENT

37-1. This Agreement shall be effective as of the 1st day of July 2014, and shall remain in full force and effect until the 30th day of June 2017. This Agreement shall be automatically renewed from year to year after the 30th day of June 2017, unless either party shall notify the other in writing prior to the 1st of April 2017 that it desires to modify this Agreement. In the event such notice is given, negotiations shall begin no later than 30 days from the date of said notice. This Agreement shall remain in full force and effect during the period of negotiations, and until notice of termination of this Agreement to the other party.

APPENDIX A

WAGE SCHEDULE

Effective: July 1, 2014 - 1% adjustment

Step	1	2	3	4	5	6	7	8	9	10
G-1	36,497	37,585	38,705	39,858	41,045	42,270	43,529	44,827	46,163	48,480
G-2	39,394	40,567	41,778	43,022	44,306	45,627	46,987	48,389	49,833	52,335
G-3	42,528	43,793	45,099	46,445	47,831	49,257	50,726	52,240	53,802	56,503
G-4	45,906	47,276	48,685	50,139	51,635	53,177	54,762	56,399	58,083	61,001
G-5	49,555	51,036	52,558	54,128	55,742	57,406	59,121	60,891	62,706	65,856
G-6	53,502	55,099	57,743	58,438	60,185	61,982	63,831	65,738	67,703	71,108
G-7	58,461	60,206	62,005	63,858	65,764	67,730	69,754	71,838	73,985	77,705
G-7A	60,814	62,638	64,517	66,454	68,447	70,501	72,616	74,793	77,037	80,925
G-7B	61,081	62,905	64,784	66,719	68,713	70,767	72,882	75,060	77,304	81,192
G-8	63,702	65,603	67,564	69,583	71,662	73,805	76,011	78,283	80,623	84,680
G-8A	66,568	68,556	70,604	72,714	74,887	77,126	79,431	81,806	84,251	88,491
G-9	69,409	71,485	73,619	75,821	78,993	80,422	82,826	85,304	87,854	92,276
G-10	75,367	77,628	79,957	82,354	84,825	87,370	89,991	92,692	95,472	100,291
G-15	44,420	46,997	48,291	49,784	51,240	53,985	55,531	57,120	58,761	62,905

G-3 – Admin Assessor	G-6 – Rec Program Adm	G-8 – Conservation Adm	G-9 – Assessing Dir
G-5 – Assistant Assessor	G-6 – Water Treat Plant Mgr	G-8 – DPW Hwy/TS Supt	G-9 – Building Comm
G-5 – Substance Abuse Pr	G-7 – GIS Analyst	G-8 – IT Manager	G-9 – DPW Water Supt
G-6 – Local Bldg Inspector	G-7A - Public Health Nurse	G-8 - Town Planner	G-9 – Health Director
G-6 - Accountant	G-7B – Council on Ag Dir	G-8 – Town Surveyor	G-9 – Treasurer/Coil
G-6 – Sanitarian/Health Ag	G-7B – DPW Parks Supt	G-8A – Y&F Services Dir	G-15 – Comm Health Nurse
G-6 – Assistant Youth Dir			

APPENDIX A

WAGE SCHEDULE - Continued

Effective: July 1, 2015 - 1.5% adjustment

Step	1	2	3	4	5	6	7	8	9	10
G-1	37,045	38,149	39,286	40,455	41,661	42,904	44,182	45,499	46,856	49,207
G-2	39,985	41,175	42,404	43,667	44,971	46,311	47,692	49,115	50,580	53,120
G-3	43,166	44,450	45,775	47,141	48,549	49,996	51,487	53,024	54,609	57,351
G-4	46,595	47,985	49,416	50,891	52,410	53,974	55,584	57,245	58,954	61,916
G-5	50,299	51,801	53,346	54,940	56,579	58,267	60,008	61,805	63,646	66,844
G-6	54,304	55,926	57,594	59,314	61,087	62,911	64,788	66,724	68,719	72,174
G-7	59,338	61,109	62,935	64,815	66,751	68,746	70,801	72,915	75,095	78,871
G-7A	61,726	63,578	65,485	67,451	69,473	71,559	73,705	75,915	78,193	82,139
G-7B	61,997	63,848	65,756	67,720	69,744	71,829	73,976	76,186	78,464	82,410
G-8	64,657	66,588	68,576	70,626	72,737	74,912	77,151	79,457	81,832	85,950
G-8A	67,567	69,584	71,664	73,805	76,011	78,283	80,623	83,033	85,515	89,818
G-9	70,450	72,558	74,724	76,959	80,178	81,628	84,068	86,584	89,172	93,660
G-10	76,498	78,792	81,156	83,589	86,097	88,681	91,341	94,082	96,904	101,795
G-15	45,086	47,702	49,015	50,530	52,009	54,795	56,364	57,977	59,642	63,848

G-3 – Admin Assessor	G-6 – Rec Program Adm	G-8 – Conservation Adm	G-9 – Assessing Dir
G-5 – Assistant Assessor	G-6 – Water Treat Plant Mgr	G-8 – DPW Hwy/TS Supt	G-9 – Building Comm
G-5 – Substance Abuse Pr	G-7 – GIS Analyst	G-8 – IT Manager	G-9 – DPW Water Supt
G-6 – Local Bldg Inspector	G-7A - Public Health Nurse	G-8 - Town Planner	G-9 – Health Director
G-6 - Accountant	G-7B – Council on Ag Dir	G-8 – Town Surveyor	G-9 – Treasurer/Coll
G-6 – Sanitarian/Health Ag	G-7B – DPW Parks Supt	G-8A – Y&F Services Dir	G-15 – Comm Health Nurse
G-6 – Assistant Youth Dir			

APPENDIX A

WAGE SCHEDULE - Continued

Effective: July 1, 2016 - 2.0% adjustment

Step	1	2	3	4	5	6	7	8	9	10
G-1	37,786	38,912	40,071	41,265	42,494	43,762	45,066	46,409	47,793	50,191
G-2	40,785	41,999	43,252	44,541	45,870	47,237	48,646	50,097	51,592	54,182
G-3	44,030	45,339	46,691	48,084	49,520	50,996	52,516	54,084	55,701	58,498
G-4	47,526	48,945	50,404	51,909	53,458	55,053	56,695	58,390	60,133	63,155
G-5	51,305	52,837	54,413	56,038	57,710	59,432	61,208	63,041	64,919	68,181
G-6	55,390	57,044	58,746	60,500	62,309	64,170	66,084	68,058	70,093	73,618
G-7	60,525	62,331	64,194	66,112	68,086	70,121	72,217	74,374	76,597	80,448
G-7A	62,961	64,850	66,795	68,799	70,863	72,990	75,179	77,433	79,757	83,781
G-7B	63,237	65,125	67,071	69,075	71,139	73,265	75,455	77,710	80,033	84,058
G-8	65,951	67,919	69,948	72,039	74,192	76,410	78,694	81,046	83,469	87,669
G-8A	68,918	70,976	73,097	75,281	77,531	79,849	82,235	84,693	87,225	91,615
G-9	71,859	74,009	76,218	78,498	81,781	83,261	85,749	88,315	90,955	95,533
G-10	78,028	80,368	82,779	85,261	87,819	90,454	93,168	95,964	98,842	103,831
G-15	45,988	48,656	49,996	51,541	53,049	55,891	57,491	59,137	60,835	65,125

G-3 – Admin Assessor	G-6 – Rec Program Adm	G-8 – Conservation Adm	G-9 – Assessing Dir
G-5 – Assistant Assessor	G-6 – Water Treat Plant Mgr	G-8 – DPW Hwy/TS Supt	G-9 – Building Comm
G-5 – Substance Abuse Pr	G-7 – GIS Analyst	G-8 – IT Manager	G-9 – DPW Water Supt
G-6 – Local Bldg Inspector	G-7A - Public Health Nurse	G-8 - Town Planner	G-9 – Health Director
G-6 - Accountant	G-7B – Council on Ag Dir	G-8 – Town Surveyor	G-9 – Treasurer/Coll
G-6 – Sanitarian/Health Ag	G-7B – DPW Parks Supt	G-8A – Y&F Services Dir	G-15 – Comm Health Nurse
G-6 – Assistant Youth Dir			

APPENDIX B

AMENDED WORK SCHEDULE

Non-Community Health Nurse and non-DPW employees will observe the following amended work schedule:

Monday: 8:00am – 7:00pm with ½ hr. for lunch and 1 hour for Dinner. (9.5 hrs.)
Tuesday: 8:00am – 4:00pm with 1 hr. for lunch (7 hrs.)
Wednesday: 8:00am – 4:00pm with 1 hr. for lunch (7 hrs.)
Thursday: 8:00am – 4:00pm with 1 hr. for lunch (7 hrs.)
Friday: 8:00am – 12:30pm – No lunch. (4.5 hrs.)

- Notes: 1) Offices will remain open and staffed during extended office hours.
- 2) All days shall be charged as one day for purposes of leave.
 - 3) In weeks with a Monday holiday, Monday hours will be observed on Tuesday.
 - 4.) The parties may discuss details of this work schedule after implementation and make any necessary adjustments jointly agreed to.
 - 5.) When a holiday is celebrated on a Friday, employees working the alternate schedule will work their 4 1/2 hour Friday schedule on Thursday and receive 7 hours holiday pay on Friday.
 - 6.) For Thanksgiving week employees working the alternate schedule will work their 4 ½ Friday schedule on Wednesday and receive 7 hours holiday pay on Thursday and 7 hours holiday pay on Friday.
 - 7.) If the amended work schedule does not meet the service requirements of a department, employees may request and be granted adjusted schedules upon approval by the supervisory authority and Town Administrator.

The Town acknowledges that bargaining unit members may be required to attend night meetings beyond normal business hours. The current practice regarding scheduled work hours shall remain in effect.

APPENDIX C



CONFIDENTIAL

Certificate by Primary Care Physician or Associated Medical Professional, Treating Dentist, etc. of Patient Inability to Work Due to Illness

_____ Date

To: Town of Wayland Human Resource Director

Re: _____
Employee Name

1. This is to certify that I have consulted with the above individual on:

_____ at _____
Date (s) Please Enter Place (Office, Hospital, etc.) or by Telephone

2. It is my medical opinion that he/she should be out of work due to:

Please State Nature of Illness

3. The expected duration of the illness is _____ calendar days commencing on _____
Date

Signature Address

Please Print Name/Title Telephone

I certify that the above is true.

Employee Signature Date

Please mail or hand-deliver this completed form to the patient or the Town of Wayland Human Resource Director only. Please stamp envelope "confidential". Thank you.

APPENDIX D

HEALTH INSURANCE INCENTIVE WAIVER PROGRAM GUIDELINES

July 1, 2013 – June 30, 2016

- Employees participating in Town sponsored family and individual health insurance plans have the option to drop their health insurance coverage and participate in a Health Insurance Incentive Waiver program.
- To be eligible to participate in the Health Insurance Incentive Waiver program, current employees must have been enrolled as a subscriber in a Town sponsored health insurance plan within the previous 12-month period prior to applying for the waiver payment. Employees enrolling in a Town sponsored health plan as of July 1, 2013 must be enrolled for a period of 12 months before applying for the incentive waiver.
- Employees who were approved for the 2010-2013 waiver plan are required to re-enroll in the 2013-2016 waiver program. Any such employees will be bound by the terms and conditions of the 2013-2016 plan.
- Employees who opt to participate in the program agree not to exercise their option to enroll in a Town sponsored health insurance plan for a 3-year period beginning July 1, 2013 and continuing through June 30, 2016 or for a designated approved period which shall expire on June 30, 2016.
- In order to participate in the HIW program, newly enrolled employees must complete the attached Health Insurance Waiver Incentive application and provide proof of health insurance from another provider within 30 days of the application date, otherwise enrollment approval and waiver payments may be delayed.
- Employees who opt-out of Town sponsored health insurance and who provide proof of coverage will be eligible to receive a waiver incentive as follows:

An employee subscriber with a Family Plan will receive an incentive of four thousand dollars (\$4,000) per year paid as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$200.00

An employee subscriber with an Individual Plan will receive an incentive of eighteen hundred dollars (\$1,800) per year as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$90.00

- Employees applying for the waiver after July 1, 2013 will be eligible for a pro-rated waiver amount based upon their date of acceptance.

This waiver incentive is subject to taxes and regular withholdings as required by law.

The first waiver installment will be paid with the first pay period of Fiscal 14. Installments will continue until such time as the program concludes or until an employee re-enrolls in a Town sponsored health insurance plan due a qualifying event (see below). Employees who re-enroll in a Town sponsored health insurance plan during this 3-year period due to a qualifying event as described below, will not receive any further incentive installments following re-enrollment in a Town sponsored health insurance plan for the remainder of the program.

- Where spouses are employed by the Town and/or the School Department and where both spouses are eligible for family health insurance coverage, only one spouse shall be eligible to participate in the incentive waiver program for the family plan incentive.
- Employees who apply for an incentive waiver after July 1, 2013 will be considered for acceptance at the discretion of the Assistant Town Administrator/HR Director.
- Employees who choose to participate in the waiver program may re-enroll in a Town sponsored health insurance plan during the 3-year waiver period only if the employee has a qualifying event as recognized in the plans' underwriting rules. The qualifying events are as follows:
 - 1) Marriage or divorce
 - 2) Birth or adoption of a child
 - 3) Death of a family member
 - 4) Loss of coverage through no fault of the employee or subscriber
 - 5) Change in hours which results in a change of employment status.

In order to re-enroll in a Town sponsored health insurance plan, an employee must notify the Benefits Coordinator within 30 days of the qualifying event(s) and provide written documentation of the same. When an employee re-enrolls in a Town sponsored health insurance plan, all waiver incentive installments shall cease. Annual open enrollment periods are not considered to be a qualifying event.

- The health insurance waiver incentive program is intended to reduce the Town's health insurance costs. If the program does not generate sufficient cost-savings, the program may be terminated at the sole discretion of the Town. Participating employees shall be given notice of such termination in order to permit participating employees sufficient time to elect coverage through a Town sponsored plan during the Town's open enrollment period.
- The Town will make reasonable rules and regulations required to implement and administer the program. The Town reserves the right to make additional reasonable rules and regulations to maintain the program. This Health Insurance Incentive Waiver program shall comply with all applicable state and federal laws pertaining to health insurance.
- Any issues or disputes that arise regarding enrollment periods or rules and regulations relating to implementation of the program shall be reviewed by the Town's Assistant Town Administrator/HR Director. His/her determination shall be final and binding.

TOWN OF WAYLAND
HEALTH INSURANCE WAIVER PROGRAM
JULY 1, 2013

I, _____, in consideration for the sum of \$ _____, hereby agree to waive my eligibility to obtain health insurance (medical only) from the Town of Wayland.

I further acknowledge that the consideration listed above, less any required withholding, shall be paid to me in bi-weekly installments.

I hereby acknowledge that my decision not to participate in the Town's health plans is made voluntarily, and that I will provide the Town with proof of insurance from another provider no later than 30 days following my application.

I further acknowledge that I am only eligible to re-enroll in the Town's health insurance plans if one of the below listed qualifying events occurs:

1. Marriage or divorce
2. Birth or adoption of a child
3. Death of a family member
4. Loss of coverage through no fault of the employee or subscriber
5. Change in hours which results in a change of employment status.

To re-enroll, I must notify the Town's Benefits Department within 30-days of one of the qualifying events listed above. Upon re-enrollment, the consideration provided for this health insurance waiver program shall be prorated and reduced and all health insurance waiver installment payments shall cease.

Signature

Social Security Number

Street Address

City, State, Zip

BENEFITS USE ONLY

Waiver Received: Date _____ Initials _____ Proof of Coverage: Date _____ Initials _____
(Attached)

Health Plan: _____ Individual _____ Family _____ Acceptance Letter Sent: _____

Town Employee:

26 Bi-weekly Installments (\$75.00) – Individual _____ 26 Bi-weekly Installments (\$166.67) – Family _____

School Employee:

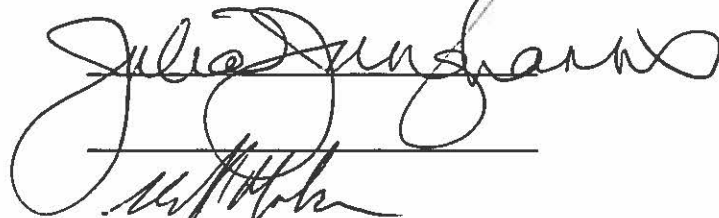
26 Bi-weekly Installments (\$75.00) - Individual _____ 26 Bi-weekly Installments (\$166.67) – Family _____

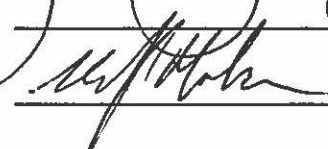
21 Bi-weekly Installments (\$90.00) - Individual _____ 21 Bi-weekly Installments (\$200.00) – Family _____

In witness whereof, the parties hereto have set their hands this _____ day of _____, 2015:

FOR THE TOWN:

FOR AFSCME LOCAL 690 - 12





DATE: June 8, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: Flexible Spending Plan Update

REQUESTED ACTION:

Vote to update Wayland's Flexible Spending Plan to recognize the 2015 increase in the allowable Federal Medical Flexible Spending Maximum amount from \$2,500.00 to \$2,550.00.

BACKGROUND:

Wayland provides employees with a Flexible Spending Plan which allows for a Federally established pre-tax maximum set-aside for out-of-pocket medical expenses. Monies set aside by employees for this purpose are done on a pre-tax basis. There is no cost to the Town.

The Federal allowable maximum is adjusted periodically. The requested vote updates Wayland's plan to allow for the newly adjusted Federal maximum effective January 1, 2015. The adjustment is being applied now because Wayland's plan year begins June 1st.

The update is found on Page 14. Paragraph 2 is changed from "...not to exceed \$2,500.00" to "... not to exceed the Federal limit." With this policy adjustment, future increases in the Federal limit will be applied without additional Board votes being required.

FUNDING

How is a qualified medical flexible spending account funded?

Your qualified medical flexible spending account is funded by the amounts that you elect to contribute to the account by executing a valid Flexible Spending Enrollment Election Form. Qualified medical flexible spending expenses will be reimbursed to you to the extent of the amount you have elected to reduce your salary or wages for the plan year under a valid Flexible Spending Enrollment Election Form.

Your annual salary or wage will be reduced in an amount as you elect not to exceed the Federal limit. The salary contribution amount elected will be funded pro rata over the number of consecutive pay periods in the plan year.

The Plan Administrator will establish an individual qualified medical flexible spending account for each participant, and will credit to each participant's account the salary contribution amounts elected.

The Plan will reimburse you for qualified medical flexible spending expenses as described in the "Benefits" section.

How is a qualified dependent care flexible spending account funded?

Your qualified dependent care flexible spending account is funded by the amounts that you elect to contribute to the account by executing a valid Flexible Spending Enrollment Election Form. Qualified dependent flexible spending expenses will be reimbursed to you to the extent of the amount you have elected to reduce your salary or wages for the plan year under a valid Flexible Spending Enrollment Election Form.

Your salary or wage will be reduced in an amount you elected under the Flexible Spending Enrollment Election Form. The salary contribution amount elected will be funded pro rata over the number of consecutive pay periods in the plan year.

The Plan Administrator will establish an individual qualified dependent care flexible spending account for each participant, and will credit to each participant's account the salary contribution amounts elected.

The Plan will reimburse you for qualified dependent care flexible spending expenses as described in the "Benefits" section.

How much can I elect to contribute to my qualified dependent care flexible spending account?

If you are not married you may contribute up to \$5,000, to a qualified dependent care flexible spending account; however, in the event that your earned income is less than \$5,000, you may contribute an amount not to exceed your earned income for the taxable year. If you begin participation in the middle of the plan year (pro-rating based on enrollment date), you may contribute up to \$5,000, or \$2,500, if you and your spouse file separately, less any amounts that you have contributed to any other qualified dependent care flexible spending account during the plan year.

If you are married, you may contribute an amount up to the lesser of the earned income of you or your spouse, not to exceed \$5,000. If you and your spouse file separate tax returns, you may elect to contribute an amount up to \$2,500, to the Plan. If you begin participation in the middle of the plan year (pro-rating based on enrollment date), you may contribute to up to \$5,000, or \$2,500, if you and your spouse file separately, less any amounts that you have contributed to any other qualified dependent care flexible spending account during the plan year.

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

May 20, 2015

Coastal Vineyards
David Neilson
61 Pardon Hill Rd.
South Dartmouth, MA 02748

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Neilson:

Please be advised that your application for certification of the Wayland Summer Farmers' Market, on Wednesdays from June 24th 2015 to October 7th 2015, from 12:00 pm to 5:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

John Lebeaux, Commissioner

DATES OF ATTENDANCE

July 1
Aug 12
Sept 9
Oct 7

NUMBER
630

FEE
\$40.00

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wayland

This is Certify that Coastal Vineyards, 61 Pardon Hill Road, South Dartmouth MA, 02748 (David W. Neilson)

IS HEREBY GRANTED A LICENSE

For a One-Day Liquor License for wine sampling and the sale of bottled wine (to be consumed off site only) at the Russell's Wayland Summer Farmer's Market, 397 Boston Post Road, Wayland, Massachusetts, 01778, on four (4) Saturdays, July 1, 2015, August 12, 2015, September 9, 2015, and October 7, 2015, from 10:00 a.m. to 2:00 p.m.

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires October 7, 2015 at 2:00 p.m., unless sooner suspended or revoked.

June 8, 2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes April 13, 2015

Attendance: Mary M. Antes, Tony V. Boschetto (arrived 6:58 p.m.), Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer, Town Counsel Mark Lanza, Lea Anderson

A1. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 6:50 p.m. in the Field House of the Wayland High School. He reviewed the agenda for the public.

A2. Public Comment Linda Segal, 9 Aqueduct Road, said that if Town Meeting continued through Tuesday it would conflict with a hearing of the Zoning Board of Appeals.

A3. Review and Approve Consent Calendar (See Separate Sheet) C. Karlson moved, seconded by M. Antes, to approve the consent calendar. YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto ABSTAIN: none. Adopted 4-0.

A4. Correspondence The Board reviewed the correspondence, noting an email from L. Segal regarding the Twenty Wayland AUL. The Board deferred discussion on the remaining correspondence until the next meeting.

T. Boschetto arrived at 6:58 p.m.

A5. Discussion and Potential Vote on Positions on Articles and Discussion of Issues Relative to 2015 Annual Town Meeting The Board discussed an email from the Facilities Director saying that delaying the date of Town Meeting would make it difficult to take projects from bidding through construction in the same Fiscal Year. The Board decided not to take a position on the article since it has not done so for petitioners' articles. Town Counsel M. Lanza advised the Board that the Town Clerk will send notice of Town Meetings' vote to withdraw from the Minuteman Regional School District. He said the Agreement is confusing in that it says the Town Clerk's notice must be accompanied by a certified amendment to the Agreement, which cannot be included as it must be prepared by the Region rather than the Town. The Board discussed the next steps, and agreed the Region should be informed that the Town will communicate terms to Minuteman within thirty days.

A6. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any At 7:10 p.m., J. Nolan moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a (3), to discuss strategy with respect to a pending action regarding the Glezen Lane Judgment. The Chair declared that a public discussion of strategy with respect to potential litigation regarding the Glezen Lane judgment will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Chair invited Town Administrator Nan Balmer, Police Chief Robert Irving, Chair of the Board of Public Works Chris Brown, Selectmen elect Lea Anderson and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately ten minutes.

The Board returned to open session at 7:25 p.m.

A7. Adjourn and Reconvene to Join 2015 Annual Town Meeting There being no further business before the Board, T. Boschetto moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 7:25 p.m. and to reconvene for the 2015 Annual Town Meeting. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of April 13, 2015

1. None

Items Included as Part of Agenda Packet for Discussion During the April 13, 2015 Board of Selectmen's Meeting

1. None



NAN BALMER
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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 Meeting Minutes April 21, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public and welcomed new Selectman Lea Anderson.

A2. Public Comment Susan Foster, 23 Old Connecticut Path, said she was upset that some voters had more than one electronic device for voting at the Annual Town Meeting, and said she would recommend to the Electronic Voting Committee that voters sign in and sign out. Board members responded that they understood the problem. Margo Melnicove, 245 Lakeshore Drive, said she was also concerned about the appearance of voter fraud at Town Meeting and asked the Board of Selectman to take the lead in addressing this issue. She suggested the Selectmen send a representative to the Electronic Voting Committee, saying the Selectmen and Town Clerk are responsible for leading the response to this issue. She suggested a meeting with the Police and the Town Moderator about how to respond to proxy voting, such as the confiscation of handsets when it is discovered a voter had more than one handset, inclusion of a notification in the warrant that proxy voting is not allowed, and educating people through an informational insert with tax bills. J. Nolan said the Board was united in its opposition to proxy voting.

A3. Organization of the Board J. Nolan said he was honored to have served as Chair, and declined to serve as Chair for the coming year. M. Antes moved, seconded by L. Anderson, to nominate Cherry Karlson as the Chair of the Board of Selectmen. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Anderson moved, seconded by C. Karlson, to nominate Mary Antes as Vice Chair of the Board of Selectmen. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Discuss Portfolio Assignments The Board reviewed a draft list of portfolio assignments. N. Balmer said she will communicate with Board members regarding their preferences and present a revised list at a future meeting.

A5. Discussion on Annual Town Meeting: Board Comments and Questions The Board reviewed the 2015 Annual Town Meeting. Members discussed the Moderator's Forum, the problem of proxy voting and block voting (influencing other voters on their voting preference), and the confusion that arose from multiple amendments. The Board encouraged the Town Moderator to provide clarity on what is being voted upon. J. Nolan said the length of Town Meeting was a deterrent to participation. T. Boschetto said debate should be reduced from sixty minutes to thirty minutes. It was suggested that motions be provided earlier, and that the votes by the Board on articles be announced or included in the warrant through the Finance Committee member assigned to each article. The Board asked the Town Administrator to begin planning for the 2016

Annual Town Meeting by contacting the School Superintendent about facility limitations, and the Clergy about religious holidays during April and May. M. Melnicove asked the Board to address proxy voting. The Board agreed to meet with the Town Moderator and the Electronic Voting Subcommittee at a future meeting to determine steps they can take to help repair the system and provide education to the voters.

A6. Plan Future Meetings The Board reviewed the dates for future meetings and agreed to the schedule of meetings presented.

A7. Discussion and Potential Vote to Approve Letter to Minuteman Regional Vocational School District from Board of Selectmen The Board was joined by Mary Ellen Castagno, the Wayland representative to the Minuteman Regional Vocational School District. T. Boschetto reviewed the procedure for sending the notification of withdrawal; he asked that it be sent certified mail, and also requested that it be sent to representatives of other member communities. The Board recommended detailing financial obligations, including the responsibility for payment on the bonds and the town's rights to the share of the region's assets. J. Nolan moved, seconded by M. Antes, to authorize the Town Administrator to obtain Special Counsel with regard to documents necessary to withdraw from Minuteman. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Castagno reviewed the last meeting of the Minuteman School Committee. It was suggested that the Board communicate with State Representative Alice Peisch on this matter. T. Boschetto said he would be happy to meet with her and request that she meet with the Board. J. Nolan thanked M. Castagno for her work as the Minuteman representative.

A9. Discussion and Potential Vote to Approve the Amended Charge of the Permanent Municipal Building Committee The Board was joined by Doug Goddard, Chair of the Permanent Municipal Building Committee, to review the amended charge. J. Nolan moved, seconded by M. Antes, to approve the amended charge of the Permanent Municipal Building Committee. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes noted the public hearing for a utility pole, and discussed the need for other poles to be moved for Habitat and the Town Center, as well as the issue of double poles. The Board asked that NStar representative Joanne Leary be invited to address vegetation management. Members reviewed the minutes of the Board of Public Works and requested that they be invited to a future meeting to consider the issues that go across multiple boards. J. Nolan noted the Grand Opening of the MWRTA Operations and Maintenance facility in Framingham

A8. Hear Comments and Discuss Council on Aging/Community Center Advisory Committee Charge The Board was joined by Jean Milburn, Ken Isaacson, and Frank Krasin of the Council on Aging/Community Center Advisory Committee. C. Karlson noted the committee did not need to be dissolved because the terms of the members had expired when the committee made its recommendation to the Board. M. Antes reviewed a draft charge, a suggested schedule, and a recap of funding created with Lea Anderson, Bill Sterling of the Council on Aging/Community Center Advisory Committee, and Council on Aging Director Julie Secord. She said she also received input from staff members. She said the first task is to deal with the environmental condition of the land, and the second task is to get the structure through the

Conservation Commission process. The process then includes examining program requirements, holding public forums, and preparing draft articles. At the suggestion of Ben Keefe, Public Buildings Director, it was decided to include a consideration of possible uses for the parcel if a community center is not feasible. L. Anderson said the Town Administrator will appoint the ex officio members. C. Karlson said the main issues of concern at Town Meeting were the environmental impact and whether the municipal parcel would be acquired through lease or purchase. M. Antes said the town currently has a contract with Ben Gould, a Licensed Site Professional (LSP), and was ascertaining whether the existing contract can be amended to provide this additional service. C. Karlson said the town needs to know where the deed restrictions and conveyance issues overlap. M. Antes said the AUL (activities use limitation) has been lifted, but there are still issues to sort through. C. Karlson said the issue of conveyance stays with the Board of Selectmen, and the project planning is the responsibility of the Council on Aging/Community Center Advisory Committee. C. Karlson asked for time to read the draft charge and make suggestions. K. Isaacson asked for assurance that the committee members can gain access to the property. J. Nolan suggested that John Drobinski of ERM New England be consulted in regard to subsurface access. C. Karlson said the staff and the Board will facilitate communication to make sure access is available for testing. She asked the committee members for their feedback on the past year. J. Milburn said the biggest challenge was environmental expertise. She also suggested looking for someone who has worked on the long range planning process. C. Karlson said the new charge will be advertised and new members will be interviewed. J. Nolan suggested making the Conservation Administrator an ex officio member. C. Karlson said the next step is for the Town Administrator to solicit the comments of the committees and Board members, incorporate them into the draft charge, and return to M. Antes and L. Anderson for finalization. C. Karlson thanked the committee members for their work.

A10. Review and Potential Vote to Approve Open Session Minutes: January 5, 2015, January 12, 2015, February 3, 2015, February 10, 2015, February 17, 2015, February 23, 2015, March 2, 2015, March 6, 2015, March 23, 2015, March 30, 2015, April 6, 2015, April 7, 2015, April 8, 2015, April 13, 2015 M. Antes moved, seconded by J. Nolan, to approve the minutes of January 5, 2015, January 12, 2015, February 3, 2015, February 10, 2015, February 17, 2015, February 23, 2015, March 2, 2015, March 6, 2015, March 23, 2015, March 30, 2015, April 6, 2015, April 7, 2015, and April 8, 2015, as amended. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: L. Anderson. Adopted 4-0-1. It was noted that the minutes of April 13, 2015, were not ready for approval.

A13. Report of the Town Administrator N. Balmer updated the Board on IT capital projects, the management of the artificial turf field, the third quarter year-to-date budget, and future agenda items.

A14. Selectmen's Reports and Concerns L. Anderson suggested organizing a tutorial regarding the Open Meeting Law. M. Antes said she will contact State Representatives Carmen Gentile and Alice Peisch in regard to setting a date for a ceremony at the State House to hand over the Wayland Town Flag. The Board discussed its electronic policy and its efforts to move forward with the use of tablets by Board members. J. Nolan provided an update on the annual meeting of the 495 Partnership. M. Antes reported on the Legislative Breakfast held on May 8 at the Morse Library in Natick. C. Karlson suggested that the Board consider revising its goals.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, "I know of none."

A16. Adjourn There being no further business before the Board, J. Nolan moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:30 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

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 April 21, 2015 Board of Selectmen's Meeting

1. Selectmen's Policy and Procedures, Officer and Meetings
2. Current Portfolio Assignments, Board of Selectmen
3. Calendar of Suggested Meeting Dates for 2015
4. Memorandum of 4/21/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Letter from Board of Selectmen to Minuteman Regarding Town Meeting Vote to Withdraw
5. Charge of the Council on Aging/Community Center Advisory Committee
6. Memorandum of 4/16/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, re: Attached Amended Charge of the Permanent Municipal Building Committee
7. Draft Open Session Minutes of January 5, 2015, January 12, 2015, February 3, 2015, February 10, 2015, February 17, 2015, February 23, 2015, March 2, 2015, March 16, 2015, March 23, 2015, March 30, 2015, April 6, 2015, April 7, 2015, April 8, 2015, April 13, 2015
8. Report of the Town Administrator for the Week Ending April 17, 2015



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes May 11, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 7:10 p.m.), Cherry C. Karlson

Absent: Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda for the public. L. Anderson announced the Open Meeting Law training on May 21, 2015, at 7:00 p.m. in the Wayland Town Building. C. Karlson noted that Wayland has been named the sixth safest town in the United States, and the safest town in Massachusetts. She said the annual Memorial Day Parade will be held on Monday, May 25, 2015.

The Board welcomed new Firefighter Mathew Bryer, who was sworn in by Town Clerk Beth Klein.

A2. Public Comment Gordon Cliff, 2 Highfields Road, reviewed his concern that the proposed OPEB Policy would preclude investing in PRIT (Massachusetts Pension Reserve Investment Trust) because the proposed policy limits the asset categories. Duane Galbi, 190 Stonebridge Road, asked the Board to attend the Stonebridge Board of Public Works traffic calming hearing. C. Karlson said she would pass the information to J. Nolan. Mike Lowery, 120 Lakeshore Drive, said that the Board inadvertently approved a temporary sign that was a plastic "H" sign, which was not well secured and was unsightly, and requested that they no longer be allowed. He recommended that if they are allowed, a limit of three be set, and they must be placed twelve feet from the roadway; he suggested that the Board refuse to authorize the placement of signs unless the Town Administrator has discussed the distance from the street and the date by which they must be removed. Linda Segal, 9 Aqueduct Road, noted three issues from the warrant hearing that must be addressed: the adherence to the Town Center special permit that require two usable acres for the Town Green, the notification to the Town of Lincoln of the development of a new field at Oxbow Meadows; and the notification to Raytheon project managers regarding the municipal parcel. She also asked that the Board meet with the Town Moderator about electronic voting. In regard to mention of Ben Gould at the previous meeting, she advised the Board that Ben Gould is an LSP with CMG and had nothing to do with the Dow site cleanup. She distributed two pages of a September 2012 presentation about the Public Green to the Board of Selectmen by the Town Center Green Design Advisory Committee. She said she was not aware that the Town Clerk was looking for input on the open meeting law; C. Karlson said the notice went to board and committee members. George Harris, 8 Holiday Road, expressed concern about three open meeting law violations against the School Committee in the last thirty days, and said there is a need for leadership. He said he wrote to the Acting Treasurer and will be sending a letter to the Interim Director of Accounts at the Department of Revenue regarding the school revolving accounts. He reviewed the history of the school revolving funds, and said the issue is whether the surplus funds belong to the users or the taxpayers. He said he will urge the Director of Accounts to order an immediate freeze and investigate the accounts and financial transactions.

A3. Presentation by Scott Peckins, Executive Director of Camping Services of the West Suburban YMCA Jack Fucci, President and CEO of the West Suburban YMCA, introduced Scott Peckins, Executive Director of Camping Services, and Keri Person, Director of Camping Operations. He said is looking forward to strengthening the relationship between the West Suburban YMCA and the town. T. Boschetto suggested he coordinate events with the Recreation Commission and the Wayland Children and Parents Association, and C. Karlson advised him of various media outlets that would be helpful in promoting their activities.

A5. Joint Meeting with Planning Board to Interview and Vote to Appoint Associate Member of Planning Board to Full Member The Board was joined by Planning Board members (Colleen Sheehan, Ira Montague, and Andrew Reck), who had posted and convened a meeting. Members of the Board of Selectmen and the Planning Board interviewed Dan Hill for appointment as a full member of the Planning Board. C. Sheehan asked D. Hill if he felt comfortable fulfilling the additional duties required as a regular member; he said yes, he had been very active as an associate member. Planning Board members noted D. Hill's contributions as an attorney. D. Hill said he avoided conflicts of interest by not taking clients from Wayland. He discussed affordable housing and the importance of abiding by the law when reviewing land use applications. M. Antes moved, seconded by L. Anderson, to appoint Daniel C. Hill as a full member of the Planning Board, effective immediately, for a term to expire upon the 2016 Annual Town Election. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. I. Montague moved, seconded by A. Reck, to appoint Daniel C. Hill as a full member of the Planning Board, effective immediately, for a term to expire upon the 2016 Annual Town Election. YEA: I. Montague, A. Reck, C. Sheehan. NAY: none. ABSENT: K. Murphy. ABSTAIN: none. Adopted 3-0.

A6. Update from Town Planner on Improvements to Town Green by Brendan Homes The Board was joined by Town Planner Sarkis Sarkisian and Planning Board Chair Colleen Sheehan to discuss improvements to the Town Green. S. Sarkisian advised the Board that according to the development agreement, the developer was only responsible for trees, grass, and sidewalks. As the Town wanted further improvements, the Public Green Advisory Committee was created in 2012. He said the plans included a rink, a bandstand, and a play space, and the cost of \$500,000 was prohibitive. He advised that Brendon Homes has now agreed to commit \$150,000 to improve the Town Green, and price estimates for walkways, rows of trees, benches, and retaining walls for a concert area are within the proposed budget. He said Brendon Homes would like to have the work done within the next six weeks. Participants discussed the role of the town in the public green. T. Boschetto made the point that nothing precludes a private entity from working with Twenty Wayland LLC to use the property. C. Sheehan asked that the language be clarified as to the town's responsibility. C. Karlson asked that the Town Counsel provide an opinion to ensure that the town is fulfilling its role regarding operations and a maintenance plan.

A7. Update on Solar Project and Discussion on Payment in Lieu of Tax Agreement The Board was joined by Public Buildings Director Ben Keefe, and Energy Initiatives Advisory Committee members Ellen Tohn and John Harper. B. Keefe said he received a Power Purchase Agreement (PPA), consent agreement, and draft PILOT agreement from Ameresco. He said there were two issues in the PPA that are still being negotiated; the responsibility for the expenses should the net metering program end, and the appropriation of funds for future years without the approval of town meeting. He said the consent agreement will be sold to a third party and leased back, which is common practice, and the PILOT agreement is a standard contract. He said Town Counsel will review all the documents. C. Karlson said the Board of Assessors has concerns in regard to Department of Revenue policies. B. Keefe said the PILOT agreement does not need to be executed immediately, and the Assessors will recommend how to structure the PILOT. E. Tohn said the Energy Initiatives Advisory Committee will meet to take a vote on the approval of the PPA and will return

on May 18 meeting for a Board vote. T. Boschetto expressed concern that the documents had not been ready in time for the Annual Town Meeting. E. Tohn said the parties were not willing to finalize the contracts before a town meeting vote. B. Keefe reviewed the Inter-Connect Agreements with Eversource, and E. Tohn reviewed the status of the Metropolitan Area Planning Council grant to fund backup capacity at the Middle School. L. Anderson asked for an update on the as-builts for the high school. B. Keefe said the drawings are not signed or sealed, but Ameresco can work from them; he said the Conservation Commission will not accept them for application for a Notice of Intent (NOI), but the NOI may not be necessary at the High School.

A8. 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 The Board was joined by OPEB Advisory Committee members Cliff Lewis, David Gutschenritter, Jay Sherry, and Maryanne Peabody. D. Gutschenritter reviewed the tasks that the committee is still working on, including actuarial assumptions, cost containment, advice and counsel to the Treasurer and Finance Director, preparation of the annual warrant article, and resolution of an appropriate legal structure for the account. T. Boschetto moved, seconded by M. Antes, to approve the extension of the charge of the OPEB Advisory Committee to September 30, 2015. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

C. Lewis reviewed the process for selecting Special Counsel for an independent review of the OPEB account structure. L. Anderson moved, seconded by M. Antes, to appoint the firm of Murphy Hesse Toomey & Lehane LLP as Special Counsel to provide an assessment of the structure of the OPEB account. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

D. Gutschenritter presented the proposed investment policy for the OPEB account. Guidelines include account asset allocations of approximately 75% equities, 25% fixed income, and 5% cash/other, to achieve a long-term goal of 7% return to reach a fully funded status by 2038. J. Senchyshyn, Acting Treasurer, referred to the legal requirement for prudent investing, and suggested the policy should come back to the Board for its approval periodically. He also suggested the Board review the draft governance section of the policy prior to making a decision on the Investment Policy. C. Karlson noted Gordon Cliff's concern during public comment about the asset allocation excluding the Pension Reserves Investment Trust (PRIT). C. Lewis said the asset allocation would not exclude PRIT. T. Boschetto reviewed the fee structures and their impact on performance. He agreed that the Investment Policy should be reviewed by the Board of Selectmen at least annually. L. Anderson asked if there were analogous funds under Board of Selectmen oversight; J. Senchyshyn said there are elected town Trust Fund Commissioners that set the investment policy for \$3 million in town trust funds, and that retirement funds are outside funds managed by PRIT. C. Karlson said the Board has no fiduciary responsibility and should not set asset allocation. J. Sherry noted there needs to be responsibility assigned for the development of the OPEB annual warrant article to town meeting, and N. Balmer said she will work with T. Boschetto to add the task to a staff job description. The Board recommended edits to the policy, and T. Boschetto agreed to work with C. Lewis to revise the policy and present it to the Board on May 18 for a final vote.

A4. Discussion and Vote to Approve Board Portfolio Assignments The Board reviewed the revised Board portfolio assignments. M. Antes requested that the town boards and committees be notified of their Board liaison. M. Antes moved, seconded by L. Anderson, to approve the Board of Selectmen portfolio assignments as presented. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A9. Discussion and Vote to Approve the Charge of the Council on Aging/Community Center Advisory Committee M. Antes moved, seconded by T. Boschetto, to approve the charge of the Council on Aging/Community Center Advisory Committee, as amended. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A10. Discussion and Vote to Approve Sending a Letter of Withdrawal and Draft Amendment to the Minuteman School Committee T. Boschetto reviewed the procedures for following up on the vote of the 2016 Annual Town Meeting. He suggested that in lieu of an amendment, the withdrawal be included into the regional agreement, although he hasn't counsel yet. The Board had no objections. T. Boschetto suggested that he and Mary Ellen Castagno, Wayland Representative to Minuteman, consult with other member towns about having all town withdrawals included in a second agreement. T. Boschetto moved, seconded by L. Anderson, to authorize the Board of Selectmen send a letter dated May 11, 2015, to the Minuteman School Committee regarding withdrawal from the regional school district, along with the proposed amendment as provided. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A13. Potential Vote regarding Stone's Bridge CPA Project Gretchen Schuler, Chair, Community Preservation Committee, and Elisa Scola, Chair, Historical Commission, appeared before the Board to discuss the application of the Historical Commission for a matching grant from the Massachusetts Preservation Projects Fund administered by the Massachusetts Historical Commission (MHC) to stabilize and preserve the Stone's Bridge. G. Schuler said the approval of the Board of Selectmen is required to place a preservation restriction on the deed, and that Town Counsel was reviewing ownership of the bridge. She said the Framingham Historical Commission also supports the project. The Board discussed the implementation of the maintenance agreement. M. Antes moved, seconded by T. Boschetto, to approve the application of a permanent preservation restriction and maintenance agreement on Stone's Bridge that will run with the deed should the town be awarded the MHC Grant, and to sign the Statement of Intent, and to designate the Town Administrator to sign contracts with the MHC if awarded this grant, and to sign a preservation restriction, if awarded this grant, and to include a letter of support of the preservation of Stone's Bridge with the application. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A11. Discussion on Date for 2016 Annual Town Meeting The Board reviewed potential dates for the 2016 Annual Town Meeting.

A12. Discussion and Vote to Appoint Special Counsel regarding School Revolving Funds L. Anderson moved, seconded by M. Antes, to appoint Attorney James Toomey of Murphy Hesse Toomey & Lehane LLP 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, with costs not to exceed \$8,000. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A14. Review and Approve Consent Calendar (See Separate Sheet) T. Boschetto moved, seconded by M. Antes, to approve consent calendar items 1, and 3 through 7. Item 2, regarding the change of hours for the service of alcohol by The Local, was removed due to an incomplete application. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A15. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes said she would address the Memorial Day ceremonies. C. Karlson asked that the impact of the fire response time be taken into consideration when approving traffic changes.

A16. Report of the Town Administrator N. Balmer updated the Board on the week's events. She advised the Board that the Landfill Supervisor was placed on paid administrative leave. She reviewed the procedures for reappointments. She said staff had set up accounting procedures for the Municipal Affordable Housing Trust Fund; T. Boschetto asked for confirmation that the trust pay its own administrative costs. C. Karlson asked about a mobile device policy and a deadline to eliminate the paper packets. N. Balmer provided an update on IT security and the emergency road repairs on Pelham Island Road.

A17. Selectmen's Reports and Concerns M. Antes noted the need to review the sign policy. C. Karlson said the Board needs to review procedures from the 2015 Annual Town Meeting, and consider the need for a Special Town Meeting in the fall. She said she hopes to have a draft charge for a Municipal Space Planning Committee next week, and she reported on a meeting with the Sudbury Valley Trustees and the Hamlen Family about bringing an article for a conservation restriction on the Hamlen property to the 2016 Annual Town Meeting. T. Boschetto asked that alternative funding sources be considered.

A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A19. Adjourn There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:37 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson,. NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 11, 2015

1. Email of 5/8/15 from Reverend Dr. Frederick Moser, Church of the Holy Spirit, to Board of Selectmen, re: Religious Observances during Proposed Dates for 2016 Annual Town Meeting
2. Wayland Town Green Cost Estimate
3. Wayland Town Green Map

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

BOARD OF SELECTMEN

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

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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Board of Selectmen Meeting Minutes May 18, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

Absent: Tony V. Boschetto

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

A1. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding Ide, et al v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board Cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and to Discuss Collective Bargaining Strategy Pertaining to Contract Negotiations with the Police Union, and all unions, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center; and to Review and Consider for Approval the Following Executive Session Minutes Relative to the Said Subjects: April 7, 2015, and April 13, 2015 At 6:04 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending actions regarding Ide, et al v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and to discuss collective bargaining strategy pertaining to contract negotiations with the Police Union, and all unions, and pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to discuss the exchange, lease or value of real estate in regard to the municipal parcel at Town Center; and to review and consider for approval the following executive session minutes relative to the said subjects: April 7, 2015, and April 13, 2015. J. Senchyshyn noted that there was an error in the agenda, and corrected the motion above from "the Police Union and all unions" as printed in the agenda, to "the Police Union, the Fire Union, and the AFSCME Clerical Union." The Chair made the correction. The Chair declares that a public discussion of pending litigation and collective bargaining and the review and consideration for approval and potential release of executive session minutes will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Town Counsel Mark Lanza, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Personnel Board member Maryanne Peabody, OPEB Advisory Committee member Cliff Lewis, Principal/Senior Project Manager Kevin Dandrade of TEC, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:15 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:16 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda for the public and said the agenda item, "Meeting with Traffic Engineer to Review Glezen Lane Traffic Study," should be corrected to "Meeting with Traffic Engineer to Review Town Center Traffic Study." L. Anderson said Open Meeting Law Training will be held May 21, 2015, at 7:00 p.m. in the Large Hearing Room, and C. Karlson announced the Memorial Day events on May 25, 2015.

A3. Public Comment Frank Krasin, 76 Edgewood Road, said that the traffic signals installed at West Plain Street and Old Connecticut Path were causing traffic issues, and he recommended putting additional traffic signals at the intersection of Route 30 and School Street. Scott Walters, 100 Draper Road, asked that the Board avoid scheduling the 2016 Annual Town Meeting at a time when it would conflict with youth sports. Beth Klein, Town Clerk, requested that the 2016 Annual Town Meeting be set as late as possible, as it would be difficult to manage two elections in one month. Richard Turner, 7 Nob Hill Road, reviewed the upcoming Memorial Day events, and asked the Board to support Purple Heart Appreciation Day.

A4. Discuss and Vote to Approve OPEB Investment Policy Jay Sherry, OPEB Advisory Committee, reviewed the process by which the Investment Policy draft was updated since the prior meeting. He presented the policy and recommended edits. J. Senchyshyn recommended review by Town Counsel, given the legal responsibility of the Treasurer. J. Nolan moved, seconded by L. Anderson, to support the recommendation of the OPEB Advisory Committee to approve the OPEB Investment Policy of May 18, 2015, as drafted, with revisions and periodic review. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A5. Discussion and Vote to Declare Wayland a Purple Heart Town and Recognize August 8th as Purple Heart Appreciation Day C. Karlson noted the agenda item should be changed to reflect the date of Purple Heart Appreciation Day as August 7, 2015. C. Karlson read the proclamation. Richard Turner, Chair, Public Ceremonies Committee, said the proclamation will be sent to the state Purple Heart organization; there will be ceremony to present the town with a plaque, and the town will fly the Purple Heart flag on August 7 every year. M. Antes suggested that the Public Ceremonies Committee request the stories of Wayland recipients of the Purple Heart. J. Nolan moved, seconded by M. Antes, to declare Wayland as a Purple Heart Community, and to approve the signing of the proclamation. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A6. Report from IT Consultant Elizabeth Doucette, Financial Analyst, and Michael McCann, Advent Consulting, appeared before the Board to discuss IT security issues. M. McCann said the security of the town's IT system was typical of most organizations of its size, and there was no evidence of mass data exfiltration. He said the consensus is that the specific attack on the town was a banking attack. He noted the need to balance IT support functions with financial considerations, and said the town is enacting a short term plan which is inexpensive and offers a relatively high return. He said consideration should be given as to how the town handles IT in the future in regard to the differing needs of the town and the schools, and he said there will be capital expenditures and training expenses. In terms of securing the current system, M. McCann said the major issues will be resolved within the next thirty days, although the short-term solutions will not be sustainable in the long-term. J. Nolan asked when the costs will be available. M. McCann said the budget figures should be available within thirty days, although not the specific purchase decisions. J. Nolan requested a recommendation on priorities. M. McCann said the staff has been very cooperative. L. Anderson asked about a three-to-five year plan, and E. Doucette said there is a long-term plan already in

place; the current action addresses the short-term needs. C. Karlson said M. McCann will come before the Board again on June 24 with a recommendation for the next stage of implementation.

A7. Meeting with Traffic Engineer to Review Glezen Lane Traffic Study The Board was joined by Police Chief Robert Irving, Town Counsel Mark Lanza, and Principal/Senior Project Manager Kevin Dandrade of TEC. C. Karlson said the traffic study is being done in regard to the Town Center traffic. She noted that the town has ongoing litigation regarding Glezen Lane and cannot comment.

L. Anderson recused herself from debating or deliberating on the issue, as she is a resident of the Glezen Lane neighborhood; she said she would listen but not participate in votes or discussions.

K. Dandrade reviewed the first phase of the study. He said daily traffic counts were done on and off the Town Center site in February and March; the current traffic is approximately 65% of what was originally projected for the location, and traffic projected to use the Route 27 exit is 5-10% less. He said it is critically important to move to the second stage, which would be to create data-driven recommendations for traffic mitigation without the traffic restrictions at the Glezen Lane and Route 27 intersection, which skew the results. The Board reviewed the data. M. Lanza said the town has requested a motion for temporary relief in order to do a traffic study based on the actual buildout of the Town Center, and to give the town time to go through the design and permitting process in order to carry out the requirements of judgment. He also acknowledged that the court may require the Town to comply with the current judgment. Chris Nicholson, 61 Glezen Lane, asked if the plaintiffs can drop the litigation at any point in time; M. Lanza said yes, they can abandon the judgment. Howard Abel, 35 Sedgemoor Road, expressed his concern that the residents are no longer allowed to use common streets. He said the problem is not the Town Center traffic, but the commuter traffic. Doug Sacra, 55 Glezen Lane, asked if the solution for the residents would be to sue the town. C. Karlson said the threat of litigation means the Board cannot discuss the issue. J. Nolan said that third parties can join a lawsuit, and M. Lanza said he would like to be notified if anyone chooses to intervene in the case.

A8. Discuss Options for Route 30 and School Street Intersection – Permanent Mitigation The Board was joined by Police Chief Robert Irving and Principal/Senior Project Manager Kevin Dandrade of TEC to discuss permanent mitigation at the Route 30 and School Street intersection. R. Irving said there have been fewer accidents since the temporary traffic mitigation was put in place, and that the anticipated negative impacts did not occur. K. Dandrade reviewed the traffic flow and said the sight lines are much improved. C. Karlson said there was a request at public comment that traffic signalization be included; R. Irving said that was option three and the most expensive solution. Chris Brown, Chair, Board of Public Works, said the only complaint has been the aesthetics. He said the cost of permanent mitigation is approximately \$100,000, and there may not be sufficient funding in the current budget. Stuart Bloomstein, owner of Mel's Café, said he is pleasantly surprised at the success of the traffic mitigation; he only requested that the site be made more attractive. R. Irving said the owner of the Villa Restaurant was also pleased with the results. Linda Segal, 9 Aqueduct Road, said that motorists are bypassing traffic by using the wrong lane on East Plain Street. R. Irving said that is an enforcement issue. J. Nolan expressed concern that the configuration impedes the response time of public safety vehicles; R. Irving said there is a problem with the turning radius that will be mitigated with the permanent improvements. M. Antes asked if there is a need for land-taking. K. Dandrade said a survey will be done to determine the land needs, but he believes it can be done in the existing right-of-way. Mike Lowery, Board of Public Works, said funding may be needed at the spring town meeting. S. Bloomstein suggested jersey barriers be used as a temporary alternative. R. Irving asked the Board of Public Works to consider rearranging their projects in terms of priorities. J. Nolan moved, seconded by L. Anderson, to approve permanent improvements at the intersection of Route 30/East Plain Street/School

Street as per Option 1 of the TEC recommendations, with the caveat that input is requested from the Fire Department regarding the impact on public safety vehicles. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A9. Discussion and Vote to Approve New Speed Limit on Pelham Island Road/Review Board of Public Works Plan to Address Pelham Island Road Conditions The Board was joined by Police Chief Robert Irving and Chris Brown, Chair, Board of Public Works, to discuss Pelham Island Road. R. Irving said no special speed regulation was in place, so a traffic study was conducted. The Board reviewed the traffic study, and discussed the condition of the road. C. Brown said the Board of Public Works voted to authorize the DPW Director to declare Pelham Island Road an emergency and to repair the road as soon as possible. J. Nolan moved, seconded by M. Antes, to authorize the petition to the Massachusetts Department of Transportation to put a 25 miles per hour speed restriction for the length of Pelham Island Road from Route 20 to the Sudbury town line. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A10. Review Proposed Transfer of Land from Board of Public Works to Board of Selectmen The Board was joined by Chris Brown, Chair, Board of Public Works, to discuss a proposed land transfer for the River's Edge project. He said the Board of Public Works was unwilling to transfer the land to the Board of Selectmen unless an agreement with a developer was in place. However, he said Town Counsel advised that the transfer can be done in such a way that the land is transferred simultaneously with the Board of Selectmen transferring the land to the developer. C. Brown said the second issue is the cost to the Board of Public Works. He said they are going from over four acres to two acres to conduct operations, and the resulting need for contracted storage and fill is estimated to be \$1.3 million. C. Karlson said the cost will be passed on in the development agreement. M. Antes asked if that cost will be reduced, given that the Board of Public Works has since gained two acres of land, and C. Karlson and J. Nolan asked that a cost analysis be done before an additional appropriation is requested. M. Lanza said the cost is not a condition of the transfer. He said the Board of Public Works will consider the motion at its next meeting and then come back to the Board of Selectmen.

M. Lowery distributed pictures of Pelham Island Road to the Board to illustrate the condition of the road.

A11. Discussion and Vote to Approve Solar Power Purchase Agreement and Consent Agreement The Board was joined by Public Buildings Director Ben Keefe, and Energy Initiatives Advisory Committee members Ellen Tohn and John Harper, to review the Solar Power Purchase Agreement and the Consent Agreement. C. Karlson confirmed that the documents reflect the vote of the Annual Town Meeting. She noted there are still some blanks in the agreement, and J. Harper said there will be no substantive changes in the final agreement. J. Nolan expressed concern about the aesthetics of the solar projects off the Massachusetts Turnpike. M. Lanza said it was his opinion that the document was ready for signature with non-substantive changes that are consistent with municipal law. E. Tohn said there have been numerous legal and professional reviews. She said the start date will be subject to the completion of the plans and coordination with the schools and the Wayland Community Pool. L. Anderson asked them to advise the neighborhood of the construction. M. Antes moved, seconded by L. Anderson, to authorize the Town Administrator to sign the Solar Power Purchase Agreement and Consent Agreement with non-substantive changes that are consistent with municipal law. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A12. Discussion on Charge for Municipal Space Planning Committee C. Karlson reviewed the town's recent efforts to develop a plan on the future uses of municipal buildings and land, and the Board reviewed a

draft committee charge for a Wayland Real Estate Planning Committee. L. Anderson asked how the committee would rank priorities; C. Karlson said there is a standard ranking that includes considerations such as capital projects, safety, community needs, and funding availability. Colleen Sheehan, 16 Springhill Road, said community input should be included in the process. It was the sense of the Board to support the charge as drafted and vote approval at its meeting on June 1. The Board authorized N. Balmer to communicate the pending approval to key staff.

A13. Discussion on Date and Vote for 2016 Annual Town Meeting Date The Board reviewed potential dates for the 2016 Annual Town Meeting. J. Nolan moved, seconded by L. Anderson, to call an Annual Town Election to be held on Tuesday, April 5, 2016, and to schedule the Annual Town Meeting to begin on April 7, 2016, with continuing dates of April 11, 12 and 14, and with later dates to be scheduled as needed. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A14. Review and Approve Consent Calendar (See Separate Sheet) J. Nolan moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A15. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A16. Report of the Town Administrator N. Balmer reviewed upcoming agenda items. She said that Zoe Pierce has been hired as the new Treasurer/Collector, and that Strategic Accounting will continue to work with her for a time in order to provide continuity. She reviewed the follow-up items from the 2015 Annual Town Meeting.

A17. Selectmen's Reports and Concerns L. Anderson reported on the Board of Public Works traffic calming hearing in regard to Stonebridge Road; she said she will also meet with Police Chief Robert Irving. C. Karlson asked that petitioner Duane Galbi be invited before the Board for a discussion on the matter when appropriate. L. Anderson said she will attend the Department of Revenue training for new officials on June 2. M. Antes noted a federal declaration of storm aid. C. Karlson reported on a meeting of the Economic Development Committee. N. Balmer recognized staff members Dan Cabral and Donna Lemoyne for their outstanding work, and M. Antes thanked Maggie Meehan for maintaining the flowers at the Town Building.

A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A19. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:27 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 18, 2015

1. Powerpoint Presentation, Wayland Town Center Public Green Conceptual Design, August 29, 2012, First and Last Page distributed by Linda Segal
2. Letter of 5/15/15 from Jeffrey L. Roelofs P.C. to Mark J. Lanza, Town Counsel, re: Bernstein et al v. Wayland Planning Board
3. Email of 5/18/15 from Beth Klein, Town Clerk, to Board of Selectmen, re: 2016 Annual Town Meeting

4. Email of 5/13/15 from Rabbi Sally Finestone to Selectmen's Office re: Dates to Avoid for 2016 Annual Town Meeting
5. Email of 5/15/15 from Anne Harris, Energy Initiatives Advisory Committee, to Nan Balmer, Town Administrator, re: Vote on Solar Power Purchase Agreement, Consent and Interconnect Agreements
6. Photographs of Pelham Island Road distributed by Mike Lowery, 120 Lakeshore Drive, to Illustrate the Condition of the Road

Items Included as Part of Agenda Packet for Discussion During the May 18, 2015 Board of Selectmen's Meeting

1. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Meet with OPEB Committee and Draft Investment Policy
2. Memorandum of 5/18/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Purple Heart Community
3. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Report from IT Consultant
4. Memorandum of 4/6/15 from Kevin R. Dandrade, TEC, to Nan Balmer, Town Administrator, re: Introductory Glezen Lane Neighborhood Traffic Assessment, Summary of Initial Data Collection and Potential Diversion Alternatives
5. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Route 30 and School Street Traffic Mitigation and Backup Material
6. Memorandum of 5/14/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: Pelham Island Road Speed Zone Request and Letter to Mass Highway Department
7. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Transfer of Land from Board of Public Works to Board of Selectmen for River's Edge Project
8. Memorandum of 5/14/15 from Ben Keefe, Public Building Director, to Nan Balmer, Town Administrator, re: Solar Project Purchase Agreement (PPA), Consent Agreement, and Interconnection Service Agreements (ISA)
9. Memorandum of 5/18/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Municipal Space Planning Committee
10. Memorandum of 5/11/15, Updated 5/18/15, from Nan Balmer, Town Administrator to Board of Selectmen re: Discussion on Spring 2016 Annual Town Meeting Date
11. Report of the Town Administrator for the Week Ending May 15, 2015



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

**REVISED LIST OF PUBLIC
DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM MAY
29, 2015, THROUGH AND INCLUDING
JUNE 4, 2015, OTHERWISE NOT
LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR
JUNE 8, 2015**

Items Distributed To the Board of Selectmen – May 29-June 4, 2015

1. Email of 6/4/15 from Linda Segal to Board of Selectmen re: Update on Use of Herbicides

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 1, 2015

1. Email of 5/20/15 from Bob Goldsmith, Conservation Commission, re: Willingness to Serve a One-Year Reappointment Term
2. Letter of 6/1/15 from Brian J. Chase re: Declining Reappointment to the Permanent Municipal Building Committee
3. Email of 5/29/15 from Marylynn Gentry to Board of Selectmen re: Interest in Serving on the Council on Aging/Community Center Advisory Committee
4. Email of 6/1/15 from Mark Foreman to Board of Selectmen re: Interest in Serving on the Council on Aging/Community Center Advisory Committee
5. Email of 6/1/15 from State Representative Carmen Gentile re: Ceremony for Wayland Town Flag to be Placed in the Hall of Flags, State House, in June 2015

Items Included as Part of Agenda Packet for Discussion During the June 8, 2015 Board of Selectmen's Meeting

1. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Committee Interviews and Reappointments, with list of Reappointments
2. Email of 6/1/15 from Gretchen Schuler, Community Preservation Committee, and Historic District Commission, re: Recommendations for Reappointments
3. Email of 6/1/15 from Sherre Greenbaum, Chair, Conservation Commission, re: Recommendations for Reappointments to Conservation Commission
4. Memorandum of 6/8/2015 from Nan Balmer, Town Administrator, re: Execution of Application to Mass Department of Environmental Protection for Presumptive Approval to Use River's Edge Site for Housing, and Description of Proposed Activity
5. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Petition State Legislature to Enact a Special Act re: An Additional Package Store License
6. Annual Town Meeting Vote Certificate, Article 20, Authorization for the Town of Wayland to Grant an Additional License for the Sale of All Alcoholic Beverages not to be Drunk on the Premises
7. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Fall 2015 Special Town Meeting
8. Board of Selectmen Policies and Procedures: Board Description and Guiding Principles, and Officers and Meetings
9. Report of the Town Administrator for the Week Ending June 5, 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
Monday, June 8, 2015
Wayland Town Building
Selectmen's Meeting Room

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

CORRESPONDENCE

Selectmen

1. Letter of 5/25/15 from OHI Engineering Inc., to Nan Balmer, Town Administrator, re: Notice of Phase II Addendum, 298 Boston Post Road
2. Email of 5/28/15 from Connie Burgess, WayCAM, to Nan Balmer, Town Administrator, re: Vacancy due to Resignation of Jerry Boos from WayCAM Board of Directors
3. Email of 5/28/15 from Jonathan Saxton to Department Directors re: WayDOG, New Dog Owners Group
4. Letter of 5/28/15 from Town Counsel Mark J. Lanza to Attorney Nicholas P. Shapiro, Phillips & Angley, re: John Moss et al v. Gary D. Lingley, Trustee et al
5. Letter of 5/28/15 from Town Counsel Mark J. Lanza to Middlesex County Superior Court re: David Bernstein et al v. Wayland Planning Board et al
6. Email of 5/30/15 from Mark Hays to Board of Selectmen re: Secunia 2015 Report on Software and OS Vulnerabilities
7. Email of 6/2/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: Crime Watch Program and Attendance at a Discussion at First Parish Church on June 7, 2015 regarding Reporting of Suspicious Activity in Wayland
8. Email of 6/4/15 from Linda Segal to Board of Selectmen re: Update on Use of Herbicides
9. Monthly Report, Animal Control, May 2015
10. Monthly Report, Fire Department, May 2015
11. Monthly Report, Police Department, May 2015

Conservation Commission

12. Determination of Applicability, 6/2/15, from Brian J. Monahan, Conservation Administrator, re: 22 Pequot Road

Zoning Board of Appeals

13. Decision No. 15-05, 19 Amey Road

Minutes

14. Housing Partnership, April 21, 2015

Region

15. Email of 6/4/15 from Community Engagement, Boston 2024, re: Invitation to Boston 2024 Olympic Bid Community Meeting, Ashland, June 10, 2015

State

16. Letter of 5/26/15 from Massachusetts Historical Commission, Grants Division, to Nan Balmer, Town Administrator, re: Preservation Project Fund Round 21 Application, Stone's Bridge
17. Email of 6/1/15 from State Representative Carmen Gentile re: Ceremony for Wayland Town Flag to be Placed in the Hall of Flags, State House, in mid-June 2015
18. Letter of 6/2/15 from Office of the Attorney General to Nan Balmer, Town Administrator, re: Resolution of Open Meeting Law Complaint 2015-79

RE:
Wayland
CLEANERS

44 Wood Avenue
Mansfield, MA 02048
Tel (508) 339 - 3929
Fax (508) 339 - 3140

May 25, 2015

RECEIVED

JUN -1 2015

Board of Selectmen
Town of Wayland

Wayland Town Building
Town Administrator
41 Cochituate Road
Wayland, MA 01778

Attn: Nan Balmer

Re: *Notice of Phase II Addendum*
298 Boston Post Road
Wayland, Massachusetts
DEP Release Tracking Number: 3-22753

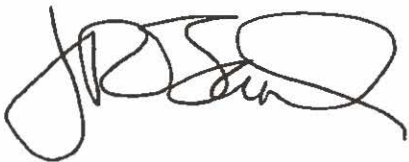
Dear Nan Balmer:

In accordance with the requirements of the Massachusetts Contingency Plan (MCP) [310 CMR 40.0000] and Department of Environmental Protection (DEP), OHI Engineering, Inc. (OHI) is notifying you, on behalf of the 298 Boston Post Road Parties, that a *Phase II Comprehensive Site Assessment Addendum* has been completed for the above-referenced location. The report has been submitted to the Massachusetts Department of Environmental Protection (MassDEP) Northeast Regional Office in Wilmington, Massachusetts. Copies of the report may be obtained at the DEP office. The report revises the Disposal Site boundary to include 311 Boston Post Road

Please do not hesitate to contact OHI should you have any questions regarding this matter.

Sincerely,

OHI ENGINEERING, INC.



James R. Borrebach, P.E., L.S.P.
Principal

DiNapoli, MaryAnn

From: connie burgess <cburgess1978@hotmail.com>
Sent: Thursday, May 28, 2015 2:18 PM
To: DiNapoli, MaryAnn; Balmer, Nan
Subject: WayCAM Board of Directors, Vacancy

One of the selectmen-appointed positions on the WayCAM Board of Directors is now vacant. Jerry Boos, who was treasurer, has recently resigned from this position.

If possible, we would like to fill this position or a second board vacancy with someone who is a Certified Public Accountant and an interest in taking on treasurer responsibilities.

Our hope is to present a candidate for the Selectmen-appointed slot to the Board of Selectmen this fall. We will keep you informed.

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, June 01, 2015 9:29 AM
To: DiNapoli, MaryAnn
Subject: FW: New Dog Owners Group

correspondence

From: Jonathan Saxton [mailto:jonsax@comcast.net]
Sent: Thursday, May 28, 2015 12:18 PM
To: Balmer, Nan; Irving, Robert; Swanick, Patrick; Brodie, Jessica; Monahan, Brian; Junghanns, Julia; Klein, Beth; Anderson, Lea; Antes, Mary; Kadlik, Stephen; Secord, Julie; Dowd, Lynn
Cc: Kathy Cleaver; Marjorie Halperin; Lily Strassberg; Jennifer Keller; Annie Hansen; Beth Cushing; Jill Hourihan; Joey Levin-Barnett; Kim Reichelt; Cherry Karlson
Subject: Re: New Dog Owners Group

Nan, Thanks for the kind introduction. Just to reiterate what Nan has said, I and several other people are in the process of establishing WayDOG, the Wayland Dog Owners Group. As a start, we have established a Facebook page that has attracted around 60+ Wayland dog owners and other interested people who are already sharing information and perspective on a variety of issues. We hope to have a website up and running within the next couple of weeks. We have adopted the following mission and goals:

Mission

Create within Wayland an environment for dog ownership that is healthy and safe for dogs, their owners, and for all Wayland residents, and which also respects the environment and is supportive of the community's goals for Wayland as a great town in which to live and work.

Goals

1. Promote responsible dog ownership,
2. Work with dog owners, the Town of Wayland, and other dog/pet-related organizations and interests to create a safe, healthy, and constructive community and regulatory environment.
3. Be a useful source of information and resources to the entire community in matters relating to dog-ownership.

We are very interested to gather as much information as we can about dog ownership and issues in town as we prepare to work on creating a heightened culture of dog owner responsibility and, hopefully, work with the Town to fulfill our stated mission. Any information and/or perspective that any of you can provide would be most appreciated. I would also be happy for the opportunity to sit with you to talk about our effort and to get any insights or suggestions you might have.

I have cc'ed a few of the people who have been helpful in making introductions and/or getting WayDOG going, though we don't yet have a formal set of officers, etc. I/we look forward to working with all of you going forward.

Thanks,

Jon.

—

Jon Saxton

<http://www.linkedin.com/in/jonathansaxton>

"Art is not a mirror held up to reality but a hammer with which to shape it." — Bertolt Brecht

From: Nan Balmer <nbalmer@wayland.ma.us>

Date: Thursday, May 28, 2015 at 10:46 AM

To: "Irving, Robert" <Chief@wayland.ma.us>, "Swanick, Patrick" <pswanick@wayland.ma.us>, "Brodie, Jessica" <jbrodie@wayland.ma.us>, "Monahan, Brian" <BMonahan@wayland.ma.us>, "Junghanns, Julia" <JJunghanns@wayland.ma.us>, "Klein, Beth" <bklein@wayland.ma.us>, "Anderson, Lea" <landerson@wayland.ma.us>, "Antes, Mary" <mantes@wayland.ma.us>, "Kadlik, Stephen" <skadlik@wayland.ma.us>, "Secord, Julie" <jsecord@wayland.ma.us>, "Dowd, Lynn" <LDowd@wayland.ma.us>

Cc: Jonathan Saxton <jonsax@comcast.net>

Subject: New Dog Owners Group

Good Morning,

Wayland resident Jon Saxon is forming WayDog, a local group to promote responsible dog ownership in Wayland. The group will be a valuable addition to town and will help town departments address dog related issues.

Jon is interested in baseline data on dogs in Wayland – including number of dog licenses issued, location of all sensitive environmental areas where dogs are walked, identification of other individuals and groups with a special interest in dogs, dog related complaints from citizens, signage in dog walking areas and ideas about how the new group can be most effective.

Jon will be calling town staff and then may meet with boards and committees to further develop the role of WayDog in Wayland. Jon's e-mail is attached – so please feel free to contact him to share your thoughts.

Thanks

Nan

Nan Balmer, Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3620 office
(508) 237-1330 cell





TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-7701
FAX: (508) 358-3627

May 28, 2015

Nicholas P. Shapiro, Esq.
Phillips & Angley
One Bowdoin Square
Boston, MA 02114

RE: John Moss, et al v. Gary D. Lingley, Trustee, et al;
Case No. 13 MISC 480577 (KCL)

Dear Mr. Shapiro:

Enclosed with respect to the above-referenced case please find Intervener Town of Wayland's Answers to Plaintiffs' Second Set of Interrogatories.

Thank you for your attention to this matter.

Very truly yours,

Mark J. Lanza
Town Counsel

MJL/ms

Enclosure

cc Gary D. Lingley & AnnMarie Lingley (w/ encl.)

Board of Selectmen (w/ encl.)

Board of Public Works (w/ encl.)

Conservation Commission (w/ encl.)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

LAND COURT DEPARTMENT
OF THE TRIAL COURT
MISC. CASE NO. 480577 (KCL)

JOHN MOSS and AMY BORNER,)
)
 Plaintiffs,)
 v.)
)
 GARY D. LINGLEY and)
 ANNMARIE LINGLEY,)
 TRUSTEES of the J.M.J. Realty Trust,)
)
 Defendants,)
 and)
)
 TOWN OF WAYLAND, acting by and)
 through its BOARD OF SELECTMEN,)
 BOARD OF PUBLIC WORKS and)
 CONSERVATION COMMISSION,)
)
 Intervener.)

INTERVENER TOWN OF WAYLAND’S ANSWERS TO PLAINTIFFS JOHN MOSS AND AMY BORNER’S SECOND SET OF INTERROGATORIES

The Town of Wayland, acting by and through its Board of Selectmen, Board of Public Works and Conservation Commission (the “Town”), pursuant to Rule 33 of the Massachusetts Rules of Civil Procedure, for its answers to the Plaintiffs John Moss’ and Amy Borner’s Second Set of Interrogatories (the “2nd Interrogatories”) , states as follows.

General Objections

1. The Town objects to the 2nd Interrogatories and the instructions contained therein to the extent that they impose upon the Town obligations beyond those imposed by the Massachusetts Rules of Civil Procedure.

2. The Town objects to the 2nd Interrogatories to the extent that they seek information that is protected from discovery by the work product doctrine, the attorney-client privilege, or any other privilege cognizable at law.

3. The Town objects to the 2nd Interrogatories to the extent that they seek information that is not relevant to the subject matter of this action or information that is not reasonably calculated to lead the discovery of admissible evidence.

4. The Town object to the 2nd Interrogatories to the extent that they seek information that is not within its possession, custody, or control.

5. The Town objects to the 2nd Interrogatories to the extent that they are over broad, vague, ambiguous, unduly burdensome, and oppressive.

6. The Town objects to the Interrogatories to the extent that they seek information which is a matter of public record.

7. The Town objects to the 2nd Interrogatories to the extent that they seek information that has already been provided to the Plaintiffs by the Town or others.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 28

Identify each property owned by the Town in the Woodland Park Subdivision, by reference to street address, lot numbers on the 1914 Plan and Wayland Town Assessors' records, and whether it is part of the Conservation Commission Property, Selectmen Property or Public Works Property.

ANSWER NO. 28

The Conservation Commission Property is comprised of Lots 105, 106, 107, 408 to 417 inclusive, 484 to 493 inclusive, 504 to 518 inclusive, 522 to 528 inclusive, 539 to to 555 inclusive, 604 to 613 inclusive, and 968 and 969 as shown on the 1914 Plan. The Public Works

Property is shown as Lots 616 to 619 inclusive on the 1914 Plan. The Selectmen Property is shown as Lots 529-533 inclusive, part of Lot 800, Lots 621 to 624 inclusive, Lots 589 to 591 inclusive and Lots 945 to 947 inclusive on the 1914 Plan. The street addresses and Assessors Map and Lot numbers are shown on Exhibit A which is attached hereto and incorporated herein.

INTERROGATORY NO. 29

For each property identified in Interrogatory No. 29, describe the existing conditions of each property by reference to square footage, shape, soil and topography, whether each is improved, how each is improved, whether each is woodland or an open area, whether it contains jurisdictional wetlands under the Wetlands Protection Act and its implementing regulations or under the Wayland Wetlands Bylaw (if any), whether it is a conservation property subject to a restrictive covenant pursuant to G. L. c. 184, §§ 31-33, if so, whether it is restricted in perpetuity, and how it is used by the Town.

ANSWER NO. 29

The Conservation Property is restricted by a perpetual deed restriction to be used for conservation purposes. It is used for such purposes. The Public Works Property is restricted by a perpetual restriction in an order of taking to be used for municipal highway purposes. It is held for such purposes, but not actively used for such purposes. The Selectmen Property is not restricted in perpetuity and is not used for any particular municipal purpose. The areas, shapes and topography of each such property are shown on Exhibit A, which is attached hereto and incorporated herein. Assessors Map 43C, Lots 42 and 43, and Map 43A, Lot 5, contain jurisdictional wetlands under the Wetlands Protection Act as determined by Mass DEP and James W. Sewall Co. by aerial photography. The wetlands on these lots are shown on Exhibit A, which is attached hereto and incorporated herein. The Town does not know if there are any wetlands on the lots, as defined in Chapter 194 of the Code of the Town of Wayland. None of

the lots are improved with structures. A structure is partially encroaching on the Public Works Property as shown on Exhibit A. A building foundation exists on 19 Wampum Path. All of the lots are wooded with varying degrees of density.

INTERROGATORY NO. 30

Describe how the Town intends to use Crown Path in exercising its putative easement rights.

ANSWER NO. 30


The Town objects to Interrogatory No . 30 on the grounds that it describes the Town’s easement rights as “putative”. Without waiving its objection, the Town states that it will exercise its easement rights in Crown Path by using Crown Path for all purposes for which roadways are commonly used in the Town of Wayland. The Town has no immediate plans to do so.

Signed under the penalties of perjury this 28th day of May, 2015.



Nan Balmer, Town Administrator

Objections by:

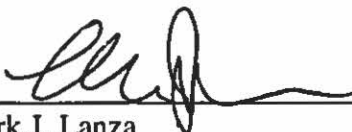


Mark J. Lanza BBO#549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624/(978) 369-9100
e-mail: mjlanza@comcast.net

DATED: May 28, 2015

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2015, I served the above document on the Plaintiffs’ counsel of record and a copy of it on the Defendants, who are pro se, via first class mail, postage prepaid.



Mark J. Lanza



TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-7701
FAX: (508) 358-3627

May 28, 2015

Hon. Kimberly S. Budd
Associate Justice/
Session Judge - D Session
Clerk's Office - Civil Business
Middlesex County Superior Court
200 TradeCenter
Woburn, MA 01801

RE: David Bernstein, et al v. Wayland Planning Board, et al;
Civil Action No. MICV2008-00552-D

Dear Judge Budd:

The Town of Wayland Defendants respectfully request (1) leave of this Court pursuant to Superior Court Rule 9A(a)(3) to serve and file a reply memorandum in response to the Plaintiffs' Opposition to the Town of Wayland Defendants' Motion for Temporary Relief from Judgment; and (2) a waiver of strict compliance with the 5-day reply brief request filing deadline in Superior Court Rule 9A(a)(3). The Town of Wayland Defendants' motion and supporting Memorandum of Law were served on the Plaintiffs on April 6, 2015 and April 16, 2015, respectively. With the Town of Wayland Defendants' consent to an extension of the 10-day deadline for serving opposition, the Plaintiffs' opposition was received by the Town of Wayland Defendants on May 18, 2015. This request is made on the grounds that the Plaintiffs have raised matters in their opposition that were not and could not reasonably have been addressed in the Town of Wayland Defendants' motion including the Court's power to allow temporary relief from a judgment entered pursuant to a settlement agreement.

Thank you for your attention to this matter.

Sincerely yours,

Mark J. Lanza
Town Counsel

MJL/ms

- 2 -

cc Jeffrey L. Roelofs, Esq.
Twenty Wayland, LLC
Board of Selectmen (by hand)
Planning Board (by hand)
Board of Public Works (by hand)



TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-7701
FAX: (508) 358-3627

May 28, 2015

Clerk's Office - Civil Business
Middlesex Superior Court
200 TradeCenter
Woburn, MA 01801

RE: David Bernstein, et al v. Town of Wayland Planning Board,
et al; Docket No. MICV2008-00552-D

Dear Madam/Sir:

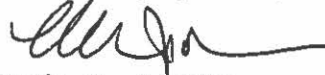
Enclosed with respect to the above-referenced action please
find:

1. Town of Wayland Defendants' Motion for Temporary Relief from Judgment;
2. Town of Wayland Defendants' Memorandum of Law in Support of Their Motion for Temporary Relief from Judgment;
3. Plaintiffs' Opposition to Town of Wayland Defendants' Motion for Temporary Relief from Judgment;
4. Affidavit of Compliance with Superior Court Rule 9A; and
5. Notice of Filing Pursuant to Superior Court Rule 9A(B)(2); and
6. List of Papers Filed Pursuant to Superior Court Rule 9A(B)(2).

Please docket and file these documents and schedule a hearing on the enclosed motion.

Thank you for your attention to this matter.

Sincerely yours,



Mark J. Lanza
Town Counsel

MJL/ms

Enclosures

cc Jeffrey L. Roelofs, Esq. (w/ encl.'s 4-6)
Twenty Wayland, LLC (w/ encl.'s 4-6)
Board of Selectmen (w/ encl.'s 4-6, by hand)
Planning Board (w/ encl.'s 4-6, by hand)
Board of Public Works (w/ encl.'s 4-6, by hand)

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552-D

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.)

AFFIDAVIT OF COMPLIANCE WITH SUPERIOR COURT RULE 9A

I, Mark J. Lanza, 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 Works

(collectively, the "Town Parties"), Defendants in the above-captioned action, hereby state under the pains and penalties of perjury with respect to the filing of the Town Parties' Motion Temporary Relief from Judgment, 1.) a copy of said motion was served, via first class mail, on counsel of record for the Plaintiffs on April 6, 2015; 2.) a copy of the Town Parties' Memorandum of Law in Support of said motion was served, via first class mail, on counsel of record for the Plaintiffs, on April 16, 2015; 3.) After agreeing to an extension of time for serving Plaintiffs' opposition to said motion, I received Plaintiffs' Opposition to said motion on May 18, 2015; and 4.) I have complied with Rule 9A of the Superior Court Rules in all respects.

Respectfully submitted,



Mark J. Lanza BBO #549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624/(978) 369-9100
e-mail: mjlanza@comcast.net

DATED: May 28, 2015
|

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel of record for the Plaintiffs by mailing a copy thereof to its counsel of record, via first class mail, on May 28, 2015.



COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552-D

_____)
DAVID BERNSTEIN, KATHLEEN BERNSTEIN,)
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Planning Board, TOWN OF WAYLAND,)
WAYLAND BOARD OF SELECTMEN, AND)
WAYLAND BOARD OF ROAD COMMISSIONERS,)
and TWENTY WAYLAND, LLC,)
Defendants.)
_____)

NOTICE OF FILING PURSUANT TO SUPERIOR COURT RULE 9A(B) (2)

Notice is hereby given pursuant to Superior Court Rule 9A(B)(2), that the following papers have been filed in the Middlesex County Superior Court Clerk's Office for Civil Business in Woburn, Massachusetts:

1. Town of Wayland Defendants' Motion for Temporary Relief from Judgment;
2. Town of Wayland Defendants' Memorandum of Law in Support of Their Motion for Temporary Relief from Judgment;

3. Plaintiffs' Opposition to Town of Wayland Defendants' Motion for Temporary Relief from Judgment; and
4. Affidavit of Compliance with Superior Court Rule 9A.

Respectfully submitted,
Town Parties, by their attorney,



Mark J. Lanza BBO #549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624/(978) 369-9100
e-mail: mjlanza@comcast.net

DATED: May 28, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel of record for the Plaintiffs by mailing a copy thereof to its counsel of record, via first class mail, on May 28, 2015.



COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552-D

DAVID BERNSTEIN, KATHLEEN BERNSTEIN,)
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DEBORAH MIKELS, and MICHAEL BATE,)

Plaintiffs,)

v.)

WAYLAND PLANNING BOARD,)
WILLIAM STEINBERG, ALBERT I. MONTAGUE,)
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Planning Board, TOWN OF WAYLAND,)
WAYLAND BOARD OF SELECTMEN, AND)
WAYLAND BOARD OF ROAD COMMISSIONERS,)
and TWENTY WAYLAND, LLC,)

Defendants.)

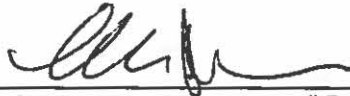
LIST OF PAPERS FILED PURSUANT TO SUPERIOR COURT RULE 9A(B) (2)

In addition to this List of Papers Filed Pursuant to Superior Court Rule 9A(B) (2), the following papers have been filed in the Middlesex County Superior Court Clerk's Office for Civil Business in Woburn, Massachusetts:

1. Town of Wayland Defendants' Motion for Temporary Relief from Judgment;
2. Town of Wayland Defendants' Memorandum of Law in Support of Their Motion for Temporary Relief from Judgment;

3. Plaintiffs' Opposition to Town of Wayland Defendants' Motion for Temporary Relief from Judgment;
4. Affidavit of Compliance with Superior Court Rule 9A; and
5. Notice of Filing Pursuant to Superior Court Rule 9A(B)(2).

Respectfully submitted,
Town Parties, by their attorney,



Mark J. Lanza BBO #549994
Town Counsel, Town of Wayland
41 Cochituate Road
Wayland, MA 01778
(508) 358-3624/(978) 369-9100
e-mail: mjlanza@comcast.net

DATED: May 28, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel of record for the Plaintiffs by mailing a copy thereof to its counsel of record, via first class mail, on May 28, 2015.



DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, June 01, 2015 10:25 AM
To: DiNapoli, MaryAnn
Subject: FW: Secunia 2015 report on software and OS vulnerabilities
Attachments: Secunia_Vulnerability_Review_2015.pdf

From: Mark Hays [mailto:markallenhays@gmail.com]
Sent: Saturday, May 30, 2015 8:12 PM
To: Nolan, Joseph F.; Thomas Greenaway; Ellen Grieco; Karlson, Cherry; Antes, Mary; Boschetto, Anthony V.; Carol Martin (carolbmartin@verizon.net); Gil Wolin; Bill Steinberg; tjabdella@gmail.com; Nancy Funkhouser; Lea@Anderson.name; Barb Fletcher; Malcolm Astley; Donna Bouchard; jeanne_downs@wayland.k12.ma.us; Stein, Paul; Balmer, Nan
Subject: Secunia 2015 report on software and OS vulnerabilities

Dear Members of the Wayland BoS, FinCom, School Committee, Nan Balmer and Paul Stein:

Attached is a copy of Secunia's 2015 software / OS vulnerability report. The stats and trends are interesting - with a few surprises.

This report highlights why the Wayland Town and School networks definitely need vulnerability management and patch management systems, with strict 'white list' control over software that can be installed -- and complete removal of 'Admin' privileges for all users.

After more research, I found that Secunia's solution can identify vulnerabilities on Windows and Mac computers -- but cannot patch Mac computers. (They are working on a Mac solution, but it is not ready for prime time yet.)

GFI offers the best overall solution that covers Windows and Mac. I negotiated a no-cost, full function trial license for Wayland -- plus free implementation training -- and sent this info to Mike McCann with a CC to Paul Stein and Nan Balmer. I never received a reply, however.

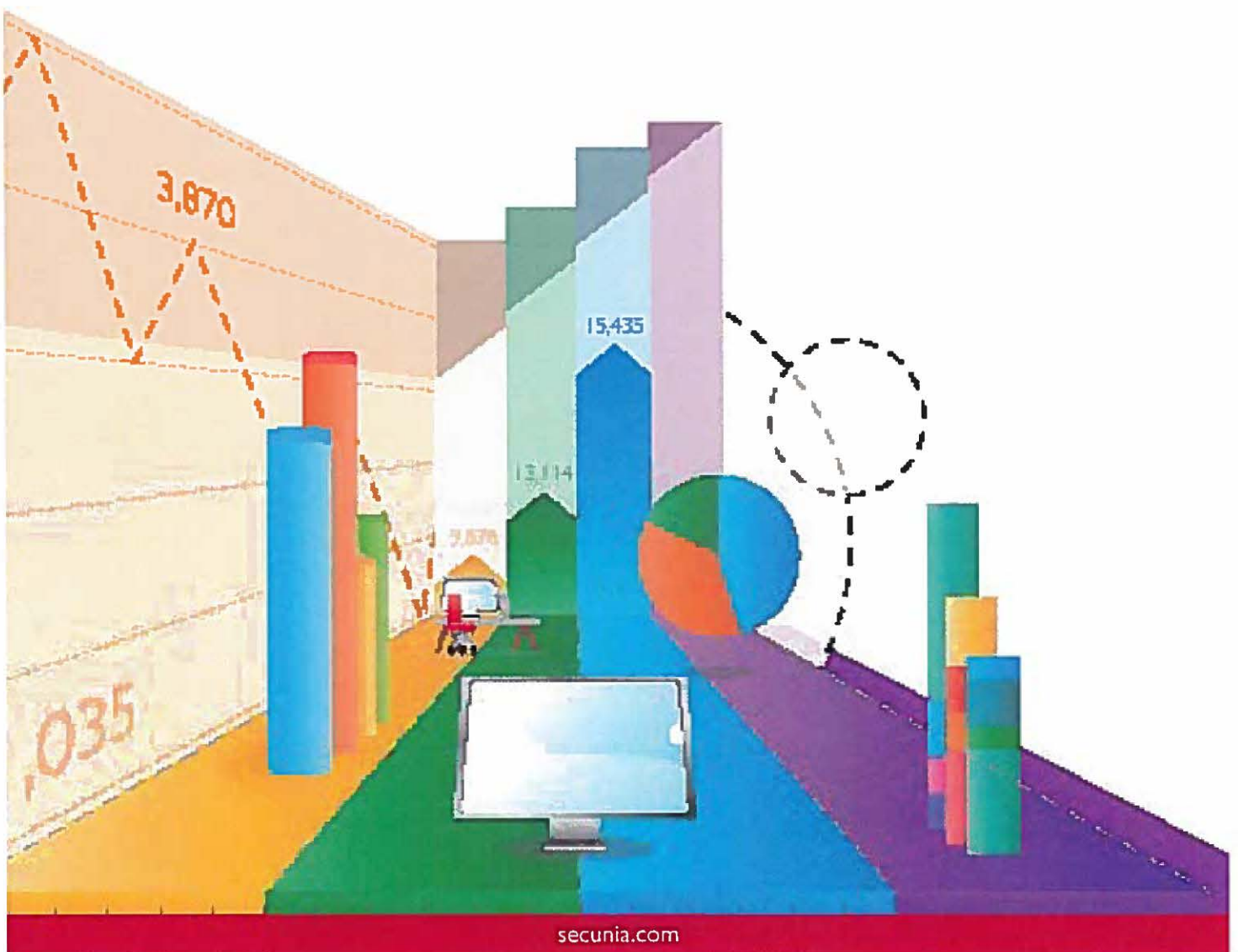
Hope you are enjoying this nice Saturday!

Mark Hays

Secunia Vulnerability Review 2015

Key figures and facts on vulnerabilities from
a global information security perspective

Published March 25, 2015



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Vulnerability Update

Numbers – All Products

Numbers - All products

The absolute number of vulnerabilities detected was 15,435, discovered in 3,870 applications from 500 vendors. The number shows a 55% increase in the five year trend, and a 18% increase from 2013 to 2014.

Since 2013, the number of vendors behind the vulnerable products has decreased by 11% and the amount of vulnerable products has increased by 22%.

The 20 core products with the most reported vulnerabilities in 2014 span different criticalities and attack vectors, and are comprised of browsers, client managers, an open source library and an operating system.

Criticality – All Products

11% of vulnerabilities in 2014 were rated as 'Highly Critical', and 0.3% as 'Extremely Critical'.

The most notable changes in criticality levels occurred in the 'Moderately' and 'Not' critical brackets, with an increase from 23.5% in 2013 to 28.1%, and from 7.6% in 2013 to 13.5%, respectively.

'Highly Critical' decreased from 16.2% in 2013 to 11% in 2014.

Attack Vector – All Products

With a 60.2% share, the primary attack vector available to attackers to trigger a vulnerability for all products in 2014 was again via remote network, a drop from the 73% the year before. Local network has correspondingly increased, from 20% in 2013, to 33.4% in 2014. In 2012, local network only represented 5%. Local system remained stable, from 7% in 2013, to 6.4% in 2014.

(1) Find the list of the 20 core products with the most vulnerabilities in the Appendix.

Global Trends – Top 50 Portfolio ⁽²⁾

Numbers - Top 50 Portfolio

The number of vulnerabilities in the Top 50 portfolio was 1,348, discovered in 17 products from 7 vendors plus the most used operating system, Microsoft Windows 7. The number shows a 42% increase in the 5 year trend, and a 11% increase from 2013 to 2014.

Criticality – Top 50 Portfolio

The combined number of 'Highly Critical' and 'Extremely Critical' vulnerabilities: 74.6% represented the majority of vulnerabilities in the Top 50 rated by Secunia in 2014.

Attack Vector – Top 50 Portfolio

With a 91.8% share, the foremost attack vector available to attackers to trigger a vulnerability in the Top 50 portfolio was Remote Network. This is an increase compared to 2013. Local Network saw a decrease, from 2.7% in 2013, to 2.2% in 2014. Local System recorded a decrease compared to last year, from 10.6%, to 6% in 2014.

(2) Find the list of the Top 50 applications in the Appendix.

See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings; attack vectors.

What is the Top 50 Portfolio? ⁽²⁾

To assess how exposed endpoints are, we analyze the types of products typically found on an endpoint. Throughout 2014, anonymous data has been gathered from scans of the millions of private computers which have the Secunia Personal Software Inspector (PSI) installed.

Secunia data shows that the computer of a typical PSI user has an average of 76 applications installed on it.

Naturally, there are country- and region-based variations regarding which applications are installed. Therefore, for the sake of clarity, we chose to focus on a representative portfolio of the 50 most common products found on a typical computer and the most used operating system, and analyze the state of this portfolio and operating system throughout the course of 2014. These 50 applications are comprised of 34 Microsoft applications and 16 non-Microsoft (third-party) applications.

We divide the products into three categories

Product composition, PSI computer

Microsoft applications: Represent on average 40% of the applications on a computer with the PSI installed.

Non-Microsoft applications: Software from all other vendors – represents 60% of the applications on a computer with the PSI installed.

Operating Systems: We track vulnerabilities in Windows operating systems: Windows XP ⁽³⁾, Windows Vista, Windows 7 and Windows 8.

Product composition, Top 50 portfolio

Microsoft applications: Represent 67% of the Top 50 applications on a computer with the PSI installed.

Non-Microsoft applications: Software from all other vendors – represents 31% of the Top 50 applications on a computer with the PSI installed.

Operating Systems: We track vulnerabilities in the most prevalent operating system Windows 7. Windows 7 represents 2% of the applications in the Top 50 portfolio.

(2) Find the list of the Top 50 applications in the Appendix

(3) Windows XP is only tracked until April 2014 when it went End of Life.

FIGURE 1: SECUNIA ADVISORIES/VULNERABILITIES IN ALL PRODUCTS

	Secunia Advisories	Vulnerability count	Vendors	Products *
Average 2009-13	3,262	9,956	633	3,202
Total 2014	4,217	15,435	500	3,870
Trend 5 yr	29%	55%	-21%	21%
Trend 2013/14	27%	18%	-11%	22%

* : Number of applications, including different major versions of the same product. The method differs from previous years where all major versions of the same product were counted as a single application. The numbers used in this figure for Products are comparable, as they are reached using the same method. Consequently, the year-on-year comparison in this figure is reliable.

FIGURE 2: SECUNIA ADVISORIES/VULNERABILITIES IN ALL PRODUCTS

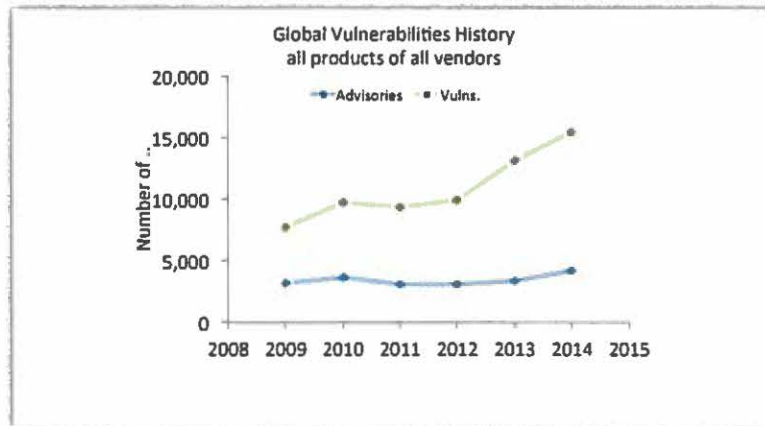
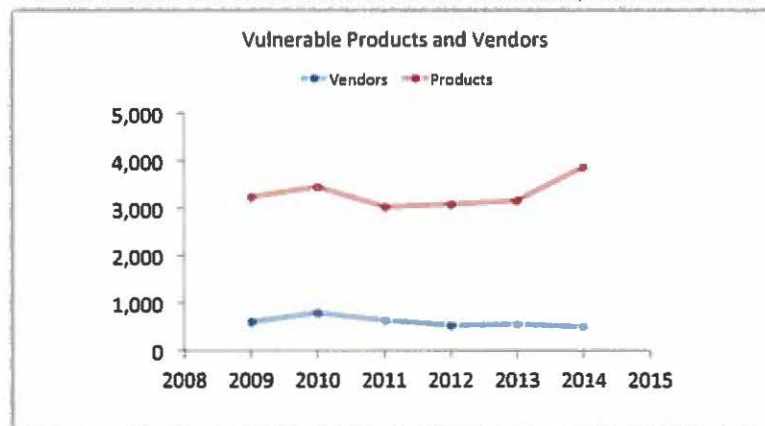


FIGURE 3: VULNERABLE PRODUCTS AND VENDORS, ALL PRODUCTS



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings, attack vectors.

FIGURE 4: CRITICALITY, ALL PRODUCTS

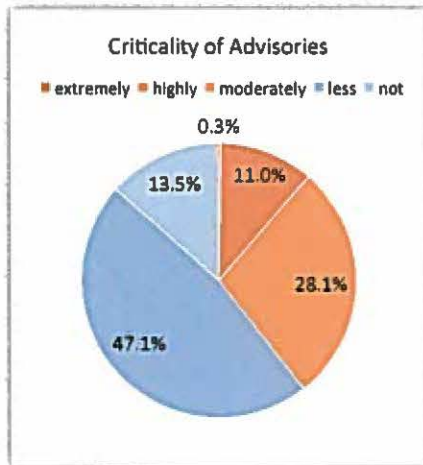


FIGURE 5: ATTACK VECTORS, ALL PRODUCTS

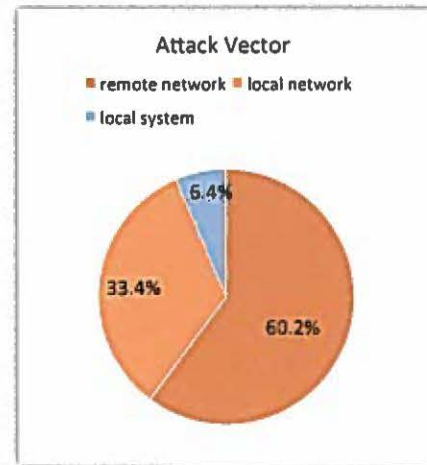
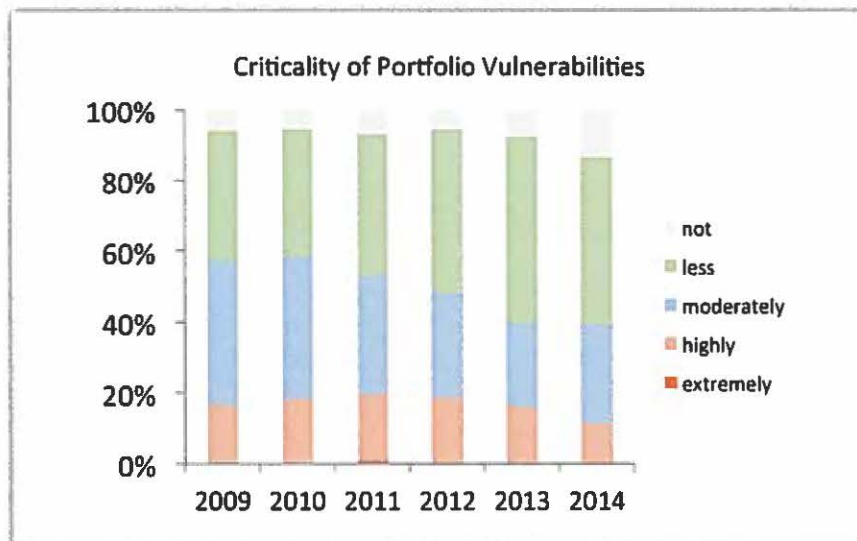


FIGURE 6: CRITICALITY OF VULNERABILITIES IN ALL PRODUCTS, HISTORICALLY



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings, attack vectors.

FIGURE 7: SECUNIA ADVISORIES/VULNERABILITIES IN TOP 50 PRODUCTS

	Secunia Advisories	Vulnerability count	Vendors	Products
Average 2009-13	128	949	6	22
Total 2014	134	1,348	7	18
Trend 5 yr	5%	42%	9%	-20%
Trend 2013/14	-11%	11%	0%	-33%

* All major versions of the same product are counted as a single application.

The numbers used in this figure for Products are comparable, as they are reached using the same method

Consequently, the year-on-year comparison in this figure is reliable.

FIGURE 8: VULNERABLE PRODUCTS AND VENDORS, TOP 50

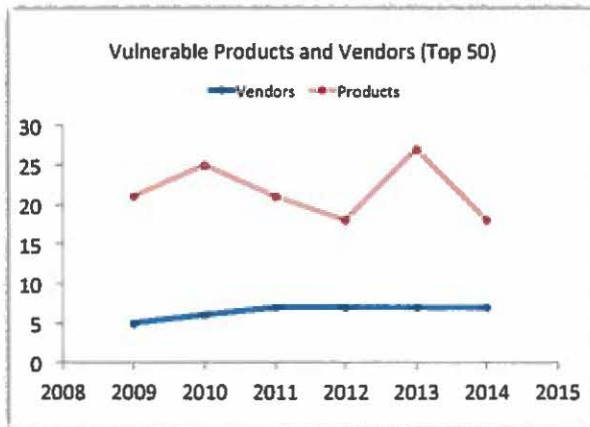


FIGURE 9: SECUNIA ADVISORIES/VULNERABILITIES IN TOP 50 PRODUCTS

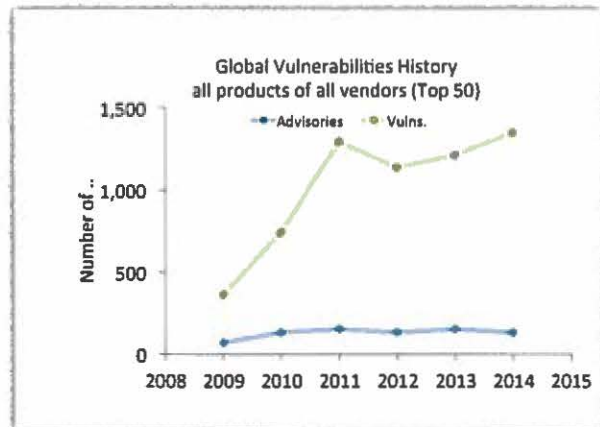


FIGURE 10: CRITICALITY, TOP 50

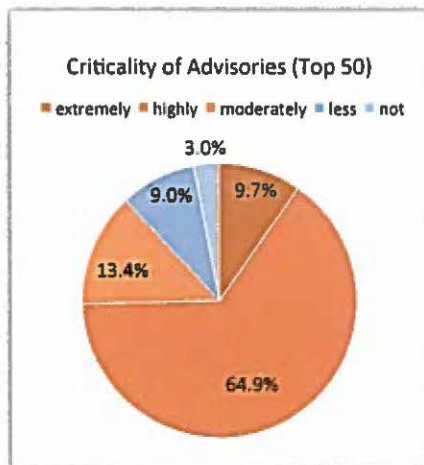
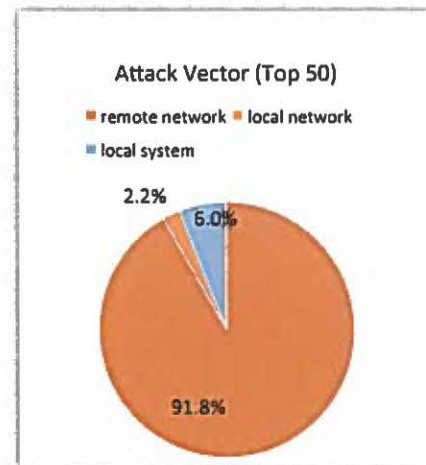


FIGURE 11: ATTACK VECTORS, TOP 50



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities, criticality ratings, attack vectors.

Vendor Update – Top 50 Portfolio⁽²⁾

Different vendors have different security update mechanisms. Microsoft applications (including Windows 7 operating system), which account for 69% of the applications in the Top 50 portfolio, are updated automatically. But Microsoft applications are only responsible for 23.1% of the vulnerabilities discovered in the Top 50 portfolio.

Vulnerabilities in non-Microsoft applications in your system have a significant impact on security efforts. In this section we break down the source of vulnerabilities in the Top 50 portfolio.

Non-Microsoft software

In 2014, 76.9% of the vulnerabilities affecting the Top 50 applications in the representative software portfolio affected non-Microsoft applications. This means that 23.1% of the remaining vulnerabilities in the Top 50 applications installed on the computers of PSI users stem from the Windows 7 operating system and Microsoft applications.

On average, over a five year period, the share of non-Microsoft vulnerabilities has hovered around 78%, peaking at 88.5% in 2012. This high-level percentage plateau is significant and makes it evident why end users and organizations cannot manage security by focusing on patching their Microsoft applications and operating systems alone. If they do that, they are only protecting their computers and IT infrastructures from 23.1% – less than a quarter – of the total risk posed by vulnerabilities.

Non-Microsoft software is by definition issued by a variety of vendors, who each have their own security update mechanisms and varying degrees of focus on security. Consequently, it is up to the users of personal computers and administrators of IT infrastructures to make sure that they stay updated about the security status of all the different products on their computers. This is a major challenge because not all vendors offer automated update services and push security updates to their users. Therefore, users and administrators have to resort to alternative methods and sources of information to ensure that their systems are protected from vulnerable software, and that patches or other mitigating actions are deployed

No IT administrator has the time and resources to manually keep track of the patch state of all the applications on all

computers in their IT infrastructure on a continuous basis. Similarly, it is an unrealistic assumption that an end user is going to take the time to stay updated by visiting the websites of a multitude of vendors whose applications are installed on their PC – and then search, download and apply individual security updates.

Operating systems

The choice of operating system had a minor impact on the total number of vulnerabilities on a typical endpoint: In 2014, 2.4% of vulnerabilities were reported in Windows 7, the operating system we are tracking with the Top 50 portfolio.

Microsoft applications

Again this year, there were significantly more vulnerabilities reported in Microsoft applications in 2014 compared to the previous year: up from 15.9% to 20.7%. The vulnerability count in Microsoft applications was 279 in 2014; 45.3% higher than in 2013.

Decrease of vulnerabilities in Windows

Data shows a decrease in the number of vulnerabilities recorded in all Windows operating systems:

- Windows 8 went from 156 in 2013, to 105 in 2014.
- Windows 7 went from 102 in 2013, to 33 in 2014.
- Windows Vista went from 102 in 2013, to 30 in 2014.
- Windows XP went from 99 in 2013, to 5 in 2014.

Windows XP went End of Life in April 2014, and therefore new vulnerabilities in the OS are not recorded. Secunia data indicates that globally, 11.9% of end users were still using Windows XP in December 2014.

The decrease in vulnerabilities in Windows operating systems brings the numbers down to levels similar to the years preceding 2013.

(2) Find the list of the Top 50 applications in the Appendix

FIGURE 12 :VULNERABILITIES IN TOP 50 PORTFOLIO, HISTORICALLY

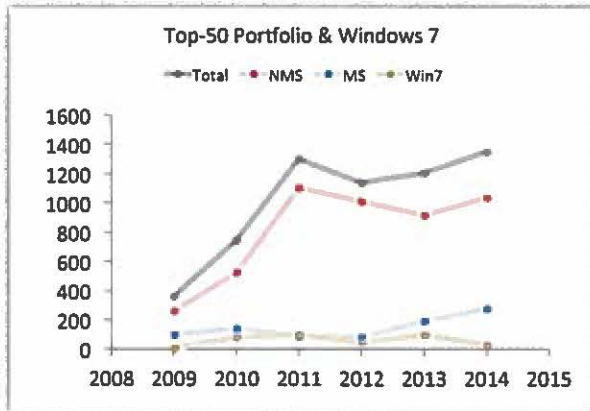


FIGURE 13: VULNERABILITIES IN WINDOWS OPERATING SYSTEMS, HISTORICALLY

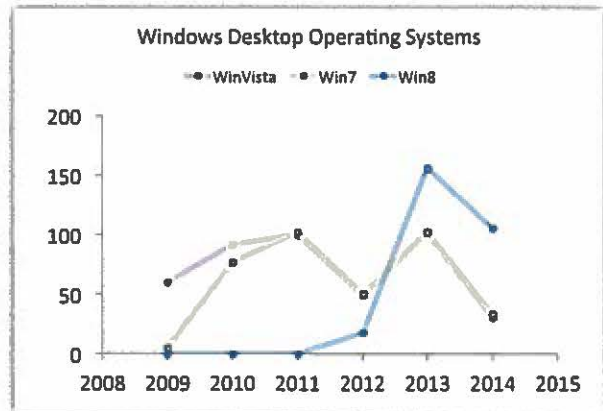


FIGURE 14:VULNERABILITIES IN TOP 50 IN 2014

Breakdown of end-point vulnerabilities in 2014			
	WinVista	Win7	Win8
Operating System	30	33	105
Microsoft Programs	279	279	279
Non-Microsoft Programs	1036	1036	1036
Total	1345	1348	1420

FIG 15: CRITICALITY OF VULNERABILITIES IN TOP 50, HISTORICALLY

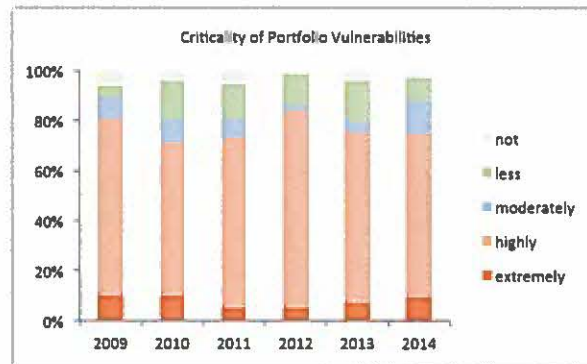


FIGURE 16: SHARE BY SOURCE, TOP 50

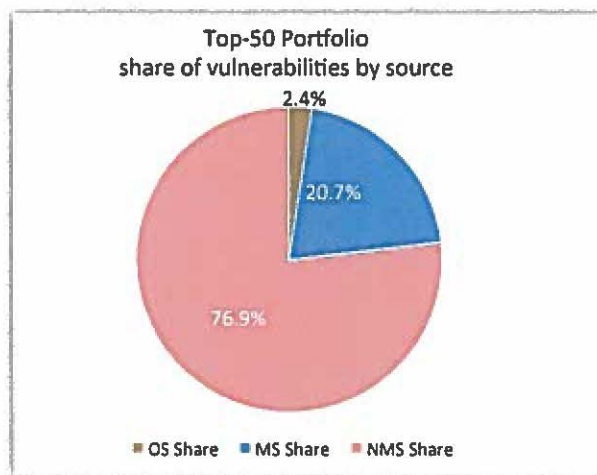


FIGURE 17: SHARE OF NON-MICROSOFT VULNERABILITIES IN TOP 50, HISTORICALLY

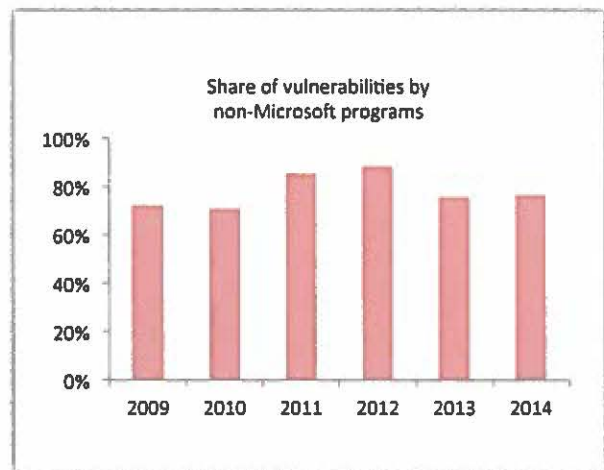
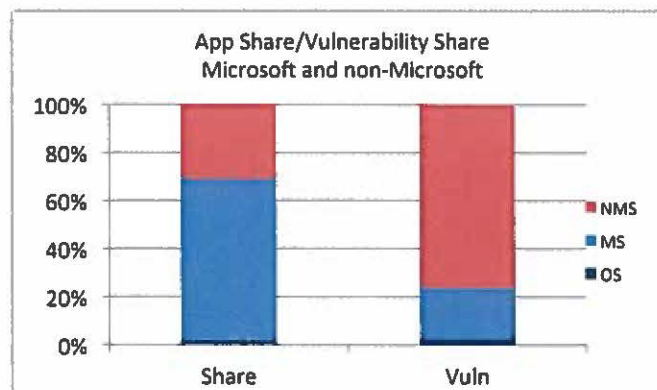


FIGURE 18: TOP 50 APP SHARE/VULNERABILITY SHARE MICROSOFT AND NON-MICROSOFT



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings, attack vectors.

Time-to-Patch⁽⁴⁾

In 2014, 83.1% of all vulnerabilities had a patch available on the day of disclosure - an increase compared to the 78.5% in 2013.

In the Top 50 applications, 86.6% of vulnerabilities had a patch available on the day of disclosure. This number is on a par with the 86% time-to-patch rate that was recorded in 2013.

The 2014 results remain positioned at the higher end of the scale, indicating that it is still possible to remediate the majority of vulnerabilities.

It is however worth noting that some vendors choose to issue major product releases rather than minor updates, which can be more complex for users and administrators to manage manually.

The 2014 time-to-patch results show that 16.9% / 13.4% of vulnerabilities respectively were without patches for longer than the first day of disclosure. This percentage is a representative proportion of software products that are not patched immediately – e.g. due to a lack of vendor resources, uncoordinated releases or, more rarely, zero-day vulnerabilities.

Consequently, and particularly for organizations with a vast array of endpoints to manage (including devices not regularly connected to corporate networks), this means that a variety of mitigating efforts are required to ensure sufficient protection, in support of patch management efforts.

Cooperation between vendors and researchers

That 83.1% of vulnerabilities in All products, and 86.6% of vulnerabilities in products in the Top 50 portfolio have a patch available on the day of disclosure, represents a continued improvement in time-to-patch, particularly when taking a retrospective view of the last five years and the low of 49.9% recorded in 2009 in All products. The most likely explanation for the continuously improving time-to-patch rate is that researchers are continuing to coordinate their vulnerability reports with vendors and vulnerability programs, resulting in immediate availability of patches for the majority of cases.

30 days after day of disclosure, 84.3% of vulnerabilities have a patch available, indicating that if a patch is not available on the first day, the vendor does not prioritize patching the vulnerability.

FIGURE 19: PATCH AVAILABILITY FOR VULNERABILITIES IN ALL PRODUCTS, HISTORICALLY

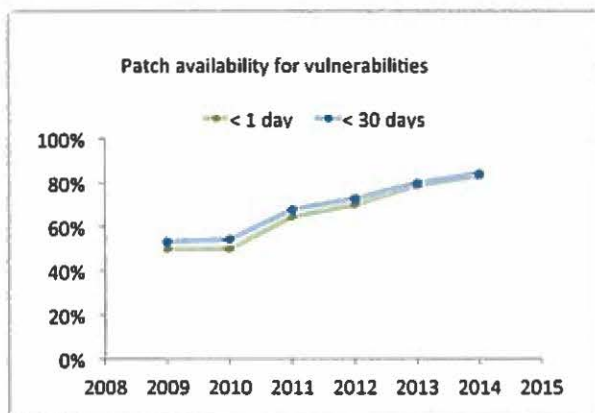
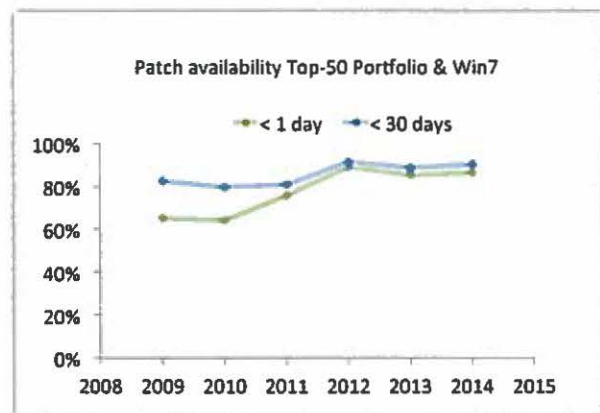


FIGURE 20: PATCH AVAILABILITY FOR VULNERABILITIES IN TOP 50 PRODUCTS, HISTORICALLY



(4): "The Time-to-Patch numbers released in 2015 and 2014 are not directly compatible with the numbers released in previous years. We have applied a different method from 2014 onwards because an increasing number of vendors, particularly browser vendors, started to upgrade to new major versions rather than patch existing versions. The numbers used in this report for Time-to-Patch are, however, comparable, as they are reached using the same method. Consequently, the year-on-year comparison in this report is reliable."

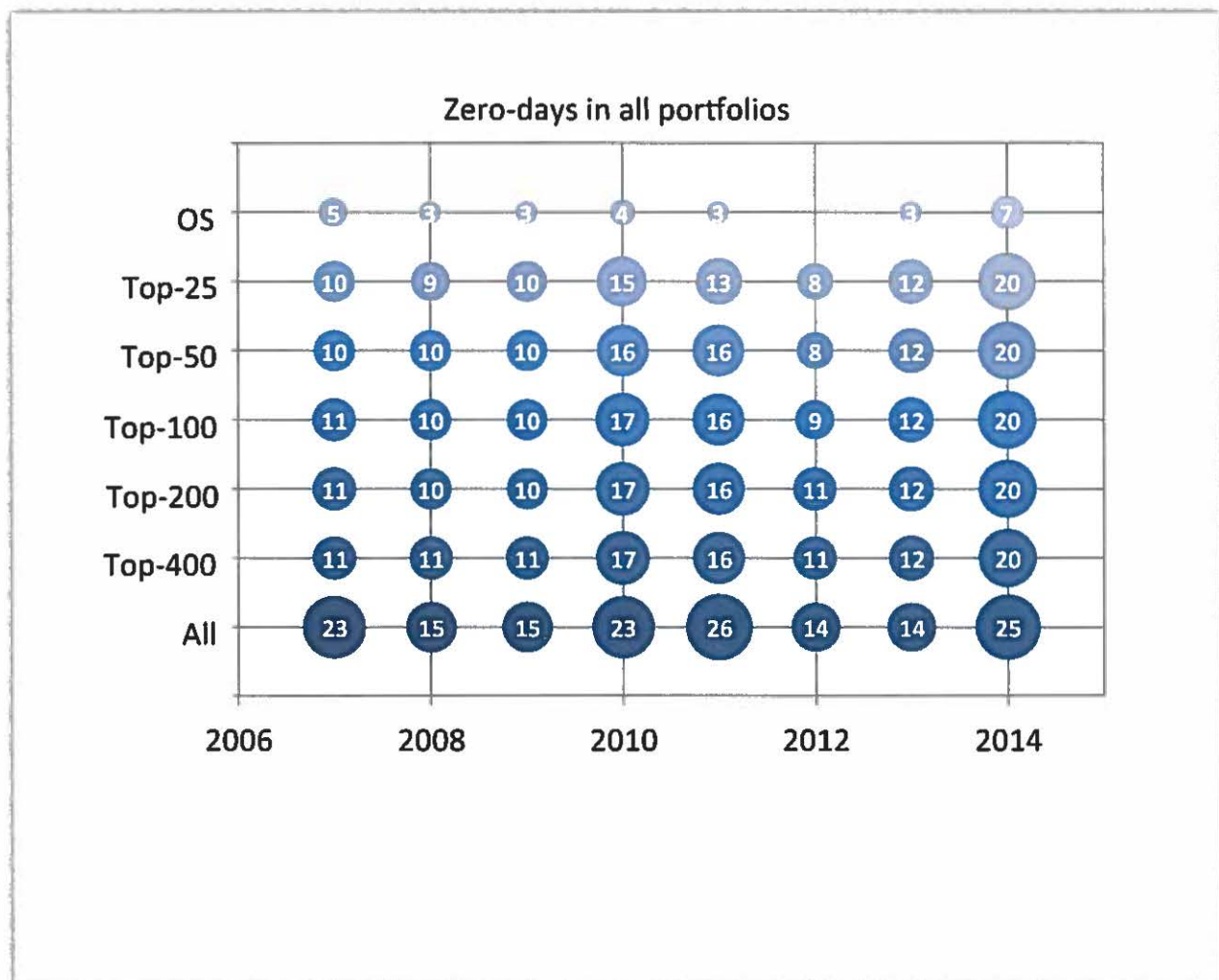
Zero-Days

2014 saw a dramatic increase in the number of discovered zero-day vulnerabilities – 25 zero-day vulnerabilities in All products, compared to 14 the year before. 20 of the 25 zero-day vulnerabilities were discovered in the Top 25 portfolio, compared to 12 the year before.

The fact that so many zero-days were discovered in 2014 is interesting when considering the potential attack vector zero-day vulnerabilities represent in one of the media favorites of 2014: APT (Advanced Persistent Threat) attacks.

A zero-day vulnerability is a vulnerability that is being actively exploited by hackers before it is publicly known.

FIGURE 21: ZERO-DAY VULNERABILITIES REGISTERED BY SECUNIA IN 2014



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities, criticality ratings, attack vectors.

Browser Security

This snapshot of browser security outlines the evolution of vulnerabilities relating to the five most popular browsers (Google Chrome, Mozilla Firefox, Internet Explorer, Opera and Safari). Overall, data shows that there were 1,035 vulnerabilities in these browsers in 2014 compared to 728 in 2013 – a year-on-year increase of 42%. The majority of these vulnerabilities were rated as 'Highly Critical'.

Figure 23 illustrates the distribution of vulnerabilities across the five browsers in 2014, including their market share and exposure level, and patch status.

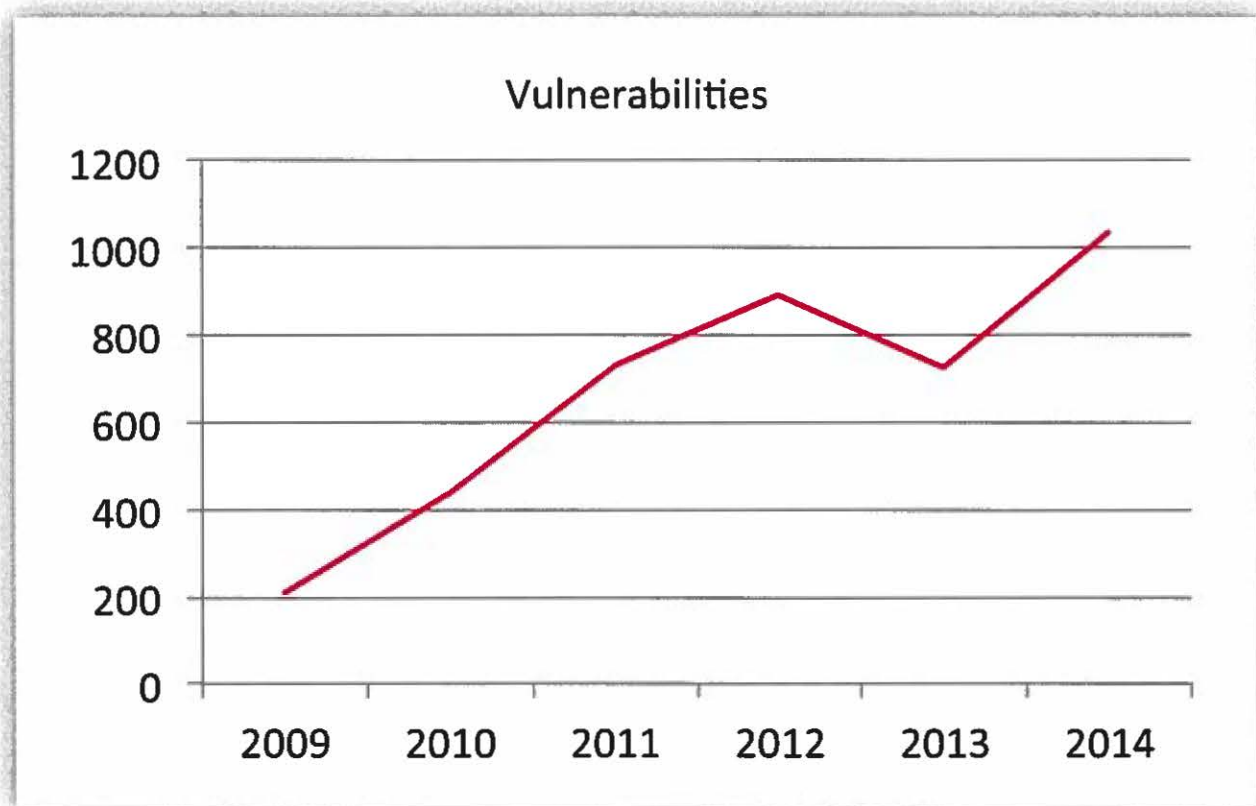
In Figure 24 we have ranked the Top 5 browsers, based on risk exposure. We rank them by exposure based on two parameters: "Market share" in %, multiplied by "Unpatched" in %. That is, how widespread the browser is, multiplied by how many of the private users who have installed the browser neglected to apply a patch, even though a patch is available. The position of the bubbles on the axes shows the market

share and unpatched level. The size of the bubbles shows the exposure, indicating how exposed a target the software is. The more widespread a program is, and the higher the unpatched share, the more lucrative it is for a hacker to target this program, as it will allow the hacker to compromise a lot of victims.

The calculation of the yearly average is based on Secunia PSI data.

Importantly, even though Internet Explorer has a market share of 99%, Firefox and Chrome are actually installed on 64% and 65% of the scanned systems with the Secunia PSI installed, respectively. Since these applications are used for the same purpose, it is fair to assume that users have multiple browsers installed but only use one of them, forgetting about the others. This practice may also directly affect the "unpatched" status of these browsers, because users are not likely to prioritize the security of a browser no longer in use.

FIGURE 22: VULNERABILITIES IN THE 5 MOST POPULAR BROWSERS



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities: criticality ratings, attack vectors.

FIGURE 23: BROWSER EXPOSURE BY MARKET SHARE AND UNPATCHED USERS

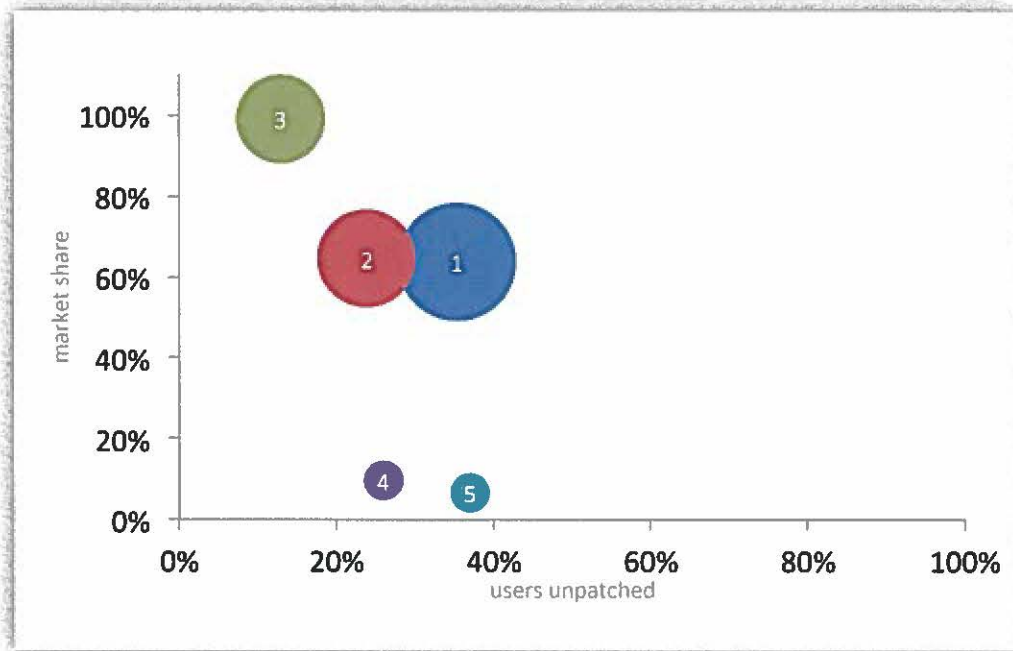


FIGURE 24: VULNERABILITIES IN THE 5 MOST POPULAR BROWSERS

Program	Unpatched	Market share	Vulns
1 Mozilla Firefox	35%	64%	171
2 Google Chrome	24%	65%	504
3 Microsoft Intern	13%	99%	249
4 Apple Safari	26%	10%	92
5 Opera	37%	7%	19

Vulns indicate number of new vulnerabilities in the last 12 months.
Market share is percentage of PSI users who have the program

See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities, criticality ratings, attack vectors.

PDF Readers

This snapshot of the security status of PDF readers outlines the evolution of vulnerabilities relating to the five most popular products (Adobe Reader, Foxit Reader, PDF-XChange Viewer, Sumatra PDF and Nitro PDF Reader). There has been a decrease in the overall number of vulnerabilities in these PDF readers, with 45 vulnerabilities identified in 2014 (70 in 2013). The majority of these vulnerabilities were rated as 'Highly Critical'.

Figure 25 illustrates the distribution of vulnerabilities across the five PDF readers in 2014, including their market share and exposure level, and patch status.

In Figure 26 we have ranked the Top 5 PDF readers, based on risk exposure. We rank them by exposure based on two parameters: "Market share" in %, multiplied by "Unpatched" in %. That is, how widespread the PDF reader is, multiplied by how many of the private users who have installed the reader

neglected to apply a patch, even though a patch is available. The position of the bubbles on the axes shows the market share and unpatched level. The size of the bubbles shows the exposure, indicating how exposed a target the software is. The calculation of the yearly average is based on Secunia PSI data.

Adobe Reader has an almost monopoly-like share of the market and the largest amount of vulnerabilities: 43 in 2013 – with 32% of its users leaving it unpatched despite this fact. While the only other PDF reader with reported vulnerabilities, Foxit Reader, only had 2, more than half of the users – 55% - failed to patch it. Even though the remaining three PDF readers are listed as having 0 vulnerabilities they can be still be labelled 'unpatched' if vulnerable versions from a previous year still have not been patched.

FIGURE 25: PDF READER EXPOSURE BY MARKET SHARE AND UNPATCHED USERS

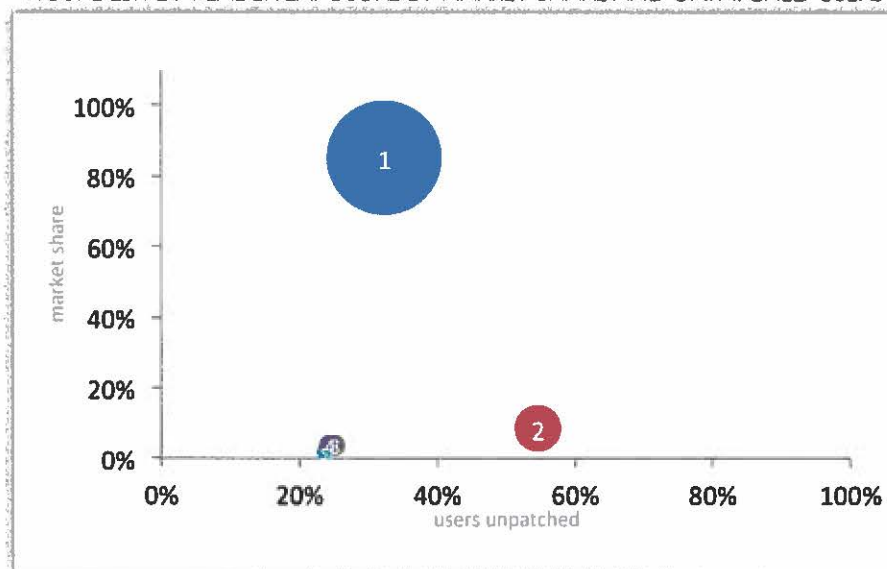
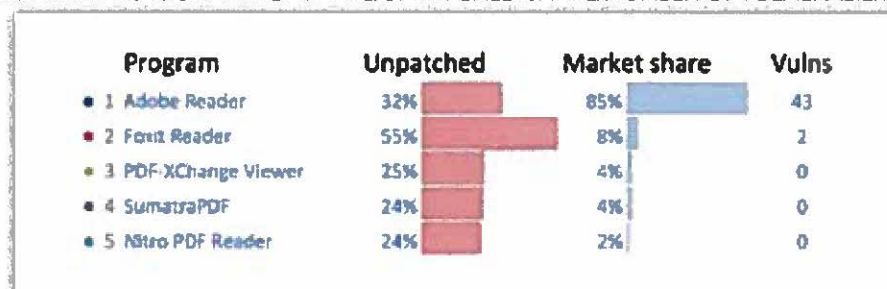


FIG 26: PDF READER MARKET SHARE/UNPATCHED SHARE/NUMBER OF VULNERABILITIES



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings; attack vectors.

Open Source Vulnerabilities in 2014

In 2014, vulnerabilities discovered in a number of open source products brought attention to a previously neglected potential security issue: the use of open source applications and libraries in IT environments. An open source application or library is not in itself a security risk, of course. The risk lies in the fact that the applications and libraries can be bundled in a variety of products, and installed in a host of different contexts.

With the Heartbleed vulnerability, and the three subsequent security releases for the open source library OpenSSL, the extent to which shared code complicates security became apparent. Heartbleed highlighted just how many products use Open SSL. It caught vendors by surprise as the majority – large and small – first had to identify which of their products had been made vulnerable before they could begin to issue fixes.

In the following months, Open SSL released three new sets of security patches. As OpenSSL vulnerabilities were disclosed a second, third and fourth time, we expected vendors to be much better prepared. After Heartbleed, they should have their security pages ready and know precisely which products and versions would be affected. This in return should have improved their response times.

We expected vendors to react more quickly in both disclosing which of their products were made vulnerable

by the latest OpenSSL vulnerability, and issuing security patches to fix it.

That was not what happened. When we look at the number of days lapsed between the time when OpenSSL vulnerabilities were disclosed, until third-party vendors informed of their product being vulnerable, we find that there is no general pattern of improvement.

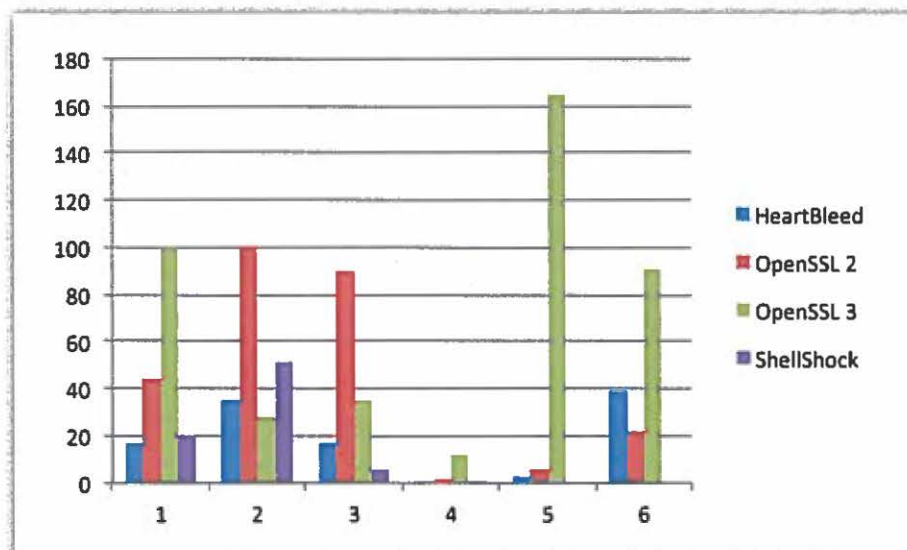
Figure 27 shows the response times for six different vendors – all of them major, global software vendors catering to businesses. We have anonymized the data, because the point is not to call out specific vendors but rather draw attention to the fact that response times are random: The six column groups illustrate that the same vendor may be quick to respond to one vulnerability but slow on the next.

If we can deduct anything from the data, it is that organizations should not presume to be able to predict which vendors are dependable and quick to react, when vulnerabilities are discovered in products bundled with open source libraries.

It is therefore important to be aware of which open source libraries are in use in an environment, and to have a solid mitigation strategy in place. Because the applications that use these libraries are not always patched – often, they are not even reported vulnerable.

FIGURE 27: DAYS LAPSED BETWEEN PATCH RELEASED FOR OPENSSL/SHELLSHOCK VULNERABILITY TO PRODUCT VULNERABILITY DISCLOSED BY SIX MAJOR THIRD-PARTY VENDORS.

NOTE: VENDORS 4, 5 AND 6 HAVE NOT REPORTED ANY PRODUCTS VULNERABLE TO SHELLSHOCK



See the Appendix for methodology, including definitions of Secunia Advisories, CVEs and Vulnerabilities; criticality ratings; attack vectors.

Appendix & Glossary

Appendix

Secunia Software Vulnerability Tracking Process

A vulnerability is an error in software which can be exploited with a security impact and gain. Secunia validates, verifies, and tests vulnerability information gathered and includes it in the Secunia Vulnerability Intelligence database with consistent and standard processes, which have been constantly refined over the years.

Whenever a new vulnerability is reported, a Secunia Advisory is released after verification of the information. A Secunia Advisory provides details, including description, risk rating, impact, attack vector, recommended mitigation, credits, references, and more for the vulnerability including additional details discovered during verification and testing, thus providing the information required to make appropriate decisions about how to protect systems. After the first publication, the status of the vulnerability is tracked throughout its lifecycle and updates are made to the corresponding Secunia Advisory as new relevant information becomes available.

Metrics used to count vulnerabilities

Secunia Advisory

The number of Secunia Advisories published in a given period of time is a first order approximation of the number of security events in that period. Security events stand for the number of administrative actions required to keep the specific product secure throughout a given period of time.

Secunia Vulnerability Count

A vulnerability count is added to each Secunia Advisory to indicate the number of vulnerabilities covered by the Secunia Advisory. Using this count for statistical purposes is more accurate than counting CVE identifiers. Using vulnerability counts is, however, also not ideal as this is assigned per advisory. This means that one advisory may cover multiple products, but multiple advisories may also cover the same vulnerabilities in the same code-base shared across different applications and even different vendors.

Common Vulnerabilities and Exposures (CVE)

Common Vulnerabilities and Exposures (CVE) is a dictionary of publicly known information security vulnerabilities and exposures. CVE has become a de facto industry standard used to uniquely identify vulnerabilities which have achieved wide acceptance in the security industry. Using CVEs as vulnerability identifiers allows correlating information about vulnerabilities between different security products and services. CVE information is assigned in Secunia Advisories.

The intention of CVE identifiers is, however, not to provide reliable vulnerability counts, but is instead a very useful, unique identifier for identifying one or more vulnerabilities and correlating them between different sources. The problem in using CVE identifiers for counting vulnerabilities is that CVE abstraction rules may merge vulnerabilities of the same type in the same product versions into a single CVE, resulting in one CVE sometimes covering multiple vulnerabilities. This may result in lower vulnerability counts than expected when basing statistics on the CVE identifiers.

Attack Vector

The attack vector describes the way an attacker can trigger or reach the vulnerability in a product. Secunia classifies the attack vector as "Local system", "From local network", or "From remote".

Local System

Local system describes vulnerabilities where the attacker is required to be a local user on the system to trigger the vulnerability.

From Local Network

From local network describes vulnerabilities where the attacker is required to be situated on the same network as a vulnerable system (not necessarily a LAN). This category covers vulnerabilities in certain services (e.g. DHCP, RPC, administrative services) that should not be accessible from the Internet, but only from a local network or optionally from a restricted set of external systems.

From Remote

From remote describes other vulnerabilities where the attacker is not required to have access to the system or a local network in order to exploit the vulnerability. This category covers services that are acceptable to be exposed and reachable to the Internet (e.g. HTTP, HTTPS, SMTP). It also covers client applications used on the Internet and certain vulnerabilities where it is reasonable to assume that a security conscious user can be tricked into performing certain actions.

Unique and Shared vulnerabilities

Unique vulnerabilities

Vulnerabilities found in the software of this and only this vendor. These are vulnerabilities in the code developed by this vendor that are not shared in the products of other vendors.

Shared vulnerabilities

Vulnerabilities found in the software of this and other vendors due to the sharing of either code, software libraries, or product binaries. If vendor A develops code or products that are also used by vendor B, the vulnerabilities found in these components are categorized as shared vulnerabilities for both vendor A and vendor B.

Total vulnerabilities

The total number of vulnerabilities found in the products of the vendor, be it unique or shared vulnerabilities. These are the vulnerabilities that affect the users of the vendor's products.

Secunia Vulnerability Criticality Classification

The criticality of a vulnerability is based on the assessment of the vulnerability's potential impact on a system, the attack vector, mitigating factors, and if an exploit exists for the vulnerability and is being actively exploited prior to the release of a patch.

Extremely Critical (5 of 5)

Typically used for remotely exploitable vulnerabilities that can lead to system compromise. Successful exploitation does not normally require any interaction and exploits are in the wild. These vulnerabilities can exist in services like FTP, HTTP, and SMTP or in certain client systems like email applications or browsers.

Highly Critical (4 of 5)

Typically used for remotely exploitable vulnerabilities that can lead to system compromise. Successful exploitation does not normally require any interaction but there are no known exploits available at the time of disclosure. Such vulnerabilities can exist in services like FTP, HTTP, and SMTP or in client systems like email applications or browsers.

Moderately Critical (3 of 5)

This rating is also used for vulnerabilities allowing system compromise on LANs in services like SMB, RPC, NFS, LPD and similar services that are not intended for use over the Internet. Typically used for remotely exploitable Denial of Service vulnerabilities against services like FTP, HTTP, and SMTP, and for vulnerabilities that allow system compromises but require user interaction.

Less Critical (2 of 5)

Typically used for cross-site scripting vulnerabilities and privilege escalation vulnerabilities. This rating is also used for vulnerabilities allowing exposure of sensitive data to local users.

Not Critical (1 of 5)

Typically used for very limited privilege escalation vulnerabilities and locally exploitable Denial of Service vulnerabilities. This rating is also used for non-sensitive system information disclosure vulnerabilities (e.g. remote disclosure of installation path of applications).

The 20 core products with the most vulnerabilities in 2014

These are the 20 core products with the most vulnerabilities in 2014 out of the more than 50,000 systems and applications tracked by Secunia Research, and recorded in the Secunia Vulnerability Database. All major versions of the same product are counted as one single application.

RANK	PRODUCT	VULNERABILITIES
1	GOOGLE CHROME	504
2	ORACLE SOLARIS	483
3	GENTOO LINUX	350
4	MICROSOFT INTERNET EXPLORER	289
5	AVANT BROWSER	259
6	IBM TIVOLI ENDPOINT MANAGER	258
7	IBM TIVOLI STORAGE PRODUCTIVITY CENTER	231
8	IBM WEBSHERE APPLICATION SERVER	210
9	IBM DOMINO	177
10	IBM NOTES	174
11	MOZILLA FIREFOX	171
12	X.ORG XSERVER	152
13	APPLE MACINTOSH OS X	147
14	IBM TIVOLI COMPOSITE APPLICATION MANAGER FOR TRANSACTIONS	136
15	VMWARE VCENTER SERVER	124
16	IBM TIVOLI APPLICATION DEPENDENCY DISCOVERY MANAGER	122
17	ORACLE JAVA	119
18	VMWARE VSPHERE UPDATE MANAGER	111
19	IBM WEBSHERE PORTAL	107
20	MICROSOFT WINDOWS 8	105

The Top 50 Software Portfolio

The following table lists the applications in the Top 50 software portfolio together with the type of program (MS Microsoft, NMS non-Microsoft), market share as of December 2014 and the number of vulnerabilities affecting the program in 2013 and 2014. The ranking and market share is derived from anonymous scans of the Secunia PSI throughout 2014. Note that the sum of the vulnerabilities in this table does not reflect the total number of vulnerabilities in the portfolio as many products share vulnerabilities.

For example Adobe Flash Player (#7) and Adobe AIR (#29) share code components and thereby also share numerous vulnerabilities.

RANK	TYPE	PRODUCT	SHARE	ADVS	VULNS
1	MS	MICROSOFT WINDOWS SCRIPT CONTROL	99,9%	0	0
2	MS	MICROSOFT XML CORE SERVICES (MSXML)	99,9%	3	3
3	MS	MICROSOFT .NET FRAMEWORK	99,5%	5	8
4	MS	MICROSOFT WINDOWS MEDIA PLAYER	99,3%	0	0
5	MS	MICROSOFT INTERNET EXPLORER	99,1%	13	289
6	MS	MICROSOFT VISUAL C++ REDISTRIBUTABLE	96,1%	0	0
7	NMS	ADOBE FLASH PLAYER	96,1%	20	99
8	MS	MICROSOFT SILVERLIGHT	85,6%	0	0
9	NMS	ADOBE READER	85,3%	5	43
10	MS	MICROSOFT WINDOWS DEFENDER	81,0%	1	1
11	NMS	ORACLE JAVA JRE	79,1%	4	119
12	MS	WINDOWS POWERSHELL	76,1%	0	0
13	MS	WINDOWS DVD MAKER	75,5%	0	0
14	MS	MICROSOFT WORD	75,1%	6	13
15	MS	MICROSOFT EXCEL	74,3%	1	2
16	MS	MICROSOFT POWERPOINT	72,4%	0	0
17	MS	MICROSOFT XPS-VIEWER	69,8%	0	0
18	NMS	GOOGLE CHROME	65,6%	23	504
19	MS	WINDOWS MEDIA CENTER	65,2%	0	0
20	NMS	MOZILLA FIREFOX	64,5%	18	171
21	MS	MICROSOFT VISIO VIEWER	59,4%	0	0
22	MS	DRIVER PACKAGE INSTALLER (DPINST)	58,5%	0	0
23	MS	MICROSOFT SQL SERVER	57,3%	1	2
24	MS	MICROSOFT OUTLOOK	56,5%	0	0
25	NMS	REALTEK AC 97 UPDATE AND REMOVE DRIVER TOOL	54,6%	0	0
26	MS	COMDLG32 ACTIVEX CONTROL	54,0%	0	0
27	MS	MICROSOFT PUBLISHER	52,6%	1	1
28	MS	MICROSOFT ACCESS	52,2%	0	0
29	NMS	ADOBE AIR	50,8%	10	59
30	MS	MSCOMCT2 ACTIVEX CONTROL	50,3%	0	0
31	NMS	APPLE QUICKTIME	49,6%	2	14
32	NMS	MOZILLA MAINTENANCE SERVICE	49,2%	0	0

33	NMS	CCLEANER	48,9%	0	0
34	MS	WINDOWS LIVE MAIL	48,9%	0	0
35	MS	WINDOWS LIVE MOVIE MAKER	46,8%	0	0
36	NMS	APPLE BONJOUR FOR WINDOWS	46,6%	0	0
37	MS	WINDOWS LIVE WRITER	46,5%	0	0
38	NMS	REALTEK VOICE MANAGER	45,8%	0	0
39	MS	WINDOWS LIVE MESSENGER	43,8%	0	0
40	MS	MICROSOFT POWERPOINT VIEWER	43,5%	0	0
41	NMS	APPLE ITUNES	43,5%	2	84
42	MS	SKYPE	42,8%	0	0
43	MS	WINDOWS LIVE PHOTO GALLERY	41,5%	0	0
44	NMS	VLC MEDIA PLAYER	40,6%	2	2
45	MS	WINDOWS LIVE ESSENTIALS	39,0%	0	0
46	NMS	GOOGLE EARTH	38,0%	0	0
47	NMS	INSTALLSHIELD UPDATE SERVICE	34,8%	0	0
48	MS	MICROSOFT OFFICE PICTURE MANAGER	33,3%	0	0
49	MS	MICROSOFT POWERSHELL	32,9%	0	0
50	MS	MICROSOFT OFFICE TEMPLATE AND MEDIA CONTROL ACTIVEX CONTROL	32,2%	0	0
OS	MS	MICROSOFT WINDOWS 7	N/A	27	33

Glossary

Vulnerability

A vulnerability is an error in software which can be exploited with a security impact and gain.

Zero-day vulnerability

A zero-day vulnerability is a vulnerability that is actively exploited by hackers before it is publicly known.

Exploit

Malicious code that takes advantage of vulnerabilities to infect a computer or perform other harmful actions.

For further information,
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DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Tuesday, June 02, 2015 8:36 AM
To: DiNapoli, MaryAnn
Subject: FW: Change of date

correspondence

From: Irving, Robert
Sent: Tuesday, June 02, 2015 8:34 AM
To: Balmer, Nan
Subject: FW: Change of date

Hi Nan,

FYI I will be attending this.

Bob

From: Irving, Robert
Sent: Tuesday, June 02, 2015 8:32 AM
To: 'Robert Mainer'
Subject: RE: Change of date

Hi Bob,

I should be able to attend on Monday night, thank you for the invitation. As for the Crime Watch, we do not actively use the Crime Watch Program at this time, however, we do encourage residents to report suspicious activity or vehicles in the neighborhoods. It is not unusual for us to receive complaints from residents concerning occupied vehicles for extended periods on residential streets, regardless of the race of the individuals in the vehicle. The street where this occurred just had a home burglarized this past weekend and the homeowner suffered the loss of expensive jewelry. Burglary is one of the crimes in Wayland that we need the help of the community in reporting suspicious activity that could be a person casing a home or waiting for an accomplice. So I agree with you that this may not be a blatant case of racism.

Chief I.

From: Robert Mainer [<mailto:csardas@comcast.net>]
Sent: Monday, June 01, 2015 7:08 PM
To: Irving, Robert
Subject: Change of date

Chief, I just learned that the date for the conversation has been changed to 7:30 p.m. on Monday, June 8.
Bob

From: [Robert Mainer](#)
Sent: Monday, June 01, 2015 6:53 PM
To: Chief@waylandpolice.com
Subject: An unfortunate event

Hello Chief,

On the evening of June 7, there will be a discussion at First Parish Church of an unfortunate experience of a young black man during a visit to Wayland. See this account: <http://hutchinscenter.fas.harvard.edu/boyah-j-farah-cant-breathe>.

Every day's news provides convincing evidence that racism is still alive in 21st century America. However, I'm not sure that racist suspicions are the sole explanations for the behavior of the motorists who took note of a black person parked along one of our roads. Not many years ago, Wayland had a very active "Crime Watch" program which encouraged residents to pay attention to unusual activities in their neighborhoods, including anything that might be someone "casing" homes to identify promising targets for break-ins. I still find myself making mental notes of the description an occupied parked car if I come across one in a residential area.

Is the Crime Watch program no longer active?

If you are available to join the conversation on Sunday evening, June 7, I will ask Rev. May to invite you.

Bob Mainer
45 Hillside Drive

DiNapoli, MaryAnn

From: Linda Segal <lmlsegal@comcast.net>
Sent: Thursday, June 04, 2015 10:46 AM
To: Karlson, Cherry; Antes, Mary; Anderson, Lea; Boschetto, Anthony V.; Nolan, Joseph F.; Selectmen
Cc: DiNapoli, MaryAnn; Balmer, Nan; Linda L. Segal
Subject: June 1, 2015 public comment

Good morning, Wayland Board of Selectmen.

Below is the publication I mentioned to you on Monday evening that I had shared with the Board of Health and Board of Public Works last week concerning the chemical herbicide Roundup.

It was helpful to hear Ms. Cosby inform us that Eversource does not plan to use herbicides in Wayland this year along its rights of way.

The utility's Notice, sent to 50 cities and towns, is part of its annual process of preparing a vegetation management plan, which includes a brief public comment period. The "fact sheet" provided about glyphosate, one of the links posted on the town website, lists references that are at least 25 years old. One of the letters has a link to more recent research, but that still lags behind the latest science prompting decisions in some countries to ban Roundup.

Alternative vegetation management techniques, such as mechanical mowing and trimming, are consistent with the Precautionary Principle.

I encourage Wayland boards, staff and residents to consider our community's approach to reducing exposures to chemical herbicides and pesticides, especially in the Aquifer Protection District, perhaps in time for the next round of official notices from Eversource.

Regards,
Linda

(commenting as a private citizen)

From: Nancy Alderman [mailto:nancy.alderman@ehhi.org]
Sent: Monday, May 25, 2015 6:34 AM
To: Recipient List Suppressed;; undisclosed-recipients:
Subject: Netherlands bans Roundup to protect citizens from carcinogenic glyphosate

When I first working on the environmental issues, the environmental standards of the United States were good enough that many countries did not even have standards - they just followed ours. Today the United States is way behind. Europe seems to be the leader on many health-based standards. It is sad what has happened -- but the lobbying is more powerful in the United States and that makes a huge difference.

Nancy

http://www.naturalnews.com/049830_Netherlands_glyphosate_Monsanto.html

Netherlands bans Monsanto's Roundup to protect citizens from carcinogenic glyphosate
Sunday, May 24, 2015 by: Jennifer Lilley Natural News

(NaturalNews) In the Netherlands, people who have been spraying their lawns and gardens with Roundup will have to find another way to protect their land from pests. Late last year, the Dutch parliament voted to ban the sale of glyphosate-based herbicides to private parties. The ban, under which agricultural use is excluded, was initially proposed several years ago. However, it is thought that Monsanto influence prevented it from taking place at the time.

A large factor in the vote is thought to be the Party for Animals, a political party in the Netherlands that places an emphasis on animal rights and welfare and aims to influence and guide political decisions. Their involvement in various matters makes it difficult for parliament to turn a blind eye towards environmental matters such as glyphosate use; this, coupled with an increasing number of citizens who have expressed concerns about health as it pertains to the chemical, led to the decision to ban it towards the end of 2015.

Despite health problems linked to glyphosate and the IARC report, Monsanto stands behind the toxic chemical. As most people are aware, glyphosate, the main ingredient in Monsanto's Roundup, has been linked to everything from cancer and headaches to skin rashes and mood changes. The Dutch parliament's decision represents an ideal move that the U.S. should embrace. Unfortunately, we find ourselves stuck in a sad game filled with loopholes, clever wordsmithing and greed.

For example, despite the fact that the International Agency for Research on Cancer (IARC), an arm of the World Health Organization, recently released a report stating that glyphosate is "probably carcinogenic to humans," Monsanto maintains that the product is safe when used as directed by the label. Furthermore, they are adamant that the IARC findings are flawed, saying in a press release that "relevant, scientific data was excluded from review," among other things.

Glyphosate was even discussed during a May 2015 episode of *The Doctors* in which the IARC report was the topic of one segment. During the episode, 20-year Monsanto scientist Dr. Donna Farmer continually expressed her confidence in glyphosate's safety for human health, often mentioning that she's not only a scientist but a mom.

"I've seen those headlines and I know people have lots of questions," she said. "I am extremely, highly confident in this product as a mom and then I can back it up as a scientist." Her statements also included mention of how Germany has found no issues with glyphosate and that IARC also assesses other potential health hazards such as cell phone use and canned pickles.

Dr. Farmer stood firm in her views even when Jeffrey Smith, the author of *Seeds of Deception*, made it clear that Monsanto is to be watched carefully. He cited courts in the United States and France that convicted Monsanto for lying about glyphosate levels in soil as well as the fact that the chemical has been linked to causing disruptions in the endocrine system and altering DNA.

Many other countries have banned glyphosate. When will the United States follow suit?

While issues surrounding glyphosate beyond health concerns persist in the United States -- namely getting people to ban it as they have in other countries -- some strides, albeit small, have been made. Increased visibility from stories such as the ones on this site as well as on popular shows like *The Doctors*, coupled with more people voicing their concern in various communities, speaks volumes about the desire for changes to be put in place.

Sadly, it would appear that the United States has a long way to go. Apparently, the topic of glyphosate went ignored by Michelle Obama during a recent FDA food label change discussion. Meanwhile, numerous regions have banned the chemical, including Canada, Sri Lanka and Colombia, which recently voted to end the aerial spraying of glyphosate to kill coca plants in the fight on drugs.

Nancy Alderman, President
Environment and Human Health, Inc.
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(Fax) 203-288-7571
<http://www.ehhi.org>
<http://ehhjournal.org>

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
MAY, 2015

TOTAL NUMBER CALLS HANDLED **36**

# Complaint Calls	5
# Lost Dog Calls	5
# Lost Cat Calls	2
# Other Cat related calls	1
# Animal / Wildlife Calls	19
# Miscellaneous Calls	

TOTAL # DOGS PICKED UP

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

1

TOTAL # HUMAN BITE CALLS

(CAT BITE-UNKNOWN OWNER)

TOTAL # ANIMAL -> ANIMAL BITE

10 Day Quarantine Order -Human Bite
10 Day Quarantine Order -Animal Bite
45 Day/6 Month Quarantine Orders

ISSUED 1 / RELEASED 1
ISSUED 0 / RELEASED 0
ISSUED 1 / RELEASED 0

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

(9)



HOUGHTY'S HEROES



Monthly News from the Wayland Fire Department

Volume Three

May 2015

Brush Fires - May has been a very busy month with brush fires. On May 4th at 11 P.M. dispatch received a 911 call reporting a brush fire on the aqueduct on the south side of Stonebridge Road. On arrival Captain Gemelli found an area approximately 2.5 acres burning with moderate winds moving the fire as well as sending embers up in the air and catching tress on fire. He immediately requested all off duty firefighters be called in for help. Eighteen firefighters and with the assistance of Fire District 14 forest fire warden extinguished the fire completely using Class A foam that helped saturated the extremely dry area. All crews were back in the station by 4 A.M. Sudbury Fire provided us with an engine and crew to cover our station while we were in the woods.

We sent an engine and crew to Weston to assist with a brush fire at Regis College. We also a sent an engine and a crew to Sudbury twice during the month to cover their headquarters while they were tied up at brush fires in remote areas of their town.

New Brush Truck – The department put into service its new brush truck on Friday May 22nd. The truck was received the week before from the local dealer, and Lt. Halfpenny and Firefighter / Mechanic Dean Casali went to work to install the tank, pump, hose reels and equipment. Having this work done by our own people not only allowed things to be set up the best way for our operations but also saved a great deal of money as well as, once again, showing a great deal of pride in the work they did.



On Saturday May 23rd the truck had its first mission and was requested to Lincoln. The fire was located about a mile off any road and could only be accessed by this size vehicle. Wayland already had an

engine covering their station as Lincoln was tied up with assisting Concord at a Brush fire. Wayland engine 1 and the forestry truck responded to the woods between Sandy Pond and Bedford Road to work with Weston Fire and crews from the Department of Conservation and Recreation in controlling the nearly 10 acres of woods that was burning. For the safety of all, personnel and equipment were taken out of the area at 8 P.M. Wayland was requested to return on Sunday to assist with the wetting and overhauling of the area with the brush truck and foam equipment. Although the incident was not in Wayland the work that was done to customize the truck certainly paid off.



Bike Accidents – Within a week our ambulance responded to the same area on Concord road for cyclists that had been injured after falling off their bikes. Fortunately all three people were not hit by a car and were all transported to the hospital with non-life threatening injuries. Two of the incidents happened on a weekend. I received an email from a resident concerned about the incidents that happened in the exact same spot. It was discovered that all the accidents occurred as a result of a trench that was cut in the road for a gas line. The DPW responded, marked the area with barrels and after researching their trench permits contacted the responsible party to make proper repairs.

Chief as a Chauffer – Each year as part of elementary school fundraising programs the Police and Fire Chiefs agree to pick up one family of kids at their home and chauffer them to school. This year three young residents from Draper Road won the prize and were taken to school on Friday May 29th. Along with the ride to school, the Fire Department gave the kids special Wayland Fire tee shirts as well as some fire prevention items. This is one of many public outreach programs the department is proud to be able to participate in.

Fire Education – With the help of a grant provided by the Department of Fire Services and the SAFE program, Firefighter Todd Winner continues to be the hero to many children in the elementary and pre-schools here in Wayland. So far this fiscal year Todd has conducted fifty one visits to classrooms to help educate children on a variety of fire prevention tips and has a program that he has refined with age appropriate materials for people of all ages. Even though Todd really enjoys this part of his job it takes a lot of enthusiasm and energy to be able to teach so many children about fire prevention. We are very fortunate to have Todd (and his energy) doing this very important job of the fire department. Both Todd and I receive many letters and emails after his visits and thought I would share the most recent one with you:

Todd,

Thank you for a wonderful trip to the fire station. We appreciate that you met us at the corner for crossing. Your safety information to preschoolers was so child friendly delivered and everyone just loved that you showed us what you look like in your full gear. You help prepare children for an emergency so that it will be less scary for them. All children were proud to take their hat home and many friends had fun coloring the 911 page as soon as we returned to school.

Thank you for being our Wayland Town Hero. Sincerely, Eileen for the entire Giraffe staff, parents and children.



Welder Causes Fire - On Friday May 15th the department responded to the Transfer Station for a fire in one of the compactors. On arrival, we found a welder's spark had gone into the "hopper area" and ignited the material. The fire spread into the compactor prior to our arrival. The on duty crew worked with the DPW to pull the compactor away and dump the contents on the ground. Once on the ground we used "Class A Foam" to make the water more efficient and to saturate the material to assure complete extinguishment. There were no injuries and the compactor was put back in service for the next day's use. This is one of the main reasons why welders need to pull permits and to have a trained detail on site before any work is done. I will be working with the DPW to address the problem.



Seat Belts Safe Lives - On a beautiful Friday afternoon police and fire responded to multiple 911 calls for a motor vehicle accident with injuries at Old Sudbury Road at River Road. On arrival crews found a box truck had driven into a stopped pickup truck and caused serious damage. The pickup was a DPW – Water Department vehicle, with a single operator, who was transported to the hospital for evaluation due to the intensity of the impact. The door to the box truck had to be opened with the Jaws of Life and the driver was taken by ambulance to the trauma center at Worcester with leg injuries. I received a very nice letter from the town employee praising the on duty shift for the care he was given and I was glad to hear that aside from some bumps and bruises he was not otherwise injured. One look at the vehicles demonstrates that the use of seat belts can prevent serious injuries.



For the month of May the department showed 327 activities that were performed. Brush fires, inspections, training and EMS runs showing the highest percentage of work performed. This month we gave support to our surrounding towns more than we received, for both medical and fire calls. Medical calls last month accounted for 30% of the incidents and fire 8.3%. Below is a breakdown of the type of incidents (activities) that were recorded.

Fire

- 2 Building fire
- 9 Fire (Box Received)
- 1 Mutual Aid - Eng/Lad, Fire Response
- 7 Telephone Alarm, Building Fire
- 1 Cooking fire, confined to container
- 5 Brush, or brush and grass mixture fire
- 2 Special outside fire, other
- 27 Sub-Total Fire**

Rescue & Emergency Medical Service

- 80 EMS call (excluding MVA)
- 4 Mutual Aid - Amb., NON-MVA
- 4 Vehicle accident with injuries
- 7 Mutual Aid - Amb., MVA
- 1 Lock-in (not lock-out)
- 2 Well-Being Check
- 98 Sub-Total, Rescue & Emergency Medical Service**

Hazardous Conditions(No Fire)

- 5 CO incident (includes CO alarm investigation)
- 7 Wire(s) down, arcing, etc.
- 3 Hazardous condition, other
- 15 Sub-Total, Hazardous Conditions(No Fire)**

Service Calls

- 7 Lock-out (not lock-in)
- 3 Water or steam leak
- 11 Assist invalid
- 2 Unauthorized burning
- 3 Mutual Aid - Eng/Lad, Cover Station
- 23 Service Call, other
- 49 Sub-Total, Service Calls**

Other Type of Incidents

- 9 Fire Alarm Work by Dispatcher
- 1 Special type of incident, other
- 31 Inspection (26F)
- 8 Inspection (Site)
- 1 Inspection (Oil Burner)
- 5 Inspection (Occupancy)
- 1 Inspection (Placement)
- 2 Inspection (Tank Truck)
- 7 Public Education
- 6 Fire Drill
- 3 Inspection (Tank Removal)
- 31 Training
- 19 Fire Alarm System Work
- 3 Car Seat Installation
- 1 Smoke Detector Installation
- 2 Fire Alarm Maintenance (Supt. Work)
- 6 Error (or training incident)
- 2 Mutual Aid - Eng/Lad, Other, Not Fire
- 138 Sub-Total, Other Type of Incidents**



New Firefighter Mat Bryer learning boat operations on Lake Cochituate



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

May 2015

RECEIVED

JUN - 4 2015

Board of Selectmen
Town of Wayland

On May 15th, a Framingham man was arrested by Wayland detectives and charged with a residential burglary that occurred in June of last year. The arrest was made based on the forensic examination of fingerprints found at the scene of the crime, which matched fingerprints in a national database. The man was charged with Breaking & Entering into a Dwelling, Larceny by Stealing in a Building, and Malicious Destruction of Property.

On May 23rd, a 64 year old Wayland man was charged with Resisting Arrest. Police responded to the Town Center near The Local Restaurant on a report of an intoxicated man. Officers attempted to take the man into protective custody when he became combative, resisted officers, and had to be physically restrained.

On May 31st, a Wayland man was arrested for Operating Under the Influence of Alcohol, Driving to Endanger, Marked Lanes Violation, Unlicensed Operation and Impeded Operation. Officers responded to a one vehicle car crash on Concord Road and determined that the 48 year old man that had been operating the vehicle was intoxicated. The man had been the driver and sole occupant of the vehicle and did not sustain any injuries.

Also during the month, officers arrested a Douglas man for O.U.I. after police observed erratic operation. The man was also charged with Operating with a Suspended License and Operating with an Open Container of Alcohol. A Framingham man was arrested for Operating with a Revoked License as a Habitual Traffic Offender. A Holliston woman was arrested for Operating Under Suspension, Stop Sign Violation and on 3 arrest warrants for Larceny after a routine motor vehicle stop.

During the month detectives identified two 17 year old Wayland youths as being responsible for an act of vandalism using spray paint. The two youths have been referred to the juvenile diversion program.

The Wayland Police Honor Guard, the Police Chief and Lieutenant all marched in the Memorial Day Parade on May 25th. The Wayland Police Auxiliary, under the direction of Officer Chris Hanlon, provided traffic control and security for the event.



Robert Irving
Chief of Police

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

Officers of the Wayland Police Department attended the following training programs during the month of May 2015:

In-Service

MPTC
Reading Academy

Chris Cohen

May 4-7, 2015

In-Service

MPTC
Boylston Academy

Chris Hanlon

May 4-7, 2015

MACTAC (Multi-Assault Counter-Terrorism Action Capabilities)

METROLEC
Mansfield, MA

Sean Gibbons

May 18-22, 2015

Matron Training

MPTC
Plymouth, MA

Courtney Philbrick
Jessica Gennaro

May 20-22, 2015

Wayland Police Department Detective Division Report for May 2015

INVESTIGATIONS

Residential Break & Entering – Bent Avenue
Residential Break & Entering – Pear Tree Lane
Residential Break & Entering – Orchard Lane
Suspicious Person/Prescription Fraud – Main Street
Larceny over \$250 – Commonwealth Road
Larceny over \$250/Fraud/Elder Neglect – Old Connecticut Path
Larceny over \$250 – Andrew Avenue
Vandalism – Michael Road
Larceny by false pretense – Main Street
Found Property

MEETINGS/TRAININGS

International Association of Property & Evidence Training
In-Service Training
Liquor Control Act and Fraudulent Documents
EMT Refresher Training
Wayland Cares meeting

MISCELLANEOUS

Framingham District Court – MV/Criminal Hearings
Wayland High School Senior breakfast
Prescription Medication destructions
Middle School Cape Cod trip

04 JUN 2015

56° Mostly Cloudy

Next on Patch » Mid-Week Review: New Jobs; Found Cat; Open Mic; Xtreme... (/massachusetts/wayland/mid-week-review-new-jobs-found-cat-open-mic-xtreme-meals-winners-0)

Cop Talk: Chief Irving On Crime, Police Brutality and the Murders of Sarah Pryor and Lauren Dunne Astley

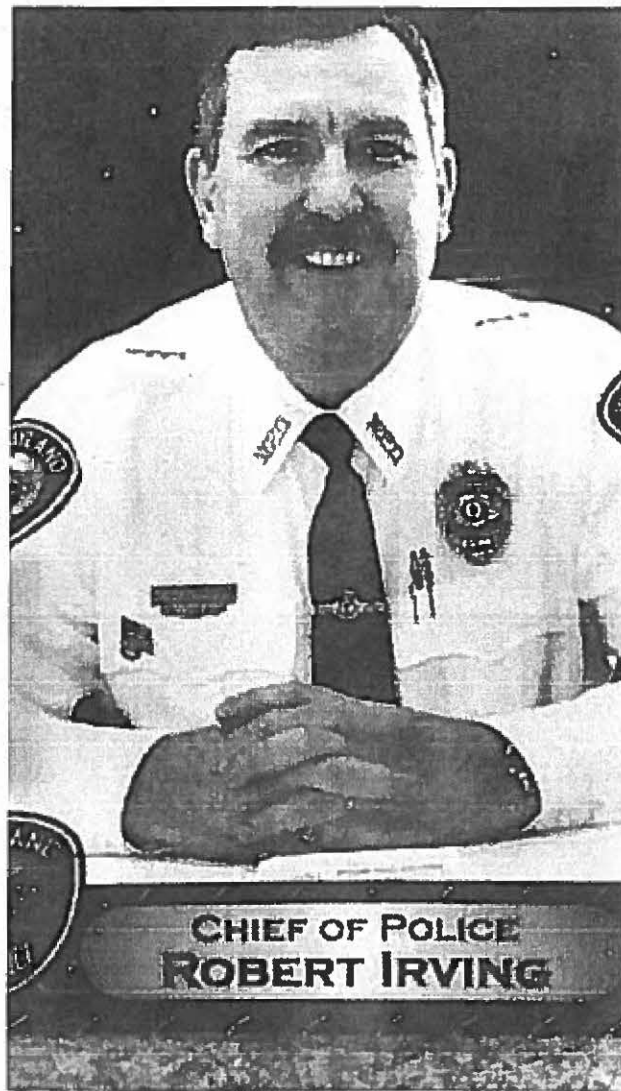
Robert Irving shares his thoughts and experiences as Wayland's police chief.

By CHARLENE ARSENAULT (Patch Staff) (/users/charlene-arsenault)

🕒 May 21, 2015

Share





Wayland Patch asked Police Chief Robert Irving some questions we think our readers would like to ask him themselves. Here, he shares his thoughts on crime statistics, race relations, unsolved mysteries, where speeders get caught the most and more.

Wayland Patch: What is the biggest, or most pressing, crime or issue that concerns the police department in Wayland?

Chief Irving: *The number one issue for the police department always revolves around complaints of speeding motor vehicles and cut-through traffic. The department spends a great deal of time on enforcing motor vehicle laws and works with the Department of Public Works to make sure the roads are as safe as possible for all motorists and pedestrians.*

WP: Your most memorable case in your career, and also as Wayland chief:

CI: *The most memorable case in my career occurred here while I was chief. I will never forget the loss of Wayland resident Lauren Dunne Astley, who was murdered, at the age of 18, on July 3, 2011. The officers did a great job working on a missing persons case, which, sadly, turned out to be a homicide. The community came together to help support Lauren's family and friends and make sure that she is long remembered in Wayland.*

WP: **The subject of race relations, racial profiling and police brutality is obviously an extremely hot button topic these days. Have you had to address this issue with any of your officers/department? Are there changing concerns in this area?**

CI: *All Wayland officers understand that there is zero tolerance for policing based on racial or any other bias. The same is true for police brutality or excessive force. The Wayland Police Department is one of the few departments in the Boston area that uses dash cameras with audio in every marked police cruiser. This adds a level of accountability to the public, at the same time it protects our officers from frivolous or false claims of misconduct.*

WP: **Are there any unsolved mysteries in Wayland?**

CI: *Wayland's biggest unsolved case is the disappearance and murder of nine year old Sarah Pryor. Sarah went missing on Oct. 9, 1985, when she went for a walk on Concord Road. More than 10 years later, a bone fragment was found in a construction area. The fragment was analyzed using DNA testing and was identified as being Sarah. Despite periodic leads, and a suspect who is imprisoned in Texas for committing a similar crime, no charges have ever been filed in the case.*

WP: **What was a national case that was most compelling to you?**

CI: *The murder of Jennifer Hawke-Pettit, Michaela Petit and Hayley Petit in Cheshire, Connecticut on July 23, 2007, during a home invasion impacted me greatly. I served on the Cheshire Police Department for 22 years and grew up in Cheshire. Most of the responding officers and investigators were men and women who I knew and had worked with for many years. The Petit family lived less than a mile from where our family lived. Jennifer Hawke-Petit was the nurse at the private school that my daughter had attended. Joshua Komisarjevsky, one of the two men convicted of the crime, had attended birthday parties for my son when he was a child. The crime gained national notoriety and was made into an HBO documentary. The two men that committed the crime, Joshua Komisarjevsky and Stephen Hayes, were*

sentenced to death and are incarcerated on death row in Somers, Connecticut.. The horror of what happened in that suburban home on that summer night in 2007 affects the community of Cheshire to this day.

WP: Where do drivers get nabbed the most for speeding in Wayland?

CI: Although we do directed speed enforcement on most major roads in Wayland, I would still say most speeding citations are issued to vehicles driving on Route 20.

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Next on Patch » [Mid-Week Review: New Jobs; Found Cat; Open Mic; Xtreme... \(/massachusetts/wayland/mid-week-review-new-jobs-found-cat-open-mic-xtreme-meals-winners-0\)](/massachusetts/wayland/mid-week-review-new-jobs-found-cat-open-mic-xtreme-meals-winners-0)

CARPENTER

TOM ANTONELLIS

166 NORTH STREET
NORFOLK, MA 02056
9792

TEL (508)358-5484
FAX (508)520-

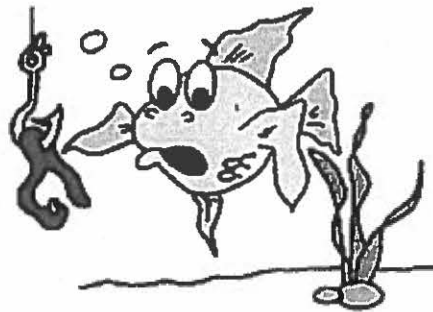
E MAIL tomantonellis@verizon.net

MA. LICENSE #006436

H. I. C. LICENSE #179856

WWW.CARPENTRYBYTOMANTONELLIS.COM

Wayland Police
Att: Robert Irving
Mill Brook Road
Wayland, MA 01778



May 17, 2015
Bob and the Team,

On behalf of all sponsors, volunteers, and youth, I would like to thank you for your generous time spent to help make the derby a success for the Wayland Youth Fishing Derby on Saturday, April 25, 2015. The Derby was a true success!

*We are pleased to let everyone know that we were able to raise over \$800.00 from the food concession and raffles Which will be given to **The Vernon Cancer Center Newton Wellesley Hospital**. Without donations and involvement from individuals and sponsors like you, this would not be possible.*

It is always such a joy to watch all of the children and adults having a fantastic time fishing, eating donuts and pastries, enjoying a hot cup of coffee or cocoa, and having their picture taken with their prized catch. I thank you for your contribution to this annual tradition and community event.

Please see News article <http://wayland.wickedlocal.com/article/20150430/NEWS/150439879/0/>

Please visit our new web page www.waylandfishingderby.com

I wish you continued success and I look forward to having you participate in the future.

Sincerely,

Tom Antonellis

WHEN PLANNING FOR A YEAR - SOW CORN
WHEN PLANNING FOR DECADE - PLANT TREES
WHEN PLANNING FOR LIFE - MEET THE NEEDS OF CHILDREN



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 2, 2015

Duane Viazanko
22 Pequot Road
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-859] - WETLANDS PROTECTION ACT (WPA)
and Chapter 194 Permit – 22 Pequot Road, Wayland

Dear Mr. Viazanko:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved deck project at 22 Pequot Road in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

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

Sincerely,

Brian J. Monahan
Conservation Administrator

Enclosure

cc: Building Department w/enc.
Town Clerk w/enc.
DEP – NERO w/enc.
Tony Capoccia, Mass Home Services w/enc.
Board of Selectmen
Board of Health
Planning Board
Abutters
File

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Board of Selectmen
Town of Wayland

(12)



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen
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JUN -3 2015

Board of Selectmen
Town of Wayland

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

DECISION NO. 15-05

NAME OF APPLICANT:

SAMUEL and DEANA HANNA

APPLICATION FOR:

Any necessary approvals, special permits, and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (demolish existing garage and construct a two story addition) within required front yard under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 702.1 and 801 Table of Dimensional Requirements (front). The property is located at 19 AMEY ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-05)

DATE OF HEARING:

MAY 26, 2015, continued from April 14, 2015.

BOARD CONDUCTING HEARING AND RENDERING DECISION:

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

DECISION:

Special Permit granted, with conditions.

VOTE OF THE BOARD:

Unanimous (5-0).

CONDITIONS:

1. Construction shall be in substantial conformity with the plans dated May 5, 2016 by Sandcastle Homes LLC. 600 Plain Street, Marshfield, MA 02050 800-696-1234 and stamped by the Building Department on May 13, 2015 and consisting of 9 sheets, there is no Sheet 2:
 - 1-- Exterior Perspective Front/Right
 - 3-- Floor Plan, 1st Floor
 - 4 - Floor Plan , 1st Floor, Addition Only
 - 5 - Floor Plan, 2nd Floor
 - 6 - Floor Plan, 1st Floor, Addition Only (sic)
 - 7 - Elevation A, Front
 - 8 - Elevation A, Right
 - 9 - Elevation A, Rear
 - 10 - Elevation A, Left

Included with the plans is an 'Existing Condition Plan of Land Showing Proposed Addition of 19 Amey Road, Wayland, MA prepared for Sandcastle Group' and prepared by: A.S. Elliott Associates, Professional Land Surveyors, PO Box 85, Hopedale, MA 508-634-0256 dated 5/14/2015 which includes an updated Table of Dimensional Requirements. And stamped by the Building Department on May 15, 2015.

2. The applicant must obtain any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.

FACTS AND REASONS:

The subject property, 19 AMEY ROAD, is in a single family two story dwelling in a neighborhood of similar residences. The structure was built in 1925. The Applicant seeks zoning relief to demolish an existing garage and to construct a two story addition. The proposed addition will consist on the second floor of a bedroom, closet and bath, on the first floor there will be a family room, bedroom with bath, hall mudroom, garage with storage room and a deck off the mudroom. The proposed construction will increase the gross floor area by 1296 square feet, an increase of 81%. The property is nonconforming as to area, with the lot being 17,887 sq.ft in a 20,000 sq. ft. zone. The property is non-conforming with respect to the front yard setback where it is 13.9 feet yet 30 feet is required.

The Applicant first came before the Board on April 14, 2015 with a proposal that invaded the front yard setback to the extent that the proposed addition would be 7 feet from the front yard lot line. After a discussion of the roadway and easement and requirements that the Board must consider, the Applicant was allowed to revise his plans and came before the Board today with plans with proposed construction that will be 14.2 feet from the front yard lot line.

This property has an unusual siting in that the existing paved roadway with an 'Amey Road' Town of Wayland street sign abutting the property is actually an easement. Amey Road itself is not paved and appears as a paper road on town maps. The front door entrance to the Applicant's home faces the Amey Road paved easement, while the rear of the structure faces the Amey Road paper road. When the site is visited, one can better understand the siting of the structure as the Amey Road paper road has a deep gully running down the center of it for the length along the Applicant's property and beyond, while the easement is level, straight and now paved. However, for zoning purposes and for relief considerations, we are still required to look at the paved roadway as an easement, and the length of the gully as Amey Road. As the existing structure is 13.9 feet from Amey Road (the paper road), it is encroaching into the front yard setback. The proposed construction will increase the non-conformity and encroach further into the front yard setback such that the proposed construction will be 14.2 feet from the front yard lot line (the Amey Road paper road). The site is even more difficult as it has a long triangular shape which also presents difficulty siting a septic tank and leaching field and further limits the use of the property. The Applicant was present and represented by Paul Townsend and John Townsend of Sandcastle Group LLC.

A Board of Health approval for the proposed construction is dated January 5, 2015 and is conditioned on "compliance with Ch. 193 of Town Code. A 2-compt. Septic tank (1,500 gallons) is recommended. A garbage grinder is NOT allowed without a 2-compt tank." (sic)

Because the Applicant proposes to increase the gross floor area in existence by an amount exceeding 20 percent, a special permit is required pursuant to Section 198-401.1.3 of the bylaw and the applicants must therefore demonstrate to the Board that the proposal "shall not be substantially more detrimental than the

existing nonconforming structure or use to the neighborhood,” as required by Section 401.1.2 of the bylaw. Under Section 198-203 of the bylaw, in order for the Applicant to receive a special permit, he must further demonstrate that “the use of the premises [as altered] . . . shall not be against the public interest, shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety”. Section 198-702.1 requires that all buildings or structures in any residential district comply with the setbacks as stated in Section 198-801 Table of Dimensional Requirements.

The Board determined through site visits that the neighborhood contained a mix of styles and house sizes and that the proposed addition would be consistent with the scale and character of the other residences in the neighborhood.


By a unanimous vote, on a motion by Michael Connors, seconded by Thomas White, the Board finds that although the addition will increase the existing nonconformity, the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

The Board finds that the proposed addition is not against the public interest, nor will it be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and it will not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements of the zoning bylaws. Upon further motion by Michael Connors, seconded by Aida Gennis, the Board voted unanimously to approve the Special Permit subject to the conditions set forth herein.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD OF APPEALS

JUNE 2, 2015

Aida Gennis, 

Aida Gennis, Member

CERTIFICATION:

The Board of Appeals, by delivery of a copy of this decision to the applicant, SAMUEL AND DEANA HANNA, 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

Aida Gennis, 

Aida Gennis, Member

WAYLAND HOUSING PARTNERSHIP

Minutes – April 21, 2015

Submitted by Rachel G. Bratt

Unanimously approved on June 2 by all those who had been in attendance at the April meeting, except Chris DiBona, who was absent from the June meeting.

Attending: Chris DiBona, Kathy Boundy, Rachel Bratt, Pat Harlan, Marty Nichols, Armine Roat

At 7:45, Rachel called the meeting to order.

We briefly discussed the recent Annual Town Meeting. The focus had been on the Town's decision not to purchase Town Center property for a senior center; failed the 2/3 vote needed. It was noted, however, that the next night of Town Meeting, money was approved to study the appropriateness of the site, specifically in relation to its environmental challenges.

We were joined by Jennifer van Campen, Executive Director of the Metro West Collaborative Development, a nonprofit housing organization; Wayland is included in their service area. They focus on building/maintaining affordable housing; housing advocacy and education; and connecting people who need housing to available units in the area. They are also now serving as a consultant to five towns beyond their target area, that have pooled resources to get advice/assistance around housing issues (Stow, Hudson, Littleton, Boxborough, and Bolton). Jennifer suggests that a good model may be for towns like Wayland to collaborate more with neighboring communities. It may even be possible to pool CPA resources, but no one was clear about whether/how that would work.

Other interests/services of the organization include helping to reconfigure older public housing developments in need of repair, including increasing density of a new development on the public housing site; monitoring 40B and other deed-restricted developments; updating Housing Production Plans; administering down payment assistance programs for deed-restricted programs (e.g., Belmont); and developing small special needs projects, with as few as 6 units. We agreed that it would be good to keep in touch.

Our general meeting continued with Marty moving to accept the minutes of Feb. 17. Seconded by Kathy. Unanimously approved.

Chris noted that River's Edge is getting closer to issuing an RFP, perhaps by early summer.

Habitat project continues to move along. Pat noted that there is another Women's Build day scheduled. Members uniformly registered their disapproval of Habitat's practice of asking for contributions when people sign up. We also heard that when church groups volunteer, they are also asked for contributions. Volunteering and financial contributions should not, in our opinion, be linked.

Rachel mentioned that Fred's church, the Church of the Holy Spirit, will be closing on June 30. There is a possibility that the land could be available, possibly for housing. Rachel will explore. There was also some discussion about the possibility that the Saint Ann's Church site will also become available at some point.

Several possible times for our next meeting were discussed. Rachel will send an email to members.

At 9:02 Marty made a motion to adjourn, seconded by Chris.

From: Karlson, Cherry
Sent: Thursday, June 04, 2015 1:12 PM
To: Balmer, Nan
Subject: Fwd: Ashland Boston 2024 Community Meeting - June 10th

Begin forwarded message:

From: Vianny Rodriguez <viannyarod@gmail.com>
Date: June 4, 2015 at 11:21:09 AM EDT
To: "pjohnson@2024boston.org" <pjohnson@2024boston.org>, "nmendoza@2024boston.org" <nmendoza@2024boston.org>
Subject: Ashland Boston 2024 Community Meeting - June 10th

Dear Friends,

I hope this email finds you well. We're writing to invite you to a Boston 2024 Olympic Bid Community Meeting in Ashland next week. The details are as follows:

Date: Wednesday, June 10th
Time: 6:30pm - 8:30pm
Location: Ashland High School Cafeteria, 65 E Union Street, Ashland, MA

The meeting will begin with an overview presentation on the Boston 2024 bid, followed by time for all attendees to ask questions and share comments, and learn about the various opportunities to get involved.

The Boston 2024 bid and Olympic and Paralympic movement is not solely about athletics, but also focused on civic involvement, the arts, music, culture, and much more.

It would be greatly appreciated if you would spread the word about this meeting to any of your colleagues and constituents who may be interested in attending. Please see the attached flyer for more information, and do not hesitate to reach out to Pat Johnson, pjohnson@2024boston.org, with any questions. We look forward to seeing you on June 10th!

Best,

Vianny Rodriguez
Community Engagement Intern
Boston 2024



Join us for a
**BOSTON 2024 OLYMPIC BID
COMMUNITY MEETING**

in Ashland, Massachusetts

Learn about the Boston 2024 Olympic bid proposal, ask questions
and learn how to get involved.

Hosted By

Senator Karen E. Spilka

495/MetroWest Partnership, Corridor Nine Area Chamber of Commerce,
Marlborough Economic Development Corp, Marlborough Regional Chamber of Commerce,
MetroWest Chamber of Commerce, MetroWest Regional Transit Authority,
MetroWest Tourism and Visitors Bureau, Metro West Regional Collaborative,
Milford Area Chamber of Commerce

Where

Ashland High School Cafeteria
65 East Union Street
Ashland, MA

When

Wednesday, June 10th 2015
6:30 – 8:30 PM

For more information, visit 2024BOSTON.ORG



Sent to CPA/HCE

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MAY 29 2015

Board of Selectmen
Town of Wayland

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

May 26, 2015

Nan Balmer
Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

**RE: Massachusetts Preservation Projects Fund Round 21 Application –
Stone's Bridge, Wayland, MA**

Dear Ms. Balmer:

Thank you for your submission for the current cycle of the Massachusetts Preservation Project Fund (MPPF).

In order for a property to receive a MPPF grant, the property must be listed in the State Register (see General Information, Section A, page 5 of the MPPF Application Instructions, Round 21).

The State Register of Historic Places is the official list of the state's cultural resources deserving preservation consideration. The State Register is a compilation of eight different types of local, state, and federal designations. The most common designations on the State Register are National Historic Landmarks, National Register properties, and local historic districts. Eligible properties can be listed individually or as contributing elements of a National Register or local historic district.

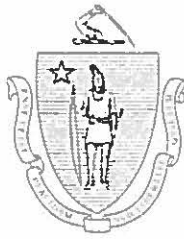
The Stone's Bridge is not individually listed in the National Register, nor is it a contributing property within the boundaries of any registered district in Wayland. This means that the bridge is not listed in the State Register of Historic Places. Therefore, we are unable to consider your application at this time.

In order to go forward with having the Stone's Bridge listed in the State Register of Historic Places, please contact Betsy Friedberg, National Register Director, MA, here at the MHC headquarters. She can be reached at betsy.friedberg@sec.state.ma.us.

Sincerely,

Paul Holtz
Historical Architect
Co-Director Grants Division
Massachusetts Historical Commission

cc: Elisa Scola, Chair – Wayland Historical Commission



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

May 26, 2015

Dear Applicant:

Thank you for submitting an application to the MHC for grant assistance. The MHC has received 32 applications with requests totaling \$2,034,498.00. After completing a preliminary review of your submitted Massachusetts Preservation Projects Fund (MPPF) Round 21 Application, MHC staff is forwarding the attached checklist regarding the completeness of all materials received.

Note that all items marked on the attached checklist were found to be missing. Please refer to the MPPF Round 21 Application Instructions for a further description of each section included on the checklist and detailed explanation of the information that is required. If you have questions regarding the marked items, **please contact your Grants Division reviewer, directly** (identified at top of checklist).

We request that you provide the missing documentation for the identified items. **The deadline for submission of these materials will be June 12, 2015 although an earlier response would be greatly appreciated. Any resubmitted materials must be received by this date in order to be given full consideration.**

We appreciate your interest in the MPPF program. All applications will be fully evaluated and final selections are scheduled to be made on July 8, 2015. Grant award notices will be mailed following this date.

Sincerely,

A handwritten signature in cursive script that reads "Brona Simon".

Brona Simon
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

cc: Local Project Coordinator

enclosure

Property Name & Location: Stone's Bridge, Wayland

During a preliminary review of your submitted MPPF Round 21 Application by Paul Holtz, Co-Director, Grants Division, the following marked items were found to be missing:

SECTION I – PROJECT OVERVIEW

A. Property Info

- A. (1) Property Name (**Stone's Bridge is not listed on the State/National Registers and is therefore not eligible for MPPF Round 21**)
- Location Map and Directions
- A. (2) Property Use—including "Property Use" statement (separate attachment)

B. Applicant Info

- B. (1) (2) Applicant & Owner Information & for Nonprofits ONLY:
 - 501(C)(3) IRS Determination Letter
 - Current Operating Budget
 - Endowment Information
 - W-9 "Request for Taxpayer Identification Number and Certification" Form
- B. (3) Project Participants

SECTION II – PROJECT AUTHORIZATION

- A. Project Contact – Local Project Coordinator

- B. Authorization (separate attachment)

- C. Certificate of Authorization

D. Preservation Restriction (PR) & Statement of Intent

If perpetual MHC Preservation Restriction exists:

- Legally recorded copy of currently existing PR
- Current Assessor's Map & any legally recorded plot plans or surveys that may exist

If perpetual MHC Preservation Restriction does NOT exist:

- Legal opinion prepared by Applicant's attorney
- Deed of record
- Letter(s) of Intent to execute & record required PR signed by owner(s) & mortgage holder (if applicable)
- Current Assessor's map & any legally recorded plot plans or surveys that may exist

& for Municipalities:

- Certified copy of vote to enter into PR

- E. Assurances of Compliance

- E. (19) Letter(s) of Support from local historical commission & local historical district commission (if applicable)

SECTION III – GRANT REQUEST

A. Proposed Scope of Work

- A. (1) (2) Type & Project Description
- A. (3) Cost Estimate and Preparer
- A. (4) Project Period

- B. Grant Request

- C. Matching Share Source(s)

- Letter(s) of Commitment

SECTION IV – PROJECT EVALUATION (separate attachment)

- A. Level of Significance

- B. Potential for Loss or Destruction

- C. Administrative and Financial Management Capabilities

- D. Appropriateness of Proposed Work

- E. Statement of Financial Need

- F. Extent and Nature of Public Support

- H. Use of Traditional Materials (dev. projects)

SECTION V – TECHNICAL PLANNING/SURVEY

A. Technical Planning

- A. (Part I) Technical Planning – Brief Overview Statement

- A. (Part II) Technical Planning – Research and conditions summary, includes conditions survey (includes current photos)

- A. (Part III) Technical Planning – Planning

- A. (Part IV) Technical Planning – Draft RFP (pre-development) or outline plans and specifications (development)

- B. Ground Disturbance (separate attachment) (**Ground disturbance attachment is not included**)

- C. Procurement Requirements

- Currently existing MHC inventory form

- Color digital image (on CD) & 8 x 10 Photo displaying the front façade of resource

- Photos of both the exterior AND interior to support the request for MPPF funds and overall conditions survey

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, June 01, 2015 10:27 AM
To: DiNapoli, MaryAnn
Subject: FW: Wayland Town Flag

From: Gentile, Carmine - Rep (HOU) [mailto:Carmine.Gentile@mahouse.gov]
Sent: Monday, June 01, 2015 1:20 AM
To: Mary Antes; Peisch, Alice - Rep. (HOU); Betsy Athan; 'Penny Beer'; Balmer, Nan; Karlson, Cherry; Richard.Ross@ma.senate.gov
Cc: James.Blachford@ma.house.gov
Subject: RE: Wayland Town Flag

Dear Mary,

We can certainly have a ceremony in June if you wish. The city and town flags in the Hall of Flags are put up and taken down employing a large hydraulic lift. Those activities occur very early or late (usually) when the public is not in the building. However, we can certainly have a ceremony honoring Wayland's new flag. A Tuesday or Thursday might be best. How about June 16th or 18th?

I will ask other legislators and staff if they have information of any similar ceremonies held previously.

Thank you.

Carmine

Carmine Gentile
State Representative
13th Middlesex District
(Framingham, Marlborough, Sudbury, and Wayland)
State House, Rm 39
O: 617-722-2014

From: Mary Antes [mantes2@verizon.net]
Sent: Friday, May 29, 2015 10:30 PM
To: Gentile, Carmine - Rep (HOU); Peisch, Alice - Rep. (HOU); Betsy Athan; 'Penny Beer'; Balmer, Nan; Karlson, Cherry; Richard.Ross@ma.senate.gov
Cc: James.Blachford@ma.house.gov
Subject: Wayland Town Flag

As you know, a beautiful new town flag was created for Wayland's 375 anniversary by Betsy Athan and Penny Beer. It is to be placed in the Hall of Flags at the State House. We would like to have a little ceremony when the flag is presented. The first step is to select a date. My initial question is whether it is possible to find a date in June or whether you would prefer to wait until September.

I look forward to hearing suggestions for a date and any ideas for a ceremony.

Thanks very much.

Mary Antes



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

June 2, 2015

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JUN - 4 2015

Board of Selectmen
Town of Wayland

Nan Balmer
Wayland Town Administrator
41 Cochituate Road
Wayland, MA 01778

RE: Open Meeting Law Complaint

Dear Ms. Balmer:

This office received a complaint filed by George Harris, dated April 13, 2015 alleging that the Wayland Board of Selectmen (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint alleges that the Board has failed to approve the minutes of 10 open meetings and 13 executive session meetings in a timely manner.¹ The complaint was filed with the Board on January 29, 2015. The Board responded by letter dated February 11, 2015.

Following our review, we resolve this complaint by informal action in accordance with 940 CMR 29.07(2)(a), and find that the Board violated the Open Meeting Law in the ways alleged in the complaint. A public body must create and approve meeting minutes in a timely manner. G.L. c. 30A, §§ 22(a), (c). The Open Meeting Law does not provide a definition of "timely manner," but we recommend that minutes be approved at the next meeting whenever possible. See OML 2013-173; OML 2013-37; OML 2012-91.² Although the Board typically meets on a weekly basis, the Board took more than two months following each of the meetings at issue to approve minutes.

Mr. Harris requested that the Board take three actions to resolve his complaint:

¹ Mr. Harris identifies 14 open meetings in his complaint, but suggests that only 10 of those meeting minutes had passed the mark for timely approval as of the filing of his complaint: September 15 and 29, 2014; October 6, 20, and 27, 2014; November 3, 17, and 24, 2014; December 1 and 8, 2014. Executive sessions were also held on each of these meeting dates, as well as on September 24, 2014 and January 5 and 12, 2015.

² Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.



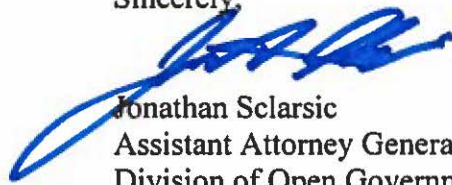
1. Acknowledge that the Board violated the Open Meeting Law in the ways alleged;
2. Within 30 days of receiving the complaint, review and approve all minutes of meetings held during the period between September 15, 2014 and December 8, 2014; and
3. Comply with the Open Meeting Law henceforth by timely creating and approving minutes of meetings.

In response to the complaint, the Board acknowledged the violation. Additionally, the Board pledged to review, within 60 days of its response letter, the 13 sets of outstanding executive session minutes. Furthermore, during its February 3, 2015 meeting, the Board approved its open session minutes for meetings held on September 15 and 29, 2014; October 6, 20, and 27, 2014; and November 3, 2014. On February 17, 2015, the Board approved the minutes of its November 17 and 24, 2014; and December 1, 8, and 15, 2014 open meetings. Finally, the Board directed the Town Administrator³ to develop and provide the Board with a plan for timely creation and approval of meeting minutes to comply with the requirements of the Open Meeting Law. The Board has since reviewed and approved 13 sets of executive session minutes from meetings that occurred between September 15, 2014 and January 12, 2015.

The goal of this office in enforcing the Open Meeting Law is achieving compliance with that law. Where a body acknowledges it failed to fully comply, therefore, and takes steps to insure compliance going forward, we will generally find that to be sufficient remedial action in response to a complaint. Accordingly, we find that the action taken by the Board was sufficient to address the violations that occurred.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Jonathan Sclarsic
Assistant Attorney General
Division of Open Government

cc: Wayland Board of Selectmen
George Harris
Mark Lanza, Esq., Town Counsel

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

³ For purposes of clarity, we refer to you in the third person.