

PACKET

JULY 27

2015



TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, July 27, 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.

- 6:30 pm 1.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Collective Bargaining Pertaining to the School Custodians and Potential Vote to Instruct the Selectmen's Representative to those Negotiations on a Potential School Committee Vote; and to Review and Consider for Approval the Minutes of May 18, 2015, June 24, 2015, and July 13, 2015, Relative to Said Subjects: Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), a Discussion of Potential Litigation regarding Illegal Affordable Housing Rentals; and a Discussion of Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al, and a Discussion of 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 a Discussion of Collective Bargaining Strategy Pertaining to Contract Negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), a Discussion of the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center
- 7:00 pm 2.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) Consideration and Potential Vote to Approve Change of Manager Application, Bertucci's Restaurant, 14 Elissa Avenue
- 7:20 pm 5.) Update from Ben Keefe, Facilities Director
- 7:50 pm 6.) Update on Minuteman and Related Special Town Meeting Article

BOARD OF SELECTMEN

Monday, July 27, 2015

Proposed Agenda Page Two

- 8:05 pm 7.) Discussion and Vote to Approve River's Edge RFP and to Authorize the Town Administrator to Execute All Related Documents
- 8:20 pm 8.) Discuss Potential Special Town Meeting Articles
- 8:35 pm 9.) Board Policy Discussion and Vote
- Board Description and Guiding Principles
 - Management of Legal Affairs
 - Petitioners' Access to Town Counsel
- 8:50 pm 10.) Discuss Town Administrator Goals and Timetable for Review
- 9:00 pm 11.) Vote to Authorize the Expenditure of \$17,000 from the Town Center Gift Funds for an Existing Conditions Survey and Final Design for the Intersection of Glezen Lane and Old Sudbury Road
- 9:10 pm 12.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:15 pm 13.) Review Correspondence (See Separate Index Sheet)
- 9:25 pm 14.) Report of the Town Administrator
- 9:35 pm 15.) Selectmen's Reports and Concerns
- 9:45 pm 16.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 9:50 pm 17.) Adjourn

DATE: JULY 24, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: LICENSING: CHANGE OF MANAGER BERTUCCI'S

REQUESTED ACTION:

VOTE TO APPROVE THE CHANGE OF MANAGER APPLICATION FOR NEW MANAGER DERRICK A. PLANTE AT BERTUCCI'S RESTAURANT CORPORATION LLC, 14 ELISSA AVENUE

BACKGROUND

Bertucci's has submitted the attached Change of Manager Application for approval by the Board of Selectmen. Upon approval, the application will be forwarded to the Alcoholic Beverages Control Commission. The Board has thirty (30) days to act from the date of submission, July 13, 2015.

Mr. Plante will be present at the Board meeting to take your questions. No newspaper notice or abutter notification is necessary.

Attachments: Board of Selectmen Policy on Public Hearings
Form 43 for Board Signature
Petition for a Change of License
Manager's Application and Résumé of Derrick Plante
Corporate vote
Memorandum from the Chief of Police

PUBLIC HEARINGS

These procedures shall be used when the Board of Selectmen calls a Public Hearing.

1. Public Hearings shall be advertised according to the applicable statute or as deemed appropriate by the Board of Selectmen.
2. Public Hearings before the Board of Selectmen shall be informal, in that the procedures of courts of law and the rules of evidence shall not apply. Rather, the presiding member of the Board shall seek to conduct Public Hearings and receive evidence using the test of reasonableness and relevance under the circumstances.
3. Neither the Town nor any parties shall be required to be represented by legal counsel, though such counsel is permitted.
4. The presiding Selectman shall begin the proceedings by stating the purpose of the Public Hearing and the rules to be followed during the Hearing.
5. The proponents or complaining side shall be heard fully followed by questions and comments from the board and then, through the chair, from the public. The opponents or defending side shall be heard fully followed by questions and comments from the board and then, through the chair, from the public. Both sides shall have an opportunity to present rebuttal statements and to make concluding remarks.
6. The Board shall accept written testimony that is submitted prior to or at the Public Hearing.
7. The Board may make its decision immediately following the hearing, take the matter under advisement or consult with its counsel or staff in order to defer reaching a decision, continue the matter to another date, or deliberate and take such action as it judges appropriate during the same meeting.

Approved on February 9, 2004; revised and restated on October 13, 2010

OPPORTUNITIES FOR PUBLIC COMMENT [PUBLIC HEARINGS] ON REGULATIONS AND FEES

Prior to adoption of regulations or fee schedules, there shall be opportunity for public comment in meetings open to and advertised to the public. In many cases there is no legal requirement that advertised Public Hearings be held in advance of the governmental body's public decision-making. However, the Board of Selectmen believes that every effort should be made to invite public participation, including public notices, to ensure that such regulations and fee schedules meet the tests of necessity, reasonableness, and fairness.

Approved on February 9, 2004; revised and restated on October 13, 2010



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

For Reconsideration

FORM 43
 MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

134000027

ABCC License Number

Wayland

City/Town

July 27, 2015

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

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

Name of Licensee Bertucci's Restaurant Corporation EIN of Licensee 04-2844750

D/B/A Bertucci's Brick Oven Ristorante Manager Derrick A. Plante

ADDRESS: 14 Elissa Avenue CITY/TOWN: Wayland STATE MA ZIP CODE 01778

ANNUAL All Alcohol Restaurant
 Annual or Seasonal Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials) Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Complete Description of Licensed Premises:
 3,250 square foot end-cap location in newly developed mixed-use shopping center. 94 interior dining seats and 20 exterior seasonal patio seats with a service bar.

Application Filed: July 13, 2015 2:30 p.m. Date & Time
 Advertised: N/A Date & Attach Publication
 Abutters Notified: Yes No

Licensee Contact Person for Transaction Sandra Woodin, Manager Real Estate Licensing Phone: 508-351-2577

ADDRESS: 155 Otis Street CITY/TOWN: Northborough STATE MA ZIP CODE 01532

Remarks:

The Local Licensing Authorities By: _____

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

ABCC Remarks: _____



SENT VIA OVERNIGHT – UPS

July 9, 2015

Town of Wayland
Board of Selectmen
41 Cochituate Rd.
Wayland, MA 01778

RECEIVED

JUL 13 2015

Board of Selectmen
Town of Wayland

2:30 PM

Re: Bertucci's Restaurant Corp. – Change of Manager

Dear Board of Selectmen:

Enclosed please find the Change of Manager Application paperwork for our restaurant located at, 14 Elissa Ave., Wayland, MA. The following documents are enclosed:

- Retail Transmittal Form
- \$200 Check payable to MA ABCC
- Petition for Change of License
- Manager's Application
- Resume for Derrick A. Plante
- Personal Information Form
- CORI Application
- Corporate Vote
- Driver's License & Birth Certificate for Derrick Plante

Please feel free to call me at 508-351-2577 or email at swoodin@bertuccis.com if you need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Woodin".

Sandra Woodin
Manager Real Estate/Licensing



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

PETITION FOR CHANGE OF LICENSE

13400027

ABCC License Number

Wayland

City/Town

The licensee Bertucci's Restaurant Corp. respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Alteration of Premises
- Pledge of License/Stock
- Cordial & Liqueurs
- Change of Corporate Name/DBA
- Change of Location
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Change of Manager

Last-Approved Manager: Michael J. Reilly

Requested New Manager: Derrick A. Plante

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

(If a Corporation/LLC, by its authorized representative)

Date Signed

06/03/2015



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

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Bertucci's Restaurant Corp. Business Name (dba): Bertucci's Italian Restaurant

Address: 14 Elissa Ave.

City/Town: Wayland State: MA Zip Code: 01778

ABCC License Number: 134000027 Phone Number of Premise: (508) 276-8235
 (If existing licensee)

2. MANAGER INFORMATION:

A. Name: Derrick A. Plante B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises: 40+

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No
 If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No
 If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No
 If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

Please see attached Resume

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature: [Handwritten Signature] Date: 6/12/15

Education

University of Massachusetts Boston
Boston, Massachusetts May 2009
Bachelor of Science in Business Management

Experience

Bertuccis Corporation
August 2002 - Present

Assistant General Manager
September 2013 - Present
Maintain Financial Systems, Oversee Staffing
Levels, Develop Assistant Managers, &
Monthly Profit and Loss Statements

Culinary Manager
September 2012 - September 2013
Responsible for Maintaining Food Cost,
Purchasing of Inventory to Budget,
& Assistant Lead in Area Menu Rollouts

Hospitality Manager
January 2011 - September 2012
Selecting, Interviewing,
Hiring of the Front of the House Staff,
Building Guest Loyalty, Fundraising Events,
and Driving Alcohol Sales

Off Premise Manager
December 2009 - January 2011
Local Brand Marketing & Increasing
Carry Out and Delivery sales

Certifications

Serve Safe
Food Allergen
Choke Saver

Proficiencies

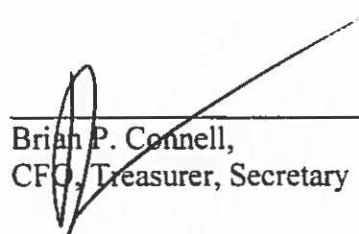
**Microsoft Word, Excel,
Powerpoint, Outlook**
Remacs Inventory System
TMX Scheduling Program
Qore Analytics
SWOT Analysis
Profit and Loss Statements
Budgeting/Business Plans
Labor Forecasting

BERTUCCI'S RESTAURANT CORP.
d/b/a Bertucci's Italian Restaurant
Secretary's Certificate

The undersigned hereby certifies he is the CFO, Treasurer, Secretary of Bertucci's Restaurant Corp. (the "Company"), and that as such he is authorized to execute and deliver this Certificate on behalf of the Company; and the undersigned hereby further certifies that the following vote was duly adopted by the Company's Board of Directors effective as of May 13, 2015 and that such vote is in full force and effect on the date hereof:

VOTED: To remove Michael J. Reilly., as manager of record and to appoint Derrick A. Plante, Whitinsville, MA, as its manager of record with full authority and control of the premises known as Bertucci's Italian Restaurant located at 14 Elissa Ave, Wayland, Massachusetts, as further described in the Company's liquor license with respect to such premises, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts; and that a copy of this vote duly certified by the Clerk of the Corporation and delivered to said manager or principal representative shall constitute the written authority required by law.

IN WITNESS THEREOF, the undersigned has executed this certificate as of this 3rd day of June 2015.



Brian P. Connell,
CFO, Treasurer, Secretary



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

7/22/2015

To: MaryAnn DiNapoli

From: Robert Irving, Chief of Police

Subject: Background Check – Derrick A. Plante

A background check was conducted on Derrick A. Plante in regards to the change of manager application submitted by the Bertucci's Restaurant.

I will meet with Mr. Plante on 7/23/2015 to discuss his responsibilities as a manager at Bertucci's Restaurant. He will be given a copy of the Rules and Regulations concerning the Provision and Consumption of Alcoholic Beverages and I will explain the compliance policy of the town.

I recommend Mr. Plante for approval as a new manager of Bertucci's Restaurant.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Kenneth Keefe
PUBLIC BUILDINGS DIRECTOR
TEL. (508) 358-3786
www.wayland.ma.us

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

DATE: July 22, 2015
TO: Nan Balmer, Town Administrator
FROM: Kenneth "Ben" Keefe, Public Buildings Director
RE: Board of Selectman update from Public Buildings Director.

REQUESTED ACTION:
NONE

BACKGROUND:

I intend to update the Board of Selectman on the following subjects at the July 27th meeting:

- Long range facilities capital planning.
- Utility usage reporting.
- Solar Photovoltaic (PV) Panel project.
- Capital Projects.
- Disposition of previous DPW site.
- Town Building office relocations.

Long range facilities capital planning.

I have added to the suite of software currently being used to manage work orders, preventive maintenance, and facilities use scheduling to include a Capital Forecast module. This module will assist in evaluating the long term (30 year) capital replacement needs of all the municipal buildings. Included in the forecast will be all building components and all major machinery and equipment. The 30 year forecast will be used to more fully develop the 5 year capital plan and annual capital budgets.

Utility usage reporting.

I will discuss my plans to use Mass Energy Insight website to track changes in utility usage and keep the public informed of those results. I will also discuss my ideas on how to inform the public on the actual benefits of the Solar PV installations.

Solar Photovoltaic Panel project.

The Power Purchase Agreement (PPA) has been negotiated, approved by DOER, and signed by all parties. The final designs are being completed and project schedules will be developed. Because of the length of time it took to finalize the PPA project completion by the start of school is no longer possible. We will work with AMERESCO to create a schedule that takes into account the needs of the site occupants and neighbors.



Kenneth Keefe
PUBLIC BUILDINGS DIRECTOR
TEL. (508) 358-3786
www.wayland.ma.us

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WAYLAND, MASSACHUSETTS 01778

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Capital Projects.

I will provide an update on the status of all Facilities Capital Projects.

Disposition of previous DPW site.

Site will be "made safe". Clean up site both interior and exterior of all material not being used by DPW and secure building to discourage unauthorized entry and vandalism. Secure all utilities to reduce the chance of fire and flooding in the unoccupied facility.

Town Building office relocations

The relocation of the DPW administrative team presented the opportunity to correct a couple of long standing space issues at the Town Building. Relocating Recreation Department upstairs to the old DPW offices and moving the Town Planner to the spaces vacated by Recreation will allow the Health Department to better serve the public by shifting their administrative staff to the current planning office. Health Department will now have a public service window and public work/meeting area and Recreation will have adequate space for their complete staff.

DATE: JULY 27, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: MINUTEMAN

REQUESTED ACTION:

CONSIDER RECOMMENDATIONS OF TOWN OF WAYLAND MINUTEMAN REPRESENTATIVE REGARDING 1) PROPOSED SIZE OF NEW HIGH SCHOOL, 2) USE OF DISTRICT WIDE BALLOT TO INCUR DEBT, 3) REQUEST FOR ASSISTANCE OF LEGISLATIVE DELEGATION, AND 4) SEEKING CLARIFICATION OF TOWN OF WAYLAND'S RESPONSIBILITIES FOR DEBT UPON WITHDRAWAL FROM DISTRICT, 5) DISCUSS POTENTIAL SPECIAL TOWN MEETING ARTICLE TO AMEND REGIONAL AGREEMENT TO WITHDRAW FROM MINUTEMAN

BACKGROUND INFORMATION

Town of Wayland Minuteman Representative Mary Ellen Castagno and Selectmen Boschetto provided the attached information for your consideration. Representatives Peisch and Gentile, the Wayland School Superintendent and School Committee liaison have been notified of this discussion.

Each item is numbered in the upper right:

1. RECOMMENDATION TO BOARD
2. NEWSPAPER SUMMARIES: CARLISLE MOSQUITO AND YOUR ARLINGTON
3. MINUTEMAN TOWN POSITIONS
4. MINUTEMAN SCHOOL COMMITTEE VOTE
5. ARLINGTON LETTER ON DISTRICT WIDE VOTE
6. SUDBURY LETTER ON BUILDING PROJECT AND POSSIBLE DISTRICT WIDE BALLOT VOTE
7. BELMONT LETTER TO MSBA
8. 2010 MSBA LETTER TO MINUTEMAN REGARDING BUILDING PROJECT
9. MINUTEMAN LETTER TO WAYLAND REGARDING AMENDING AGREEMENT TO ALLOW WAYLAND WITHDRAWAL
10. WAYLAND'S NOTIFICATION OF TOWN MEETING ACTION TO WITH DRAW, DATED MAY 11, 2015
11. SURVEY QUESTIONS TO GAUGE PUBLIC OPINION OF DISTRICT WIDE BALLOT

Balmer, Nan

From: Mary Ellen <mecastagno@aol.com>
Sent: Tuesday, July 21, 2015 3:19 PM
To: Balmer, Nan
Cc: mecastagno@aol.com
Subject: Re: Minuteman
Attachments: Backup of 2015-table re MM disctrict position on building size and incurring debt.docx; ATT00001.htm

Hi Nan,

As far as suggestions/recommendations, I would follow the lines of.....

- Request that the BOS write a letter to MSBA (cc BOS from member towns and MM SC) requesting that they (MSBA) hold off approving MM from moving into Module 4 until the school is right sized.
- Request BOS write a letter to the Minuteman School Committee (cc member towns and MSBA) to verbalize opposition to use of 16 (n) District-wide vote to incur debt.
- Request assistance from State Representative Gentile and Peisch as applicable for assistance with MSBA and MM.
- Seek opinion from Special Counsel for assistance with getting Wayland out of the District before debt is incurred (for the new/renovated building). Also with language re: if towns do not place RA Amendment to Wayland's withdrawal article on STM/ATM Warrant does it then pass by virtue of non-disapproval at TM?

I also included a table that includes where the towns in the district are to date with TM votes (proposed changes to RA and vote to withdraw), and actions taken by Select boards regarding size of school and opposition to "Nuclaeer Option for incurring debt.

Hope this helps,
Mary Ellen

08 July 2015

(6) (2) NEWSPAPER SUMMARY:
 CARLISE
 MOSQUITO
 (2pp)

Belmont, Arlington protest Minuteman High building decisions

by Nancy Pierce

Two of the four largest towns in the Minuteman Vocational Regional School District have taken formal steps opposing the high school's plans to fix its aging facilities. On June 23 Belmont's Board of Selectmen asked the Massachusetts School Building Authority (MSBA) to postpone an approval that would move the school's building project plans to the next phase.

At press time, the MSBA was drafting a response to Belmont's letter which was not yet public, according to press spokesman Dan Collins.

On June 29, Arlington's Board of Selectmen announced opposition to the school's plan for a district-wide direct ballot election to authorize debt for the building project ("Minuteman High may bypass Town Meetings for building project," June 26.) The announcement states: "Pursuing such a path is not compatible with a collaborative process and undermines trust." The statement also echoes Belmont's complaints about the analysis that led to a 628-student enrollment.

Belmont's letter to MSBA head Maureen Valente, until recently town manager of Sudbury, cites several objections concerning the size of the facility to be designed and the exclusion of member towns' officials from the decisions about the school's eventual enrollment. The letter does not mention Minuteman's decision to call for the direct election.

Minuteman had hoped for a decision on a final building option and MSBA reimbursement at the MSBA's August 6 board meeting. This next "schematic design" phase would be the last step before final approval of a design and budget and confirmation of how much of the costs the MSBA will reimburse.

Belmont's move came about a month after the Minuteman administration pronounced attempts to revise the regional agreement that governs the district "dead" and a week after school officials revealed their plan to sidestep the existing regional agreement's requirement for unanimous approval by member Town Meetings with the direct election. Votes would be totaled across all towns, and the majority would win. Every district town would still have to pay its share of the debt for the project, even if a majority of voters in that town had voted against it.

The 11-page letter and appendices document Belmont's claim that Minuteman has not yet obtained, nor attempted to build, support for a 628-student school within Belmont or other member towns. Nor has Minuteman satisfied two MSBA preconditions for the school to move into the schematic design phase: a unanimous school committee vote, and an amended regional agreement, Belmont says. Only 11 of 16 members approved moving forward on the schematic design plan. (Three towns—Belmont, Sudbury and Wayland—voted no, with Acton and Bolton absent and not voting.) The proposed changes to the regional agreement required unanimous approval for adoption, but six of the 16 district Town Meetings (Belmont, Boxborough, Dover, Lincoln, Sudbury and Wayland) either passed over or opposed it.

Lack of towns' consultation cited

Minuteman has also ignored an MSBA requirement and a 2010 assurance to Belmont and the MSBA that member towns would approve school sizing before undertaking a feasibility study. The letter states that only this spring did Minuteman representatives ask member towns for input on the building project, in formal presentations and discussions that expressly excluded considerations of size, discussing options only for a 628-student school.

Following these failures to consult by spending another \$400,000 on detailed plans for a facility when member towns have not ratified its size would be a second "imprudent" use of both school and MSBA funds. "Far better to pause now [and] obtain the support and buy-in on the facility size" that the school should have sought from the towns three years ago, the letter declares.

Critical analysis needed

The letter and appendices also detail "critical questions" not discussed, either within the Minuteman School Committee or with the member towns, calling Minuteman's school size decision-making "devoid of any critical or systematic analysis." Instead, Belmont says the process has consisted of "a series of single evening discussions" and "on-the-spot decisions," with a promise that member towns could have input and reach consensus on facility size at some unspecified future time.

The district's "build it and they will come" mantra does not justify a school 50% larger than needed for current member town enrollment, states the Belmont letter. The appendix also casts doubt on the basis for estimates that in-district enrollment will rise to 550 students within four years. Only assertions that a new building and marketing campaign will attract them support the projection that every member community will send 35% more students, increasing enrollment by 8% a year. Moreover, it may be a mistake to assume that any shortfalls in member enrollment will be made up by students from nonmember towns paying capital facilities charges.




The letter also questions cost estimates, in particular why a school for 435 students would cost only 6% less than for 628 students (a 50% difference in capacity). It was noted that the way building costs and district operating budgets might change under various alternatives should have informed decisions on school size as well. The possibility that falling nonmember enrollment, or a state reversal on capital facilities fees from nonmember towns would also affect capital and operating cost estimates was also not discussed.

Sudbury to weigh in


Sudbury's Board of Selectmen planned to vote whether to support Belmont's request at its July 14 meeting.

Arlington's conditions not met

Arlington's statement also reiterates conditions originally set by the town's Board of Selectmen and Finance Committee in 2012 for Arlington to support any building project proposed. Neither a change in state law to allow higher reimbursement of costs for the Minuteman project nor changes to the Minuteman regional agreement have been accomplished. Arlington sought to reduce its share of debt funding, increase the votes required to pass the district budget, and allow member communities to exit the district without unanimous consent of all other members. Δ

 (<http://www.facebook.com/sharer.php?u=http%3A%2F%2Fwww.carlislemosquito.org%2Findex.php%2Fsearch%2F51-news%2Fnews-articles%2Ftop-news-articles%2F29344-belmont-arlington-protest-minuteman-high-building-decisions.html&t=Belmont%2C%20Arlington%20protest%20Minuteman%20High%20building%20decisions>)  (mailto:?subject=The Carlisle Mosquito - Belmont%2C%20Arlington%20protest%20Minuteman%20High%20building%20decisions&body=I found this article that I thought you would find interesting%0D%0ABelmont%2C%20Arlington%20protest%20Minuteman%20High%20building%20decisions%0D%0A%0D%0Ahttp%3A%2F%2Fwww.carlislemosquito.org%2Findex.php%2Fsearch?id=29344%0D%0A)  (<http://www.carlislemosquito.org/index.php/search?id=29344&tmpl=component&print=1&page=>)

Selectmen oppose ballot question to jump-start Minuteman renovation

Last Updated: Wednesday, 08 July 2015 16:30 | Published: Tuesday, 07 July 2015 07:52 | Written by Various sources |  | Hits: 536

Town's rep offers support, raises other questions

UPDATED, July 7: The Minuteman school superintendent is taking steps toward a ballot question aimed at resolving a logjam among the 16 member districts about paying to renovate the high school, and Arlington selectmen have made their opposition to that initiative clear.



Selectman Dan Dunn has characterized the move by Superintendent Edward Bouquillon as a "nuclear option," which could lead to forcing on the town a plan it may not want. "I am stunned. We need to react clearly," he said.



The Minuteman School Committee may continue to discuss Tuesday, July 7, whether to proceed with a ballot question, which would occur within 45 days after it is voted. A vote on that issue is not expected Tuesday.

In response, Town Manager Adam Chapdelaine has sent a letter to the superintendent, his committee, all member towns and Arlington's Beacon Hill delegation that reflects the selectmen's desire for a collaborative dialogue about school-building issues and stands opposed to a districtwide ballot initiative for approving the renovation plan as now proposed.

The 16 member towns must reach consensus about renovation by next June 30, the deadline to qualify for millions of dollars in state reimbursement funds.

In June, Minuteman School Committee members began debate about holding a districtwide ballot among the member towns. The election would occur on the same day at the same time.

The agenda includes a discussion of "the timelines, language and impact" of a ballot question, but Sue Sheffler, Arlington's representative on the Minuteman committee, does not expect a motion on the ballot question until September. A school spokesman said no vote is expected July 7.

Possible vote on amending agreement; opinion poll on agenda

Also on the agenda, she wrote in an email July 5, are a possible vote to terminate any effort to amend the regional agreement as well as a vote to approve the superintendent's recommendation to expend up to \$25,000 for a public-opinion survey of 400 "likely voters" who are to be asked about their interest in the building project.

Sheffler made clear she supports town leadership on the ballot question and raised additional points. In a statement, she wrote:

"After serving on the MM SC for a year now, and viewing the situation with "fresh eyes" (i.e. without the frustration of having dealt with all these issues for the last 7 years), I have come to stand firmly with Arlington's leadership on the building issue. That is, we should

not incur any new debt for a new building without a revised Regional Agreement-one that is much fairer to Arlington taxpayers and the Arlington community in general.

"In addition, I have serious concerns about the proposed building project itself.

"1. The Advocate article [in June] points to the successful ballot method used to approve a \$74M project at Bay Path Reg. Tech School in Charlton. However, Bay Path has 1100 students enrolled. The MM project, as proposed would cost (at least) twice as much ... and MM currently has less than 400 "member town" students enrolled. MM's total (including out-of-district pupils) enrollment has been below the projected 628 enrollment for many years.

"2. The MM projected cost of nearly \$150M would cost Arlington (my estimates) about \$30M in capital costs alone, assuming the 40% reimbursement comes through. We have 150 students at MM. I can't help but note that this amount of investment would pay for 3 Thompson schools, housing 1000+ students.

"3. I also note that we have 1294 students in a 400,000-square-foot facility at AHS. ('The school is ranked among the top 25 high schools in Massachusetts according to MCAS scores. We are recognized as a U.S. News & World Report gold medal school, a U.S. News & World Report STEM school, and among the nation's most challenging schools according to the Washington Post. This year, we received a level 1 designation from the state for overall achievement and progress on the MCAS...')

"The AHS complex was built between 1914 and 1980 and last upgraded 34 years ago. A 1993 School Infrastructure Study projected renovation to be needed after the year 2000. A recent evaluation of mechanical systems identified \$35 million in needed infrastructure improvements. Our student population is growing, and we face potential loss of accreditation for substandard facilities.

"A new AHS complex which could cost \$100 million+, would serve some 1400 students, given (conservative) enrollment growth.

"So while VoTech schools are inherently more expensive to build than standard schools, it seems quite unfair to the 5000+ Arlington student population to fund MM at such a disproportionate level."

The superintendent was asked for comment about the ballot question July 2, but has not responded.

Agreement progress slow

Progress to reach agreement has been slow. Arlington selectmen said June 29 that Bouquillon is working on small changes to try to get resistant member Wayland and Boxboro to come on board. To ramp up the process, the superintendent proposed a ballot question. "It would be a very big deal to Arlington," Chapdelaine said

The board voted, 5-0, to register both support for Minuteman's educational mission and opposition to putting the question to voters. The full text of the letter is published below.

Bouquillon has estimated the cost of an election in the 16 member towns to be about \$55,000.

In May, School Committee members approved construction of a new high school building as the best option for the district, at an estimated cost of \$144.9 million. Reimbursement of

construction costs from the Massachusetts School Building Authority is estimated at as much as \$86.9 million.

Bay Path Regional Vocational Technical High School in Charlton, which has 10 member towns, used the ballot method successfully in 2012. That \$73.8 million project is nearing completion.

Several years ago, the district made an effort to revise the district agreement, which was tied to a new school building, through the traditional Town Meeting route. Only 10 of the member towns have approved the new agreement, and Wayland, at Town Meeting in April, voted to withdraw from the district.

Ford Spalding, a member from Dover and the chairman of the School Building Committee, said approval by the state School Building Authority is a must.

July 1 letter from Adam W. Chapdelaine

It was sent to members of the Minuteman School Committee, Bouquillon, Minuteman district member town managers/Administrators; Maureen Valente, chief executive officer of the MSBA; state Senator Kenneth Donnelly; state Representative Sean Garballey and state Representative Dave Rogers.

In light of recent public comments by the Superintendent of the Minuteman Regional Vocational Technical High School District regarding the initiation of a district wide ballot initiative to support a school building project, the Arlington Board of Selectmen hereby adopts the following position statement:

- 1) The Arlington Board of Selectmen has long supported vocational and technical academic opportunities in partnership with the Minuteman School District.
- 2) Representatives of Arlington's Board of Selectmen, Finance Committee and other Town officials have worked tirelessly for the past several years to revise the regional agreement to allow for a collaborative approach among member towns' leadership to approving a school building project. This collaborative approach was also evidenced by the Board's approval of the Needham resolution.
- 3) These Representatives remain committed to such a collaborative process focused on a revised agreement that will augment district sustainability and equity.
- 4) As a direct referendum bypasses each Town's elected representatives who have spent many month and years working to improve Minuteman's physical and operational capacity, the Arlington Board of Selectmen is steadfastly opposed to the Minuteman School Committee pursuing the initiation of the district wide ballot initiative regarding the proposed school building project. Pursuing such a path is not compatible with a collaborative process and undermines trust between Town leadership and the leadership of the regional school district.
- 5) The Arlington Board of Selectmen does not believe that an adequate analysis and resulting methodology has been offered to support the school enrollment figure currently being proposed.
- 6) The Arlington Board of Selectmen does not currently support the proposed building project as the conditions outlined by both the Board and the Finance Committee in 2012 have not been met.

These conditions are as follows:

- Amend the MSBA statute to allow for a greater reimbursement for the Minuteman project. This may come in the form of a change in the formula that recognizes the higher costs of building a vocational school, a change in the formula that recognizes the demographics of all enrollees in the school, not just the member town enrollees, or a change that allows for 100% capital reimbursement for non-member students. Arlington is also interested in the possibility of a non-MSBA state appropriation that could be directed to the project.
- Make the following changes to the regional agreement:
 - A. Adopt a Capital Apportionment Model that provides a fair share of the project be paid by Arlington. That model might include a common share, wealth factors described in the DESE "Combined Effort" and enrollment; use of other funding sources; or other creative solutions.
 - B. Adoption/Voting Formula – A change to the regional agreement that would require Minuteman's annual operating budget to be approved by 11 town legislative bodies that represent at least two-thirds of the in-district enrollment.
 - C. Exit Provision – A change to the regional agreement that would allow for member communities to exit the district without unanimous consent of all member communities. This proposed provision would require any member community interested in exiting to pay capital costs for a pre-determined amount of time after their exit.

'Needham resolution'

On July 2, Chapdelaine explained the "Needham resolution," adopted by the Board of Selectmen April 28, 2014:

Resolved: That in the event of ratification of the revised the Minuteman Regional Vocational School District agreement as approved by the Regional School Committee on March 11, 2014, and in the event of notice of desire to withdraw by one or more members of the District given within one year of the effective date of the revised Agreement, the Board of Selectmen will not place a warrant article disapproving such withdrawal in a Town Meeting warrant, unless required by law, and will oppose such a disapproval article or motion in any event.

This resolution was suggested and promoted by a member of the Needham Board of Selectmen, and therefore earned the name "Needham resolution." The reason behind this was to grant assurance to district members who were suspicious that we might block their exit from the district following the passage of the revised agreement.

Opinion, May 20, 2015: Minuteman plans advance, but what are there chances?

Feb. 16, 2015: Selectmen discuss Minuteman building plan; one expresses doubt on enrollment forecast

Feb. 12, 2015: Open house for students parents March 5

(6) ③ MINUTEMAN TOWN
POSITIONS
(2pp)

MINUTEMAN TOWN POSITIONS						
Town	2014 RA Amendment Vote	Needham Resolution *	2015 RA Amendment Vote	2015 Vote to withdraw	School Building Project Actions Taken by BOS	Chapter 71 Incur debt Section 16 (n) District-wide vote Actions Taken by BOS
Acton	yes					
Arlington	yes	Yes			Letter to Bouquillon w/cc to SC, MM district Town Managers/Administrators, MSBA, State Representatives and State Senator. Opposing size of school.	Opposes District-wide ballot
Belmont	Passed on it		Passed over		Sent letter to MSBA (w/cc/ to member towns) in protest of lack of discussion at town level regarding school size, cost of project, and process for incurring debt	Discussed in letter to MSBA
Bolton	yes	Yes				
Boxborough	Passed on it	Yes	Passed over	Passed over	BOS Chair meet with MSBA. BOS Formed a Vocational Education Study Committee	
Carlisle	yes	Yes			Discussed at 7.14.15 BOS Meeting – Action to send letter to MSBA	
Concord	yes	Yes				
Dover	Passed on it	Yes	dismissed	dismissed		
Lancaster	yes	Yes				
Lexington	yes					
Lincoln	Passed on it		Passed on it: will hold STM in fall			
Needham	yes	Yes				

Stow	yes				At June 23, 2015 BOS Meeting: "It was suggested that Ms. DeLuca recommend that the Committee scale down the size of the project and, thus, the number of students at the school, and present those numbers to the member towns that are not in favor of the large project and there may be movement toward agreement."		
Sudbury	Passed on it		Indefinitely postponed	Indefinitely postponed			
Wayland	NO			Item approved			
Weston	yes	Yes					
	10 yes, 1 no, 5 - passed over	9					

Needham Resolution:

The Needham Resolution states that the Board of Selectmen will not call a Town Meeting to block an exit, except as required by law, should another Town decide within a year of the passage of the Regional Agreement to leave the district.

MSBA to vote on August 6th on MM application and building size plan

Carlisle BOS Meeting 06.23.15

Balmer, Nan

From: Rozan, Elizabeth <e.rozan@minuteman.org>
Sent: Wednesday, July 08, 2015 11:44 AM
To: Rozan, Elizabeth
Subject: Follow up from Last Night's SC Meeting: Regional Agreement
Attachments: Signed RA Advocacy Group Memo 6 29 15 w attachment.pdf

Sent to Town Administrators and Boards of Selectmen on behalf of Ed Bouquillon:

As a follow up to last night's discussion and vote related to the Regional Agreement, Ed asked me to send you the email (below) and attachment (his 6.29.15 memo to the Regional Agreement Advocacy Group.)

The related vote taken last night is as follows:

ACTION 2015 #57

The Minuteman School Committee extends its appreciation and thanks to the Superintendent, his Administration, the Regional Agreement Amendment Subcommittee (RAAS), and a host of town leaders (Regional Amendment Advocacy Group) throughout the District for their efforts to reach agreement on the proposed changes to the current Regional Agreement. While the Committee recognizes that these efforts did not result in unanimity despite years of hard work, the Committee feels that this was an important effort and one that had to be attempted.

VOTE: To direct the Superintendent and his Administration to terminate their efforts to amend the Regional Agreement, except to the extent required to fulfill the District's legal obligations to the Town of Wayland pursuant to the recent vote of its Town Meeting. The School Committee encourages communities in the District to make further attempts to amend the current Agreement, as it is the School Committee's belief that such efforts should be initiated by the Boards of Selectmen in our 16 member towns, not by the Minuteman School Committee or by the Minuteman Administration.

From: Bouquillon, Ed
Sent: Monday, June 29, 2015 2:28 PM
To: Dan Matthews; Carl Valente (cvalente@lexingtonma.gov); achapdelaine@town.arlington.ma.us; Don Lowe; Gillespie, Doug; CAROLYN FLOOD
Cc: Ford Spalding (fspalding@feltonberlin.com); Jeffrey Stulin (jwstulin@comcast.net); Mahoney, Kevin; Rozan, Elizabeth; Vince Amoroso; Christopher Whelan; David Kale; David Ramsay; Donna VanderClock; Kate Fitzpatrick; Selina Shaw; Steve Ledoux; Timothy Goddard; Timothy Higgins; William Wrigley; Mary Ellen Castagno (mecastagno@aol.com); Ryan McNutt
Subject: Update on Regional Agreement Amendment Process RE Wayland

Please see attached.

The 2nd page shows the impact of the elimination of the 5 pupil minimum.

I am anticipating a Town Administrator update meeting will be scheduled for the August timeframe.

Best Regards as always.

Ed

(6) (5) ARLINGTON LETTER
DISTRICT WIDE
VOTE



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Members of the Minuteman School Committee
Dr. Ed Bouquillon, Superintendent
Minuteman District Member Town Managers/Administrators
Maureen Valente, Chief Executive Officer of the MSBA
State Senator Kenneth Donnelly
State Representative Sean Garballey
State Representative Dave Rogers

From: Adam Chapdelaine, Town Manager

RE: Arlington Board of Selectmen Vote – District Wide Ballot

Date: July 1, 2015

Please find the attached vote of the Arlington Board of Selectmen, unanimously adopted at its meeting of June 29, 2015. As you will see, this vote restates the Board's commitment to a collaborative dialogue regarding Minuteman governance and school building issues, but clearly states its opposition to the pursuit of a district wide ballot initiative for approval of the currently proposed school building project.

If you have any questions in regard to this issue, please do not hesitate to contact me.

In light of recent public comments by the Superintendent of the Minuteman Regional Vocational Technical High School District regarding the initiation of a district wide ballot initiative to support a school building project, the Arlington Board of Selectmen hereby adopts the following position statement:

- 1) The Arlington Board of Selectmen has long supported vocational and technical academic opportunities in partnership with the Minuteman School District.
- 2) Representatives of Arlington's Board of Selectmen, Finance Committee and other Town officials have worked tirelessly for the past several years to revise the regional agreement to allow for a collaborative approach among member towns' leadership to approving a school building project. This collaborative approach was also evidenced by the Board's approval of the Needham resolution.
- 3) These Representatives remain committed to such a collaborative process focused on a revised agreement that will augment district sustainability and equity.
- 4) As a direct referendum bypasses each Town's elected representatives who have spent many month and years working to improve Minuteman's physical and operational capacity, the Arlington Board of Selectmen is steadfastly opposed to the Minuteman School Committee pursuing the initiation of the district wide ballot initiative regarding the proposed school building project. Pursuing such a path is not compatible with a collaborative process and undermines trust between Town leadership and the leadership of the regional school district.
- 5) The Arlington Board of Selectmen does not believe that an adequate analysis and resulting methodology has been offered to support the school enrollment figure currently being proposed.
- 6) The Arlington Board of Selectmen does not currently support the proposed building project as the conditions outlined by both the Board and the Finance Committee in 2012 have not been met. These conditions are as follows:
 - Amend the MSBA statute to allow for a greater reimbursement for the Minuteman project. This may come in the form of a change in the formula that recognizes the higher costs of building a vocational school, a change in the formula that recognizes the demographics of all enrollees in the school, not just the member town enrollees, or a change that allows for 100% capital reimbursement for non-member students. Arlington is also interested in the possibility of a non-MSBA state appropriation that could be directed to the project.
 - Make the following changes to the regional agreement:
 - A. Adopt a Capital Apportionment Model that provides a fair share of the project be paid by Arlington. That model might include a common share, wealth factors described in the DESE "Combined Effort", and enrollment; use of other funding sources; or other creative solutions.
 - B. Adoption/Voting Formula – A change to the regional agreement that would require Minuteman's annual operating budget to be approved by 11 town legislative bodies that represent at least two-thirds of the in-district enrollment.
 - C. Exit Provision – A change to the regional agreement that would allow for member communities to exit the district without unanimous consent of all member communities. This proposed provision would require any member community interested in exiting to pay capital costs for a pre-determined amount of time after their exit.



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

(6) (6) SUDBURY LETTER
DISTRICT BALLOT /
BUILDING PROJECT

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756

Email: selectmen@sudbury.ma.us

July 16, 2015

To: Minuteman Regional Vocational Technical High School Administration
Minuteman Regional Vocational Technical High School Committee
Minuteman Regional Vocational Technical High School Building Committee
Massachusetts School Building Authority (MSBA)
Sudbury's Legislators: Senator Mike Barrett, Representative Carmine Gentile,
Senator James Eldridge
Minuteman Member Towns' Boards of Selectmen

From: Sudbury Board of Selectmen

The Sudbury Board of Selectmen adopt the following positions in response to the proposed Minuteman Regional Vocational High School building project, and the district-wide election to approve this capital project under consideration by the Minuteman School Committee.

Sudbury's Board of Selectmen is committed to providing each of Sudbury's children with the opportunity for a high-quality vocational education. We recognize the unique value of vocational education and understand that it provides an environment in which children who might otherwise be discouraged in a traditional educational setting can develop and thrive. Our opposition to the Minuteman Building project does not reflect a failure by the Selectmen to value vocational education nor does it indicate that we are ignorant of the well-documented deficiencies of the Minuteman school facility.

1) The Minuteman School Building Committee has embarked upon obtaining approval of a 628-student school project from the Massachusetts School Building Authority without demonstrating to the member towns that a school of this size is warranted. Using MSBA predictions, the projected enrollment for this school from within the Minuteman District does not warrant this size facility.

The Sudbury Board of Selectmen oppose the proposed Minuteman school building project, pending an acceptable explanation of how this size can be justified and how many students from within the Minuteman District are expected to attend. These explanations are due both to local officials including the Board of Selectmen and the Finance Committee and to the citizens of Sudbury.

2) The Minuteman School Committee is considering a district-wide election to win approval of funding for the Minuteman building project described above, rather than presenting the project to the Town Meetings of the Minuteman member towns. Such an election would entirely by-pass the need to justify the building project to the Sudbury Finance Committee and the Board of Selectmen. It would deprive citizens of the opportunity to have their questions addressed on the floor of Town Meeting and to hear the considerations brought forth by their local elected and appointed officials. Instead, the single-question election called by the Minuteman School District with restricted hours and polling sites will elicit minimal public interest and involvement rather than the informed decision desirable for such a project.

The Sudbury Board of Selectmen oppose the district-wide election proposed by the Minuteman District, believing it does not provide an opportunity for informed decision making by the electorate.

The Sudbury Board of Selectmen remains committed to offering our students the opportunity to experience an exceptional vocational education. The Board is not convinced that this project, nor the district-wide vote to obtain funding, are in the best interests of our town or of the Minuteman District.

In summary:

1. The Sudbury Board of Selectmen opposes Minuteman's proposed 628-student building project.
2. The Sudbury Board of Selectmen opposes the district-wide election proposed by the Minuteman School Committee and the Minuteman School Building Committee.


Respectfully submitted

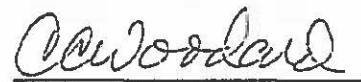
SUDBURY BOARD OF SELECTMEN


Patricia A. Brown, Chairman


Susan N. Iuliano, Vice-Chairman

Robert C. Haarde, Selectman


Leonard A. Simon, Selectman


Charles C. Woodard, Selectman

(6) 7 BELMONT LETTER TO MSBA



TOWN OF BELMONT
OFFICE OF THE BOARD OF SELECTMEN
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478

Selectmen@belmont-ma.gov

455 CONCORD AVENUE
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BOARD OF SELECTMEN
SAMI S. BAGHDADY, Chair
MARK A. PAOLILLO, Vice-Chair
JAMES R. WILLIAMS, Selectman

TOWN ADMINISTRATOR
DAVID J. KALE

ASSISTANT TOWN ADMINISTRATOR
PHYLLIS L. MARSHALL

VIA REGULAR MAIL

June 23, 2015

Ms. Maureen G. Valente
Chief Executive Officer
Massachusetts School Building Authority
40 Broad Street, Suite 500
Boston, MA 02109

RE: MSBA PROJECT NO. 200908300605
MINUTEMAN REGIONAL VOCATIONAL AND TECHNICAL SCHOOL DISTRICT

Dear Ms. Valente,

It gives us no pleasure to write this letter to you. However, we feel that it is essential to do so. Specifically, we are writing to you to ask that the Massachusetts School Building Authority (MSBA) indefinitely postpone taking action on the recent request by the Minuteman Regional Vocational and Technical School District (Minuteman) to move the above-referenced project into Module 4 and to begin schematic design work on a new school building designed to serve 628 students. In Belmont's view, while we believe that all sixteen Minuteman member communities are united in their belief that some form of rebuilding or renovation of the Minuteman facility is unquestionably needed and, therefore, worthy of continued MSBA support, Minuteman has not yet obtained the level of support in our community, and we suspect other communities within the District, to proceed forward with the development of schematic plans around this particular alternative. Moreover, we would also parenthetically note that the Minuteman School Committee vote to enter into Module 4 was not unanimous, nor has the District successfully amended its Regional Agreement, two preconditions that the MSBA had previously stated in a meeting with municipal representatives that the MSBA felt were important to be met in order for the Minuteman to proceed into Module 4.

Simply put, Belmont's objections are twofold. First, we don't think that Minuteman has ever sincerely complied with what Belmont believes was an agreed-upon process to build support for the scope of the project before even commencing the feasibility study, much less advancing this deeply into the process. Second, notwithstanding the majority vote of the Minuteman

School Committee to proceed into Module 4, Belmont believes there are still critical questions regarding the proposed size of the facility which, not only remain unanswered, but which have never been critically examined or fully vetted by either the School Committee or the member towns. Other communities may have other issues which they feel must be addressed before their communities can support a new school building project.

In order to explain Belmont's objections to the process that has been followed, or, as is perhaps more accurate, that has not been followed, it is important for us to take some time to review with you the history around the project. Addendum A of this letter outlines that chronology. It is also important for us to share with you some of the key questions that Belmont believes require additional consideration before support for a 628-student school, or a school of some alternative size, can be provided with any reasonable degree of confidence by our community. Addendum B outlines our view of some of those key unanswered questions.

Despite the long elapsed time that Minuteman has been discussing the building project, as the chronology in Addendum A hopefully adequately demonstrates, the process that Minuteman has followed for determining the recommended school size has generally been devoid of any critical or systematic analysis regarding various alternatives and has, instead, been marked by a series of single-evening discussions at Minuteman School Committee meetings, usually culminating in the School Committee making on-the-spot decisions, often while promising that the opportunity for soliciting input from the member towns and reaching a consensus on school sizing would happen at some point in the future. More importantly, the agreed-upon and seemingly MSBA-mandated prerequisite that Minuteman obtain the approval from member towns on school sizing before undertaking anything more than an enrollment study was never even remotely adhered to.

The aforementioned process has now led to Minuteman having analyzed three separate size schools in Module 3 of the feasibility study, thereby affirming Belmont's initial concerns that beginning the feasibility study before the Minuteman communities had reached a consensus on the size of the facility to be studied was an imprudent use of both the District's money and the MSBA's money. Minuteman now finds itself at the end of Module 3 and there is still no endorsement regarding the optimal size for a new or renovated school within Belmont, and we suspect other towns as well. In Belmont's view, to compound this situation by plunging ahead into Module 4 and potentially spending another \$400,000 or so developing schematic plans around a facility whose size has still not been explicitly ratified in any formal sense by the Minuteman communities, is a poor use of the District towns' monies and the State's funds. Moreover, if pushing the feasibility study forward into Module 4 leads to a building project that gets rejected by the Minuteman communities because it wasn't fully vetted, lots of time and money will have been wasted. An even worse use of State and local funds would be a scenario in which a new school is approved, gets built, and is then subsequently viewed as being the wrong size facility to serve the needs of the Minuteman communities. In Belmont's view, it is far better to pause now, obtain the support and buy-in on the facility size (whether that be 628 students or some other number) that should have been

obtained at least three years ago (as Belmont has been advocating for the past five years and as the MSBA apparently had previously endorsed). Only after the critical unanswered questions, as exemplified in Addendum B, have been addressed and only after the scope of the project has been fully vetted by and ratified by the member communities, does it then make sense to enter Module 4. Consequently, Belmont respectfully requests that the MSBA indefinitely table Minuteman's request to enter into Module 4 until such time as the substantive and procedural issues addressed in this letter have been satisfactorily addressed.

We appreciate your consideration of Belmont's request, and look forward to continuing to pursue a building project for Minuteman that best serves the needs of the member towns. We would welcome the opportunity to talk to you further about any of the ideas contained herein if that would be helpful and productive from your perspective.

Sincerely,



Sami Baghdady
Chair



Mark Paolillo
Vice Chair



Jim Williams
Member

cc: Dr. Edward Bouquillon, Minuteman Superintendent
Minuteman School Committee
Town Managers/Town Administrators, Minuteman District Towns
Chair, Boards of Selectmen, Minuteman District Towns
Mr. Jack McCarthy, Executive Director, MSBA
Ms. Mary Pichetti, Director of Capital Planning, MSBA

Addendum A: CHRONOLOGY REGARDING BUILDING SIZING

1. Initial MSBA Correspondence

When Minuteman first requested approval in the spring of 2010 from the sixteen member towns to borrow up to \$724,000 for a feasibility study, Belmont's Town Meeting twice rejected the request. Belmont's vote did not reflect any objection to a potential school building project. Rather, Belmont's objection was that the bulk of the requested funding would be used to undertake detailed architectural design work around a building for which there was no agreement on the appropriate size.

Subsequent to an initial vote by Belmont's Town Meeting on April 28, 2010 to reject Minuteman's request, on May 3, 2010, the MSBA issued a letter, which stated, among other things, the following:

The Minuteman Regional School District has assured the MSBA that it understands that the final membership, *the resulting agreed upon enrollment* and the educational program are key elements of the feasibility study and therefore, without their resolution, the study cannot proceed. As such, the Minuteman Regional School District acknowledges that all of these issues must be successfully resolved and agreed upon by the Minuteman School Committee *and its member communities* prior to entering into a Feasibility Study Agreement with the MSBA and prior to the proceeding of the procurement of any consultants for a feasibility study. (Emphasis added.)

At a Belmont Town Meeting held on that same May 3, 2010 date, during which Minuteman's request was reconsidered, a Belmont Town Meeting member expressed the sentiment that the approval on school size should come from Town Meeting, not just from the Minuteman School Committee, and pressed the Superintendent as to what form the MSBA's mandated community approval would take. The Superintendent assured Belmont's Town Meeting that Belmont, and the other Minuteman communities, would be free to decide what body within their town would be designated to provide that approval, including Town Meeting if the community so chose.

2. Minuteman School Committee Vote on Feasibility Study Borrowing:

Subsequent to the MSBA's letter, on May 17, 2010, under a warrant article identified as Article 58, Arlington's Town Meeting approved Minuteman's request for authorization to borrow feasibility study funds. Arlington's approval was contingent, however, on Minuteman complying with a number of prerequisite conditions, including the following:

The Superintendent agrees not to go forward with the second phase of the feasibility study (architect, project manager, etc.) unless *all 16 member towns* approve, or not disapprove, of *the enrollment* and [Regional Agreement Task Force's] conclusions. (Emphasis again added.)

Based on the MSBA letter and Arlington's Town Meeting vote, on June 15, 2010, the Minuteman School Committee amended its request to the member towns for authorization to borrow funds and to proceed with the feasibility study. The School Committee vote stated, in part, the following:

The Minuteman Regional Vocational Technical School District (the "District") hereby recognizes the conditions of process as outlined in a correspondence from the Massachusetts School Building Authority, dated May 3, 2010, and the amended Article 58 of the Town of Arlington, dated May 17, 2010, and associated details of alignment of procedures within these understandings, and shall instruct its Superintendent to accommodate these procedures and conditions within the legal scope of his authority.

In July 2010, based on the conditions contained in the May 3, 2010 letter from the MSBA, the conditions contained in Arlington's Article 58, and the language in the June 15, 2010 Minuteman School Committee vote, the Belmont Board of Selectmen concluded that the objections voiced at Belmont's Town Meeting specifying that an agreement on school sizing should precede a detailed feasibility study had been adequately addressed, and the Selectmen agreed, by virtue of non-disapproval of the Minuteman School Committee's vote, to support Minuteman's amended request to borrow funds for a feasibility study.

3. Development of the School Sizing Recommendation

Despite the aforementioned assurances that the member towns, and not just the Minuteman School Committee, would first agree on the recommended sizing for a new school before entering into the formal feasibility study, such a process was never followed. Instead, below is a recap of the major actions that have led to the current recommended facility of 628 students.

- Sometime in late 2010 or early 2011, Minuteman engaged the New England School Development Council (NESDEC) to undertake an enrollment study. According to information provided verbally to the Minuteman School Committee by Dr. Bouquillon, he personally reviewed at least twelve drafts of the NESDEC enrollment study before providing the Minuteman School Committee their first copy of the study as part of the April 5, 2011 meeting materials. That enrollment study suggested that Minuteman could support a school sized for 1,100 students. Amazingly, despite a fervent request by Belmont's Minuteman's School Committee representative and other School Committee members to discuss the enrollment study at a School Committee meeting, the Minuteman School Committee never had a single substantive discussion on the NESDEC enrollment study and its implicit conclusions regarding school sizing. Without ever even discussing the content of the study, much less bringing the matter to a formal vote, at its May 10, 2011 meeting, the School Committee informally authorized the Superintendent to submit the study to the MSBA.
- On August 8, 2011, the MSBA issued an initial design enrollment approval for a school of 800 students, of which 460 (58%) of those students were projected to come from within the sixteen member communities, and the remaining 340 (42%) were projected to come from non-member towns.
- The MSBA re-issued their enrollment certification letter on October 11, 2011. As that letter clearly notes, in an e-mail to the MSBA dated September 1, 2011, without any support from, or even discussion with, the Minuteman School Committee, Dr. Bouquillon unsuccessfully tried to

persuade the MSBA to change its approval from a *maximum* of 800 students to a *minimum* of 800 students. In response to Dr. Bouquillon's attempt to alter the initial approval, the MSBA's October 11, 2011 letter was explicit that the design enrollment certification was for a maximum of 800 students. With the affirmative acknowledgement that the MSBA's 800-student number represented a cap on enrollment, not a specified targeted enrollment, the Minuteman School Committee voted to sign the enrollment certification at its October 18, 2011 meeting.

- At the May 22, 2012 Minuteman School Committee meeting, despite the fact that the prerequisite conditions required for proceeding with the feasibility study had not been met, and, specifically, despite the fact that Minuteman had made no attempt to go back to the sixteen member towns for approval on the proposed school sizing before proceeding with the feasibility study, over the vehement objections of the Belmont representative on the School Committee, among others, the Minuteman School Committee voted to execute a Feasibility Study Agreement with MSBA and to commence the formal feasibility study process for a school sized for a maximum of 800 students.
- It is important to note that, at this point in time, Belmont considered both contacting the MSBA directly, as we are now doing, and/or potentially taking legal action against Minuteman over the District's failure to follow the previously-mandated and agreed-upon protocol before commencing with the feasibility study. However, Belmont decided to hold off taking either action, in part due to assurances that the discussion about the appropriate sizing of the school would take place during Module 3 of the MSBA process and that Minuteman would not enter into Module 4 without the member towns having an opportunity to endorse the proposed school sizing. For example, in a subsequent letter from the Superintendent to the Belmont Board of Selectmen dated April 4, 2013, Dr. Bouquillon cited the MSBA requirements to obtain public input on proposed projects and stated:
The result of those statutory impositions is that Member Towns will have an opportunity to directly participate in determinations as to the size and scope of a proposed project.
- On July 24, 2012, presumably as a result of back-channel feedback the MSBA apparently received from some stakeholders expressing concerns about a potential school of 800 students, the MSBA issued a second enrollment certification directing Minuteman to also consider a school sized for 435 students, a level that was consistent with the MSBA's estimate in the original enrollment certification of the enrollment that could likely be supported from member-town students alone. At its August 13, 2012 meeting, as with the discussion that took place at the October 2011 Minuteman School Committee meeting regarding the initial 800-student enrollment certification, the School Committee concluded that the MSBA's revised enrollment certification did not necessarily mandate that the 435- and 800-student enrollment numbers be the only school sizes considered, but rather, that those two numbers merely represented a cap and a floor on a potential school size. Based on that explicit understanding, the Minuteman School Committee voted to sign the second enrollment certification.

- Notwithstanding the Minuteman School Committee's stated understanding that the two enrollment certifications merely represented the ends of a continuum regarding a potential school project, from late 2012 through late 2013, Minuteman's feasibility study design team focused their attention solely on those two ends of the continuum - a 435-student school and an 800-student school, culminating in the submission to the MSBA of the Preliminary Design Program for both a 435-student school and an 800-student school in November 2013.
- At the February 4, 2014 School Committee meeting, based on concerns regarding the time and cost associated with having the design team conduct a feasibility study on two separate school sizes, the School Committee authorized the design team to abandon any analysis around a 435-student school and focus exclusively on the 800-student alternative. This approval was once again based on an explicit understanding that the 800-student size was a "not to exceed" number. In fact, the motion that was adopted that night specifically stated that:

This action is taken with the understanding that, should the MSBA and public feedback support lowering this "design target enrollment", it can occur. (Emphasis added.)
- At the May 20, 2014 School Committee meeting, with no prior discussion by the Minuteman School Committee, and certainly no formal input from the member towns, the Superintendent presented his own proposal for a school sized for 628 students. The Superintendent's presentation made the case that such a school could be supported by enrollment solely from the member towns if there was a 25% increase in the application rate to Minuteman by member-town eighth-graders. The School Committee did not discuss the merits of the Superintendent's proposal that night, instead agreeing to discuss the proposal at its next meeting. At the June 27, 2014 School Committee meeting, with no further analysis or deliberation, other than the discussion at the table that night, and with no attempt to consider other potential school sizes, the School Committee voted to proceed with a school designed to accommodate 628 students.

It is worth noting that during this entire multi-year process, there was never any attempt made to determine the appropriate school sizing through a bottom-up process of looking at the vocational program mix that might be included within schools of various enrollment capacities. Partly as a result of separate requests over several years by Belmont's representative on the Minuteman School Committee, Minuteman eventually did create an Education Plan Task Force comprised of several School Committee members. That task force was convened in the summer of 2013, but its explicit charge was to look only at the menu of vocational programs that would potentially be contained within the 435- and 800-student schools specified in the MSBA enrollment certifications. There was no discussion within the Education Plan Task Force about the possible mix of vocational program offerings that might be offered in other potential schools sized somewhere between 435 and 800 students. After the School Committee vote in June 2014 to proceed forward with a recommended size of 628 students, the Education Plan Task Force was reconvened, again with the explicit mandate to consider only the menu of vocational programs that might be offered in a 628-student school.

Throughout the entire aforementioned process, there was no explicit attempt by the Minuteman School Committee to ever formally or systematically consider the positive and negative impacts of schools of other potential sizes, and there was certainly no systematic attempt to engage the member towns in specific discussions regarding potential alternative sizes for a new or renovated facility. In fact, the first and only formal sessions held in Minuteman member towns to discuss the building project were held in March and April of 2015, and those presentations were intentionally designed to limit the presentation and discussion to which building option for a 628-student school was preferable. When, in recognition of the long-standing concern within Belmont regarding the school sizing question, the Belmont School Committee representative added three slides discussing enrollment and sizing to a 50-slide presentation, he was subsequently publicly chastised by another Minuteman School Committee member as having "hijacked" the presentation and for deviating from the proscribed agenda. Notwithstanding those admonishments, in Belmont, virtually every question that was asked and virtually every comment that was made at the hearing, which was attended by the full Board of Selectmen, representatives of Belmont's Warrant (aka, Finance) Committee, Capital Budget Committee, and School Committee, as well as Town Meeting members, addressed the issue of enrollment and school sizing. In fact, at the end of the meeting, only one attendee was prepared to support any of the three 628-student school options. Every other attendee indicated that there were still key questions that needed to be addressed before any alternative could be supported by our community.

Addendum B: CRITICAL UNANSWERED QUESTIONS ON SCHOOL SIZING

It is important to understand that Belmont does not have a preconceived notion as to what the appropriate size for a new or renovated Minuteman facility should be. Belmont believes that such a decision should be the outgrowth of a disciplined analysis of that key strategic question, and that ultimately, the endorsement of that strategic decision resides with the member towns, not just with the current Minuteman administration or School Committee. That said, Belmont is not yet persuaded that a strong enough case has been made to date as to why a new or renovated Minuteman school needs to be over 50% larger than that which is supported by the District's current and recent member-town enrollment. Belmont further believes that there are several key questions that have not yet been fully addressed, and without an attempt by Minuteman to answer them in good faith, it is hard for us to see the project being supported by our community's Town Meeting members and citizens as it is currently being proposed. Some of these key unanswered questions include:

1. Projected Future In-District and Out-of-District Enrollment:

Member-town high school enrollment at Minuteman has been below the proposed school size of 628 students every year since 1989, a period of 25 years. In fact, except for a slight uptick in enrollment between 2003 and 2007, member-town enrollment at Minuteman has been below 450 students since 1994, a period of 20 years. Currently member-town enrollment at Minuteman is below 400 students, where it has essentially been for the last six years.

In spite of this declining trend in member-town enrollment, the 2011 enrollment study optimistically predicted that with improved marketing, the member-town enrollment at Minuteman could increase dramatically. In fact, the 2011 enrollment study projected that by the current 2014-2015 school year, member-town enrollment at Minuteman would have jumped to 1,067 students rather than the 384 students that were actually enrolled this year. That is essentially the same justification, albeit at a reduced magnitude, that the Superintendent used in May of 2014 to support his assertion that a school of 628 students could be fully supported by member-town enrollment. However, if one takes the peak enrollment from each and every member town over the last 15 or so years and assumes that that peak enrollment continues in perpetuity, member-town enrollment would still fall about 10% short of the recommended design enrollment of 628 students.

When Minuteman made their building project presentations to member towns this past March and April, they had scaled back the projected member-town enrollment even further, to 525 students. Even at that reduced number, Minuteman acknowledged that a 525-student in-district enrollment was predicated on the assumption that member-town enrollment in each and every Minuteman community would grow by 8% per year for four successive years, an overall increase in member-town enrollment of over 35%. No support or justification was provided for this latest assumption, other than that improved marketing and a new building would lead to an increase in member-town enrollments. Frankly, Belmont suspects that the economic and

demographic profile of the District's member towns has a far more powerful impact on the historic enrollment trends at Minuteman than either marketing or the physical condition of the facility, and a "build it and they will come" mantra is an insufficient justification, in our town's judgment, to support a school sized 50% larger than one designed to meet the current member-town enrollment.

It is possible that, in order to provide a more diverse menu of programs, in order to provide some capacity for future enrollment growth, or for other reasons, the member towns could make a strategic decision to support a school that is sized larger than one designed to serve only current member-town enrollment levels. And, in looking at the historic data, Minuteman has generally had 200 or more non-member students enrolled in its high school programs during the 20 or so years since member-town enrollment fell below 500 students. However, there are two important factors impacting non-member enrollment which Belmont feels have not adequately been considered. First is the impact that assessing non-member communities a substantial capital facilities charge (upwards of \$7,500 per student using Minuteman's current estimates) will have on the willingness of those non-member communities to send students to Minuteman versus seeking other alternatives. Belmont has heard rumblings that many of the larger-sending non-member communities have vowed not to pay such a facilities fee and to challenge the legality of such a fee in court if necessary. Second, there has been no attempt to gauge how the recently-proposed changes by DESE to the freshmen exploratory program at vocational high schools might impact non-member enrollments. In Belmont's view, in light of these two factors, some additional analysis on future non-member enrollments is required beyond the mere assertion that for the last 20 years Minuteman has had more than 200 non-member students so it should have no problem attracting equivalent levels of non-member students for the duration of the new school's useful life.

2. Menu of Vocational Programs Under Alternative Sized Facilities:

As noted in Addendum A, the Minuteman Education Plan Task Force never considered the impact that various school sizes other than 435, 800, and 628 students would have on Minuteman's vocational program offerings. However, Belmont notes that the proposed menu of vocational programs under a 628-student school includes the addition of a new Multi-Media Engineering program and the preservation of a Horticulture program that currently and recently serves only 6 member-town students. There has been no hue and cry within Belmont for Minuteman to add a Multi-Media Engineering program, and the elimination of a program that serves only 6 students from the 16 member towns would not seem to represent a significant loss to our communities. Using the MSBA's 40-students-per-program metric that Minuteman used for those two programs, eliminating those two programs alone suggests that a new Minuteman facility could easily be sized at 548 students with no material impact on program diversity. There may be other programmatic adjustments that might well support other potential size configurations. From Belmont's perspective, it does not appear that any of this "what if?", bottom-up analysis has ever been undertaken by the School Committee, and certainly no such thinking has ever been shared with the member towns.

3. Projected Costs and Financial Risks Associated With Alternative Sized Facilities:

As part of the community briefings held in the member communities this past March and April, Minuteman released summary cost projections for the three 628-student school options, as well as a cost for renovating the facility without MSBA assistance. However, there has been no detail provided on the supporting assumptions that lie behind those projections. More importantly, subsequent to the building project briefings, Minuteman indicated that the cost for building a new 435-student school was estimated at \$135.7 million, a reduction of only \$9.2 million, or 6.4%, from the estimated \$144.9 million cost of a new 628-student school. A 6.4% cost reduction for almost a 50% reduction in capacity seems counterintuitive to us. At a minimum, Belmont would like to see some more detail regarding the assumptions that were used to develop the current cost estimates. Moreover, in order to make a fully informed decision on school sizing, it is essential that the member towns also have some mechanism to understand how those building costs might change under alternative sized schools.

In addition to obtaining a better understanding of the projected upfront capital costs associated with different sized facilities, member towns should also have some understanding of the marginal difference in the District operating budget that would be associated with different sized facilities. And, towns also need a better understanding regarding the sensitivity to those capital cost and operating cost estimates should non-member enrollment fall below the current estimates and/or the State reverse its current stance on allowing vocational schools to charge non-member communities a capital facilities fee because, ultimately, it is the member towns that will bear the financial risk of any debt issued to build a school sized larger than that which is needed to serve just member-town students

Massachusetts School Building Authority

Timothy P. Cahill
Chairman, State Treasurer

Katherine P. Craven
Executive Director

May 3, 2010

Dr. Ed Bouquillon, Superintendent
Minuteman Regional School District
758 Marrett Road
Lexington, MA 02421

RE: Minuteman Regional School District, Minuteman Career and Technical High School

Dear Superintendent Bouquillon:

I am writing to summarize the MSBA's understanding of the next steps necessary to move the Statement of Interest for the Minuteman Career and Technical High School forward in the Massachusetts School Building Authority's ("MSBA") process. As noted in our letter of July 29, 2009, the Board of the Massachusetts School Building Authority ("MSBA") voted to invite the Minuteman Regional School District to collaborate with the MSBA in conducting a feasibility study for a potential limited addition and/or renovation to the existing building. This invitation to collaborate is not approval of a project, but is strictly an invitation to your school district to work with the MSBA to explore potential solutions to the problems that have been identified.

The MSBA has recently learned that the Regional School District Agreement is currently being reviewed by an independent Task Force established by the Minuteman School Committee. My understanding is that the purpose is to review the current regional school district agreement to:

- Review the current enrollment both member and non-member;
- Review the current membership of districts and associated contribution requirements to provide equity among members;
- Review the potential to expand the membership to additional towns and cities;
- Review the basic educational program and discuss the potential support for new educational programs; and
- Incorporate, as necessary, any of these agreed upon changes into a new regional school district agreement.

The Minuteman Regional School District has acknowledged to the MSBA that it recognizes the importance of resolving the critical questions surrounding the potential

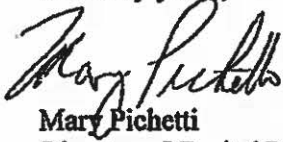
enrollment and educational program for the school to the satisfaction of the Minuteman School Building Committee. The Minuteman Regional School District has assured the MSBA that it understands that the final membership, the resulting agreed upon enrollment and the educational program are key elements of the feasibility study and therefore, without their resolution, the study cannot proceed. As such, the Minuteman Regional School District acknowledges that all of these issues must be successfully resolved and agreed upon by the Minuteman School Committee and its member communities prior to entering into a Feasibility Study Agreement with the MSBA and prior to proceeding with the procurement of any consultants for a feasibility study.

The MSBA understands the importance of the Task Force review and requests that the District work to resolve the issues identified by the Task Force and provide to the MSBA a summary of the Task Force recommendations and a copy of the final regional school agreement no later than July 1, 2011. The MSBA is committed to collaborating with the Minuteman Regional School District to advance the Minuteman Career and Technical High School Statement of Interest through the MSBA process.

Once the educational plan, the review of the regional school district agreement including potential changes to its membership, and revisions to the agreement have been completed, the MSBA will work with the District to establish an agreed upon design enrollment basis to be used as the basis of design. With an agreed upon enrollment, the MSBA and the District can enter into a Feasibility Study Agreement which will outline the scope, budget and schedule for the study and allow the District to commence with hiring the consultants, Owner's Project Manager and Designer, necessary to complete the study.

I look forward to hearing from you on the progress of the Task Force review for the proposed Minuteman Career and Technical High School regional school district agreement. Please feel free to contact me at 617.720.4466 with any questions.

Sincerely yours,



Mary Pichetti
Director of Capital Planning

Cc: Senator Kenneth Donnelly
Senator James Eldridge
Senator Susan Fargo
Senator Jennifer Flanagan
Senator Steven A. Tolman
Representative Cory Atkins
Representative Jennifer Benson
Representative William Brownsberger
Representative Thomas Conroy



(6) (9) MINUTEMAN
LETTER TO
AMEND AGREEMENT
FOR WAYLAND
WITHDRAWAL

July 16, 2015

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

Dear Chair Karlson:

On April 15, 2015 the Wayland Town Meeting voted to seek the Town of Wayland's withdrawal from the Minuteman Regional School District. Section IX of the current Minuteman Regional Agreement requires the Minuteman Regional School Committee, under such circumstances, to draft an amendment to the Regional Agreement setting forth the terms by which the town seeking to withdraw may withdraw from the District. To this end, the Regional School Committee on July 7, 2015 voted to submit the enclosed Amendment to the member towns for their approval.

Thus, I am writing to request on behalf of the Minutemen Regional School Committee that the Board of Selectmen include in the warrant for your town's next annual or special Town Meeting an article calling for the acceptance of the enclosed Amendment. For your convenience, we are also enclosing the draft of a possible warrant article that you can consider utilizing.

Please understand that this Amendment, as well as the withdrawal of the Town of Wayland from the District, will only occur if all sixteen of the current member towns of the District, as well as the Commissioner of Education, approve this Amendment.

Please feel free to contact Superintendent Edward Bouquillon, who would be happy to provide whatever further information you or the other Selectmen might desire. Thank you for your cooperation.

Sincerely,

David Horton, Secretary
Minuteman School Committee

cc: Nan Balmer, Town Administrator
Enclosures

Approved by Minuteman School Committee 7.7.15

Amendment to Minuteman Regional Agreement regarding the Withdrawal of
The Town of Wayland from the Minuteman Regional School District

Whereas the Wayland Town Meeting voted on April 15, 2015 to seek withdrawal from the Minuteman Regional School District, and whereas Section IX of the Minuteman Regional Agreement requires the Minuteman Regional School Committee under such a circumstance to draft an amendment to the Regional Agreement setting forth the terms by which a town seeking to withdraw may withdraw from the District, the Regional School Committee voted at a meeting on July 7, 2015 to submit the following amendment to the Regional Agreement to the member towns for their approval.

Amendment No. 4 to the Minuteman Regional Vocational Technical School District Agreement

1. The references to the Town of Wayland will be stricken from the prefatory language of the Regional Agreement as well as from Section I and from wherever else a reference to Wayland appears in the Regional Agreement.
2. The Town of Wayland, even after the date that its withdrawal becomes effective, will remain responsible, consistent with the terms of Section IX of the Regional Agreement, for its share of the indebtedness of the District which is outstanding as of the effective date of Wayland's withdrawal.
3. Pursuant to the terms of 603 CMR 41.03, assuming that the approval of this amendment has been voted by the town meetings in all of the member towns, as well as having been approved by the Commissioner of Education, by December 31 of a given year, the effective date of this amendment and the effective date of Wayland's withdrawal will be the July 1 following that December 31 date.

Article _____

To see if the Town will accept and approve the “Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District” which was approved by the Minuteman Regional School Committee on July 7, 2015 and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement.

(6) (10) WAYLAND'S NOTIFICATION
OF ATM ACTION TO
TOWN OF WAYLAND WITHDRAW



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

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

May 11, 2015

By First Class Mail and By Certified Mail Return Receipt Requested

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

Re: Vote of the Wayland Town Meeting

Dear Chair Stulin:

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

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

Enclosed is a certified copy of the Town meeting vote.

Sincerely,

Beth R. Klein
Town Clerk

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

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



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

May 11, 2015

By First Class Mail and By Certified Mail Return Receipt Requested

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

Re: Withdrawal from Regional School District

Dear Chair Stulin:

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

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

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

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

Page Two

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

Sincerely,

Chair
Wayland Board of Selectmen

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

Steve

(b) (1) SURVEY QUESTIONS:
TOWN WIDE BALLOT

From: Sharek, Steven
Sent: Tuesday, June 23, 2015 3:30 PM
To: Greg Birne - OCPF
Cc: 'jason.tait@state.ma.us'
Subject: Question on Survey Research

Hi Greg,

No decision has been made yet about whether to pursue Chapter 71, Section 16(d) or 16(n) as approval routes for the Minuteman building project. However, we are interested in pursuing the idea of having a professional research survey done to gauge public sentiment in our District. To do that, I'm told we need to seek three (3) written quotes if the cost might be \$10,000 or more. In preparation for such a solicitation, I have put together a draft "Scope of Services" that I would like you to review. As you can see, it includes a requirement that the firm selected get clearance from OCPF to ensure that survey questions are truly neutral and do not amount of push polling.

Do we have your approval to proceed? Please advise. Thank you.

Steve

SCOPE OF SERVICES – ATTACHMENT A

SURVEY RESEARCH AND LEGAL SERVICES REQUEST FOR QUOTATIONS NO. 16-01

The firm selected shall perform the following services:

1. Meet with the Superintendent-Director and/or designee to discuss the Minuteman Regional Vocational Technical School District, review the history of the Minuteman High School building project, and draft questions that would accurately gauge public knowledge of and sentiment about the District and the project.
2. Design a professional research survey to determine the opinions of likely voters in the District regarding Minuteman High School and its proposed building project, with a minimum 95% confidence level and maximum error rate of +/- 4.9%. Identify factors/variables that may account for variations in responses.
3. Secure approval of the survey instrument from the District's Superintendent-Director and from the Massachusetts Office of Campaign and Political Finance, with written approval required from the latter.
4. Create or purchase a telephone sample list of voters likely to participate in a municipal election in the 16 communities in the Minuteman district.
5. Conduct a telephone poll of these likely voters using its own personnel.

6. Successfully complete 400 calls or as many calls as are necessary to ensure the validity and reliability of the results.
7. Monitor field work to ensure its accuracy, reliability, and objectivity.
8. Tabulate the results of the survey, using age, economic, ethnic/racial, gender and geographical factors, at a minimum.
9. Prepare a draft written report of the survey results for the Superintendent-Director.
10. Prepare a final written report of the survey results.
11. Present a PowerPoint presentation on the research survey findings to the Minuteman School Committee at a date and time designated by the Superintendent-Director but not later than September 17, 2015.
12. Be available to the District to answer follow-up questions.

Steven C. Sharek, Esq.
Director of Outreach and Development

(7) RIVER'S
EDGE

DATE: JULY 27, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: RIVERS EDGE

REQUESTED ACTION:

SEE ATTACHED MOTION PREPARED BY COUNSEL FOR THE RIVERS EDGE PROJECT

BACKGROUND

The Board of Selectmen discussed the Rivers Edge project on March 16th, March 30th and June 24th. The Rivers Edge Advisory Committee is now seeking the issuance of the RFP which has been reviewed by Special Counsel for this project as well as Town Counsel. The Advisory Committee also requests the Selectmen authorize the Committee to assist with procurement for this project and authorize the Town Administrator to execute all necessary documents.

Due to their size, documents for your approval will be placed separately in the Dropbox and on the town website and include the RFP, Land Development Agreement, Design Guidelines, Deed Restriction and Repurchase Agreement.

RECORD OF VOTE OF THE WAYLAND BOARD OF SELECTMEN
July 27, 2015

At a duly called public meeting of the Wayland Board of Selectmen on July 27, 2015, the Board voted as follows with respect to the land located at 484-490 Boston Post Road in Wayland, Middlesex County, Massachusetts, identified on the Wayland Assessor's Map as Parcels #22-3, 22-6 and 22-7, and commonly known as River's Edge (the "Property"):

- (a) To approve the issuance of a Request for Proposals, substantially in the form of the Request for Proposals captioned "RFP # 15-24 – River's Edge Wayland, Disposition of Town-Owned Property for Multifamily Housing including Affordable and Senior Housing Components" (the "RFP") presented to the Board at this meeting and approved by this vote, with such corrections and updates as may be approved by the Town Administrator, Town Counsel and Special Town Counsel prior to issuance, for the disposition of the Property to a bidder to be selected and approved by the Board (including all exhibits to the RFP, including without limitation, the form of Land Disposition Agreement to be entered into between the Town and such to-be-selected bidder); and
- (b) To authorize the Wayland River's Edge Advisory Committee to assist the Board and the Town Administrator in the bidding of the Property, the implementation of the RFP and the review and examination of bids submitted to the Town; and
- (c) To authorize the Town Administrator to execute and deliver any and all documents and instruments necessary or proper, as determined in the Town Administrator's discretion, to carry out the foregoing votes.

TOWN OF WAYLAND
By its Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea Anderson

Tony Boschetto

Joseph F. Nolan

(8) POTENTIAL STM ARTICLES

POTENTIAL 2015 FALL TM ARTICLES

SPONSOR	ARTICLE	COMMENT	FUNDS REQUIRED
FINANCE COMMITTEE	1. Current year transfer of indirect and OPEB costs from Water and Wastewater Enterprise Funds to General Fund.	a. Purpose of this article is to correct an error in the FY 16 budget in which revenue from indirect costs and OPEB were budgeted in the general fund but not shown as a transfer from the enterprise funds. b. BOPW – Current Year Transfer from capital account to Appropriate Funds for Vehicle	a. NONE b. Water Truck with \$34,000 replacement cost was totaled - \$21,000 available from insurance proceeds. Balance \$14,000
SCHOOL COMMITTEE	2. Town Meeting adoption of statute for school revolving funds	A report from Special Counsel is expected by the end of July identifying the correct statutes for TM to adopt for for school revolving funds.	NONE
BOPW	3. Amend By-Law on Water Conservation	DEP Requirement	NONE
PMBC	4. Appropriate funds to make old DPW safe.		\$10,000 Free Cash
LIBRARY	5. Appropriate funds: Site Investigation	State grant deadline	TBD \$60,000
CPC (HA)	6. Fund sprinkler project at Cochituate Village		TBD CPA
CPC (RAIL TRAIL)	7. Change to project design	Change in trail material	NONE
CPC (CONSERVATION COMMISSION)	8. Open Space and Recreation Plan	Necessary for self-help grants.	CPA - \$30k
BOS / FINANCE COMMITTEE (REC)	9. Authorize request for special legislation to increase the cap on the Recreation Revolving Fund	The Recreation and Finance Directors expect to have a recommendation by the end of July. Necessary to avoid exceedance of cap in FY 16	NONE
BOS (COA – CC)	10. Acquire Municipal Parcel at Town Center	The COA – CC expects to have completed sufficient work to make a recommendation this article.	NONE
BOS	11. Appropriate Funds for IT Projects	Long term plan, including priority short term needs, is expected by end of August.	Firewall (\$30k), Patch mgmt. (\$12k), Server Lic (\$6k), Backup software – (\$8k), Storage (\$70k) = \$126k
FINANCE COMMITTEE	12. Free Cash	Discussion to increase in free cash spending in FY 16	NONE
BOS / OPEB	13. Rescind OPEB Special Act and Adopt 32B Section 20		NONE
BOS	14. Withdrawal from Minuteman	As a result of Wayland's TM action to withdraw from the District, all 16 towns are asked to place an article on their fall or spring warrants to amend the Regional Agreement to remove Wayland as a member of the District. Given the timing, the earliest effective date of withdrawal is 7/1/17.	NONE

(9) BOARD
POLICIES

DATE: JULY 27, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER
RE: BOARD POLICIES

REQUESTED ACTION:

- 1. VOTE TO APPROVE BOARD POLICY ON "BOARD DESCRIPTION AND GUIDING PRINCIPLES" AS REVISED ON JUNE 8, JULY 13 AND JULY 27, 2015.**
- 2. VOTE TO APPROVE BOARD POLICY ON MANAGEMENT OF LEGAL AFFAIRS**
- 3. VOTE TO APPROVE BOARD POLICY ON PETITIONER'S ACCESS TO COUNSEL**

BACKGROUND:

- The Board has undertaken a systematic review of Board Policy.
- The Board policy, "Board Description and Guiding Principles" was reviewed and amended on June 8th and July 13th. Additional amendments are expected on July 27th.
- The Board policy on "Town Counsel Access" is now restated as "Management the Legal Affairs of the Town", was reviewed and accepted by the Selectmen with edits on July 13th. Town Counsel reviewed the policy and recommends no changes.
- The policy on "Petitioner's Access to Counsel" is presented for the Board's first consideration on July 27th with edits recommended by Town Counsel.



Wayland Board of Selectman

Board Description and Guiding Principles

The Board of Selectmen is a five-member, non-partisan governing board that acts as the principal policy-making authority of the town. Members are elected to staggered, three-year terms. **Each year at the first meeting following the conclusion of the Annual Town Meeting, the Board elects a chair 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 acts in the temporary absence of the chair and also serves as clerk of the Board.

The oath of office binds each Selectman to adhere to the laws of the Commonwealth and Town bylaws; and each Selectman recognizes 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. Each member recognizes that the chief function of local government is to serve the best interests of all of the people at all times.

Members represent the Town of Wayland at all times. The Board's duties are outlined in the Town's bylaws and include the following major duties and responsibilities:

1. To provide leadership for the town.
2. To develop, articulate, and implement policies to steer the town government as applicable under the Town's bylaws.
3. To sign or veto items on warrants for payment of all town bills.
4. To make appointments to town boards, committees, commissions and offices.
5. To hire professional administrative assistance.
6. To ~~retain and appoint~~ **appoint and retain** legal counsel and direct the legal affairs of the town.
7. To prepare the Town Meeting warrant, including ordering of articles.

The Board conducts the affairs of the town by upholding the following guiding principles through the words and actions of individual members and as a public body:

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

The Board provides leadership as a team. Therefore, each member agrees to conduct him/herself so as to maintain public confidence in our local government, demonstrating at all times respect for the office and for the citizens who are represented and conducting

official business in such a manner as to give the clear impression that he or she cannot be improperly influenced in the performance of his or her official duties. Selectmen shall share information [within the constraints of the Open Meeting Law](#) regarding town matters with the entire Board and with members of other committees who may be seeking help or relevant information. Each member will treat all colleagues on the Board with respect, despite differences of opinion on matters of policy, always remembering that respectful debate does not preclude honest differences of opinion. Board members will exercise care to clearly state in any individual statements contrary to Board policy that the opinion is that of the individual member and not representative of the Board.

- **Selectmen recognize the role and relationship of Town Administrator and administrative staff.**

The Board will work to effectively support the ordinary business of town offices. The Town Administrator is the conduit between the Board and each Selectman and town departments. Each member recognizes and supports the role of the Board and the administrative chain of command and refuses to act on complaints as an individual outside of the Board and administration. Each member channels all requests for assistance or staff support from Town departments through the Board and the Town Administrator. Each member shall treat all staff as professionals and respect the abilities and experience of each individual. Members shall never publicly criticize an individual employee or a department; concerns about staff performance should only be made to the Town Administrator through direct communication.

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

The power of the Board is invoked only when action is taken by a quorum at a duly posted meeting. No individual Selectman has authority to act on behalf of the Board, unless **the Board has granted such specific authority**, and no member should represent him/herself as having individual authority or influence to governmental bodies or the public.

- **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.

- **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~~ **are** contrary to an individual member's vote.

- **Members respect the intent of and deliberations conducted in 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. Members pledge to uphold the intent of executive session, to respect the privileged communication that exists in executive session, and to safeguard confidential information. 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.

Adopted on July 15, 1997; revised on July 9, 2007; revised and restated on October 13, 2010; revised and restated on June 11, 2012; revised and restated on June 5, 2013; revised and restated on July xx, 2015.

DRAFT

MANAGEMENT OF THE LEGAL AFFAIRS OF THE TOWN (DRAFT 7/27/15)

I. GENERAL AUTHORITY, RESPONSIBILITY, AND ACCOUNTABILITY

The Board of Selectmen shall supervise the legal affairs of the Town and shall have full authority as agents of the Town to employ Counsel to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town. (See section 58-1 of the Town Code as amended in 2014.)

The Town Administrator is responsible for oversight of Town legal activities. (See Section 60.2.1 of the Town Code). Oversight includes but is not limited to managing access to Town Counsel, procurement of legal services, management of the legal budget and making recommendations to the Selectmen for approval of legal bills.

Town Counsel will maintain a log of all ongoing legal matters assigned to Town Counsel and will make a semi-annual report to the Board of Selectmen on the status of each matter. Legal bills will be presented in line item form on each subject upon which Counsel advises. Legal bills will specifically reference legal costs applicable to enterprise funds or the School Committee.

II. APPOINTMENT OF TOWN COUNSEL

The Board of Selectmen will appoint by majority vote an attorney or law firm, on the basis of qualifications alone, to serve as Wayland Town Counsel to provide legal advice to the Board of Selectmen, Town Administrator, Town Departments, and other appointed or elected governmental bodies of the Town.

Town Counsel will be available to advise the School Department which will also be represented by separate Counsel appointed by the School Committee.

The Board of Selectmen will approve the terms of the engagement of Town Counsel, which will include the terms for reappointment and removal.

III. ACCESS TO TOWN COUNSEL

All requests for access to Town Counsel from Departments, Boards and Committees shall be approved by the Town Administrator or the Board of Selectmen as indicated below. Except for Town Meeting petitioners, citizen requests for access to Town Counsel are not generally granted.

1. Requests for Advice on Routine Legal Matters

Governmental bodies, municipal officials, and department directors may request advice from Town Counsel on routine legal matters through a written request **through an e-mail marked legal request** to the Town Administrator. The request will include a specific legal question and sufficient background information to

understand the request. Such written requests are necessary only for new legal matters and can be waived at the discretion of the Town Administrator. The purpose of this requirement is to use Counsel to respond to legal questions only and to promote the appropriate use of other available legal resources including but not limited to legal resources available through offices of state government.

2. Requests for Formal Written Legal Opinions

Governmental bodies, municipal officials, and department directors may request formal written legal opinions through a written request **such as an e-mail marked legal request** to the Town Administrator who shall forward a recommendation on the the request to the Board of Selectmen for consideration and approval. The request will include a specific legal question and sufficient background information to understand the request. Requests from governmental bodies for formal written legal opinions must be pursuant to a majority vote of the body.

The formal opinions of the Town Counsel shall be delivered in writing, and a permanent public file of such opinions shall be established under the care of the Town Administrator, which if deemed a public record shall be made available for inspection to those requesting it.

3. Approval for Representation of the Town in Litigation

Approval of the Board of Selectmen is required to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town.

IV. APPOINTMENT OF SPECIAL COUNSEL

Requests to the Board of Selectmen to seek Special Counsel originate from: 1) the Board of Selectmen, 2) Town Counsel, 3) the Town Administrator, or 3) other appointed or elected bodies of the Town.

Requests must clearly state:

- 1) the legal work requested,
- 2) the estimated length and costs of the engagement, and
- 3) the reason appointment of Special Counsel is in the best interest of the Town.

The Board of Selectmen will appoint Special Counsel based on a majority vote on the basis of qualifications to undertake the legal work requested.

Unless specified by the Board of Selectmen, Special Counsel will be advisory to the Board of Selectmen and under the supervision of the Town Administrator or as delegated by the Town Administrator to a Department Head. **The Town Administrator will maintain a log of all ongoing legal matters assigned to Special Counsel. Special Counsel will make a report to the Board of Selectmen on the status of each matter as required. Legal bills will be presented in line item form on each subject upon which Counsel advises.**

Approved January 12, 2004; revised and restated on October 13, 2010; Revised July 27, 2015

PETITIONERS' ACCESS TO TOWN COUNSEL

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

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

Approved January 12, 2004; revised and restated on October 13, 2010; revised July xx, 2015



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DRAFT

(10) GOALS

DATE: JULY 27, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: TOWN OF WAYLAND: FY 16 ORGANIZATIONAL GOALS

REQUESTED ACTION:

ADVISE THE TOWN ADMINISTRATOR ON THE BOARD'S PRIORITIES FOR SETTING ORGANIZATIONAL GOALS FOR FY 16 AND SET TIMETABLE FOR ADOPTION

BACKGROUND:

The job description for Town Administrator states the Town Administrator "will implement the goals and policies of the Board of Selectmen". This requirement is further defined in the attached excerpt from the Town Administrator contract.

In preparation for our discussion, I interviewed most department heads and discussed the direction and perceived needs of the organization as communicated by key personnel. Attached is a document based on these conversations for the Board and Town Administrator to discuss organizational goals. We may wish to follow-up with individual discussions.

The final Statement of Goals would include the Board's agreed upon goals, achievable objectives, required actions, managerial assignments and required resources.

SUGGESTED ORGANIZATIONAL GOALS 7 - 27 - 15

POTENTIAL GOAL	SUGGESTIONS ON OBJECTIVES / ACTIONS
<p>IMPROVE THE RESPONSIVENESS OF WAYLAND TOWN GOVERNMENT TO ITS RESIDENTS</p>	<p>Website improvements, use of WayCam for public information customer service training, and Open Meeting Law, Public Records, document management, volunteer recognition, communication procedures, recruitment of new volunteers, Review Board polices and Committee Charges</p>
<p>IMPROVE / ASSURE GOVERNMENT EFFICIENCY</p>	<p>Integrate customer service in land use departments, independent review of financial management structure policies and procedures, implement long term and short term IT plans including adoption of school town department, improve management of legal service, fleet maintenance and management review, review town fees and create a consolidated fee schedule, adopt employee performance evaluation system</p>
<p>PROTECT AND PLAN FOR TOWN INFRASTRUCTURE AND ASSETS</p>	<p>Support work of WRAP Committee, adopt long term facilities maintenance plan</p>
<p>SUSTAINABILITY THROUGH PLANNING / LIVABLE COMMUNITY</p>	<p>Prepare Open Space and Recreation Plan, By-law review and update, Rivers Edge project, Adopt effective management of OPEB fund, Library project, COA - CC project, Energy Efficiency</p>

EXCERPT
TA CONTRACT

X. Duties.

Balmer shall faithfully and to the best of her abilities discharge and perform the duties and responsibilities of TA as set forth in the Chapter 320 of the Acts of 2004, Chapter 60 of the Code of the Town of Wayland, and as delegated to her by the Board of Selectman. She shall fulfill all obligations under the Agreement. She shall serve and perform such duties and responsibilities at such times and places and in such manner as the Board may from time to time direct.

XI. Performance Evaluation.

A. Balmer's performance shall be evaluated by the Board of Selectman as referenced in Section III, at least once in each contract year in accordance with the prevailing Town policy and practice for evaluations of non-union Department Heads on or about her anniversary date. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Board and the TA and the goals and objectives identified in accordance with Paragraph B of this Section. Said criteria, goals and objectives may be added to or deleted from as the Board may from time-to-time determine, in consultation with the TA. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results.

B. At the start of the contract year, the Board and Balmer shall define such goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and the appropriations provided.

XII. Outside Activities.

Balmer may accept speaking, writing, lecturing, teaching or other paid engagements of a professional nature, provided they do not interfere with the performance and discharge of her duties and responsibilities as TA. Any such engagements, activities, or work must be approved in advance by the Board, and shall not be in violation of the Massachusetts Conflict of Interest Law, M.G.L. c. 268A.

XIII. Indemnification.

Balmer shall be indemnified by the Town, pursuant to and as limited by M.G.L. Chapter 258 and other relevant provisions of law and the By-Laws of the Town, for claims made against her arising out of the performance of her duties and

(11) GIFT FUNDS

DATE: JULY 27, 2015

TO: BOARD OF SELECTMEN

FROM: NAN BALMER, TOWN ADMINISTRATOR

REQUESTED ACTION:

VOTE TO AUTHORIZE THE EXPENDITURE OF \$17,000 FROM TOWN CENTER GIFT FUNDS FOR AN EXISTING CONDITIONS SURVEY AND FINAL DESIGN FOR THE INTERSECTION OF GLEZEN LANE AND OLD SUDBURY ROAD

BACKGROUND:

Attached please find a Scope and Fee Services Proposal from TEC, the Town's Traffic Engineer. Your approval to fund this work using Town Center Gift Funds is requested.



65 Glenn Street | 169 Ocean Blvd.
 Lawrence, MA 01843 | Unit 101, PO Box 249
 Hampton, NH 03842
 T:978.794.1792 T:603.601.8154
 TheEngineeringCorp.com

Scope of Services & Fee Proposal

- New Project Assignment
 Amendment No.: _

Project No.: T0558.05
 Date: July 20, 2015

Project Name: Existing Conditions Survey & Final Design
 Glezen Lane – Old Sudbury Road (Route 27) Intersection Improvements
 Wayland, MA

Client: Town of Wayland Department of Public Works 41 Cochituate Road Wayland, MA 01778	Task 1: Existing Conditions Survey	Contract Total
	Task 2: Design & Permitting	\$4,500.00
	Task 3: Bidding Documents	\$9,000.00
	TOTAL	\$3,500.00
		\$17,000.00

Requested by: Stephen Kadlik, DPW Director

Lump Sum
 Cost + Fixed Fee
 Estimated Date of Completion: (Task 1: 1 month from NTP)
 (Task 2: 2 months from NTP)

Time & Expenses
 Other

Scope of Services:

The Town of Wayland (Client) is retaining TEC, Inc. to perform the following engineering services under the current On-Call Services Contract. These services are associated with the survey and layout of geometric roadway improvements at the intersection of Glezen Lane and Old Sudbury Road (Route 27) in Wayland, MA. TEC will prepare construction layout plans for the Town to construct the improvements with Town DPW Staff or for future bidding preparation by the Town.

Task 1: Existing Conditions Survey and Base Plan Preparation (Lump Sum \$4,500)

TEC will coordinate with its survey subconsultant to perform on-the-ground field survey and base plan preparation for the following project area:

- Old Sudbury Road – Approximately 300’ northwest of Glezen Lane to approximately 200’ southeast of Glezen Lane
- Glezen Lane – from intersection to approximately 200’ east of intersection

Survey limits will extend 25 feet behind existing curb lines or existing edge of pavement. The survey scope will include the location of all above ground physical features, topography (1-foot contours) on assumed datum, above ground utilities, and right-of-way and property lines will be shown as approximate based on available Assessor’s information (or other GIS information) provided by the Town. Wetlands will be flagged and mapped if within 100 feet of the edge of the roadways. Utility and right-of-way research will not be included.

The services outlined above will be billed on a percent-completed basis for a total lump sum fee of \$4,500.

Task 2: Design & Permitting (Lump Sum \$9,000)

Construction layout plans for intersection improvements based on the general scope of work shown in TEC’s conceptual drawing dated 10/10/2008 (See attached). TEC will prepare one (1) plan submission that can be utilized by the Town for internal review. The same plan set will also be used for local permitting through the Town’s Conservation Commission.

Design and permitting services will include the following under Task 2:

- Site visit to review existing conditions and survey provided by TEC's subconsultant.
- Assumed project limits depicted on plans referenced above and attached
- Preparation of construction layout plans to be used by the Town of Wayland for construction purposes. The plans will include the following information:
 - Title Sheet, General Notes, Construction Details, Critical Cross Sections (for roadway terminus area only), Construction Layout, Pavement Marking/Signs
 - All AutoCAD files to be provided to the Town surveyor for construction layout
- Preparation of a Request for Determination of Applicability with the ConCom only – based on the reduction in impervious area contributing water to the nearby wetlands. A Notice of Intent (NOI) is not included at this time.
- Attendance at one (1) Board of Public Works meeting and one (1) ConCom meeting. All notice requirements and related fees to be waived by the Town of paid directly.
- Preparation of an Engineer's Construction Cost Estimate for the Town's use in programming future construction funding.

The services outlined above will be billed on a percent-completed basis for a total lump sum fee of \$9,000.

Task 3: Construction Bidding Documents (\$3,500)

If required and authorized, TEC will assist the Town in preparing lump sum-style bidding documents for the Town's procurement of a contractor based on the documents that TEC will prepare in Tasks 1 and 2. They will be provided in pdf format for the Town's use in reproduction for advertisement. The services outlined above will be billed on a percent-completed basis for a total lump sum fee of \$3,500.

TEC has assumed that the following services are not included in this task authorization at this time:

- Police services – assumed to be coordinated and paid directly by DPW, if required
- Existing utility and right-of-way research and depiction
- Existing traffic data collection
- Historic asset research and permitting
- Traffic study and analysis of the existing conditions and/or proposed improvements – this scope of work and related meetings are covered under TEC's authorization dated 2/2/15
- Legal testimony related to the Town's Petition
- Utility design
- Drainage system data collection or analysis
- Geotechnical survey
- Preparation of recordable right-of-way documents or sketches
- Preparation of detailed itemized construction estimates
- Preparation of Bid Documents
- Project meetings in excess of what has been identified above
- Construction phase services, inspections, and as-built plans

Prepared by: Mikel C. Myers, PE

Reviewed by: Kevin R. Dandrade, PE, PTOE

This task is authorized as part of TEC's contract with the Town of Wayland dated August 7, 2014. Please attach this document to the Standard Town of Wayland Purchase Order for TEC, Inc. to proceed with the above scope of services at the stated estimated costs.

TEC, Inc.

By



Title

PRINCIPAL

Date

7/20/2015

Client

By

Title

Date

1" = 40'

Old Sudbury Road (Route 27) at Glezen Lane - Wayland, Massachusetts



= PAVEMENT REMOVAL

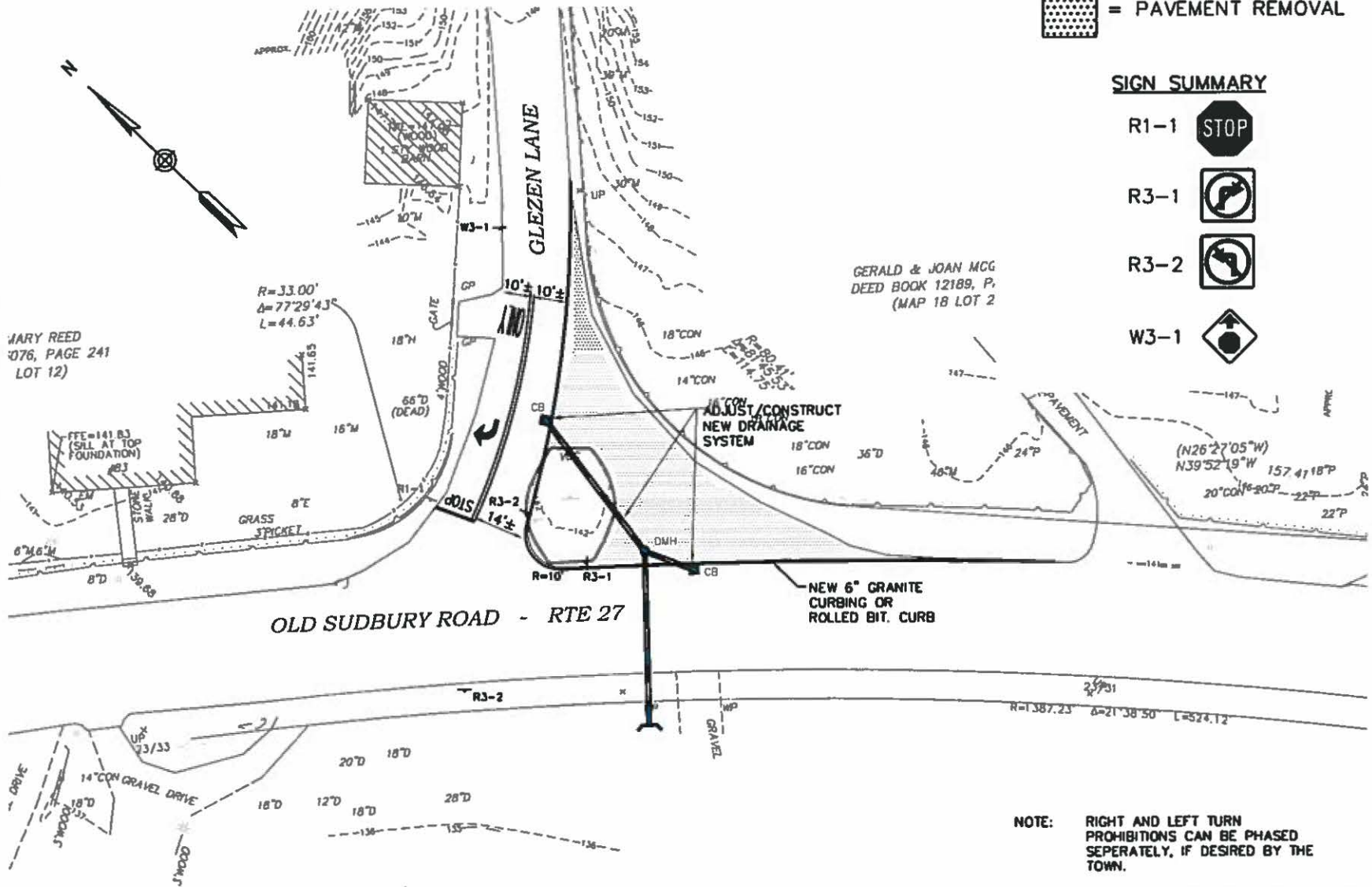
SIGN SUMMARY

R1-1

R3-1

R3-2

W3-1



NOTE: RIGHT AND LEFT TURN PROHIBITIONS CAN BE PHASED SEPARATELY, IF DESIRED BY THE TOWN.

Figure 1
Old Sudbury Road (Route 27)
& Glezen Lane
Intersection Improvements



TEC, INC.

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JULY 24, 2015**

RECREATION REVOLVING FUND

The Finance Director and Recreation Director agreed that the best option to avoid exceedance of the Revolving Fund cap is for the town is to seek special legislation to increase the cap on the Section 53 E ½ fund to 2.5%. Details of the financial model regarding fund balance and funding of salaries need discussion. The Work Group including Selectman Nolan, Finance Committee Member Carole Martin and Recreation Commission Chair Brud Wright will meet with staff to discuss the details of the plan.

OPEB

The OPEB Committee recommends adoption of a short, amendable Trust Document for the current OPEB fund. The purpose of the Trust Document is 1) to make clear the OPEB fund is considered a Trust, that 2) it cannot be used / transferred for other purposes, and 3) to make clear that the Town Administrator and Finance Director are Trustees and the Treasurer acts as Custodian. The Board authorized the OPEB Committee to spend up to \$5,000 on legal fees to finish their work but may need additional funds if a Trust document is prepared. In addition the OPEB Committee is considering a Special Town Meeting Article to rescind the OPEB Special Act and adopt MGL 32B, Section 20 which is a local option statute providing statutory and regulatory authority for the town which was not available when the Special Act for Wayland was passed. As noted at the last meeting, we are seeking an investment expert to advise the current Trustees. We will compare this approach with investing in PRIT to see which approach is better. Oversight of PRIT is through a statewide board with its own expert Investment Advisors which oversee the Investment Managers.

20 WAYLAND – SALE OF HOMES

Please see attached report from Elizabeth Doucette.

MINUTES

Attached please find minutes of July 13th for your review. Please send me any edits. The minutes will be included on the next Consent Agenda.

DATE: JULY 27 2015
 TO: BOARD OF SELECTMEN
 FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST
 RE: STATUS OF PAYMENTS MADE TO TWENTY WAYLAND, LLC AND WAYLAND
 WASTEWATER MANAGEMENT DISTRICT COMMISSION (WWMDC) RELATED TO
 SALE OF RESIDENTIAL PARCELS

BOARD ACTION REQUESTED:

NONE AT THIS TIME – PURPOSE IS TO PROVIDE AN ACCOUNTING AND STATUS OF PAYMENTS MADE PURSUANT TO MIDDLESEX COUNTY SUPERIOR COURT CASE JUDGMENT, CASE NO. 2011-04095-F FOR THE SALE OF RESIDENTIAL PARCELS.

BACKGROUND:

- The Town agreed to pay \$895,000.00 to Twenty Wayland, LLC
- The Town agreed to pay \$500,671.00 to WWMDC per the Amendment to MOA Dated July 28, 2014 RE: Wastewater Management System Financial Matters

STATUS OF PAYMENTS TO TWENTY WAYLAND, LLC.:

<u>Date Paid</u>	<u>Description</u>	<u>Amount</u>
02/05/2015	Section 1.D.(i)	\$ 350,000.00
02/05/2015 – 07/27/2015	Section 1.D.(iii) Residential units 1 – 13	520,000.00
07/27/2015	Section 1.D.(iii) Residential unit 14	<u>25,000.00</u>
		\$ 895,000.00

STATUS OF PAYMENTS TO WWMDC:

<u>Date Paid</u>	<u>Description</u>	<u>Amount</u>
02/05/2015	Section J.1.(i)	\$ 325,671.00
07/01/2015	Section J.1.(ii) Residential unit 14	15,000.00
07/01/15 - 07/27/2015	Section J.1.(ii) Residential units 15 - 17	<u>120,000.00</u>
		\$ 460,671.00



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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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

DRAFT

Board of Selectmen Meeting Minutes July 13, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

A1. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to a Pending Action regarding the Glezen Lane Judgment; and to Review and Consider for Approval the Minutes of May 18, 2015, and June 24, 2015, Relative to Said Subjects: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Potential Litigation regarding Affordable Housing Restrictions; and a Discussion of 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 a Discussion of Collective Bargaining Strategy Pertaining to Contract Negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), a Discussion of the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center At 6:30 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding the Glezen Lane judgment. The review and consideration for approval of the minutes of May 18, 2015, and June 24, 2015, was cancelled and will be rescheduled for the meeting of July 27. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/ Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Board of Public Works Chair Chris Brown, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:10 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:11 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.

A4. Swearing In of Two New Police Officers The Board was joined by Police Chief Robert Irving and Assistant Town Clerk Diane Gorham to swear in new Police Officers Justin Kazan and Colin Fitzpatrick.

A2. Call to Order by Chair Chair C. Karlson reviewed the agenda for the public. M. Antes said the last concert in the Council on Aging Summer Outdoor Concert Series will held on Thursday, July 16, at the Town Building, and the first concert on the Town Green will be held on Wednesday, July 15.

A3. Public Comment Arlene Schuler, 9 King Street, said the 150 Main Street LLC has applied for a building permit at the former Finnerty's site, despite not meeting Condition 30 imposed by the Planning Board. She said she expects that 150 Main Street LLC will file a lawsuit against the town when the building permit is denied, and she requested that the Town engage Special Counsel to defend the case. Alice Boelter, 106 Lakeshore Drive, asked the Board to meet with the School Committee to request action on the problems facing the schools. She said the Town is exposing itself to lawsuits and hurting the children and parents. Aida Gennis, 22 Wayland Hills Road, and Chair of the Board of Library Trustees, advised the Board that the Library Planning Committee has been meeting to draft a placeholder article for the 2015 Special Town Meeting for funds to develop the necessary work for a grant application. She said the State legislature in August authorized a new round of library construction grants that will cover 45% of construction costs, and the committee needs funds for site assessment and schematic designs. She said the Letter of Intent is due October 2016, and the final application due in the Spring of 2017. J. Nolan noted that if this opportunity is missed, there may not be another round of grants for several years.

A5. Meet with Police Chief Robert Irving on Traffic Issues and Vote to Approve New Stop Signs at Grace and Maguire Roads and at Caulfield and Brooks Road; Update on Stonebridge Road Speed Limit Concerns The Board was joined by Police Chief Robert Irving to discuss traffic issues. R. Irving said the residents of Stonebridge Road are going to the Board of Public Works to pursue traffic calming efforts. He suggested that solar powered flashing speed limit signs and speed bumps are a possibility. In regard to Pelham Island Road, he said the lower speed zone had been approved and he was awaiting confirmation. M. Antes asked why the Pelham Island Road speed limit was reduced but not the Stonebridge Road speed limit; R. Irving said the state relies on current average speeds, and Stonebridge Road did not qualify. He said that grant funding has been received from the state high crash curve program for Rice Road near Turkey Hill Road; the state will provide the materials and the installation will be done by the Board of Public Works. He said a temporary repair is being done on the railings on the Old Sudbury Road bridge. Finally, he said he is working on a letter for Board signature requesting paving on Old Sudbury Road.

J. Nolan recused himself from the discussion regarding Maguire Road and left the room.

R. Irving noted neighborhood concerns about the designation of the right of way at the intersection of Grace and Maguire Roads. He also reviewed the need for stop signs and a "No Outlet" sign at Caulfield Road and Brooks Road. T. Boschetto suggested that stop signs be evaluated on a town-wide basis. R. Irving said he will review more locations. T. Boschetto moved, seconded by M. Antes, to approve two stop signs on Grace Road at Maguire Road, a stop sign on Brooks Road at Caulfield Road, a "No Outlet" sign on Caulfield Road at Brooks Road, and a stop sign on Caulfield Road at School Street. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

J. Nolan returned to the meeting.

A6. Discuss and Vote to Approve Indirect Costs Allocation Agreement with Schools John Senchyshyn, Assistant Town Administrator/Human Resources Director, reviewed the Indirect Costs Allocation Agreement and revisions with the Board. He said the revised version reflects retirement costs, approved by both school and town. T. Boschetto said he would like to see more accurate reporting, more

consistent reporting, and a clarification of what costs are being reported. M. Antes moved, seconded by L. Anderson, to authorize the Chair of the Board of Selectmen to sign the revised End of Year Pupil and Financial Report (EOYR) Agreement with the Wayland School Department. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

A7. Report from IT Consultant Elizabeth Doucette, Financial Analyst, and Mike McCann, Advent Consulting LLC, appeared before the Board to provide an update on the town's IT system and security status. E. Doucette said the town did an assessment of its short-term needs, and has contracted for web-based security training. She said the town has now engaged a consultant, McGladrey LLP, for an IT master plan and a budget for Finance Committee consideration. C. Karlson asked if the project was within budget; E. Doucette said yes.

M. McCann said Wayland's IT infrastructure is comparable to most small IT shops. He reviewed the protocol for Windows and application patch status, including ongoing maintenance which he noted was difficult to maintain with current staffing. He said he also provided technical support to IT staff on performance issues. The easiest tasks have been resolved, and now the larger priorities will be reviewed and recommendations will be presented by McGladrey. He said that from the items initially identified, 80% of the work has been completed. He provided recommendations, including a new firewall for perimeter security, patch management software, software upgrades, back-up software to make disaster recovery easier, and finally, a performance upgrade in the network that is close to home. In regard to staffing, he said the current configuration includes a large organization with a lot of end users. He recommended an IT Director focused on town departments, and an infrastructure administration based in the Facilities Department to cover the entire infrastructure for school and town. In addition, he recommended user support technicians to support end users on the town staff.

T. Boschetto asked who would be responsible for managing security updates. M. McCann said one individual should have dedicated responsibility. C. Karlson said the issue of storage was the crux of the town meeting funding discussion, and asked if that was a different solution. M. McCann said storage needs to be expanded more easily than in the original proposal. J. Nolan asked if the same operational efficiency can be achieved without local storage. M. McCann said outsourcing the back-office support for approximately 150 desktops would cost roughly \$350,000 for three years; alternatively, it would cost approximately \$100,000 to keep support in-house, and the costs will decline over time. He said storage alternatives will be addressed by McGladrey in long-range plan. Of the recommendations, he said the first priority of a new firewall should be complete by the end of August 2015, and the updated licenses should be done immediately. The remaining recommendations should be implemented by the end of the calendar year. J. Nolan asked about the importance of training. M. McCann said it is helpful, and noted the work of the Treasurer/Collector to increase security in banking practices. J. Nolan asked if the financial resources were available; N. Balmer said the budget request is before the Finance Committee for approval at Special Town Meeting.

A8. Committee Vacancy Interviews and Potential Vote to Appoint Kate Finlayson appeared before the Board to interview for appointment as an Alternate to Historic District Commission. She reviewed her background and interest in the position. L. Anderson moved, seconded by M. Antes, to appoint Kate Finlayson as an Alternate to the Historic District Commission for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

James E. Riley appeared before the Board to interview for appointment to the Permanent Municipal Building Committee; he reviewed his background and experience. M. Antes moved, seconded by T. Boschetto, to appoint James E. Riley to the Permanent Municipal Building Committee for a term to expire on June 30, 2017. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none.

ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by L. Anderson, to reappoint Douglas Goddard, Brian Chase, and Eric Sheffels to the Permanent Municipal Building Committee for terms to expire on June 30, 2016. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Barbara Howell, Sean Fair, and Robert Goldsmith appeared before the Board to interview for appointment to the Conservation Commission. Applicants reviewed their backgrounds and interest in serving. The Board discussed the need for experience, and reviewed recent actions of the commission. T. Boschetto moved, seconded by J. Nolan, to reappoint Barbara Howell to the Conservation Commission for a term to expire on June 30, 2018, and to reappoint Robert Goldsmith to the Conservation Commission for a one-year term to expire June 30, 2016. YEA: T. Boschetto. NAY: L. Anderson, M. Antes, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Motion fails, 1-4-0. J. Nolan moved, seconded by L. Anderson, to reappoint Barbara Howell to the Conservation Commission for a three-year term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Nolan moved, seconded by L. Anderson, to appoint Sean Fair to the Conservation Commission for a three-year term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

A10. Update on Wayland Arts Fair and Potential Vote to Approve Event Parking at the Town Building Nasser (K) Khadjenoori appeared before the Board to discuss the Wayland Arts Fair scheduled for September 19, 2015, at the Wayland Town Building. N. Balmer said the use of the Town Building parking lot had been fully vetted by the Recreation Commission and created no conflict. The Board discussed the potential use of satellite parking, and the impact on church parking should the need arise to move to the rain date of Sunday, September 20. L. Anderson moved, seconded by M. Antes, to approve the use of the Wayland Town Building parking lot for the Arts Fair conducted by Arts Wayland on Saturday, September 19, 2015 (with a rain date of September 20). YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Vote to Reappoint to the Municipal Affordable Housing Trust Fund Board for Terms to Expire on June 30, 2017 J. Nolan moved, seconded by L. Anderson, to reappoint Mary M. Antes, representing the Board of Selectmen, Kevin Murphy, representing the Planning Board, and Susan Weinstein, representing the Housing Authority, to the Municipal Affordable Housing Trust Fund Board for two-year terms to expire on June 30, 2017. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A11. Vote to Confirm Acceptance of Gift of Sage Hill Conservation Land and Adopt Confirmatory Order of Taking M. Antes moved, seconded by J. Nolan, to approve the Conservation Commission's acceptance of land in the Sage Hill subdivision, sign the deed, and adopt and sign the Confirmatory Order of Taking. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Discuss and Vote to Approve Revised Special Town Meeting Date and Schedule The Board reviewed potential dates for the 2015 Special Town Meeting, noting the school preferences and the schedule of the Town Moderator. J. Nolan moved, seconded by M. Antes, to set the date of Special Town Meeting for Monday, November 9, 2015, and Tuesday, November 10, 2015, with the warrant to be scheduled to open from August 25 to September 2, 2015. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board requested that a timeline be posted on the town website.

A13. Board Policy Review and Approval The Board agreed to hold the approval of the policy, "Board

Description, Guiding Principles, and Code of Conduct,” until the next meeting for further review. Board members reviewed and suggested edits to the policy, “Management of the Legal Affairs of the Town,” noting that they were waiting for advice of Counsel before proceeding. M. Antes moved, seconded by J. Nolan, to approve the Board policy, “Board Procedures: Officers and Meetings.” YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by T. Boschetto, 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.

A15. Review Correspondence (See Separate Index Sheet) The Board reviewed the week’s correspondence. C. Karlson noted the first line of the Board of Assessors memo regarding the Solar PILOT is incorrect.

A16. Report of the Town Administrator N. Balmer reviewed upcoming meeting dates, the application to the MWRA to complete the Wayland portion of the walking/biking trail, the withdrawal of funding from the Sherman’s Bridge project, and the Finance Committee approval of the Fund Balance Policy for the General Fund to maintain free cash. She noted that the Board may want to consider the Recreation and School revolving funds for Special Town Meeting. She reported on the Treasurer/Consultant Exit Report, and the designation of the Finance Director and Town Administrator as Trustees of the OPEB Fund, noting that the town will advertise for a consulting firm. She reviewed the reconfiguration of office space in the town building.

A17. Selectmen’s Reports and Concerns M. Antes asked that the revision of portfolio assignments to eliminate shared portfolios be addressed at the next meeting, and she announced the Council on Aging/Community Center Advisory Committee site visit at the municipal parcel on July 16, 2015, at 6:30 p.m. J. Nolan requested that the Finance Committee come before the Board to review any budget revisions for Special Town Meeting. L. Anderson reviewed a conversation she had with the solar project contractor regarding dealing with neighborhood concerns around the high school during construction. C. Karlson suggested scheduling an update on the solar project at a future meeting. She noted mistakes in the electronic packets, and asked the Board to consider adding a response to public comment to future agendas.

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 M. Antes, to adjourn the meeting of the Board of Selectmen at 10:55 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 July 13, 2015

1. Memorandum of 6/11/15 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Traffic Control Recommendations
2. Draft Timeline for Potential Special Town Meeting Dates
3. Map of Sage Hill Open Space Parcel from 2015 Annual Town Meeting Warrant

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

1. Memorandum of 6/11/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: Traffic Control Recommendations

2. Memorandum of 7/13/15 John Senchyshyn, Asst Town Administrator/HR Director, to Board of Selectmen, re: School/Town End of Year Pupil and Financial Report Agreement
3. Memorandum of 7/9/15 from Elizabeth Doucette, Financial Analyst, to Nan Balmer, Town Administrator, re: IT Report
4. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Committee Interviews and Appointments
5. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Request for Parking at Town Building for Wayland Arts Fair
6. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Sage Hill, Quitclaim Deed, Order of Taking, Release of Easement
7. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Fall Special Town Meeting Date, Schedule and Proposed Articles
8. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Board Policy Review and Adoption, "Board Description, Guiding Principles and Code of Conduct," "Board Procedures: Officers and Meetings," and Draft Policy, "Management of the Legal Affairs of the Town"



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BOARD OF SELECTMEN

LEA T. ANDERSON
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CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, July 27, 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 Authorization of the Chair of the Board of Selectmen to Sign the Massachusetts Department of Transportation Title VI Non-Discrimination Assurances which Demonstrates and Confirms Wayland's Commitment Not to Discriminate in any Program, Service or Activity
3. Vote the Question of Approving, as the Traffic Authority of the Town of Wayland, the Request of Robert Irving, Chief of Police, to Send a Letter to the Massachusetts Department of Transportation, District 3, Requesting that the Resurfacing Project on Route 20 in Sudbury be Continued Through Wayland
4. Vote the Question of Approving the Adoption of Special Speed Regulation #7938, Pelham Island Road, in Accordance with Massachusetts General Laws Chapter 90, Section 18
5. Vote the Question of Approving the Minutes of June 24, 2015

DATE: July 27, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: Title VI Non-Discrimination Assurances.

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN AUTHORIZE THE CHAIR OF THE BOARD OF SELECTMEN TO SIGN THE MASSDOT TITLE VI NON-DISCRIMINATION ASSURANCES WHICH DEMONSTRATES AND CONFIRMS WAYLAND'S COMMITMENT NOT TO DISCRIMINATE IN ANY PROGRAM, SERVICE OR ACTIVITY.

BACKGROUND:

In order to receive federal funds the Town must be in compliance with Title VI federal civil rights laws and regulations. Federal funds are often passed through to cities and towns from the Commonwealth. As such, MASSDOT has requested that the chief elected official must sign the Title VI Non-Discrimination Assurances.

Wayland has long-standing personnel policies in place which address Equal Employment Opportunity, Americans with Disabilities, Conflict of Interest, Sexual Harassment, and Complaint Procedures. Comparable language on these subjects is contained in RFPs and contracts awarded by DPW.



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

July 1, 2015

Chairman Nolan
Town of Wayland
41 Cochituate Road
Wayland, MA 0

RECEIVED

JUL 13 2015

Board of Selectmen
Town of Wayland

RE: Title VI/Nondiscrimination Assurance Requirement

Dear Chairman Nolan:

On behalf of the Massachusetts Department of Transportation (MassDOT), I am writing to request your review and signature on the attached Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance (Assurance).

By signing and returning the attached Assurance, MassDOT will have a clear record of your community's commitment not to discriminate in any program, service or activity supported by federal financial assistance. MassDOT is required to sign this same Assurance as a condition of our receipt of federal funds from the FHWA, and must secure municipally signed Assurances as a prerequisite for state and local collaboration on the development of federally funded transportation projects.

For reference, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin (including limited English proficiency) in any program, service, or activity receiving or benefiting from federal financial assistance. Related federal nondiscrimination provisions further prohibit discrimination based on age, sex, or disability, the latter of which includes the obligation to plan, design and maintain transportation assets consistent with the Americans with Disabilities Act of 1990. MassDOT is making this request of all Massachusetts municipalities, including those without any active or pending transportation projects.

To facilitate this process, I have enclosed the Assurance document for your municipality's signature. The Assurance should be signed by your community's chief elected official(s) on page seven (7) and returned to MassDOT's Office of Diversity and Civil Rights (ODCR) electronically at MASSDOT.CivilRights@state.ma.us or by regular mail to MassDOT-ODCR, 10 Park Plaza, Suite 3800, Boston, MA 02116. Also enclosed is a copy of MassDOT's Title VI Notice to Beneficiaries and Subrecipient Brochure which provide foundational information on this obligation and demonstrate MassDOT's commitment thereto.

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
www.mass.gov/massdot

Please direct any question or request for assistance to MassDOT's Title VI Specialist, Gregory Sobczynski, via the e-mail address above or by phone at 857-368-8580. I request that these Assurances be signed and returned within thirty (30) days from the date of receipt of this letter. Failure to return a signed Assurance to MassDOT may delay or compromise our ability to provide federal financial assistance to your municipality, including any federally-aided transportation projects on municipally-owned roadways.

Thank you for your consideration of this request and I look forward to your prompt response in this instance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Pollack", is written over a horizontal line.

Stephanie Pollack
Secretary/CEO MassDOT

Enclosures (3)



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

TITLE VI/NONDISCRIMINATION ASSURANCES

The United States Department of Transportation (U.S. DOT) Order No. 1050.2A

The Massachusetts Department of Transportation (hereinafter referred to as the "Recipient") hereby agrees that, as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

STATUTORY/REGULATORY AUTHORITIES

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin (including limited English proficiency));
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);

The preceding statutory and regulatory cites are referred to as the "Acts" and "Regulations," respectively.



FEDERAL EXECUTIVE ORDER AUTHORITIES

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that:

No person in the United States shall, on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from U. S. DOT, including FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Additionally, the Recipient may not discriminate in the selection and retention of contractors, including without limitation, retaining contractors whose services are for, or incidental to, construction, planning, research, highway safety, engineering, property management, realty, fee contracts, and other commitments with persons for services and expenses incidental to the acquisition of rights-of-way.

Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of rights-of-way, and related projects, including those who supply materials and lease equipment.

The Recipient may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where highway rights-of-way acquisitions necessitate relocation(s).

The Recipient may not discriminate by preventing Title VI/Nondiscrimination populations from accessing and using facilities and services provided for public accommodations (i.e., eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the rights-of-way of Federally-assisted highways.

The Recipient shall not locate, design, or construct a highway in such a manner as to deny access to, and use thereof, to any persons on the basis of race, color national origin (including limited English proficiency), age, sex, or disability, including low-income status.

Additionally, the Recipient shall develop and implement a Public Participation Plan in a manner that ensures the identification of Title VI/Non-discrimination population(s), affords the population(s) opportunities to comment on transportation planning and highway project development, and provides for consideration of and prompt response to all substantive comments.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient gives the following Assurances:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) the Acts and the Regulations (FHWA Title VI/Nondiscrimination Assurance), hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in consideration for an award.

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to the Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations and this Assurance.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Massachusetts Department of Transportation gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

SIGNED FOR THE RECIPIENT:



Stephanie Pollack

Secretary/CEO

Massachusetts Department of Transportation

6/19/15

Date

SUBRECIPIENT TITLE VI/NONDISCRIMINATION ASSURANCES

The _____ (hereinafter referred to as the "Sub-Recipient"), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations detailed in this document.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the Federal Highway Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

SIGNED FOR THE SUB-RECIPIENT:

(Signature & Date)

(Print Name & Title)

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant

thereto. The contractor will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

"Now, therefore, the U.S. Department of Transportation (hereinafter referred to as "U.S. DOT"), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as "FHWA") of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof."

(HABENDUM CLAUSE)

"To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

*(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

1. *The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:*
 - a. *In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
2. *With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.**
3. *With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

*Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *"The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

During the performance of this contact, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor," which includes consultants) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

PERTINENT NON-DISCRIMINATION AUTHORITIES:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration's Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)

- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

Memorandum

July 21, 2015

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Route #20 Resurfacing

At the Board of Selectmen's Meeting on July 13, 2015, I mentioned to the Board that I thought it may be helpful to have a letter sent by the Board to Massachusetts D.O.T. to make sure they are aware of the fact that many parts of Route #20 in Wayland need to be resurfaced. It is my understanding that this project was delayed once before because of the installation of water mains.

The recent resurfacing of the entire length of Route # 20 in Sudbury strikes a sharp contrast to the current condition of many parts of the road in Wayland. I have spoken with DPW. Director, Stephen Kadlik, and he advised me that he is not aware of any projects, in the near future, that would require opening the road.

I recommend that the Board of Selectmen, as the traffic authority of the town, send a letter to the Massachusetts Department of Transportation, District 3, along with the attached photos, requesting that they continue the Route #20 road resurfacing project from the Sudbury town line through Wayland.



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
www.wayland.ma.us

July 27, 2015

Mr. Jonathan Gulliver, Highway Director
Massachusetts Highway Department, District 3
403 Belmont Street
Worcester MA 01604

Dear Director Gulliver:

Recently, the Massachusetts Department of Transportation completed an extensive resurfacing of Route # 20 (Boston Post Road) in the Town of Sudbury. We are writing, as the Traffic Authority for the Town of Wayland, to request that the D.O.T. continue this road resurfacing project through the town of Wayland as soon as possible. As you can see from the attached photos, many parts of this heavily traveled road are in immediate need of repair. Parts of the road have been opened many times for various water, sewer or electrical projects. This has caused the road to become uneven and rutted in many places.

Please advise when the Wayland resurfacing project is scheduled. It is our understanding that there are no more plans that would call for opening new trenches in the roadway. With that in mind, a road resurfacing project in the very near future would be appropriate and appreciated.

Respectfully,

Board of Selectmen

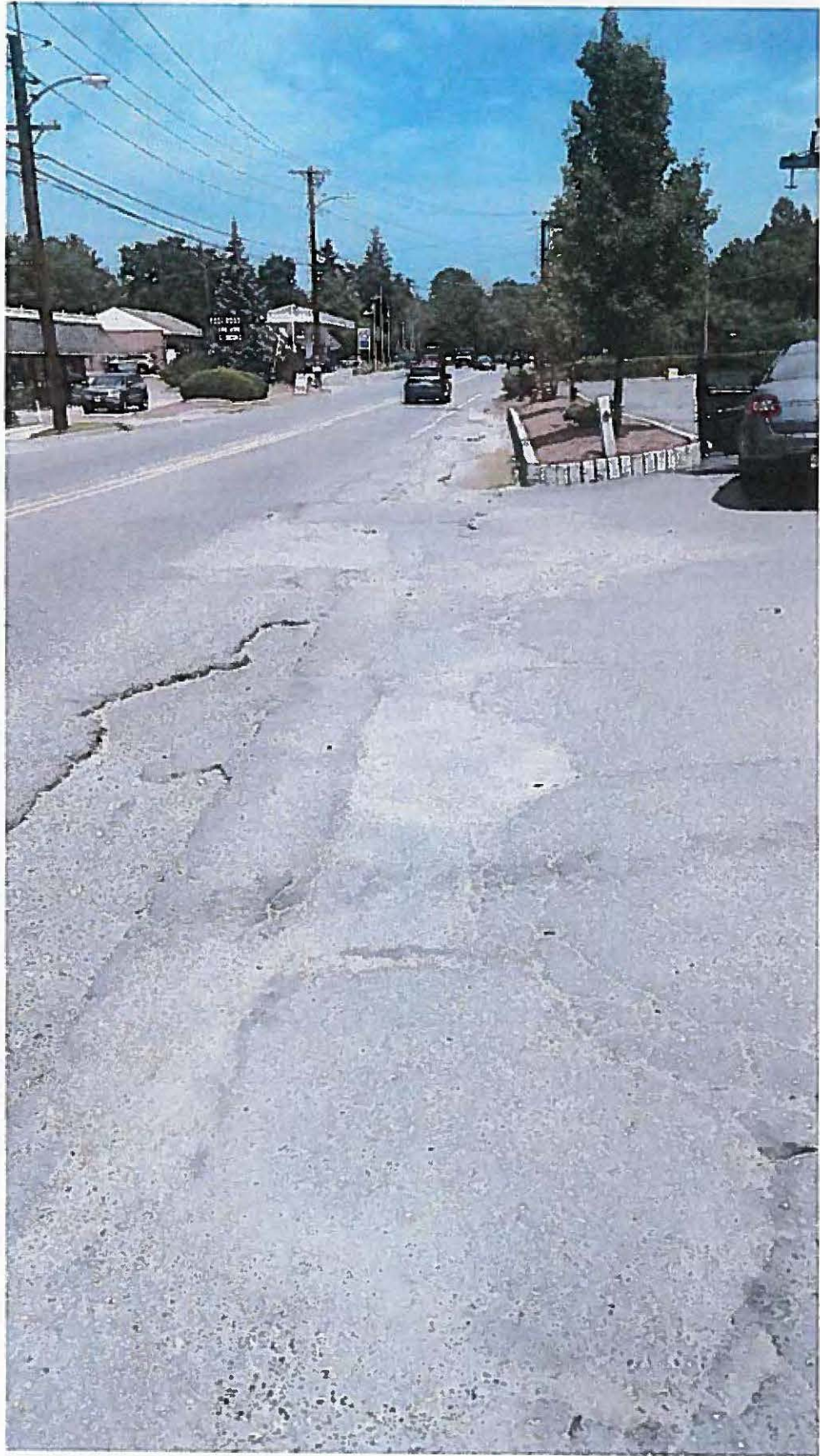
Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Tony V. Boschetto

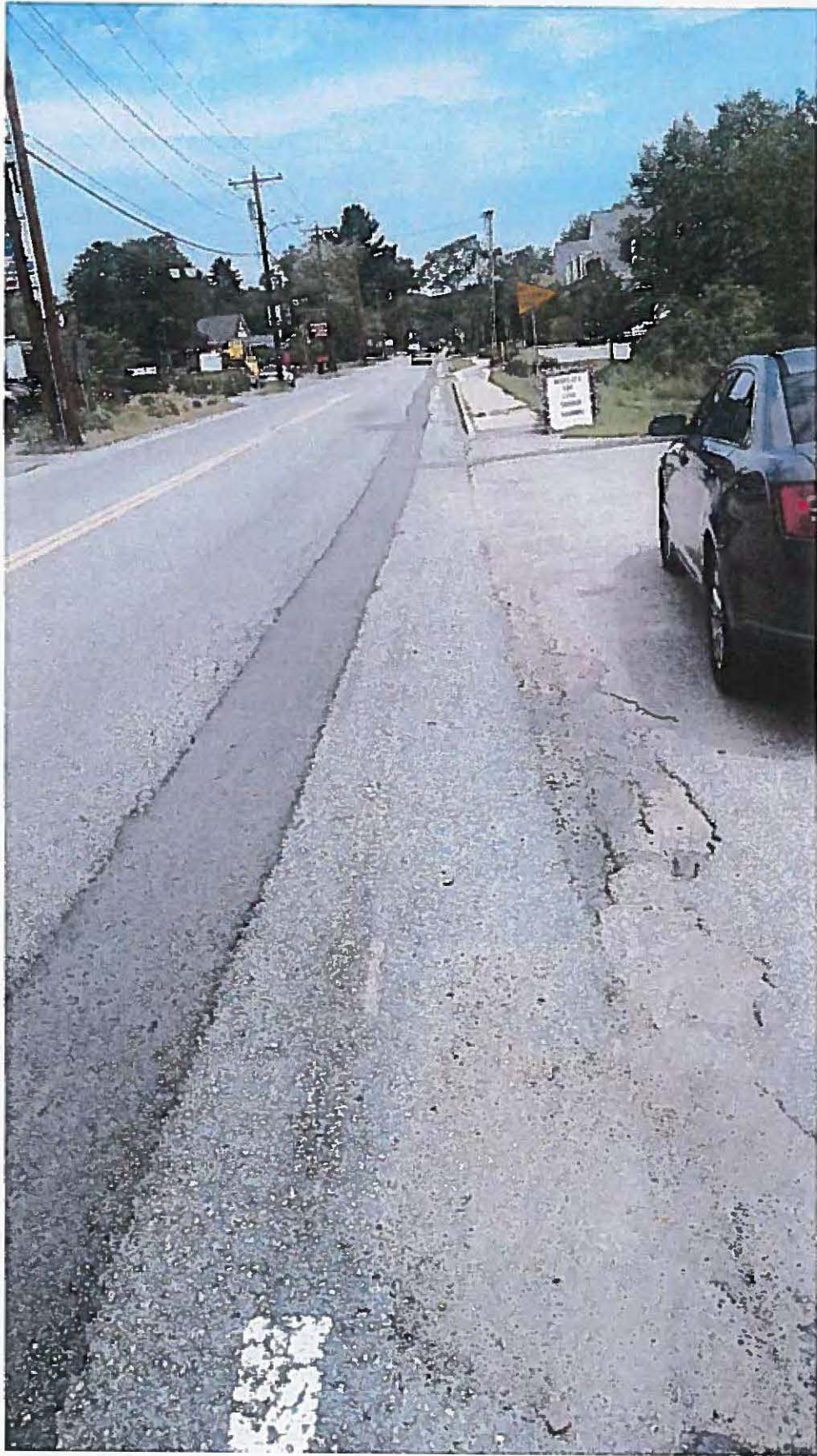
Lea T. Anderson

Joseph F. Nolan











Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinlin, Acting Administrator



July 15, 2015

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

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2015 JUL 22 PM 4:03

Dear Ms. Klein:

Attached are two copies of Special Speed Regulation No. 7938 for the town way noted on the Regulation.

Please have each copy of this Regulation signed by the Board of Selectmen, attested by the Town Clerk and returned to the Massachusetts Department of Transportation, Highway Division, Traffic Engineering, 10 Park Plaza, Boston, Massachusetts 02116-3973, for further processing.

Sincerely,

Neil E. Boudreau
State Traffic Engineer

RFW/
At.



MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

**TOWN OF WAYLAND
SPECIAL SPEED REGULATION # 7938**

Highway Location: WAYLAND
Authority In Control: TOWN OF WAYLAND
Name of Highways: PELHAM ISLAND ROAD

In accordance with M.G.L. c. 90, § 18, the following Special Speed Regulation is

Hereby Adopted

by the Board of Selectmen

of the Town of Wayland

That the following speed limits are established at which motor vehicles may be operated in the areas described:

PELHAM ISLAND ROAD - EASTBOUND

Beginning at the Sudbury/Wayland Town line, thence easterly on Pelham Island Road

1.87 miles at 25 miles per hour ending at the junction of Route 20 (Boston Post Road); the total distance being 1.87 miles.

PELHAM ISLAND ROAD - WESTBOUND

Beginning at the junction of Route 20 (Boston Post Road), thence westerly on Pelham Island Road

1.87 miles at 25 miles per hour ending at the Wayland/Sudbury Town line; the total distance being 1.87 miles.

Operation of a motor vehicle at a rate of speed in excess of these limits shall be prima facie evidence that such speed is greater than is reasonable and proper.

The provisions of this regulation shall not, however, abrogate M.G.L. c. 90, § 14

Date of Passage:

_____	_____
_____	_____

BOARD OF SELECTMEN

Attest _____
TOWN CLERK

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
SPECIAL SPEED REGULATION NO. 7938

The Massachusetts Department of Transportation does hereby certify that this regulation is consistent with the public interest.

Standard signs must be erected at the beginning of each zone.

REGISTRY OF MOTOR VEHICLES
DIVISION

HIGHWAY DIVISION

BY: _____
Registrar

BY: _____
State Traffic Engineer

DATE:



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

Board of Selectmen Meeting Minutes June 24, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan (arrived 6:10 p.m.)

Absent: Tony V. Boschetto

Also Present: Town Administrator Nan Balmer

A1. 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, and to Discuss Potential Litigation regarding Affordable Housing Restrictions; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Septage Meeting with Sudbury (re: Value of Real Estate/Disposition); and Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Collective Bargaining Strategy with the Police Union
At 6:02 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 a pending action regarding the Glezen Lane judgment, and to discuss potential litigation regarding affordable housing restrictions; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to discuss the septage meeting with Sudbury (re: value of real estate/disposition); and pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss collective bargaining strategy with the Police Union. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:07 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:07 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.

A3. Public Comment There was no public comment.

A4. Vote to Appoint John Senchyshyn, Assistant Town Administrator/Human Resources Director, as Town Representative to School Committee Negotiations with Custodians L. Anderson moved, seconded by M. Antes, to appoint John Senchyshyn, Assistant Town Administrator/ Human Resources Director, to serve as the Board's designee to the Wayland School Committee for the purposes of collective bargaining with Public Employees' Local 1116, Custodians and Maintenance Union; such designation is pursuant to and with the powers and authorities provided by Massachusetts General Laws Chapter 150E, Section 1. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A5. Discussion of Wayland's Flexible Spending Plan and Potential Vote to Amend the Policy to Provide for an Increase in the Federal Limit J. Senchyshyn presented the Board with the town's Flexible Spending Plan Policy and noted that the language has been revised to reflect the federal allowable limit. M. Antes moved, seconded by J. Nolan, to update Wayland's Flexible Spending Plan to recognize the insertion of the language "federal limit" and "federal allowable limit" in place of specific dollar amounts. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A6. Review and Potential Vote to Increase Compensation for Election Workers M. Antes stated for the record that she is an election worker, and recused herself from the discussion. Town Clerk Beth Klein reviewed her proposal to increase the hourly wages of election workers, and provided a survey of election official salaries from comparable towns. J. Nolan said he would be amenable to increasing the hourly rate by an additional \$0.50 per hour above the Town Clerk's proposal, but B. Klein noted a time constraint, as she must submit the rates to the state for reimbursement within the week. The Board suggested that the issue be revisited at a later meeting in order to consider additional increases. J. Nolan moved, seconded by L. Anderson, to set the non-employee compensation for election workers as follows: \$9.00/hour for inspectors, night tellers, ballot box workers and all training sessions; \$9.50/hour for clerks; and \$10.00/hour for wardens. YEA: L. Anderson, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

M. Antes returned to the meeting.

A7. Introduction of New Treasurer/Collector and Report on Treasurer's Office Zoe Pierce, Treasurer/Collector, appeared before the Board to introduce herself. She reviewed her background and her priorities for improvements in the Treasurer's office; she commended the current staff. She said there is a need to identify sources of daily income, review tax title property, address security issues, and consider a consolidation of the number of banks being used. C. Karlson suggested that Z. Pierce draft a revised tax title policy for Board review. M. Antes asked for an assessment and a recommendation regarding the town's use of numerous banks. L. Anderson asked about tax relief programs; Z. Pierce said that is the purview of the Board of Assessors.

A19. Report of the Town Administrator J. Senchyshyn provided an update on the appointment of Special Counsel James Toomey of Murphy, Hesse, Toomey & Lehane LLP, regarding the School Revolving Accounts. He said J. Toomey is in the process of reviewing the accounts, and believes that the accounts fall under different statutes; some may require a vote of Town Meeting. He expects the work will be complete within three weeks and will then provide a recommendation. J. Senchyshyn said the packets will be electronic only beginning in July; C. Karlson asked for guidance in providing electronic edits to the draft minutes.

A8. Meet with Wayland Business Association regarding Planned Events on Town Green Beginning July 15, 2015; Potential Vote to Approve One Day Liquor License and Entertainment License David Larsen of Joint Ventures Physical Therapy appeared before the Board to describe the activities being sponsored by the Wayland Business Association to bring the community together at Town Center. C. Karlson said it had been determined that no licensing was necessary from the Board. D. Larsen said the events will begin on Wednesday evening, July 15, and asked the Board for promotional support.

A9. Committee Vacancy Interviews and Potential Votes to Appoint Carol Martin, Anette Lewis, Gordon Cliff, and George Uveges appeared before the Board to interview for appointment to the Finance

Committee. Applicants reviewed their backgrounds and interest in serving. L. Anderson asked how the applicants would balance the cost of government with the residents' ability to pay. G. Uveges said there are trade-offs. A. Lewis said that while the operating budget is flat, the Finance Committee should pay more attention to capital budgeting and the unclassified line of the budget. C. Martin discussed the capital closeout project, through which \$859,000 was re-allocated. G. Cliff emphasized the decision process and efficiency measures. G. Uveges said he would consider speeding up the cash flow and improving investments; he said he would also study whether current operations could be made smarter and more efficient. J. Nolan asked applicants if they would commit to three years. All said yes; C. Martin noted it takes time to become a valuable contributor, and G. Cliff said he would resign from the Audit Committee if appointed. J. Nolan asked how the applicants would address serving those who come to meetings, as well as the larger group of residents who do not attend. G. Cliff said he would listen to people who take the time to come to a meeting, but also emphasized the need to reach out to everyone. A. Lewis said the Finance Committee has a fiduciary responsibility to every town resident, and by listening to all residents, you can piece together the sense of the community. G. Uveges said he would listen and be available. M. Antes asked how each candidate would affect the committee. A. Lewis said she believed members should assist the chair, and that while she focuses on facts, she would also like to see more discussion on the warrant articles. C. Martin said each member has a skill set; she said she has a good memory and a historic knowledge of the Finance Committee. She also participated in the School Finance subcommittee. G. Cliff said he is good with numbers and analysis and is willing to challenge beliefs. G. Uveges discussed his experience. C. Karlson asked about the ability to work constructively with others and the ability to compromise. G. Uveges talked about his corporate experience, making people a part of the process and understanding other points of view. A. Lewis said one should start with facts, and provided examples of compromise in her work with the town and her legal career. C. Martin said it is important to come to meetings prepared with facts, and that members must be flexible and able to communicate in their liaison roles. G. Cliff said he wanted to be sure that both those who wanted to spend less and those who want to spend more are heard. The Board thanked the volunteers for their willingness to serve.

The interviews for the Conservation Commission were re-scheduled for July 13. Lou Marcoccio did not appear to interview for appointment to the Council on Aging/Community Center Advisory Committee.

J. Nolan moved, seconded by L. Anderson, to reappoint Carol Martin to the Finance Committee for a three-year term to expire on June 30, 2018, and to appoint Gordon Cliff to the Finance Committee for a three-year term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A10. Vote to Transfer Two Dudley Woods Parcels to the Recreation Commission Town Counsel Mark Lanza said the town has reached the threshold of \$600,000 in the Affordable Housing Trust set by the Town Meeting vote to transfer the remaining parcels in Dudley Woods to the Recreation Commission. The Board discussed the potential subsurface community wastewater disposal system. Frank Krasin, member of the Recreation Commission, said the Commission has not made any decisions regarding a septic system, but will consider the needs of the residents. The Board advised it is outside the purview of the Recreation Commission to decide whether a septic system is needed or not. J. Nolan moved, seconded by L. Anderson, to transfer the care, custody, management and control of the parcels of land being part of the area known as "Dudley Woods" and shown as parcels 47B-055A, 47B-055E, 47B-055D, 47B-055C, 47B-055B and 47B-056G on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for Doran-Dudley Pond Comprehensive Feasibility Study" dated September 30, 2010 to the Recreation Commission for passive recreation purposes, and for the purpose of the construction, installation, operation, repair and replacement

of a subsurface community wastewater disposal system under said parcels of land, as long as said system does not interfere with such recreational use of the land. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A11. Vote to Petition State Legislature for Additional Liquor License for Town Center An e-mail from Selectman T. Boschetto was distributed, questioning the Board's authority to change the language that Town Meeting used to adopt the article. M. Lanza advised that the Board does not need to use the verbatim action of Town Meeting in requesting special legislation, and noted that he used the language, "substantially in the following form." J. Nolan expressed reservations about the need for an additional liquor license, and its impact on the current liquor license holders. M. Lanza said the Board has discretion in awarding the license after the legislature approves the special legislation. He said it was not uncommon that the Board receives competing license applications. L. Anderson said she did not believe the new liquor license will hurt the current license holders, as business continues to expand in Wayland. G. Cliff said the Board was authorized by Town Meeting to take this action but was not compelled to do so. Tony Speranzella, owner of Eastbrook Inc., dba Sperry's Fine Wine Brew and Cigars, 87 Andrew Avenue, said there are numerous communities that have done this. L. Anderson moved, seconded by M. Antes, 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 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, which is shown on Assessors Map 23 as Parcels 52, 52C, 52E through 52S, and 165 through 206, 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. YEA: L. Anderson, M. Antes, C. Karlson. NAY: J. Nolan. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 3-1.

A12. Discussion with Town Counsel regarding License for the Use of Town Green and Obligation under the Master Special Permit The Board sought direction from Town Counsel regarding the use of Town Green. M. Lanza said the Town has no obligation to seek a license or a lease for the Town Green. He said the Town Green is open to the public for passive use. The landowner must establish a maintenance plan in consultation with the Board of Public Works, which may necessitate a lease or license. M. Lanza reviewed the advantages and disadvantages of a license. C. Karlson described a conversation with Frank Dougherty, Twenty Wayland LLC, in which F. Dougherty confirmed their intention to maintain and operate the parcel. She asked the Town Administrator to follow up with the Planning Board about the need to move forward with a license or a lease.

A13. Vote to Adopt a Confirmatory Eminent Domain Taking for 246 Stonebridge Road M. Lanza advised the Board that the closing on the Purchase and Sale of 24 Stonebridge Road took place on June 22, 2015. He said the action of the Board tonight will extinguish any encumbrances on the order of taking. M. Antes moved, seconded by J. Nolan, that the Board of Selectmen adopt and execute the Order of Taking of 246 Stonebridge Road, Wayland, Massachusetts, dated June 24, 2015, as prepared by Town Counsel, as corrected. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A14. Review and Vote Funding for Environmental Phase I Proposal for Municipal Pad and Adjoining Parcels as Recommended by the Council on Aging/Community Center Advisory Committee The Board was joined by Council on Aging/Community Center Advisory Committee members

Bill Sterling, Jean Milburn, and Frank Krasin. N. Balmer reviewed the tasks preliminary to the acquisition of the municipal parcel, noting the first one is a site assessment. The Board encouraged committee members to continue to work with N. Balmer to prepare and solicit procurements, and then come to the Board with contracts and financial requests for approval. M. Antes moved, seconded by L. Anderson, to approve the expenditure of up to \$3,200 for the proposed CMG Environmental Site Assessment as amended by the Council on Aging/Community Center Advisory Committee at its June 18, 2015, meeting. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A15. Vote Charge of WRAP (Wayland Real Assets Planning Committee) and Confirm Appointments of Committee Designees The Board reviewed the charge of the WRAP and considered the concern of the Conservation Administrator that stakeholders were not included in the charge. M. Antes offered to confirm with him that the restrictions on conservation land will be protected. N. Balmer noted that the WRAP Committee will be consulting with the appropriate departments. Linda Segal, 9 Aqueduct Road, asked that the vacancies be posted. J. Nolan moved, seconded by L. Anderson, to approve the Wayland Real Asset Planning (WRAP) Committee Charge, and to convey the charge to the appropriate committees, and to advertise the vacancies for a public process of appointment. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A16. Discuss and Review Final Draft of River's Edge RFP and Vote to Authorize Chair to Sign Application to Department of Environmental Protection for Presumptive Approval to Change Site Assignment at River's Edge Property M. Antes moved, seconded by J. Nolan, to authorize the Chair of the Board of Selectmen to sign on behalf of the town, subject to review and approval by Special Counsel, for the River's Edge project, the Town's application to the Massachusetts Department of Environmental Protection for presumptive approval to use a portion of the River's Edge Housing Project site on Boston Post Road, Wayland, Massachusetts, which is within the area subject to the Sandhill Landfill site assignment for housing purposes. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. The Board reviewed the latest version of RFP, and N. Balmer said the department heads have reviewed it and provided input.

A17. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A18. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson asked that the traffic requests from Police Chief Robert Irving be placed on a future agenda, and the Board noted the opening of the new DPW facility on June 20.

A19. Report of the Town Administrator N. Balmer reviewed upcoming agendas; she said the IT consultant is expected to provide an update at the July 13 meeting. She reviewed the availability of the Town Moderator for a Special Town Meeting and distributed a draft timeline for an October 26-27 date. In regards to a request from George Harris, she asked the Board if there was any correspondence between Board members and Special Counsel in regard to the school revolving funds; the Board confirmed there was none.

A20. Selectmen's Reports and Concerns M. Antes reported on the dedication of the Wayland Town Flag at the State House on June 18. C. Karlson noted that the Route 27 sidewalk is now under construction, and she requested that the board and committee vacancies be advertised again. She asked that the Board consider

dividing the shared portfolio items into individual portfolio items, as a shared assignment may create an unintended violation of the Open Meeting Law.

A21. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A22. Adjourn There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:29 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 June 24, 2015

1. Email of 6/23/15 from Tom Abdella to Board of Selectmen re: Recommendation to Appoint Anette Lewis to the Finance Committee
2. Email of 6/22/15 from Mark J. Lanza, Town Counsel, to Nan Balmer, Town Administrator, re: Wording of Motion for Petition to the State Legislature for Additional Liquor License
3. Email of 6/20/15 from George Uveges to Nan Balmer, Town Administrator, re: Request for Appointment to the Finance Committee
4. Chart of Comparable Wage Rates for Election Workers, 6/24/15, compiled by Beth Klein, Town Clerk
5. Email of 6/24/15 from Tony Boschetto, Board of Selectmen, re: Comments on Special Legislation regarding Liquor License
6. Draft Schedule prepared by Nan Balmer, Town Administrator, for an October 2015 Special Town Meeting

Items Included as Part of Agenda Packet for Discussion During the June 24, 2015 Board of Selectmen's Meeting

1. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Appointment as Representative to Custodian Negotiations
2. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Flexible Spending Plan Update
3. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Compensation for Election Workers
4. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Introduction of New Treasurer/Collector, and Memorandum of 6/18/15 from Zoe Pierce, Treasurer/Collector, re: Initial Impressions
5. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Town Center Summer Events by Wayland Business Association
6. Memorandum of 6/19/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Committee Interviews and Reappointments, with attached résumés
7. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Transfer Custody of Six Dudley Woods Parcels to the Recreation Commission
8. Memorandum of 6/19/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Petition State Legislature to Enact Special Act for Additional Liquor License, Vote Certificate, and Map of Town Center
9. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: License for the Use of Town Green and Obligation under the Master Special Permit

10. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Confirmatory Eminent Domain Taking for 246 Stonebridge Road
11. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Environmental Phase I Proposal for Municipal Pad and Adjoining Parcels
12. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Wayland Real Asset Planning (WRAP) Committee Charge
13. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Execution of Application to Mass DEP for Presumptive Approval to Use River's Edge Site for Housing; Description of Proposed Activity; Affidavit of Stephen F. Kadlik, Application for Solid Waste Management Facility Modification, Land Disposition Agreement and Request for Proposals, Disposition of Town-Owned Real Property for Rental, Affordable and Senior Housing Purposes



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

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

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM JULY 10, 2015, THROUGH AND INCLUDING JULY 23, 2015, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR JULY 27, 2015

Items Distributed To the Board of Selectmen – July 10-23, 2015

1. None

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

1. Memorandum of 6/11/15 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Traffic Control Recommendations
2. Draft Timeline for Potential Special Town Meeting Dates
3. Map of Sage Hill Open Space Parcel from 2015 Annual Town Meeting Warrant

Items Included as Part of Agenda Packet for Discussion During the July 27, 2015 Board of Selectmen's Meeting

1. Memorandum of 7/24/15 to Board of Selectmen re: Licensing, Change of Manager for Bertucci's Restaurant Corporation, and Attached Application
2. Memorandum of 7/22/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Board of Selectmen Update from the Public Buildings Director
3. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen, re: Minuteman
 - Email of 7/21/15 from Mary Ellen Castagno re: Recommendation to Board
 - Newspaper Summaries: Carlisle Mosquito and Your Arlington
 - Table of Minuteman Town Positions
 - Email of 7/8/15 from Minuteman re: Minuteman School Committee Vote
 - Arlington Letter, 7/1/15, on District Wide Vote
 - Sudbury Letter, 7/16/15, on Building Project and Possible District Wide Ballot Vote
 - Belmont Letter, 6/23/15, to MSBA re: Minuteman
 - Letter of 5/3/10 from MSBA to Minuteman re: Building Project
 - Letter of 7/16/15 from Minuteman to Wayland Board of Selectmen re: Amending Agreement to Allow Wayland Withdrawal
 - Letter of 5/11/15 from Beth Klein, Town Clerk, to Minuteman, re: Notification of Town Meeting Action to Withdraw
 - Email of 6/23/15, Survey Questions to Gauge Public Opinion of District Wide Ballot
4. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen re: River's Edge, with Attached Record of Vote
5. Table of Potential Special Town Meeting Articles
6. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Board Policies
7. Memorandum of 7/27/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Town of Wayland FY16 Organizational Goals
8. Memorandum of 7/27/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Authorization of Expenditure from Town Center Gift Funds
9. Town Administrator's Report for the Week Ending July 24, 2015



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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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
Monday, July 27, 2015
Wayland Town Building
Selectmen's Meeting Room
CORRESPONDENCE

Selectmen

1. Letter of 7/20/15 from Board of Selectmen, Town of Sudbury, to Members of the Minuteman Region Boards of Selectmen, re: Statement of Position for Board Signature

Conservation Commission

2. Denial of Order of Conditions and Chapter 194 Permit, 7/16/15, from Brian Monahan, Conservation Administrator, re: 8 Hill Street
3. Determination of Applicability, Wetlands Protection Act and Chapter 194 Permit, 7/21/15, from Brian Monahan, Conservation Administrator, re: 24 Bayfield Road

Minutes

4. Planning Board, October 14, 2014
5. River's Edge Advisory Committee, Executive Session October 21, 2014, June 17, 2015



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756

Email: selectmen@sudbury.ma.us

RECEIVED

JUL 23 2015

Board of Selectmen
Town of Wayland

July 20, 2015

Dear Boards of Selectmen,

As you know, the Minuteman Regional Vocational Technical High School is moving ahead with plans for a new 628-student building and a district-wide vote to finance the new building.

In addition, Minuteman is applying to the Massachusetts School Building Authority (MSBA) for funding for the new building. MSBA will be discussing funding a new school on August 6, and will be able to distribute written comments received by July 30 to the members for consideration during this discussion.

The Minuteman School Committee will discuss and possibly vote on the district wide election at a special meeting on September 8, 2015.

Several towns in the Minuteman District have already voiced their opposition, in various forms, to both the 628-student school and the district wide vote. By my count, there are at least six such towns, including Sudbury.

On July 14, 2015, the Sudbury Board of Selectmen voted a position including these two summary points:

- The Sudbury Board of Selectmen opposes Minuteman's proposed 628-student building project.
- The Sudbury Board of Selectmen opposes the district-wide election proposed by the Minuteman School Committee and the Minuteman School Building Committee.

You should have received a copy of this position or will receive it shortly.

At our July 14 meeting the Sudbury Board of Selectmen felt it would be persuasive for those Boards of Selectmen in the Minuteman District that are opposed to the 628-student school and the district wide election to deliver a unified message conveying that opposition to the Minuteman Administration, the Minuteman School Committee, and the MSBA. We believe a single document, signed by the district town's Boards of Selectmen, would be more persuasive than separate documents and would demonstrate a unified position and common concern. Such a document could not easily be ignored by Minuteman, or the MSBA, and could serve as a valuable reference point in future discussions and meetings.

Time is of the essence.

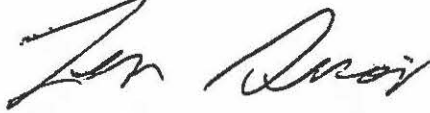
Sudbury is offering to host a meeting of representatives of the several Boards of Selectmen to discuss positions upon which we can agree concerning the building size, the district wide elections and other related Minuteman issues on Monday, August 3, at 7:30 PM at our Town Hall. Sudbury will be represented by one or two of our five selectmen at the meeting.

Please address any questions and concerns to: boardofselectmen@sudbury.ma.us

The contact selectman for Sudbury's Board of Selectmen for this meeting is Len Simon. Phone- 978-443-4206.

Thank you for your attention to the above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Len Simon". The signature is written in a cursive, flowing style.

Len Simon
Sudbury Board of Selectmen

To: Minuteman Administration, Minuteman School Committee, Minuteman School Building Committee

We, the undersigned Board of Selectmen of the Minuteman Vocational Technical High School District:

Oppose Minuteman's proposed 628-student building project.

Oppose the district-wide election proposed by the Minuteman School Committee and the Minuteman School Building Committee.

Wayland Board of Selectmen:



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

July 16, 2015

Kenneth Todd Nelson
5 Village View Road
Westford, MA 01886

RE: Denial of Order of Conditions and Chapter 194 Permit for 8 Hill Street, Wayland
(DEP File 322-838)

Dear Mr. Nelson:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, which represent the Commission's denial of the proposed single-family home construction project and related site work at 8 Hill Street, Wayland.

If you have any questions, please call 508-358-3669.

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.
DEP NERO w/enc.
Building Commissioner w/enc.
Paul McManus, EcoTec, Inc. w/enc.
John & Karen Perodeau w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

RECEIVED

JUL 20 2015

Board of Selectmen
Town of Wayland

2



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

July 21, 2015

Fred Pagano
24 Bayfield Road
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-861] - WETLANDS PROTECTION ACT (WPA)
and Chapter 194 Permit – 24 Bayfield Road, Wayland

Dear Mr. Pagano:

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 tree removal project at 24 Bayfield Road in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

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

Sincerely,

Brian J. Monahan

Brian J. Monahan
Conservation Administrator

Enclosure

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

RECEIVED

JUL 22 2015

Board of Selectmen
Town of Wayland

3



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778
PLANNING DEPARTMENT

SARKIS SARKISIAN
WAYLAND TOWN PLANNER
TEL: (508) 358-3615
FAX: (508) 358-4036

MEETING MINUTES

October 14, 2014

Wayland Planning Board

FILED BY: Sarkis Sarkisian, Town Planner

DATE OF MEETING: October 14, 2014

TIME OF MEETING: 7:30 P.M.

PLACE OF MEETING: Wayland Town Building

7:30 P.M. Public Comment

7:35 P.M. Special Permit Hearing for Covered Bridge Off-Site Affordable Housing continuation of hearing of August 26 and September 16, 2014.

8:30 P.M. 150 Main Street – Continuation of Public Hearing Request for Revision to Planning Board Decision 02-2013

Application is requesting a revision and amendment of the Planning board site plan approval 150 Main street case No. 02-2013 under the Zoning Bylaws, Article 6. The applicant is specifically requesting that Condition 30 be removed from Site plan Approval NO. 02-2013. the public is invited to attend and offer comments regarding this application.

8:45 P.M. 400 Boston Post Road Town Center

The Wayland Planning Board will hold a public hearing on Tuesday evening, October 14, 2014 at 8:45 PM, in the Wayland Town Building, 41 Cochituate Road for any necessary approvals, special permits, revisions, and amendments for the 2008 Master Special Permit for Town Center Project, 400 Boston Post Road to address the following specific issues: Recognize the 177 k non-residential aggregate limit; update the Town Center Affordable Housing Requirements; update to correspond to 2008 zoning for 177 k sf non-residential area; and allow for residential use in Building Envelope III.

- 9:15 P.M. Appoint Planning Board member to the Council on Aging/Community Center Advisory Committee**
- 9:20 P.M Articles for Town Meeting (buses,ZBA/Planning priorities)**
- 9:30 P.M. Land Planning Committee update of Town Owned parcels and BOS charge.**
- 9:40 P.M. Approve minutes of September 16, 2014/Town Planner update**
- 9:45 P.M Adjourn**

Attendance:

Ms. Colleen Sheehan, Chair-
 Mr. Andrew Reck, Vice Chair
 Mr. Kent Greenawalt; Absent

Mr. Kevin Murphy, Clerk-
 Mr. Ira Montague, Member
 Mr. Dan Hill, Associate Member;

Also present was Mr. Sarkis Sarkisian, Town Planner. Minutes taken by S. Sarkisian

Meeting began at 7:40 P.M.

C. Sheehan opened the public hearing and read through the agenda announced the meeting is being televised..

Public Comment:

S.Sarkisian introduced and welcomed Nan Balmer as our new Town of Wayland Town Administrator.

N. Balmer stated that she is excited about working in Wayland.

S. Sarkisian informed the board on the route 27 sidewalks and the request for additional funds.

K. Murphy asked why the \$75,000 was not enough funds for this work.

S. Sarkisian stated that the original project was going to be constructed in house by DPW personnel and that the original estimate did not include replacing the culvert.

S.Sarkisian informed the Board and update on the bike trail in regards to permitting on the bike trail and the request for engineering services and contracts approved by the Town Administrator.

Covered Bridge

Ben Stevens presented the plans to develop Affordable Homes off-site. The proposal was to redevelop 4 School Street. Lot is a large lot no wetlands on site.

C. Sheehan asked if they would be rental or ownership.

B. Stevens stated that they would be built and sold units. He stated this would be a short process and be able to sell next summer.

C Sheehan raised the issue on the driveway locations and has the Chief commented on this plan.

B. Stevens stated no.

C Sheehan stated we need time to review the letters that we received tonight.

C, Sheehan stated she would take public comment on the public hearing.

Steve Streeter of 7 Decolores Drive questions regarding the inclusionary bylaw. He stated further stated that the applicant needs to prove hardship. Proposed off site units need to be comparable size units.

C. Sheehan the word exceptional can mean is it a benefit for the Town weighing all these issues do we meet more goals and factors quantity quality and type.

D. Schofield raised the issue regarding environmental impacts such as wetlands. Soils are very good on site, however he stated that there is a perennial stream runs through the property.

B. Stevens stated that it is an intermittent stream.

George Bernard 103 East Plain Street. Reported that we had several accidents at this location. G Bernard provided a map that showed a map of all the affordable housing units in Wayland and felt that the density of housing in area around School Street and it should be done on site.

C. Sheehan asked S. Sarkisian of the amount of Affordable Units that have been done in the last 5 years.

Betsy Brigham stated the she finds it disturbing that we are not sticking to the inclusionary bylaw. It would be a wonderful place to call home and a bad precedent to set to allow off site units.

Mary Barber how many lots have not been released and what are the heights of the lots have been released?

Diane Busch concerned with the size of units and would the size and style on School Street be the same as Covered Bridge.

B. Stevens for reference units are 1100 sq ft one car garage. The units would blend in with the neighborhood.

Rachel Bratt Wayland Housing Partnership. The neighborhood made some compelling reasons why it should be on site. She understands that it was not a good decision is their any way affordable units could be done on the other side of Covered Bridge. If the board allows off site please make sure you have a clear reason for off site. The School Street site is not a good site for affordable housing. The Planning board in 2006 or 2007 made a poor decision where they located the affordable units.

C. Sheehan raised a questions as to what are the clear objectives of the housing in Wayland.

R. Bratt we should work together to develop a prioritization that might be helpful we do not have that document. We need a little of everything. There is no lack of need.

Betty Salzberg commented on the advantages of having affordable housing on site. Advantage to interact with people that are a little different than us.

Motion to continue the Covered Bridge on November 6, 2014 Thursday at 7:35 p.m.

Move Andrew Reck.
2nd I. Montague

Vote 5-0

150 Main Street Public hearing

Reopen 150 Main Street

S. Sarkisian enter into the record two emails from Ken Issacson and recommending that we do not remove condition 30.

S. Sarkisian asked Town Counsel to attend tonight's meeting.

C Sheehan asked that a recap of what happened at the court hearing.

Attorney's Lenoard Davidson and Charles Le Ray together approach the Board and gave an update.

C. LeRay started off by saying that they had met with the Judge and no settlement has been reached. He stated that this is a complicated matter and anticipates that Judge

Sands will issue a decision by the end of the month has either an easement or as a private way.

Met with Judge Sands no agreement has been reached between both parties. Judge Sands will probably issue a decision by the end of the month.

L. Davidson further added that no decision has been rendered and that Judge Sands has written part of the decision.

C. Sheehan asked if the Judge had additional comments regarding parking in the way.

C.LeRay stated there was no discussion regarding the site plan.

D.Hill stated that even though I am not a voting member, I strongly believe that the board should not remove condition 30. This is an open legal question and we need clear answers before making a decision. It was put in the decision for a reason.

S. Sarkisian recommended that the site plan be amended as shown on a sketch plan and that condition 30 not be removed.

C.Sheehan asked the applicant if they wanted to extend the public hearing and whether they would want to see a straw vote.

C.LeRay – yes.

Straw vote was taken and no one was in favor of removing condition 30.

C. LeRay requested time to speak with his client.

Appointment to the Council of Aging/Community Center Committee.

Motion to appoint A.Reck

Move k. Murphy

2nd I. Montague

Vote 5-0

C. Sheehan gave an overview scheduling Zoning Articles for the Spring Town Meeting.

D. Hill stated that he has revised the APD and has it ¾ complete and that the remaining article are not super complex, however he would not be able to do it this Town meeting because of his work schedule.

Public Comment

M. Upton requested that the board create a FAR bylaw people are allowed to build large homes on small lots.

K. Issacson recommended that a separate board be created to look at all the public buildings and not the Planning Board.

M. Lanza stated that this matter and an "s" petition is now before the courts and is in the Judges hands. The Judge decision becomes the final decision is binding for everyone. M.Lanza echoed the recommendations of the Town Planner and wait for a decision which is imminent. The matter of Constructive Approval is not valid because this is not a special permit and the law is silent on the matter for site plan.

L. Davidson recommended that the board deny without prejudice.

C. LeRay stated that his clients do not wish to continue the hearing and if you do not act tonight it is constructively approved tonight is the 60th day.

M. Lanza stated he would have to look at the Bylaw

D. Hill can you show me case law on that statement.

Motion to close the public hearing.

Move A.Reck
2nd I.Montague
Vote 4-0

Motion to deny removing condition 30 without prejudice.

Move Andrew Reck
2nd I. Montague
Vote 4-0

Approve minutes

Motion to approve the minutes September 16, 2014

Move Andrew Reck
2nd K. Murphy
Vote 3-0

400 Boston Post Road Town of Wayland

A.Reck read the meeting notice into the record.

S. Sarkisian presented his report on the Town Center Development as referenced in his memorandum. Recognize the 177 k non-residential aggregate limit; update the Town Center Affordable Housing Requirements; update to correspond to 2008 zoning for 177 k sf non-residential area; and allow for residential use in Building Envelope III.

1. Amend the Residential and Non-Residential Aggregate limits as specified in the 2008 Zoning Amendments. On November 12, 2008 Section 2308.2.1 of the Mixed Use Overlay District (MUOD) zoning was modified to adjust the aggregate limits for the non-residential component to 177,000 sf and reduce the residential aggregate limit to 155,500 sf. The Master Special Permit (MSP) was issued on January 24, 2008 and preceded the 2008 zoning changes. Update the MSP to recognize the non-residential limit at 177,000 sf and the residential limit at 155,500 sf.

Suggested Motion: Modify Article III (i) and Table A, footnote (1) to replace "165,000" with "177,000" and "167,500" with "155,000".

2. Modify the Minimum Affordable Housing Requirement From 25% to 12%. The 2008 zone change modified Section 2309.11 to reflect a reduction in the number of affordable units from 25% to 12%. In addition the 2009 Development Agreement affirmed that construction of the 12 apartments on the second floor of Building 2F satisfies the 12% zoning requirement. The application seeks to have Section IV (G)4 of the MSP replaced in its entirety and reference to Section 2309.11 of the current zoning be inserted and to affirm that the 12 apartments meet that criteria.

Suggested Motion: Delete Article G(4) and insert: "The MUOD shall comply with the affordable housing requirements per Article 2309.11.1 in the zoning bylaw as amended November 18, 2009. As of October 14, 2014, 12 affordable units have been constructed and exist over the retail square footage in Building 2F of Building Envelope VII as shown on Exhibit A, dated January 17, 2008, of the Master Special Permit.

D. Hill questioned the total aggregate of the Town Center and why the increase in Square footage. He further stated that Town Center started as a Developer's Agreement and did not want to see any more funds go to the sewer lawsuit.

I. Montgue was concerned that if we approved this would it make it easier to slide the building in without approval.

K. Murphy stated that we need an application for this type of change and we cannot approve a site plan with no plan. He also stated that it was the intent of Town Meeting to approve the increase to 177,000.

C. Sheehan recommended that we take the votes in three motions.

Motion to approve the housing as stated in the memorandum above.

Move A. Reck
2nd K. Murphy
Vote 5-0

Motion to approve the 177,000 maximum limit on the non-residential component.

Move K. Murphy
2nd A. Reck
Vote 4-0

Motion to deny request #3 as stated in the memorandum without prejudice with a letter of support.

Move I. Montague
2nd A. Reck
Vote 4-0

Move to adjourn I Montague
2nd A. Reck
Vote 5-0

Respectfully submitted,

Sarkis Sarkisian, Town Planner

Date



Town of Wayland Massachusetts

Members: Christine DiBona
 Anthony Boschetto
 Jerome Heller
 Daniel Hill
 Robert Morrison

Rebecca Stanizzi
 William Steinberg
 William Sterling
 Michael Wegerbauer

River's Edge Advisory Committee ("REAC")
 Meeting Minutes for Executive Session, October 21, 2014

In attendance: Jerome Heller, Anthony Boschetto, Daniel Hill, Robert Morrison, Rebecca Stanizzi, William Steinberg, William Sterling, Christine DiBona. Absent: Michael Wegerbauer

Mr. Heller made a motion to enter into Executive Session pursuant to MGL Chapter 30A, Section 21(a), to review River's Edge Legal Services RFP Responses: First to complete the qualitative Committee Recommendation, and thereafter with Town Administrator joining Executive Session, to review Bid Proposals. *[Executive Session is required for compliance with MGL Chapter 30B, Section 6, for the purpose of keeping the contents of proposals confidential until the completion of the evaluations.]* Mr. Steinberg seconded, and roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No

Ms. Stanizzi explained that Assistant Town Procurement Officer, Elizabeth Doucette, has asked for "more color" in the ranking of top three legal services providers. Members discussed firm strengths and weaknesses and determined one-line summaries to explain order of top choices.

#1 Anderson & Kreiger: Ranked highest for quality of their proposal, relevant experience with 30B and both public and private work, and general strengths across all criteria.

#2 Kopelman & Paige: Highly ranked for relevant experience, but committee has some concern about lack of private work done by this firm. Experience of K&P is almost entirely public representation.

#3 Nixon Peabody: Quality of proposal not as thoughtful as previous two, and firm lacks balance of municipal experience considered desirable by committee.

Members discussed concerns about potential fees for Nixon Peabody being significantly higher than other firms and debated merits of selecting a fourth or back-up choice of firm. Based on evaluation grid compiled in 9.30.14 meeting, fourth choice would be Bowditch & Dewey. General consensus was that this firm does not have the optimal balance between public and private experience, the proposal was not as thoughtful as three higher-ranked firms, but B&D does have a mix of project experience and has worked with the Town of Wayland in the past.

Ms. Stanizzi motioned to accept the summaries as attached to minutes and Mr. Boschetto seconded. Roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No

Nan Balmer, Town Administrator, joined the meeting and brought forth all nine sealed pricing bids from legal services providers. Bids were opened in order of ranking by the committee. Top three ranked firms came in with bids as follows, with Section 1 relating to preparation of RFP and Section 2 covering costs of property conveyance:

#1 Anderson & Kreiger: Section 1: \$85,747.50 / Section 2: \$9,785. No estimate of total hours, but hourly rate quoted \$270-320/hour.

#2 Kopelman & Paige: Section 1: \$180 per hour "blended rate" for lead attorneys, \$90/hour paralegal services. Section 2: \$18,000-\$27,000 based on estimate of 100-150 hours.

#3 Nixon Peabody: hourly rate varies from \$335-690 depending on personnel used. Quote broken into three sections: preparation of RFP \$55,210 (84 hours), Bidder Selection \$88,110 (2140 hours) and Conveyance \$30,355 (63 hours).

#4 Bowditch & Dewey: Section 1: \$28,664.50 / Section 2 \$15,000. Based on hourly rate quote of \$220-\$395, total prices seem to assume far fewer hours allotted than previous three firms.

Ms. Stanizzi referred back to original budget of \$360,000 and said approximately \$160,000 has been spent thus far, leaving roughly \$200,000 for costs incurred now through conveyance.

Remaining sealed bids were opened and reviewed for informational purposes only since none of the firms had technical proposals which ranked in the top of our evaluation grid.

Discussion of bids followed. All committee members agreed that the **NP** bid was inordinately high and could not be seriously considered within the means of our budget. Mr. Hill observed that **K&P** bid was approximately 60% lower than **A&K** when calculating similar number of hours. The **A&K** bid gave elaborate breakdowns of tasks with hourly estimates, and Mr. Hill stated his belief that costs with **A&K** could possibly be whittled down by eliminating potentially unnecessary steps in the proposal. Ms. Balmer expressed her immediate preference for **K&P** based upon significantly lower pricing coupled with committee's high ranking of this firm's technical proposal. Mr. Boschetto expressed concern that **K&P's** low bid could mean that the quality of services provided by this firm would be compromised. Members discussed possibilities for price negotiation with higher-priced firms, but Ms. Balmer feels this is unlikely given that many firms stated in their bids that pricing had already been discounted from usual rates due to the nature of the River's Edge project.

After thorough discussion and review of price bids, all members remained in agreement that original two top-ranked firms still held the same positions.

Mr. Boschetto made a motion to end the Executive Session at 8:17 PM, and Mr. Hill seconded. Roll call vote was as follows:

Mr. Heller: Yes	Mr. Boschetto: Yes	Mr. Hill: Yes
Mr. Morrison: Yes	Ms. Stanizzi: Yes	Mr. Steinberg: Yes
Mr. Sterling: Yes	Ms. DiBona: Yes	Total: 8 Yes / 0 No

River's Edge Advisory Committee (REAC)

Minutes of Meeting held on June 17, 2015

The following members were present: Jerome Heller (Chair), Rebecca Stanizzi, Daniel Hill, Robert Morrison, Bill Steinberg, Chris DiBona, and Michael Wegerbauer, constituting a quorum of the Committee. Also present were Jean Milburn and Linda Segal.

The meeting was called to order at approximately 6:00 PM.

No public comment

- The Committee reviewed the minutes of the meeting held June 11. Mike asked that the minutes note the letter dated May 13 from the Board of Health concerning information about testing of chemicals and approval of wastewater treatment to be included in the RFP. The minutes were then approved as amended on motion duly made and seconded. Chris abstained.
- Becky informed the Committee that the ConCom had issued the ORAD which documents the wetland boundaries of the property.
- Bill submitted a new introduction to the RFP to make it more appealing. After discussion several changes were made with emphasis on the approvals that are in place so all that will be required will be site plan approval. The introduction remains a work in progress.
- There was a discussion concerning the date for the RFP launch and it was agreed that the launch would take place on Sept 1 although some marketing is expected to take place during August.
- The discussion of additional details of the RFP were deferred to a subcommittee consisting of Becky, Dan, and Bill who will meet next week. The suggested changes to the RFP will then be sent by Becky to Steve Anderson for review and drafting. In the interim, Becky will submit the latest draft to the BOS for their review so they will have extra time to review the RFP and LDA prior to the BOS meeting on July 13 when they are expected to take up the approval of the documents.

- It was suggested that the Committee meet again on July 8 at 7:30 for the purpose of doing a final review of the RFP prior to the BOS meeting.
- The meeting adjourned at approximately 7:40 P.M.

Respectfully submitted by Jerome Heller