

PACKET

SEP 8

2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN
Tuesday, September 8, 2015
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda

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

- | | | |
|---------|------|--|
| 6:00 pm | 1.) | Open Meeting and Enter into Joint Executive Session Meeting with the Board of Public Works Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al |
| 6:30 pm | 2.) | Attend the Finance Committee Special Town Meeting Warrant Article Hearing |
| 7:00 pm | 3.) | Reconvene and Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:02 pm | 4.) | Public Comment |
| 7:12 pm | 5.) | Potential Vote Regarding Traffic Signage at Route 27 and Glezen Lane |
| 7:15 pm | 6.) | Consideration and Potential Vote to Approve Alteration of Premises Application, China Rose LLC, 15 East Plain Street |
| 7:30 pm | 7.) | Review and Approve Plans for Pop-Up Park at Town Center |
| 7:45 pm | 8.) | Joint Meeting with the Personnel Board and the School Committee to Hear an Analysis and a Presentation from Cook & Company, and to Discuss the Option for Providing Health Insurance to Employees and Retirees through the Group Insurance Commission |
| 8:30 pm | 9.) | Presentation from Special Counsel; Meet with Representatives of the School Committee to Discuss School Revolving Funds; Potential Vote to Co-Sponsor Article to Adopt Massachusetts General Laws 71, Section 71E |
| 9:00 pm | 10.) | 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 |
| 9:20 pm | 11.) | Board Policy Discussion <ul style="list-style-type: none">• First Review of Board Policy on Alcohol Licenses• Review Policies on Public Hearings, Opportunities for Public Comment on Regulations and Fees, Communications with the Board of Selectmen, and Acknowledgement of Correspondence from the Public |

**BOARD OF SELECTMEN
Tuesday, September 8, 2015
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda Page Two

- | | | |
|----------|------|---|
| 9:35 pm | 12.) | Discuss Goals |
| 9:50 pm | 13.) | Special Town Meeting: Assign Board Member Roles |
| 10:00 pm | 14.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 10:05 pm | 15.) | Review Correspondence (See Separate Index Sheet) |
| 10:15 pm | 16.) | Report of the Town Administrator |
| 10:25 pm | 17.) | Selectmen's Reports and Concerns |
| 10:35 pm | 18.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 10:40 pm | 19.) | Adjourn |

2 WARRANT
ARTICLES

**ARTICLE LIST FOR
NOVEMBER 9, 2015 SPECIAL TOWN MEETING**

Article	November 2015 Article Name	Sponsor
A	Amend FY2016 Budget Funding Sources	Board of Selectmen Finance Committee
B	Pay Previous Fiscal Year Unpaid Bills	Finance Committee
C	Current Year Transfer	Finance Committee
D	Amendment to Minuteman Regional Agreement	Board of Selectmen
E	Acquire Municipal Parcel in Town Center	Board of Selectmen
F	OPEB Trust Fund Legislation and Governance	Board of Selectmen
G	Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School	Board of Selectmen
H	Acceptance of Chapter 71 Section 71E	School Committee
I	Appropriate Funds for Library Planning and Design	Board of Library Trustees
J	Seek Special Legislation for Chapter 44 Section 53 E 1/2 Municipal Revolving Fund	Recreation Commission
K	Resolution Regarding Surface of Rail-Trail in Wayland	Community Preservation Committee
L	Appropriate Funds to Update the Open Space and Recreation Plan	Community Preservation Committee
M	Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration	Petitioners
N	Amend Chapter 36 of Current Bylaws (36-1)	Petitioners

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Finance Committee DATE RECEIVED: August 31, 2015

CONTACT PERSON: Brian Keveny TELEPHONE/Day: (508) 358-3611

BoS vote S.O on 8-31-15
TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Amend FY2016 Budget Funding Sources

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

2015
TEXT: To determine whether the Town will vote to amend its vote under Article __ of the Warrant for the 2016 Annual Town Meeting relative to the Fiscal Year 2016 Omnibus Operating Budget by decreasing the amount to be raised by taxation by \$2,000,000 and increasing the amount to be transferred from the unreserved fund balance of the General Fund by \$2,000,000, without making any changes to the amounts appropriated under said Article __.

COMMENTS: The FY2016 budget was discussed and approved at Annual Town Meeting (ATM) in April 2015. Once the budget article closed, if the budget or its funding sources were to be reconsidered during that same ATM, a 2/3 vote would have been required to do so. Now, the Board of Selectmen and the Finance Committee jointly submitted an article requesting an additional \$2 million be used from the unreserved fund balance to fund the FY2012 budget. This is presented here as Article __ in the Warrant.

A chart of Town accounts with balances and definitions is posted on the Town website and included in Appendix __. This chart is provided so residents understand the accounts, their balances and their limitations on use.

To give some historic perspective, a chart of free cash balances since 1994 is shown in Appendix __.

Each year, actions at Town meeting can impact the free cash balance. The chart below illustrates the free cash activity over the course of FY2016 resulting in the ending balance of \$XXX million:

Wayland Finance Committee
 FY 2016 Free Cash projection a/o ATM

Certified balance as of July 1, 2014 6,384,000.00 8.92%

Less planned ATM uses

Special Articles (270,000.00)
(2,350,000.00)
 Support FY 2016 Operating Budget 0)
 Fund OPEB (210,000.00)
 Fund Capital Projects (565,000.00)

Current year transfers (525,000.00) (3,920,000.00)

Plus increases to free cash

Estimated dept. turn backs 1,285,000.00
 Estimated budget revenue / misc surplus 879,000.00
 Revolving / Enterprises OPEB retro 594,000.00 2,758,000.00

Projected free cash balance at end of ATM 5,222,000.00 7.10%

Free Cash Certification as of July 1, 2015 6,894,000.00 9.37%

Variance from end of ATM and FY 16 budget as voted 1,672,000.00

Detail of Free Cash changes

Increases

Revenue variance 1,072,000.00
 Turn back variance 813,000.00
 Other increases 489,000.00

Decreases

Net increase in overlay balance (442,000.00)
 Chapter 90 reimbursement (110,000.00)
 Use of overlay for FY 2016 budget (150,000.00)
1,672,000.00

Based on this chart, free cash is \$XXXXXX million higher than the Finance Committee anticipated after ATM actions last April.

PROS:

CONS:

	<i>Cleary Channing</i>		<i>8-31-15</i>
SIGNATURE OF CHAIR	<u><i>Nancy EFM</i></u>	DATE	<u><i>8/31/15</i></u>
Mark Lanza Approval	_____	DATE	_____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Finance Committee DATE RECEIVED: August 31, 2015

CONTACT PERSON: Brian Keveny TELEPHONE/Day: (508) 358-3611

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Pay Previous Fiscal Year Unpaid Bills

COST: X NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to:

(a) pay the following bills of Fiscal Year 2015:

(b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years;
and

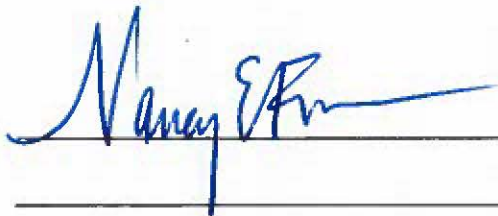
(c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR



DATE

8/31/15

Mark Lanza Approval

DATE

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Finance Committee DATE RECEIVED: August 31, 2015

CONTACT PERSON: Brian Keveny TELEPHONE/Day: (508) 358-3611

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Current Year Transfer

COST: X NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

CURRENT YEAR TRANSFERS FY 2016

TOTAL CURRENT YEAR TRANSFERS

FUNDING SOURCES:

PROS:

CONS:

SIGNATURE OF CHAIR  DATE 8/31/15
Mark Lanza Approval _____ DATE _____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: August 31, 2015
CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620
TELEPHONE/Evening: _____
BOARD VOTE: 8-30-15 5-0 DATE OF VOTE: 8-31-15
TITLE: Amendment to Minuteman Regional Agreement
COST: _____ NO COST: COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to 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.

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

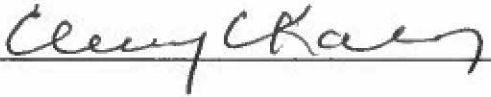
1. The references to the Town of Wayland will be stricken from the prefatory language of the Regional Agreement as well as from Section I and from wherever else a reference to Wayland appears in the Regional Agreement.
2. The Town of Wayland, even after the date that its withdrawal becomes effective, 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.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR	<u></u>	DATE	<u>8-31-15</u>
Mark Lanza Approval	_____	DATE	_____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: August 31, 2015

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: ~~8-24-15~~ 4-0 DATE OF VOTE: YAAD 8-24-15

TITLE: Acquire Municipal Parcel in Town Center

COST: \$1 NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to:

- a.) Authorize the Board of Selectmen, with approval of Town Counsel as to form, to lease, as lessee, or acquire by purchase, gift, eminent domain, or otherwise, for municipal purposes, the fee or any lesser interest in all or any part of the parcels of land located on an off Boston Post Road (Route 20) Andrew Avenue and Lillian Drive in Wayland, Massachusetts shown as Lot 4-1 Parcel R-20-1 Lot 8-1, and Lot 9-1B, on a plan entitled "Plan of land Wayland, Massachusetts showing proposed municipal parcels" dated July 21, 2015 prepared by the Wayland Town Surveyor and recorded with the Middlesex South Registry of Deeds as Plan N0.616 of 2015 on a plan signed by the Planning Board on July 28, 2015.
- b.) appropriate \$1.00 to be expended by the Board of Selectmen for the acquisition or lease of said parcels of land;
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, or otherwise.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR *Cathy Kearney* DATE 8-31-15

Mark Lanza Approval _____ DATE _____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: August 31, 2015

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: 5-0 DATE OF VOTE: 8-31-15

TITLE: OPEB Trust Fund Legislation and Governance

COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to:

- a) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to repeal Chapter 372 of the Acts of 2010, "An Act Establishing a Postemployment Benefits Trust Fund in the Town of Wayland", and to concurrently
- b) adopt the provisions of Massachusetts General Law Chapter 32B Section 20 entitled "Other Post-Employment Benefits Liability Trust Fund" when the repeal becomes effective.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR *Cleary Kearney* DATE 8-31-15

Mark Lanza Approval _____ DATE _____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: August 31, 2015

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: _____

BOARD VOTE: 4-0 DATE OF VOTE: 8-24-15

TITLE: Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School

COST: X NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: To determine whether the Town will vote to authorize the Town to conduct a competitive procurement of energy resiliency equipment and services and to appropriate a sum of money not to exceed \$29,403 to be expended under the direction of the Town Administrator for the purpose of providing a 10% match to a \$294,030 energy resiliency grant awarded by the Department of Energy Resources to the Metropolitan Area Planning Council on behalf of the Town in December of 2014.

And, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and to authorize the Town Administrator with the approval by the voters of the Town of Wayland to take any action necessary to execute this appropriation and secure the grant.

COMMENTS: This article requests the required 10% matching funds of \$29,403 to allow Wayland to complete and receive the resiliency grant to support the Middle School solar project. The MA Department of Energy Resources (DOER) is now requiring the Town to obtain Town Meeting approval to appropriate funds for the 10% match outside the solar PPA. This is different from the direction provided by the state at the time of Annual Town Meeting in April 2015.

At the Town's 2015 Annual Town Meeting in April, the Town approved Article 14 authorizing the Town to negotiate and enter into a power purchase agreement (PPA) to purchase solar power from solar installations at four sites in Town, including a solar canopy at the parking lot of the Middle School. Part of the planned solar installation at the Middle School includes the addition of energy resiliency equipment to improve the Middle School's capability to serve as a regional shelter by enabling the solar arrays at the school to link with the existing diesel generator to supply power to the shelter during grid outages.

The state awarded a \$294,030 grant to Wayland as part of an application submitted through the Metropolitan Area Planning Council (MAPC) in December 2014 to pay for the design, procurement, and installation of this resiliency equipment. The grant requires the Town to match 10% of the grant

funds used (up to \$29,403, assuming full use of the grant amount), with 50% of that match allowed as in-kind costs such as the salary of Town employees charged with executing the works covered under the grant. The Town's Public Building Director estimates the out-of-pocket funds required from Wayland in order to match the grant at 5% of the grant value (approximately \$14,702), however, the full amount needs to be appropriated.

In preparation for the April Town Meeting, DOER and the Town's solar contractor agreed to allow the Town to roll its matching share of the grant into the costs of the 20 year solar PPA. Now, DOER is requiring the Town to obtain Town Meeting approval to appropriate funds and pay for the 10% match outside of the solar PPA

PROS:

CONS:

SIGNATURE OF CHAIR	<u><i>Clay Chancy</i></u>	DATE	<u>8-31-15</u>
Mark Lanza Approval	_____	DATE	_____

RECEIVED

SEP - 1 2015

ARTICLE FOR SPECIAL TOWN MEETING

Board of Selectmen
Town of Wayland

SPONSOR: Wayland Public Schools:
School Committee DATE RECEIVED: _____
 CONTACT PERSON: Dr. Paul Stein,
Superintendent TELEPHONE/Day: 508-358-3774
 TELEPHONE/Evening: _____
 BOARD VOTE: 4,1 DATE OF VOTE: August 28, 2015
 TITLE: Acceptance of Chapter 71, Section 71E

COST: _____ NO COST: COST ESTIMATE: _____

TEXT:

“Will the Town accept the provisions of Chapter 71, Section 71E so as to permit the maintenance of revolving funds as authorized by said section; or take any other action relative thereto?”

COMMENTS:

PROS:

CONS:

SIGNATURE OF SCHOOL COMMITTEE CHAIR  DATE 8/31/15

SIGNATURE OF BOARD OF SELECTMEN CHAIR _____ DATE _____

Signature of Mark Lanza _____ DATE _____

RECEIVED

SEP -2 2015

Board of Selectmen
Town of Wayland

3:11 PM

ARTICLE FOR TOWN MEETING

SPONSOR: Wayland Free Public Library DATE RECEIVED: _____

CONTACT PERSON: Aida Gennis TELEPHONE/Day: 508-650-3869

TELEPHONE/Evening: 508-650-3869

BOARD VOTE: 05/01/00 DATE OF VOTE: 08/28/15

TITLE: Appropriate Funds for Library Planning and Design


COST: _____ NO COST: _____ COST ESTIMATE: \$150,000.00

TEXT: To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Library Trustees for a study in accordance with the guidelines of the Massachusetts Public Library Construction Program to examine the feasibility of (a) expanding and renovating the current library building and of (b) building a new library on a different site; further, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR  DATE 3/2/2015

Mark Lanza Approval _____ DATE _____

RECEIVED

AUG 31 2015

Board of Selectmen
Town of Wayland

ARTICLE FOR SPECIAL FALL TOWN MEETING

SPONSOR: RECREATION DATE RECEIVED: 8/31/15

CONTACT PERSON: Jessica Brodie TELEPHONE/Day: 508-358-3662

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: August 19th & 31st
(Rec)

TITLE: Seek Special Legislation for Chapter 44 Section 53 E 1/2 Municipal Revolving Fund

COST: _____ NO COST: X COST ESTIMATE: _____

TEXT:

To see if the town will agree to submit a special legislative act to increase the allowable expenditure limit of the Recreation Department's Chapter 44, § 53E1/2 Municipal Revolving Fund of the Massachusetts General Laws to an amount up to of 5% of taxation.

COMMENTS:

The current recreation revolving fund structure is not viable. The 1% of taxation ceiling limits the ability of the Department to operate a municipal revolving fund under Chapter 44 Section 53 E 1/2.

The following background investigative work has been completed to support this recommendation:

- 1) The Abrahams Group was hired to complete a comprehensive report on the Recreation Department's Revolving Fund (February 4, 2015), and concluded with this recommendation.
- 2) The Recreation Commission & Director, Finance Committee & Director, Town Administrator, and Board of Selectmen have met and agree on submitting a special act as specified above as the next step.
- 3) House Number 1852, presented by Stephen Kulik, has already been submitted as "An Act relative to streamlining municipal finance". In Section 5 of this act, line 66-71, specifies a new five (5%) spending cap within the 53E1/2 Revolving Fund that, if passed, would apply to all municipalities in the Commonwealth.

Alternatives to seeking special legislation have been outlined in the Abraham's Report, as well as the report from the Finance Director. Alternatives have been discussed and investigated by all boards and staff involved since the Fall of 2014.

(continued page 2)

Submitting the Special Act:

The Board of Selectman will submit the Special Act to the State House. The wording of the Special Act to be submitted to the State House is as follows:


Section 1: Notwithstanding section 53E1/2 of chapter 44 of the General Laws or any other general or special law to the contrary, the Recreation Director/Commission of the Town of Wayland may expend in any one (1) fiscal year from the Recreation Department Municipal Revolving Fund under his direct control under said section 53E1/2 an amount up to five percent (5%) of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section 23 of chapter 59 of the General Laws.

Section 2: This act shall take effect upon its passage.

PROS:

CONS:

SIGNATURE OF CHAIR



DATE

8/31/2015

Mark Lanza Approval

DATE

Surface material was discussed when the funding was appropriated. At the time the Town considered a crushed packed stone dust for two reasons: a less expensive cost per mile to construct; and less invasive way to accommodate nearby wetlands. Now that Eversource proposes to construct the trail to a standard suitable for carrying service trucks, the town's construction costs can be limited to a discrete part of the overall project. The town will be responsible for road crossings and the trail surface or final layer. Thus this resolution is to accept a change in surface materials from stone dust to a hard surface. A hard surface will be easier and less expensive to maintain, which is an important consideration. In addition Eversource will be responsible for base repairs and DCR will be responsible for surface repairs.


PROS:

- Comments from residents who signed a petition initially stated that the reasons to support a rail-trail are: Outdoor Recreation; Improve the Community; Value to the Town; and Safety from automobiles.
- Funding has been appropriated including \$445,000 from CPA funds (Article 24 of 2015 ATM) and \$250,000 from the Town Center project, thus combining private and public monies, making this a more cost effective project than if it required 100% public funding.
- Eversource will do permitting and base work at no expense to the town. Town will pay for final top surface of trail.
- Connects Wayland residents to neighboring towns through means other than driving.

CONS:

- Wayland residents may not want a hard surface on the rail trail and permitting may be more complicated and possibly less environmentally sensitive with stabilized or asphalt surface than stone dust.

SIGNATURE OF CHAIR



DATE

8/27/15

Mark Lanza Approval

DATE

ARTICLE FOR SPECIAL TOWN MEETING

RECEIVED

AUG 27 2015

Board of Selectmen
Town of Wayland

SPONSOR: Community Preservation Committee, Conservation Commission, Recreation Commission DATE RECEIVED: _____

CONTACT PERSON: Gretchen Schuler TELEPHONE/Day: 508-358-7980

TELEPHONE/Evening: 508-245-4115

BOARD VOTE: 7-0-0 (CPC) DATE OF VOTE: 08-26-15

TITLE: Appropriate Funds to Update the Open Space and Recreation Plan

COST: \$30,000 NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT:

To determine whether the Town will vote to:

- a) Appropriate a sum of money not to exceed \$30,000 to update the 1995 Open Space and Recreation Plan
- b) Determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise, provided not more than \$30,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Open Space Fund.

COMMENTS:

Passage of this article is intended to update the Open Space & Recreation Plan, which will provide an up-to-date inventory of open space and recreation resources, identify the community's current needs and priorities and develop future open space and recreation goals, objectives and action plans. An updated Open Space and Recreation Plan will provide direction to the Conservation and Recreation Commissions for management and enhancement of open space and recreation areas, programs and services. This update is essential in order for the town to apply for certain State grant programs such as land acquisition assistance. Funding for this appropriation will come from the Open Space Fund of the Community Preservation funds.

The Conservation Commission currently manages over 1,200 acres of land. This land consists of woodland, and meadows most of which serves as necessary wildlife habitats. The Recreation Commission provides programs, facilities and services for active and passive recreation in the town.

PRO:

The State requires that OSRPs are updated every five years. The Town must have an up-to-date plan in order to be eligible for state grants.

CON:

There are no known con arguments.

SIGNATURE OF CHAIR Gretchen J. Schuler DATE 8/27/15

Mark Lanza Approval _____ DATE _____

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER Duane Galbi DATE RECEIVED _____

DAY PHONE 781-899-0378 EVENING PHONE _____

TITLE PMBC Involvement in Stone's bridge restoration

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE Various

ESTIMATED COST zero (expected savings)

To determine whether the Town will vote to:

a.) Request that the Board of Selectmen assign the Permanent Municipal Building Commission (PMBC) to consult on the restoration of Stone's Bridge

b.) Require that the PMBC vote and approve (by a 2/5 vote of the permanent members) before any of the funds appropriated (in the 2015 Town Meeting) for the restoration of Stone's bridge are expended

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
AUG 28 PM 12:00

See following pages for Signatures

RECEIVED

AUG 28 2015

Board of Selectmen
Town of Wayland

9:00 AM

PETITIONERS ARTICLE FOR WAYLAND SPECIAL TOWN MEETING (NOV. 9, 2015)

LEAD PETITIONER Alice Boelter DATE September. 2, 2015

DAY PHONE 508 650 3592 EVENING PHONE 508 650 3592

TITLE Amend Chapter 36 of Current By-Laws (36-1)

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE All Town Boards/Departments

RECEIVED

SEP - 2 2015

ESTIMATED COST None

Board of Selectmen
Town of Wayland

ARTICLE: To determine whether the Town will vote to amend § 36-1 of the Code of the Town of Wayland titled "Town meeting and election" by changing the start date of annual Town meeting as follows:

[Key to changes: underlining denotes additions; ~~strikethrough~~ denotes deletions]

***§ 36-1. Town meeting and election.**

The annual Town meeting shall commence on ~~a day between April 1 and May 15 inclusive~~ or after the fourth Thursday in April as ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no fewer than two days, before the annual Town meeting. In addition to the warrant required by MGL c. 39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual and special Town meeting and each annual and special election (1) to be published in a newspaper of general circulation in Wayland no later than the date fixed by them for the closing of the warrant pursuant to § 36-3 below and (2) to be posted on the Town sign boards. Such notice shall be posted on the Town sign boards commencing at least two weeks prior to the election and Town meeting and shall remain posted until the election is held and Town meeting is concluded."

RECEIVED
TOWN OF WAYLAND
TOWN CLERK

#	Print Name Legibly	Signature	Print Street Address
1	KUNVETHA ISAACSON	K Isaacson	228 LAKE SHORE DR. ✓
2	DEIRDRE MAXTED	D Maxted	228 Lake Shore Dr ✓
3	PHILIP BADDEKS	Philip Baddeks	235 LAKE SHORE DRIVE
4	IDA BADDEKS	Ida Baddeks	235 LAKE SHORE DRIVE
5	Susan Cincotti	Susan Cincotti	239 Lakeshore Dr
6	Peter Gentilotti	Peter Gentilotti	25 Castle Gate Rd.
7	Marilyn Gentilotti	Marilyn Gentilotti	25 Castle Gate Rd
8	Karen Fabner	Karen Fabner	20 Castle Gate Rd
9	Ellen Boyle	Ellen Boyle	11 Castle Gate Rd
10	Paula Duncan Doherty	Paula Duncan Doherty	17 Castle Gate Rd
11	Arttchen Puff	Arttchen Puff	223 Lakeshore Dr
12	Alice Boelter	Alice Boelter	100 Lakeshore
13			
14			

11.13 AM

DATE: SEPTEMBER 8, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: APPLICATION OF CHINA ROSE, LLC, 15 EAST PLAIN STREET, FOR AN ALTERATION OF PREMISES UNDER ITS COMMON VICTUALLER POURING LICENSE

REQUESTED ACTION:
VOTE TO APPROVE THE APPLICATION OF CHINA ROSE, LLC FOR AN ALTERATION OF PREMISES UNDER ITS COMMON VICTUALLER POURING LICENSE

BACKGROUND

The Town received an application from China Rose LLC for an alteration of premises to change bar seating from 20 to 40 seats under its liquor license which was issued by the Board of Selectmen under its authority as Local Liquor Licensing Authority under MGL Chapter 138. The application for an alteration of premises was received on August 13, 2015 and must be voted on by the Board within 30 days.

Attached are the following documents:

1. Board of Selectmen Public Hearing Procedures
2. A copy of the legal notice that was published in the Town Crier and posted in the Town Building and Library
3. China Rose's petition for a Change of License for an Alteration of Premises including a plan of the requested alteration of premises
4. A memorandum from the Police Chief regarding the public safety impact of the proposed alteration
5. An affidavit from the owner of China Rose that abutters were notified
6. Form 43, which will be issued to ABCC after vote and signature by the Board of Selectmen acting as the Local Liquor Licensing Authority

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



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

LEGAL NOTICE

CHINA ROSE LLC
15 East Plain Street

LEGAL NOTICE

Notice is hereby given that the Board of Selectmen will hold a Public Hearing on Tuesday, September 8, 2015, at 7:15 p.m. in the Selectmen's Meeting Room at the Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, on the application filed by China Rose LLC for an alteration of premises petition at 15 East Plain Street, Wayland MA 01778.

Board of Selectmen
Town of Wayland

/md

dc: Town Crier August 20, 2015
Abutters
Post Wayland Town Building
Wayland Public Library

AD#13318188
WC 8/20/15

**PL/CONCORD RD/MERRIAM ST.
LEGAL NOTICE
PUBLIC HEARING NOTICE
WESTON PLANNING BOARD**

Pursuant to Section VI. H (Flexible Development Requirements and Procedures), Section IX. B. (Permit and Special Permit Granting Authorities), Section X. (Special Permit) and the Planning Board Rules and Regulations for Subdivision, the Planning Board will hold a Public Hearing in the Weston Town Hall, 11 Townhouse Road, Weston, MA on Wednesday, September 2, 2015 at 7:40 PM, on an application for Flexible Subdivision/Special Permit approval for the development of 99 Concord Road, Weston, MA into three lots. The property is further defined as Assessor's Map 16, Parcels 18 and 18-10. The Applicant is Northland Residential Development Corporation and the owner is the Edgar F. St. Germain Trust. The property is located at the intersection of Concord Road and Merriam Street.

The Planning Board will open the hearing, announce the time and date of the site walk, which is tentatively scheduled for Tuesday, September 16, 2015 at 8am and will continue

The Town reserves the right to reject any and all statements of qualification, in whole or in part, as determined to be in the best interest of the Town and to waive minor informalities.

Elizabeth Doucette
Procurement Specialist
358-358-6821

AD#13319060
WC 8/20/15

RFPS

**LEGAL NOTICE
TOWN OF WAYLAND
ADVERTISEMENT
RFP # 16-11
Request for Proposals**

The Town of Wayland, Massachusetts, the Awarding Authority, as represented by the Wayland Board of Selectmen, is seeking proposals from qualified firms for the Provision of Investment Counseling on its \$12 million Other Post-Employment Benefits (OPEB) trust fund.

Beginning August 20, 2015, copies of the Request for Proposals may be obtained at the Facilities Department, 2nd Floor, Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, at no cost, or electronically by emailing a request to edoucette@wayland.ma.us.

Proposals will be received at the Facilities Department, 2nd Floor, Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778 until 1:00 pm on Monday, September

Eric Goldberg
Aida Gennis
Thomas White
Michael Connors

AD#13319812
WC 8/20, 8/27/15

**PL/#6 CUTTER'S PATH
LEGAL NOTICE
PUBLIC HEARING NOTICE
WESTON PLANNING BOARD**

Pursuant to Section V.B.2.c. and Section XI of the Town of Weston Zoning By-Law, the Planning Board will hold a Public Hearing in the Weston Town Hall on Wednesday, September 2, 2015 at 7:50 PM at the Weston Town Hall, 11 Townhouse Road, Weston, MA on an application for site plan approval for the construction of a 4,771 square foot house at #6 Cutter's Bluff in Weston, MA. The property is further defined as Assessor's Map 47, Parcel 19-70. The Applicant is Muazzam Kazi.

The Planning Board will open the hearing, announce the time and date of the site walk, which is tentatively scheduled for Tuesday, September 8, 2015 at 8am and will continue the public hearing without abutter input until Wednesday, September 16, 2015 at 8:15PM.

Copies of the Plan are available for public inspection at the Town Planner's Office M-F, 8:30-4:30.

By: Alfred Aydelott, Chairman
Weston Planning Board

AD#13317230
WC 8/13, 8/20/15

Town Hall, to review the application:

7:30 PM Public Hearing - 119 Orchard Ave., Dana Gould, application to demolish the Forge.

This structure has been determined to be a "Significant Building" by the Weston Historic Commission. The hearing is to determine whether it should be "Preferably Preserved", which would require that any demolition be delayed for a period of up to six months.

By: Alicia Primer and Phyllis Halpern
Co-Chairmen, Weston Historical Commission

AD#13313539
WC 8/6, 8/20/15

**CC/37 CAMPBELL RD.
LEGAL NOTICE
WAYLAND CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

On Wednesday, August 26, 2015 at 7:45 PM in the Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, the Wayland Conservation Commission will hold a public hearing to consider a Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Andrei Schor for the installation of a 10'x12' storage shed on blocks and the construction of a 12'x12'4" three-season sunroom addition on three footings at 37 Campbell Road, Wayland, MA shown on Assessor's Map 04 Parcel 070.

AD#13319127
WC 8/20/15

CALENDAR

AD#13319805
WC 8/20/15

**CC/321 MERRIAM ST.
LEGAL NOTICE
WESTON CONSERVATION COMMISSION
Notice of Public Hearing**

Pursuant to Mass General Laws, Chapter 131, Section 40, Massachusetts Wetlands Protection Act, the Weston Conservation Commission will hold a Public Hearing on **Tues, September 1, 2015** at 8:00 P.M. in the Weston Town Hall, on a Notice of Intent filed by Robert Vigeant for construction of an addition to an existing outbuilding. A portion of the work will occur in the buffer zone to a wetland at 321 Merriam Street. The application is on file and is available for public inspection in the Conservation Office.

AD#13319729
WC 8/20/15

**15 EAST PLAIN ST.
LEGAL NOTICE**

Notice is hereby given that the Board of Selectmen will hold a Public Hearing on Tuesday, September 8, 2015, at 7:15 p.m. in the Selectmen's Meeting Room at the Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, on the application filed by China Rose LLC for an alteration of premises portion at 15 East Plain Street, Wayland MA 01778.

Board of Selectmen
Town of Wayland

AD#13319818
WC 8/20/15

Call
Mary
(781)
433-7902



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

RECEIVED

AUG 13 2015

Board of Selectmen
Town of Wayland

2:00 PM

PETITION FOR CHANGE OF LICENSE

ABCC License Number

City/Town

The licensee respectfully petitions the Licensing Authorities to approve the following transactions:

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

Change of Manager

Last-Approved Manager:

Requested New Manager:

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 financial information form)

Description of Alteration:

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

Last-Approved Location:

Requested New Location:

Signature of Licensee

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

Date Signed

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

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

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

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

401

IF USED EPAY, CONFIRMATION NUMBER:

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

LICENSEE NAME:

China Rose LLC

ADDRESS:

15 E plain st

CITY/TOWN:

Wayland

STATE

MA

ZIP CODE

01778

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input type="checkbox"/> Change of Manager | <input checked="" 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"/> New Stockholder | <input type="checkbox"/> Issuance of Stock | <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 | |

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

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

I Jaisy Deng by a vote
of the corporate board,
agree to expand the Bar
at China Rose located at
15 E plain st wayland.
MA 01778.

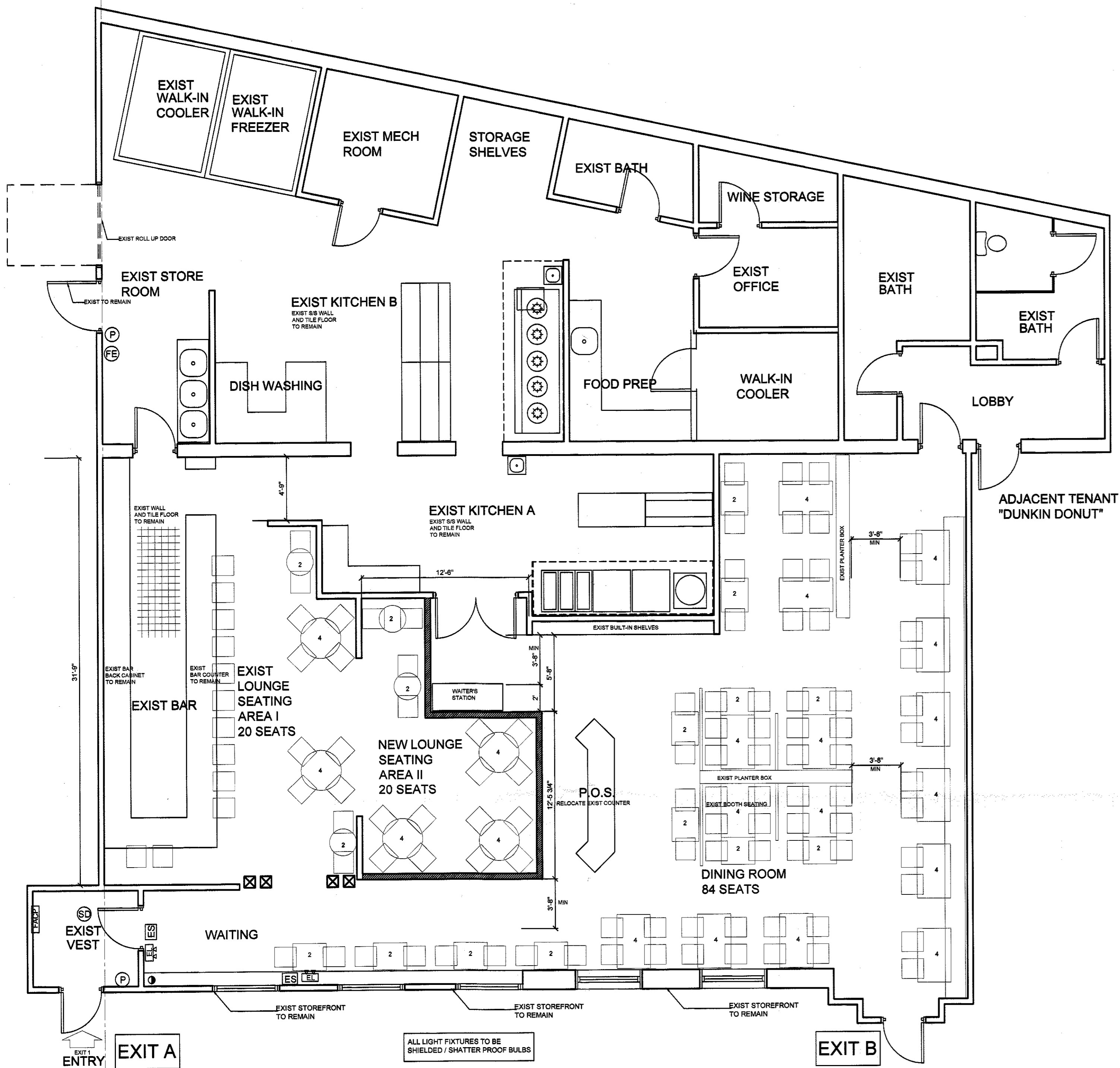
Jaisy Deng
8/13/2015

Financial Information:

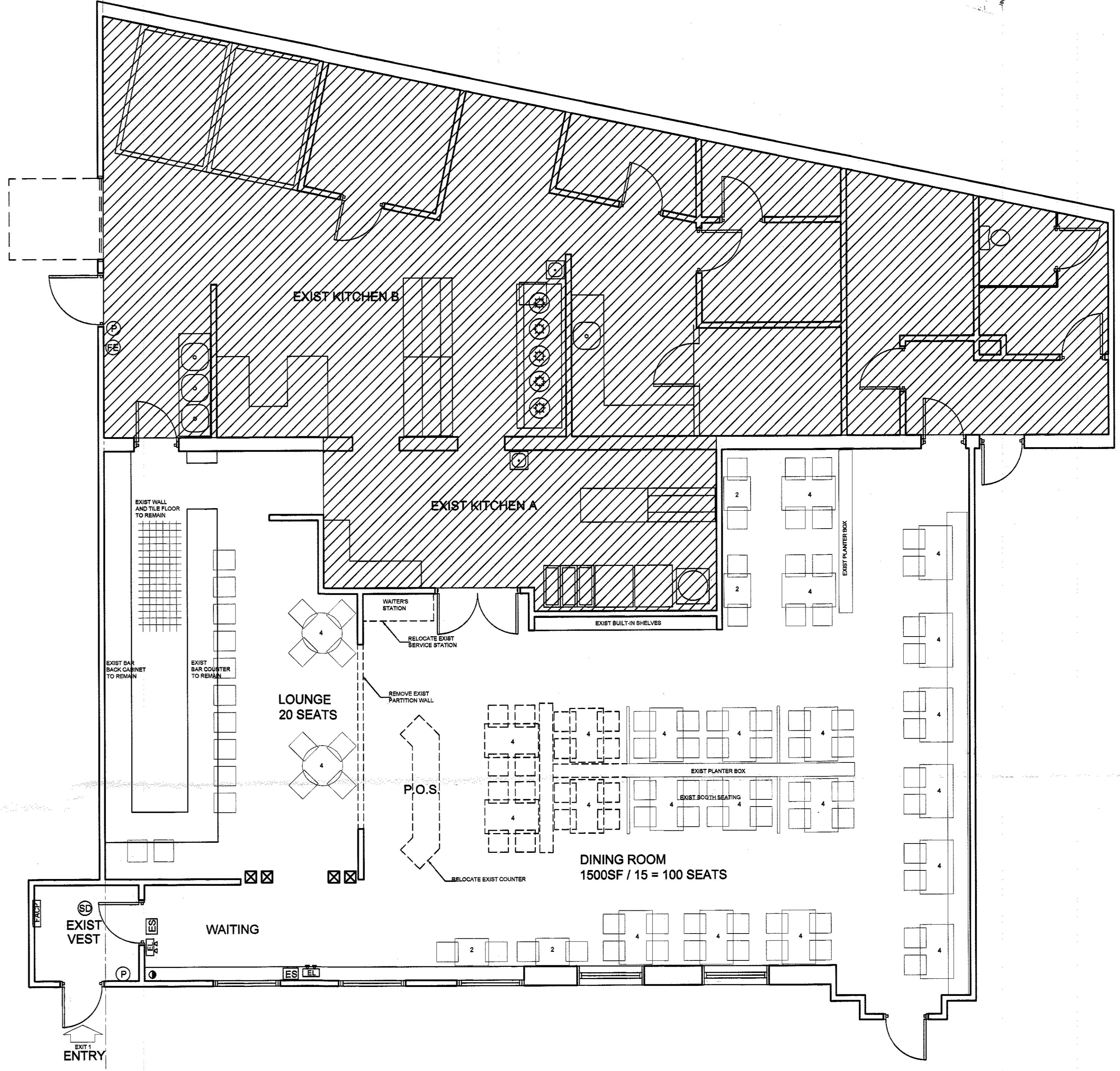
Costs Associated with License

1. Real Property:	\$	<input type="text" value="0"/>
2. Business Purchase:	\$	<input type="text" value="0"/>
3. Renovations/Construction:	\$	<input type="text" value="1000.00"/>
4. Start up/Operating Capital:	\$	<input type="text" value="4000.00"/>
5. Inventory:	\$	<input type="text"/>
6. Goodwill:	\$	<input type="text"/>
7. Furniture:	\$	<input type="text" value="1000.00"/>
8. TOTAL COST:	\$	<input type="text" value="6000.00"/>
9. TOTAL CASH:	\$	<input type="text" value="6000.00"/>
10. TOTAL FINANCED:	\$	<input type="text" value="0"/>

The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.



1 PROPOSED FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



2 EXIST FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"

CODE ANALYSIS

TENANT IMPROVEMENT PLANS
PROJECT ADDRESS: 15 EAST PLAIN ST
WAYLAND MA

PROPOSED USE GROUP: A-2 Restaurant

JURISDICTION: TOWN OF WAYLAND

APPLICABLE CODES: 8th EDITION OF THE MASSACHUSETTS STATE BUILDING CODE 780 CMR INTERNATIONAL BUILDING CODE 2009

1008.0-OCCUPANCY LOAD:
PROPOSED SEATINGS = 124
KITCHEN STAFF = 4
BARTENDER = 1
CASHIER = 1
WAIT STAFF = 3

THERE ARE SEATINGS FOR 124 PERSONS PROPOSED INSIDE.

TOTAL OCCUPANCY= 133 PERSONS

1009.0-EGRESS CAPACITY:
MAX. OCCUPANTS = 133
DOORS: 133 X .2"/PERSON= 26.6"<36" (EXIST EXIT DOOR WIDTH 36")

1010.2 - EXITS REQUIRED 2
EXITS PROVIDED 2

1006.5 - LENGTH OF TRAVEL
THE LENGTH OF TRAVEL IS ALWAYS LESS THAN THE REQUIRED 200' FOR AN UNSPRINKLED GROUP-A-2 USE BUILDING.

STORY: 1

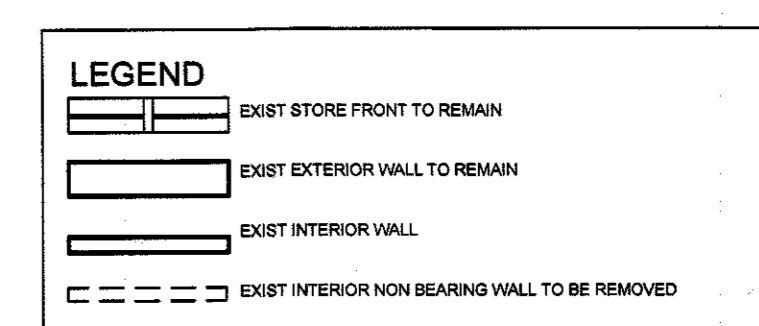
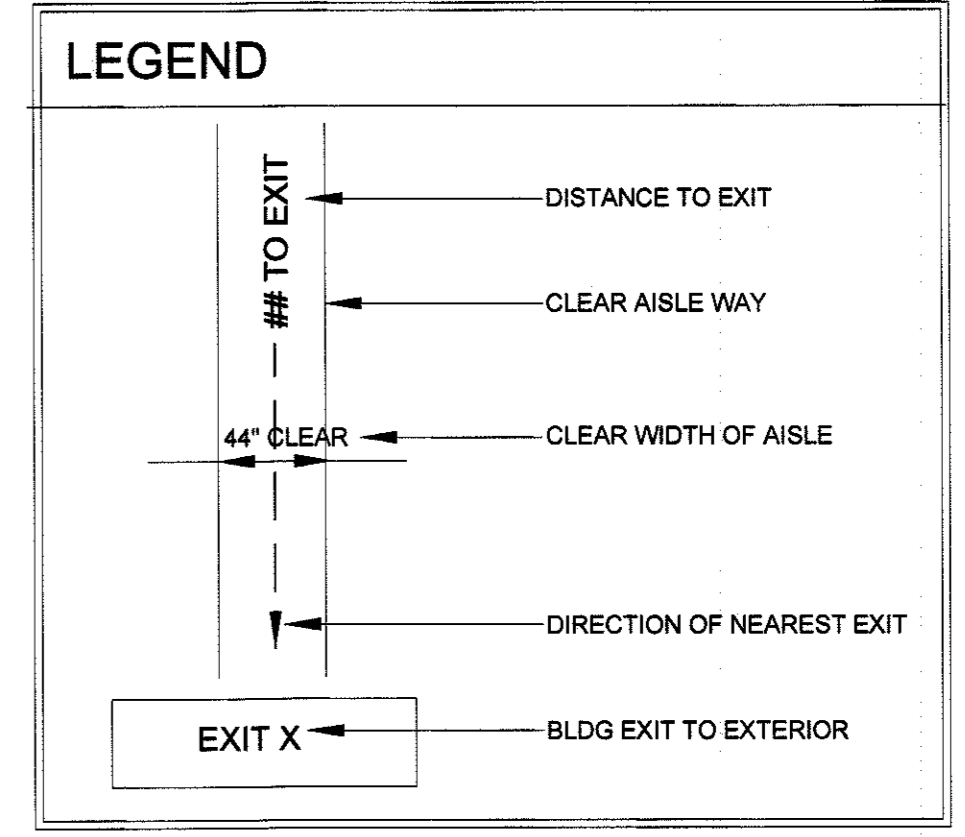
(IBC SECTION 1015.1)
PROVIDED EGRESS PATH LESS THAN 200'

1018.2 - MIN CORRIDOR WIDTH
MIN 44" WHERE SERVING AN OCCUPANT LOAD OF MORE THAN 50

SEATING CAPACITY: 124

SCOPE OF WORK:

1. THIS IS AN INTERIOR NON STRUCTURAL FIT-UP JOB OF THE INTERIOR
2. THE HVAC SYSTEM IS EXISTING
3. ALL THE FIRE PROTECTION SYSTEMS WILL MEET LATEST BLDG CODES
4. FIRE ANSEL SYSTEM IS EXISTING
5. ALL KITCHEN EQUIPMENT ARE EXISTING



ARCHITECT:
LAU DESIGN CO.
16 GLEASON RD
LEXINGTON MA 02420
PHONE: 617 697 0494

ENGINEER:
LARRY YOUNG, P.E.

OWNER:
MOY

BOARD OF HEALTH:
JULIA HUNGHANNS R.S.
41 COCHITUATE ROAD
WAYLAND MA 01778
508 358 3617

BUILDING DEPARTMENT:
DAVID FULLER / JAY
41 COCHITUATE ROAD
WAYLAND MA 01778

**PROPOSED INTERIOR REMODELING
15 EAST PLAIN ST WAYLAND MA 01778**

REVISIONS:

DATE: AUG 2014
SCALE: AS SHOWN

TITLE: CONSTRUCTION DOCUMENT
DRAWN BY: LAU
CHECKED BY:
COMMENTS: PERMIT DRAWING

DWG NO:
A-1



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

8/17/2015

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: China Rose Alteration of Premises

I have reviewed the proposed alteration of premises submitted for the China Rose Restaurant. This alteration will increase the seating capacity for the bar/lounge portion of the restaurant.

I do not have any issues with this alteration. The police department will continue to monitor this, and all establishments with liquor licenses, with compliance checks.

AFFIDAVIT OF NOTICE OF MAILING TO ABUTTER AND OTHERS

To the Licensing Board

For the TOWN OF WAYLAND

Date AUGUST 24, 2015

I, Bei Huan Deng hereby certify that the following is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the proposed location for an alcoholic beverages license at: 15 E plain st wayland. MA 01778

And that the following schools, churches or hospitals are located within the radius of five hundred (500) feet from said proposed location:
N/A
If there are none, please so state:

I also certify that the notice of this application/petition concerning an alcoholic beverages license was given to the above by mailing to each of them within three (3) days after publication of same, a copy of the advertisement is attached below. Also attached are the registered receipts./return registered receipts bearing signatures of persons receiving said notice.

Signed and subscribed to under the penalties of perjuries:

Printed: Bei Huan Deng

Written: Bei Huan Deng

Date: 8/24/2015

BEI HUAN DENG

Notary Public: [Signature] 8/27/2015

My Commission Expires: WAL. MUI
Notary Public, Commonwealth of Massachusetts
My Commission Expires February 3, 2017



100' Abutters List Report

Town of Wayland, MA
February 24, 2014

Subject Property:

Parcel Number: 51B-071
CAMA Number: 51B-071
Property Address: 15 EAST PLAIN ST

Mailing Address: 15 EAST PLAIN LLC
12 WASHINGTON ST
WELLESLEY, MA 02481

Abutters:

Parcel Number: 51B-031B
CAMA Number: 51B-031B
Property Address: 116 MAIN ST

Mailing Address: MICHALOPOULOS DINO TRUSTEE
NICOLAS MICHALOPOULOS TRUST
403 EDMANDS RD
FRAMINGHAM, MA 01701

Parcel Number: 51B-032
CAMA Number: 51B-032
Property Address: 130 MAIN ST

Mailing Address: CUMBERLAND FARMS INC
100 CROSSING BLVD #9003
FRAMINGHAM, MA 01701-5401

Parcel Number: 51B-036
CAMA Number: 51B-036
Property Address: 145 MAIN ST

Mailing Address: TOWN OF WAYLAND COCHITUATE FIRE
STATION
145 MAIN STREET
WAYLAND, MA 01778

Parcel Number: 51B-054
CAMA Number: 51B-054
Property Address: 38 EAST PLAIN ST

Mailing Address: LANG DAVID A KATHLEEN M LANG
38 EAST PLAIN ST
WAYLAND, MA 01778

Parcel Number: 51B-068
CAMA Number: 51B-068
Property Address: 37 EAST PLAIN ST

Mailing Address: BERRY JAMES R HELEN F BERRY
37 EAST PLAIN ST
WAYLAND, MA 01778

Parcel Number: 51B-069
CAMA Number: 51B-069
Property Address: 29 EAST PLAIN ST

Mailing Address: AHEARNE OLIVER & PAULINE T/E
29 EAST PLAIN ST
WAYLAND, MA 01778

Parcel Number: 51B-070
CAMA Number: 51B-070
Property Address: 22 CENTER ST

Mailing Address: BERNOTAS PAUL BERNOTAS DALIA
22 CENTER ST
WAYLAND, MA 01778

Parcel Number: 51D-039
CAMA Number: 51D-039
Property Address: 115 MAIN ST

Mailing Address: MICHALOPOULOS, DINO, TRUSTEE
NICOLAS MICHALOPOULOS TRST
403 EDMANDS RD
FRAMINGHAM, MA 01701

Parcel Number: 51D-040
CAMA Number: 51D-040
Property Address: 111 MAIN ST

Mailing Address: MABARDY MICHAEL
PO BOX 6254
NATICK, MA 01760

Parcel Number: 51D-060
CAMA Number: 51D-060
Property Address: 37 WINTER ST

Mailing Address: BAUER MAXIMILIAN KELLY NIAMH O
T/E
37 WINTER ST
WAYLAND, MA 01778



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



100' Abutters List Report

Town of Wayland, MA
February 24, 2014

Parcel Number: 51D-061
CAMA Number: 51D-061
Property Address: 17 CENTER ST

Mailing Address: RIJK LOUISE H RIJK JOOP C
17 CENTER ST
WAYLAND, MA 01778

Parcel Number: 51D-062
CAMA Number: 51D-062
Property Address: 15 CENTER ST

Mailing Address: HORAN JEFFREY
15 CENTER ST
WAYLAND, MA 01778



www.cai-tech.com

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2/24/2014

Page 2 of 2



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

134000030	WAYLAND	SEPTEMBER 8, 2015
ABCC License Number	City/Town	Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input type="checkbox"/> Change of Manager | <input checked="" 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	China Rose LLC	EIN of Licensee	46-447-0927
D/B/A	China Rose	Manager	Bei Huan Deng

ADDRESS:	15 East Plain Street	CITY/TOWN:	Wayland	STATE:	MA	ZIP CODE:	01778
----------	----------------------	------------	---------	--------	----	-----------	-------

Annual	All Alcohol	Restaurant	Granted under Special Legislation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Annual or Seasonal	Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)	Type: (Restaurant, Club, Package Store, General On Premises, Etc.)	If Yes, Chapter <input type="text"/> Year <input type="text"/>

Complete Description of Licensed Premises:

Restaurant - 4,365 square feet

Application Filed:	August 13 2015 2:00 PM	Advertised:	Town Crier August 20 2015	Abutters Notified:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Date & Time		Date & Attach Publication		

Licensee Contact Person for Transaction	Jaisy Deng	Phone:	508-975-4953
---	------------	--------	--------------

ADDRESS:	15 East Plain Street	CITY/TOWN:	Wayland	STATE:	MA	ZIP CODE:	01778
----------	----------------------	------------	---------	--------	----	-----------	-------

Remarks:

The Local Licensing Authorities By:	Alcoholic Beverages Control Commission Ralph Sacramone Executive Director
<hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>
	ABCC Remarks:

Balmer, Nan

Subject:

FW: Draft Pop Up Park Blurb

**POP UP PARK EVENT
October 17, 2015, 4 to 6 pm**

Pop up Parks are “free one day local events offering families the chance to be playful, creative, and active outside the home.” Generally pop up parks turn small spaces into vibrant play-spaces, breathing new life into neighborhoods and bringing people together. Pop-up events also invite people to rethink the outdoor space around them. “They help people explore ways of permanently transforming the built environment to bring lasting change.”

Pop up parks have been around at least since 2008 and one website suggests that there is a national if not international pop up park day each September. The June 15th issue of the Boston Globe Magazine featured an article about pop up parks in the Fort Point area. Not to be outdone, an informal group of Wayland residents has come together to plan a pop up park on the proposed municipal parcel to do what pop up parks are designed to do—bring people together to have fun and explore ways of transforming a space.

The primary purpose of this event is to help residents understand where the proposed municipal parcel is and what the land looks like. The term municipal parcel has been used for ten years but many of us have only a general idea of its location. And now that the parcel has more than doubled in size, it is hard to picture how big four acres are. Inviting residents to the site will answer those questions.

A secondary purpose is to help people have fun and explore ways that the site could be used. The group is planning a wide variety of educational and fun activities. The Historical Commission will have an opportunity to talk about early Native American use of the land. I will contact OARS about helping out with examples of water quality testing. Gardeners, including Russell’s, will be available for demonstrations and plant identification. The library, Planning Board, and other town departments will be invited to participate.

On the fun side, there will be activities for children and adults such as corn hole toss, basketball, dunking for apples, art activities, zumba, yoga, and perhaps a magic show. There is also the possibility of square dancing and perhaps boating if liability issues can be worked out and there is enough water in the river. And one can’t have a party without food so there will be donations of food and perhaps food demonstrations.

The date is Saturday, October 17th from 4 to 6 pm. (The rain date is October 20th, same time.) Julie Secord is the liaison between the planning group and the staff. The residents planning the pop up park are Marylynn Gentry, Andrew Oppenheim, Seth Roman, Bill Sterling, and Ellen Tohn. The intent is to get sponsors and donations so that no town money is being spent.

DATE: September 8, 2015

TO: Board of Selectmen, School Committee and Personnel Board

FROM: John Senchyshyn, Asst. Town Administrator/HR Director

RE: **Joint Meeting with the Personnel Board and the School Committee to Hear an Analysis and Discuss Potential Options with Cook and Company for Providing Health Insurance to Employees and Retirees through the Group Insurance Commission**

REQUESTED MOTION:

None

BACKGROUND:

At its meeting of August 3rd, the Board of Selectmen authorized the engagement of Cook & Co. to conduct a comparative analysis of premiums between the West Suburban Health Group (WSHG) and the Group Insurance Commission (GIC) and identify potential premium cost savings between the organizations. Sue Shillue, President of Cook & Co. will be presenting the findings to the boards. I anticipate a 15 minute presentation followed by a 30 minute Q&A. Included in the packet are a number of documents applicable to the presentation. The documents are as follows:

- An introductory letter regarding the analysis
- FY 16 GIC total premium rates and FY 16 WSHG total premium rates
- Comparisons of WSHG and GIC Medicare and Non-Medicare plan designs
- A Summary and supporting projections for potential employee/retiree migration with corresponding premium savings
- Projected annual effects on employees/retirees resulting from a combination of premium savings and increased out-of-pocket expenses

A number of the aforementioned scenarios and projections focus on the Tufts Navigator plan, the Harvard Pilgrim Independence plan and the Harvard Pilgrim Primary Choice plan. These three plans are the most popular plans with municipal employees enrolled in the GIC. They represent 26.8%, 21.3% and 10.7% of the total municipal enrollment respectively.

Should the Town opt to pursue the GIC option, the first step in the process would be the adoption of M.G.L. 32B, Sections 21-23 by the Board of Selectmen. Such a vote requires a minimum 2-day notification to the bargaining units and the state's retirees' association. There are then a number of steps spelled out in the law which includes the creation of a Public Employees Committee (PEC). 25% of the total first year's savings is provided to the employees and retirees in mitigation. Mitigation is limited to the first year. The Town and the PEC bargain over the distribution or application of the mitigation funds, but not over the decision to move to the GIC. The GIC requires notification by December 1st for a July 1st enrollment. The time frame to meet a December 1st notification is very tight.



COOK & COMPANY
Insurance Services, Inc.

August 25, 2015

Mr. John Senchyshyn
Assistant Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Dear John:

We have evaluated the Town of Wayland's health insurance program under the West Suburban Health Group (WSHG) versus the Group Insurance Commission (GIC) and are providing the following information:

1. A benefit comparison of the WSHG health plans versus the GIC health plans (both active and Medicare plans).
2. List of the networks for each limited network plan in the GIC.
3. A financial comparison of the premiums costs (total as well as employer/employee split) for the current WSHG plans and enrollments and the projected GIC costs based on different migration assumptions.
4. A copy of the GIC municipal regulations.

Currently the WSHG retiree plans offer prescription drug coverage through a Medicare Prescription Drug Plan. This is in lieu of the Retiree Drug Subsidy (RDS) that the group previously obtained. As of 1-1-16, the GIC's Medicare indemnity plan (Unicare OME) will also offer their prescription drug plan in the same manner. Therefore, the premiums for that plan (which is the plan that most closely resembles Medex), will be reduced. However, since we don't yet know the new rates, I have not built the reduction into the projection. One additional benefit to these types of plans is that they reduce the town's OPEB liability.

Some points regarding the GIC:

1. You will no longer negotiate benefit levels with the unions. The GIC decides what the carriers, plans, benefits, copayments, etc. will be.
2. The Town would negotiate with a Public Employee Committee (PEC) either through Section 19 or Sections 21-23 to enter the GIC. The Town's initial agreement must be for either 3 or 6 years. Subsequent agreements can be for no less than 2 years. If the Town opts out of the GIC after the expiration of an agreement, you can't enroll again for 3 years.

Mr. John Senchyshyn
August 25, 2015
Page Two

3. The Town is able to obtain their specific utilization one time prior to the expiration of the PEC agreement. The information that you can obtain is specified in the GIC regulations.
4. The WSHG currently provides a prescription drug program through CanaRx whereby members can obtain prescription drugs with no copayment. This program is not offered through the GIC. In addition, the WSHG offers wellness programs that would not be offered through the GIC.

Please let me know if you need have any questions regarding this information. I look forward to presenting it to the Board of Selectmen and School Committee.

Sincerely,

COOK & COMPANY INSURANCE SERVICES, INC.



Susan H. Shillue
President



Insurance products from the people you trust

GIC MONTHLY FULL COST RATES

Effective July 1, 2015

Full Cost Rates Including the 0.4% Administrative Fee

! For the rate you will pay as a municipal employee or retiree/survivor, see separate rate chart from your municipality or the GIC's website: www.mass.gov/gic/munirates.

Employee and Non-Medicare Retiree/Survivor Health Plans

HEALTH PLAN	PLAN TYPE	INDIVIDUAL	FAMILY
Fallon Health Direct Care	HMO	\$492.89	\$1,182.96
Fallon Health Select Care	HMO	654.98	1,571.91
Harvard Pilgrim Independence Plan	POS	749.39	1,828.49
Harvard Pilgrim Primary Choice Plan	HMO	599.51	1,462.80
Health New England	HMO	494.17	1,225.14
NHP Prime (<i>Neighborhood Health Plan</i>)	HMO	470.71	1,247.36
Tufts Health Plan Navigator	POS	659.25	1,609.60
Tufts Health Plan Spirit	HMO-type	501.40	1,207.85
UniCare State Indemnity Plan/Basic with CIC (Comprehensive)	Indemnity	974.65	2,281.72
UniCare State Indemnity Plan/Basic without CIC (Non-Comprehensive)	Indemnity	932.32	2,183.55
UniCare State Indemnity Plan/Community Choice	PPO-type	472.29	1,136.29
UniCare State Indemnity Plan/PLUS	PPO-type	655.64	1,566.91

Medicare Plans

Health Plan	Plan Type	Per Person
Fallon Senior Plan*	Medicare (<i>HMO</i>)	\$302.13
Harvard Pilgrim Medicare Enhance	Medicare (<i>Indemnity</i>)	392.24
Health New England MedPlus	Medicare (<i>HMO</i>)	360.95
Tufts Health Plan Medicare Complement	Medicare (<i>HMO</i>)	353.91
Tufts Health Plan Medicare Preferred*	Medicare (<i>HMO</i>)	275.60
UniCare State Indemnity Plan/Medicare Extension (OME) with CIC (<i>Comprehensive</i>)	Medicare (<i>Indemnity</i>)	403.98
UniCare State Indemnity Plan/Medicare Extension (OME) without CIC (<i>Non-Comprehensive</i>)	Medicare (<i>Indemnity</i>)	393.47

**Benefits and rates of Fallon Senior Plan and Tufts Health Plan Medicare Preferred are subject to federal approval and may change January 1, 2016.*

WEST SUBURBAN HEALTH GROUP

Non-Medicare Plan Rates effective July 1, 2015

Health Plans	Plan Type	FY 16	
		Monthly Rate	
		Individual	Family
HPHC PPO	PPO	\$ 2,268.00	\$ 5,036.00
HPHC Rate Saver	HMO	\$ 736.00	\$ 1,918.00
Blue Choice Rate Saver	HMO	\$ 843.00	\$ 2,261.00
Tufts Navigator Rate Saver	HMO	\$ 797.00	\$ 2,088.00
Fallon Select Rate Saver	HMO	\$ 611.00	\$ 1,647.00
Fallon Direct Rate Saver	HMO	\$ 570.00	\$ 1,531.00

Medicare Plan Rates effective January 1, 2015

Health Plans		CY15	
		Monthly Rate	
		Individual	
BCBS Medex	MEDICARE INDEMNITY	\$ 340.00	
HPHC Medicare Enhance	MEDICARE INDEMNITY	\$ 328.33	
Managed Blue for Seniors	MEDICARE HMO	\$ 295.63	
Fallon Senior Plan	MEDICARE HMO	\$ 299.00	
Tufts Medicare Prime Supplement	MEDICARE INDEMNITY	\$ 330.00	
Tufts Medicare Preferred HMO	MEDICARE HMO	\$ 262.00	

**COMPARISON OF WSHG RATE SAVER PLANS VS WSHG CURRENT BENCHMARK PLANS
FY '16**

		WSHG RATE SAVER PLANS				WSHG BENCHMARK PLANS			
		WSHG HPHC RATE SAVER HMO	WSHG TUFTS RATE SAVER HMO	WSHG NETWORK BLUE RATE SAVER HMO	FALLON RATE SAVER HMO	WSHG HPHC BENCHMARK HMO	WSHG TUFTS BENCHMARK HMO	WSHG NETWORK BLUE BENCHMARK HMO	WSHG FALLON BENCHMARK HMO
Calendar Year Deductible	IND FAM	N/A	N/A	N/A	N/A	\$250 \$750	\$250 \$750	\$250 \$750	\$250 \$750
Primary Care Office Visit	Tier 1 Tier 2 Tier 3	\$20	\$20	\$15 \$25 \$45	\$20	\$20	\$20	\$20	\$20
Specialist Office Visit	Tier 1 Tier 2 Tier 3	\$35 N/A N/A	\$35 N/A N/A	\$45 N/A N/A	\$35 N/A N/A	\$25 \$35 \$45	\$35 N/A N/A	\$35 N/A N/A	\$35 N/A N/A
Emergency Room		\$75	\$75	\$75	\$75	\$100	\$75	\$100	\$100
Hospital Admission	Tier 1 Tier 2 Tier 3	\$250 N/A N/A	\$150 \$250 N/A	\$250 \$500 \$500	\$250 N/A N/A	\$300 \$300 \$700	\$300 \$700 N/A	\$300 \$700 N/A	\$300 N/A N/A
Hospital Outpatient Surgery		\$125	\$125	\$150 \$250 \$250	\$125	\$150	\$150	\$150	\$150
High Tech Imaging (MRI, CT, PET)	Tier 1 Tier 2 Tier 3	Covered in Full	\$75	\$75 \$150 \$150	Covered in Full	\$100	\$100	\$100	\$100
Prescriptions									
Retail	Tier 1	\$10	\$10	\$15	\$10	\$10	\$10	\$15	\$10
30-day supply	Tier 2 Tier 3	\$25 \$45	\$25 \$45	\$30 \$50	\$25 \$45	\$25 \$50	\$25 \$50	\$30 \$50	\$25 \$50
Mail Order	Tier 1	\$20	\$20	\$30	\$20	\$20	\$20	\$20	\$20
90-day supply	Tier 2 Tier 3	\$50 \$90	\$50 \$90	\$60 \$100	\$50 \$90	\$50 \$110	\$50 \$110	\$50 \$110	\$50 \$110

**COMPARISON OF WSHG MEDICARE PLANS VS GIC MEDICARE PLANS
FY '16**

	WSHG MEDICARE PLANS						GIC MEDICARE PLANS					
	MEDEX	HPHC ENHANCE	TUFTS MEDICARE SUPPLEMENT	TUFTS MEDICARE PREFERRED	MANAGED BLUE FOR SENIORS	FALLON SENIOR	GIC UNICARE ONE	GIC RPHC ENHANCE	GIC TUFTS COMPLEMENT	GIC TUFTS PREFERRED	GIC FALLON SENIOR	GIC HEALTH NEW ENGLAND
Calendar Year Deductible	N/A	N/A	N/A	N/A	N/A	N/A	\$35	N/A	N/A	N/A	N/A	N/A
Office Visit	Covered in Full	\$5	\$10	\$10	\$10	\$15	Covered in Full Mental Health - \$10 for visits >4	\$10	\$10	\$10	\$10	\$10
Specialist Office Visit	Covered in Full	\$5	\$10	\$15	\$10	\$25	Covered in Full	\$10	\$10	\$10	\$10	\$10
Emergency Room	Covered in Full	\$30	\$50	\$50	\$50	\$50	\$25	\$50	\$50	\$50	\$50	\$50
Hospital Admission	Covered in Full	Covered in Full	Covered in Full	\$300 deductible	Covered in Full	Covered in Full	\$50 (max of one per quarter)	Covered in Full	Covered in Full	Covered in Full	Covered in Full	Covered in Full
Prescriptions												
Retail												
30-day supply												
	Tier 1	\$5	\$5	\$10	\$10	\$5	\$10	\$10	\$10	\$10	\$10	\$10
	Tier 2	\$15	\$10	\$20	\$25	\$15	\$25	\$30	\$30	\$30	\$30	\$30
	Tier 3	\$30	\$25	\$35	\$50	\$30	\$50	\$65	\$65	\$65	\$65	\$65
Mail Order												
90-day supply												
	Tier 1	\$10	\$10	\$20	\$20	\$10	\$20	\$25	\$25	\$25	\$25	\$25
	Tier 2	\$30	\$20	\$40	\$50	\$30	\$50	\$75	\$75	\$75	\$75	\$75
	Tier 3	\$60	\$75	\$70	\$100	\$60	\$100	\$165	\$165	\$165	\$165	\$165

GIC plans are converting to a Medicare PDP effective 1-1-16



WAYLAND - FISCAL YEAR 2016 HEALTH INSURANCE OPTIONS SUMMARY

ALL DATA REPORTED ON AN ANNUAL BASIS
DATA EXCLUDES INCREASED OUT-OF-POCKET EXPENSES

	Employer Cost	Emp/Retiree Cost	Total Cost
Option #1 - Current WSHG Plans			
Non-Medicare Plans	5,744,407	2,944,325	8,688,732
Medicare Plans	664,609	664,609	1,329,218
<u>Total</u>	<u>6,409,016</u>	<u>3,608,934</u>	<u>10,017,950</u>
Option #2 - Move to New WSHG Benchmark Plans			
Non-Medicare Plans	5,353,944	2,745,297	8,099,241
Medicare Plans	664,609	664,609	1,329,218
<u>Total</u>	<u>6,018,553</u>	<u>3,409,906</u>	<u>9,428,459</u>
Savings	390,463	199,028	589,491
Option #3 - Move to GIC Plans; All enroll in Same Carrier using HPHC Independence and Tufts Navigator; BC to Tufts Navigator			
Non-Medicare Plans	5,138,638	2,614,828	7,753,466
Medicare Plans	766,638	766,638	1,533,276
<u>Total</u>	<u>5,905,276</u>	<u>3,381,466</u>	<u>9,286,742</u>
Savings	503,740	227,468	731,208
25% Mitigation	-182,802	182,802	
<u>Net 1st Year Savings</u>	<u>320,938</u>	<u>410,270</u>	<u>731,208</u>
Option #4 - Move to GIC Plans; HP, Tufts, BCBS Enroll in Tufts Navigator; Fallon Enrolls in Fallon			
Non-Medicare Plans	4,779,350	2,428,683	7,208,033
Medicare Plans	766,638	766,638	1,533,276
<u>Total</u>	<u>5,545,988</u>	<u>3,195,321</u>	<u>8,741,309</u>
Savings	863,028	413,613	1,276,641
25% Mitigation	-319,160	319,160	
<u>Net 1st Year Savings</u>	<u>543,868</u>	<u>732,773</u>	<u>1,276,641</u>
Option #5 - Move to GIC Plans; Hybrid Model			
Non-Medicare Plans	4,765,943	2,429,607	7,195,550
Medicare Plans	766,638	766,638	1,533,276
<u>Total</u>	<u>5,532,581</u>	<u>3,196,245</u>	<u>8,728,826</u>
Savings	876,435	412,689	1,289,124
25% Mitigation	-322,281	322,281	
<u>Net 1st Year Savings</u>	<u>554,154</u>	<u>734,970</u>	<u>1,289,124</u>



WAYLAND - FISCAL YEAR 2016 Current WSHG Plans

Plan Name	Enrollment	I/F	# of Months	EMPLOYER			EMPLOYEE/RETIREE		TOTAL Cost	Employer %
				Rate	Share	Cost	Share	Cost		
HPHC PPO	1	I	12	2268.00	1134.00	13,608	1134.00	13,608	27,216	50.00
	1	F	12	5036.00	2518.00	30,216	2518.00	30,216	60,432	50.00
TOTALS:						43,824		43,824	87,648	
HPHC EPO	104	I	12	736.00	544.64	679,711	191.36	238,817	918,528	74.00
RATE SAVER	162	F	12	1918.00	1227.52	2,386,299	690.48	1,342,293	3,728,592	64.00
TOTALS:						3,066,010		1,581,110	4,647,120	
HPHC EPO	2	I	12	736.00	368.00	8,832	368.00	8,832	17,664	50.00
RATE SAVER	2	F	12	1918.00	959.00	23,016	959.00	23,016	46,032	50.00
TOTALS:						31,848		31,848	63,696	
TUFTS EPO	54	I	12	797.00	589.78	382,177	207.22	134,279	516,456	74.00
RATE SAVER	50	I	12	2088.00	1336.32	801,792	751.68	451,008	1,252,800	64.00
TOTALS:						1,183,969		585,287	1,769,256	
NETWORK BLUE	37	I	12	843.00	623.82	276,976	219.18	97,316	374,292	74.00
RATE SAVER	28	F	12	2261.00	1447.04	486,205	813.96	273,491	759,696	64.00
TOTALS:						763,182		370,806	1,133,988	
FALLON SELECT	32	I	12	611.00	452.14	173,622	158.86	61,002	234,624	74.00
RATE SAVER	24	F	12	1647.00	1054.08	303,575	592.92	170,761	474,336	64.00
TOTALS:						477,197		231,763	708,960	
FALLON SELECT	1	I	12	611.00	305.50	3,666	305.50	3,666	7,332	50.00
RATE SAVER	2	F	12	1647.00	823.50	19,764	823.50	19,764	39,528	50.00
TOTALS:						23,430		23,430	46,860	
FALLON DIRECT	13	I	12	570.00	421.80	65,801	148.20	23,119	88,920	74.00
RATE SAVER	7	F	12	1531.00	979.84	82,307	551.16	46,297	128,604	64.00
TOTALS:						148,107		69,417	217,524	
FALLON DIRECT	2	I	12	570.00	285.00	6,840	285.00	6,840	13,680	50.00
RATE SAVER	0	F	12	1531.00	765.50	-	765.50	-	-	50.00
TOTALS:						6,840		6,840	13,680	
SUBTOTAL NON-MEDICARE						5,744,407		2,944,325	8,688,732	
MEDEX	87	I	12	340.00	170.00	177,480	170.00	177,480	354,960	50.00
HPHC ENHANCE	93	I	12	328.33	164.17	183,208	164.17	183,208	366,416	50.00
TUFTS MED PLUS	72	I	12	330.00	165.00	142,560	165.00	142,560	285,120	50.00
TUFTS MED PREF	62	I	12	262.00	131.00	97,464	131.00	97,464	194,928	50.00
MGD BLUE FOR SRS	34	I	12	295.63	147.82	60,309	147.82	60,309	120,617	50.00
FALLON SENIOR	2	I	12	299.00	149.50	3,588	149.50	3,588	7,176	50.00
SUBTOTAL MEDICARE:						664,609		664,609	1,329,217	
Budget Totals All Plans:						6,409,015	-	3,608,934	10,017,949	

OPTION #1



WAYLAND - FISCAL YEAR 2016 Projection on New WSHG Benchmark Benefit

Plan Name	Enrollment	I/F	# of Months	EMPLOYER			EMPLOYEE/RETIREE		TOTAL Cost	Employer %
				Rate	Share	Cost	Share	Cost		
HPHC PPO	1	I	12	2268.00	1134.00	13,608	1134.00	13,608	27,216	50.00
	1	F	12	5036.00	2518.00	30,216	2518.00	30,216	60,432	50.00
TOTALS:						43,824		43,824	87,648	
HPHC EPO	104	I	12	681.83	504.55	629,684	177.28	221,240	850,924	74.00
RATE SAVER	162	F	12	1776.84	1137.18	2,210,673	639.66	1,243,504	3,454,177	64.00
TOTALS:						2,840,357		1,464,744	4,305,101	
HPHC EPO	2	I	12	681.83	340.92	8,182	340.92	8,182	16,364	50.00
RATE SAVER	2	F	12	1776.84	888.42	21,322	888.42	21,322	42,644	50.00
TOTALS:						29,504		29,504	59,008	
TUFTS EPO	54	I	12	734.83	543.77	352,366	191.06	123,804	476,170	74.00
RATE SAVER	50	I	12	1925.14	1232.09	739,254	693.05	415,830	1,155,084	64.00
TOTALS:						1,091,619		539,634	1,631,254	
NETWORK BLUE	37	I	12	799.08	591.32	262,546	207.76	92,246	354,792	74.00
RATE SAVER	28	F	12	2143.20	1371.65	460,874	771.55	259,241	720,115	64.00
TOTALS:						723,419		351,487	1,074,907	
FALLON SELECT	32	I	12	582.71	431.21	165,583	151.50	58,178	223,761	74.00
RATE SAVER	24	F	12	1570.74	1005.27	289,519	565.47	162,854	452,373	64.00
TOTALS:						455,102		221,032	676,134	
FALLON SELECT	1	I	12	582.71	291.36	3,496	291.36	3,496	6,993	50.00
RATE SAVER	2	F	12	1570.74	785.37	18,849	785.37	18,849	37,698	50.00
TOTALS:						22,345		22,345	44,690	
FALLON DIRECT	13	I	12	543.61	402.27	62,754	141.34	22,049	84,803	74.00
RATE SAVER	7	F	12	1460.11	934.47	78,496	525.64	44,154	122,649	64.00
TOTALS:						141,250		66,203	207,452	
FALLON DIRECT	2	I	12	543.61	271.81	6,523	271.81	6,523	13,047	50.00
RATE SAVER	0	F	12	1460.11	730.06	-	730.06	-	-	50.00
TOTALS:						6,523		6,523	13,047	
SUBTOTAL NON-MEDICARE						5,353,944		2,745,297	8,099,241	
MEDEX	87	I	12	340.00	170.00	177,480	170.00	177,480	354,960	50.00
HPHC ENHANCE	93	I	12	328.33	164.17	183,208	164.17	183,208	366,416	50.00
TUFTS MED PLUS	72	I	12	330.00	165.00	142,560	165.00	142,560	285,120	50.00
TUFTS MED PREF	62	I	12	262.00	131.00	97,464	131.00	97,464	194,928	50.00
MGD BLUE FOR SRS	34	I	12	295.63	147.82	60,309	147.82	60,309	120,617	50.00
FALLON SENIOR	2	I	12	299.00	149.50	3,588	149.50	3,588	7,176	50.00
SUBTOTAL MEDICARE:						664,609		664,609	1,329,217	
Budget Totals All Plans:						6,018,553		3,409,906	9,428,458	
Total Savings from WSHG Current Plans:						390,463		199,028	589,491	

Note: Employee/retiree savings do not reflect increased out-of pocket expenses



WAYLAND - FISCAL YEAR 2016 WSHG TO GIC PLANS - Enroll in Same Carrier, BC to Tufts

Plan Name	Enrollment	I/F	# of Months	Rate	EMPLOYER Share	EMPLOYER Cost	EMPLOYEE/RETIREE Share	EMPLOYEE/RETIREE Cost	TOTAL Cost	Employer %
HPHC PPO	1	I	12	932.32	466.16	5,594	466.16	5,594	11,188	50.00
to Unicare Basic	1	F	12	2183.55	1091.78	13,101	1091.78	13,101	26,203	50.00
TOTALS:						18,695		18,695	37,390	
HPHC EPO	104	I	12	749.39	554.55	692,077	194.84	243,162	935,239	74.00
RATE SAVER	162	F	12	1828.49	1170.23	2,274,934	658.26	1,279,650	3,554,585	64.00
to HPHC Independence	TOTALS:						2,967,011		1,522,813	4,489,823
HPHC EPO	2	I	12	749.39	374.70	8,993	374.70	8,993	17,985	50.00
RATE SAVER	2	F	12	1828.49	914.25	21,942	914.25	21,942	43,884	50.00
to HPHC Independence	TOTALS:						30,935		30,935	61,869
TUFTS EPO	54	I	12	659.25	487.85	316,124	171.41	111,070	427,194	74.00
RATE SAVER	50	F	12	1609.60	1030.14	618,086	579.46	347,674	965,760	64.00
to Tufts Navigator	TOTALS:						934,210		458,744	1,392,954
NETWORK BLUE	37	I	12	659.25	487.85	216,603	171.41	76,104	292,707	74.00
RATE SAVER	28	F	12	1609.60	1030.14	346,128	579.46	194,697	540,826	64.00
to Tufts Navigator	TOTALS:						562,732		270,801	833,533
FALLON SELECT	32	I	12	654.98	484.69	186,119	170.29	65,393	251,512	74.00
RATE SAVER	24	F	12	1571.91	1006.02	289,734	565.89	162,976	452,710	64.00
to Fallon Select	TOTALS:						475,854		228,369	704,222
FALLON SELECT	1	I	12	654.98	327.49	3,930	327.49	3,930	7,860	50.00
RATE SAVER	2	F	12	1571.91	785.96	18,863	785.96	18,863	37,726	50.00
to Fallon Select	TOTALS:						22,793		22,793	45,586
FALLON DIRECT	13	I	12	492.89	364.74	56,899	128.15	19,992	76,891	74.00
RATE SAVER	7	F	12	1182.96	757.09	63,596	425.87	35,773	99,369	64.00
to Fallon Direct	TOTALS:						120,495		55,764	176,259
FALLON DIRECT	2	I	12	492.89	246.45	5,915	246.45	5,915	11,829	50.00
RATE SAVER	0	F	12	1182.96	591.48	-	591.48	-	-	50.00
to Fallon Direct	TOTALS:						5,915		5,915	11,829
SUBTOTAL NON-MEDICARE						5,138,638		2,614,828	7,753,466	
MEDEX *	87	I	12	403.98	201.99	210,878	201.99	210,878	421,755	50.00
HPHC ENHANCE	93	I	12	392.24	196.12	218,870	196.12	218,870	437,740	50.00
TUFTS MED PLUS *	72	I	12	403.98	201.99	174,519	201.99	174,519	349,039	50.00
TUFTS MED PREF	62	I	12	275.60	137.80	102,523	137.80	102,523	205,046	50.00
MGD BLUE FOR SRS **	34	I	12	275.60	137.80	56,222	137.80	56,222	112,445	50.00
FALLON SENIOR	2	I	12	302.13	151.07	3,626	151.07	3,626	7,251	50.00
* to Unicare OME										
** to Tufts Med Pref	MEDICARE TOTAL:						766,638		766,638	1,533,276
Budget Totals All Plans:						5,905,276		3,381,466	9,286,742	
Total Savings from WSHG Current Plans:						503,739		227,468	731,207	
25% Mitigation*:						(182,802)		182,802		
Net 1st Year Savings:						320,937		410,270	731,207	

*If negotiating under Sections 21-23, the Town must provide a mitigation fund of up to 25% of the total first year savings.

Note: Employee/retiree savings do not reflect increased out-of-pocket expenses

OPTION #3



WAYLAND - FISCAL YEAR 2016

WSHG TO GIC PLANS - HPHC, Tufts and BC Enroll in Tufts

Plan Name	Enrollment	I/F	# of Months	EMPLOYER			EMPLOYEE/RETIREE		TOTAL Cost	Employer %	
				Rate	Share	Cost	Share	Cost			
HPHC PPO	1	I	12	932.32	466.16	5,594	466.16	5,594	11,188	50.00	
to Unicare Basic	1	F	12	2183.55	1091.78	13,101	1091.78	13,101	26,203	50.00	
TOTALS:						18,695		18,695	37,390		
HPHC EPO	104	I	12	659.25	487.85	608,831	171.41	213,913	822,744	74.00	
RATE SAVER	162	F	12	1609.60	1030.14	2,002,600	579.46	1,126,462	3,129,062	64.00	
to Tufts Navigator	TOTALS:						2,611,430		1,340,376	3,951,806	
HPHC EPO	2	I	12	659.25	329.63	7,911	329.63	7,911	15,822	50.00	
RATE SAVER	2	F	12	1609.60	804.80	19,315	804.80	19,315	38,630	50.00	
to Tufts Navigator	TOTALS:						27,226		27,226	54,452	
TUFTS EPO	54	I	12	659.25	487.85	316,124	171.41	111,070	427,194	74.00	
RATE SAVER	50	F	12	1609.60	1030.14	618,086	579.46	347,674	965,760	64.00	
to Tufts Navigator	TOTALS:						934,210		458,744	1,392,954	
NETWORK BLUE	37	I	12	659.25	487.85	216,603	171.41	76,104	292,707	74.00	
RATE SAVER	28	F	12	1609.60	1030.14	346,128	579.46	194,697	540,826	64.00	
to Tufts Navigator	TOTALS:						562,732		270,801	833,533	
FALLON SELECT	32	I	12	654.98	484.69	186,119	170.29	65,393	251,512	74.00	
RATE SAVER	24	F	12	1571.91	1006.02	289,734	565.89	162,976	452,710	64.00	
to Fallon Select	TOTALS:						475,854		228,369	704,222	
FALLON SELECT	1	I	12	654.98	327.49	3,930	327.49	3,930	7,860	50.00	
RATE SAVER	2	F	12	1571.91	785.96	18,863	785.96	18,863	37,726	50.00	
to Fallon Select	TOTALS:						22,793		22,793	45,586	
FALLON DIRECT	13	I	12	492.89	364.74	56,899	128.15	19,992	76,891	74.00	
RATE SAVER	7	F	12	1182.96	757.09	63,596	425.87	35,773	99,369	64.00	
to Fallon Direct	TOTALS:						120,495		55,764	176,259	
FALLON DIRECT	2	I	12	492.89	246.45	5,915	246.45	5,915	11,829	50.00	
RATE SAVER	0	F	12	1182.96	591.48	-	591.48	-	-	50.00	
to Fallon Direct	TOTALS:						5,915		5,915	11,829	
SUBTOTAL NON-MEDICARE						4,779,350		2,428,683	7,208,033		
MEDEX *	87	I	12	403.98	201.99	210,878	201.99	210,878	421,755	50.00	
HPHC ENHANCE	93	I	12	392.24	196.12	218,870	196.12	218,870	437,740	50.00	
TUFTS MED PLUS *	72	I	12	403.98	201.99	174,519	201.99	174,519	349,039	50.00	
TUFTS MED PEF	62	I	12	275.60	137.80	102,523	137.80	102,523	205,046	50.00	
MGD BLUE FOR SRS **	34	I	12	275.60	137.80	56,222	137.80	56,222	112,445	50.00	
FALLON SENIOR	2	I	12	302.13	151.07	3,626	151.07	3,626	7,251	50.00	
* to Unicare OME	TOTALS:						766,638		766,638	1,533,276	
** to Tufts Med Pref	TOTALS:						766,638		766,638	1,533,276	
Budget Totals All Plans:						5,545,988		3,195,321	8,741,309		
Total Savings from WSHG Current Plans:						863,028		413,613	1,276,641		
25% Mitigation*:						(319,160)		319,160			
Net 1st Year Savings:						543,868		732,773	1,276,641		

*If negotiating under Sections 21-23, the Town must provide a mitigation fund of up to 25% of the total first year savings.

Note: Employee/retiree savings do not reflect increased out-of-pocket expenses

OPTION #4



WAYLAND - FISCAL YEAR 2016
WSHG HPHC TO GIC 3/4 HPHC INDEPENDENCE; 1/4 HPHC PRIMARY CHOICE
WSHG TUFTS TO GIC 3/4TUFTS NAVIGATOR; 1/4 TUFTS SPIRIT
WSHG BCBS TO GIC UNICARE COMMUNITY CHOICE
WSHG FALLON TO GIC FALLON

Plan Name	Enrollment	I/F	# of Months	Rate	EMPLOYER Share	EMPLOYER Cost	EMPLOYEE/RETIREE Share	EMPLOYEE/RETIREE Cost	TOTAL Cost	Employer %
HPHC PPO	1	I	12	932.32	466.16	5,594	466.16	5,594	11,188	50.00
to Unicare Basic	1	F	12	2183.55	1091.78	13,101	1091.78	13,101	26,203	50.00
TOTALS:						18,695		18,695	37,390	
HPHC EPO	78	I	12	749.39	554.55	519,057	194.84	182,372	701,429	74.00
RATE SAVER	121	F	12	1828.49	1170.23	1,699,179	658.26	955,788	2,654,967	64.00
3/4 to HPHC Independence						2,218,237		1,138,160	3,356,397	
HPHC EPO	26	I	12	599.51	443.64	138,415	155.87	48,632	187,047	74.00
RATE SAVER	41	F	12	1462.80	936.19	460,606	526.61	259,091	719,698	64.00
1/4 to HPHC Primary Choice						599,021		307,723	906,745	
HPHC EPO	2	I	12	749.39	374.70	8,993	374.70	8,993	17,985	50.00
RATE SAVER	2	F	12	1828.49	914.25	21,942	914.25	21,942	43,884	50.00
to HPHC Independence						30,935		30,935	61,869	
TUFTS EPO	40	I	12	659.25	487.85	234,166	171.41	82,274	316,440	74.00
RATE SAVER	37	F	12	1609.60	1030.14	457,384	579.46	257,278	714,662	64.00
3/4 to Tufts Navigator						691,550		339,553	1,031,102	
TUFTS EPO	14	I	12	501.40	371.04	62,334	130.36	21,901	84,235	74.00
RATE SAVER	13	F	12	1207.85	773.02	120,592	434.83	67,833	188,425	64.00
1/4 to Tufts Spirit						182,926		89,734	272,660	
NETWORK BLUE	37	I	12	472.29	349.49	155,176	122.80	54,521	209,697	74.00
RATE SAVER	28	F	12	1136.29	727.23	244,348	409.06	137,446	381,793	64.00
Unicare Community Choice						399,523		191,967	591,490	
FALLON SELECT	32	I	12	654.98	484.69	186,119	170.29	65,393	251,512	74.00
RATE SAVER	24	F	12	1571.91	1006.02	289,734	565.89	162,976	452,710	64.00
to Fallon Select						475,854		228,369	704,222	
FALLON SELECT	1	I	12	654.98	327.49	3,930	327.49	3,930	7,860	50.00
RATE SAVER	2	F	12	1571.91	785.96	18,863	785.96	18,863	37,726	50.00
to Fallon Select						22,793		22,793	45,586	
FALLON DIRECT	13	I	12	492.89	364.74	56,899	128.15	19,992	76,891	74.00
RATE SAVER	7	F	12	1182.96	757.09	63,596	425.87	35,773	99,369	64.00
to Fallon Direct						120,495		55,764	176,259	
FALLON DIRECT	2	I	12	492.89	246.45	5,915	246.45	5,915	11,829	50.00
RATE SAVER	0	F	12	1182.96	591.48	-	591.48	-	-	50.00
to Fallon Direct						5,915		5,915	11,829	
SUBTOTAL NON-MEDICARE						4,765,943		2,429,607	7,195,550	
MEDEX *	87	I	12	403.98	201.99	210,878	201.99	210,878	421,755	50.00
HPHC ENHANCE	93	I	12	392.24	196.12	218,870	196.12	218,870	437,740	50.00
TUFTS MED PLUS *	72	I	12	403.98	201.99	174,519	201.99	174,519	349,039	50.00
TUFTS MED PREF	62	I	12	275.60	137.80	102,523	137.80	102,523	205,046	50.00
MGD BLUE FOR SRS **	34	I	12	275.60	137.80	56,222	137.80	56,222	112,444	50.00
FALLON SENIOR	2	I	12	302.13	151.07	3,626	151.07	3,626	7,251	50.00
* to Unicare OME										
** to Tufts Med Pref										
TOTALS:						766,638		766,638	1,533,276	
Budget Totals All Plans:						5,532,581		3,196,245	8,728,826	
Total Savings from WSHG Current Plans:						876,435		412,689	1,289,123	
25% Mitigation*:						(322,281)		322,281		
Net 1st Year Savings:						554,154		734,969	1,289,123	

*If negotiating under Sections 21-23, the Town must provide a mitigation fund of up to 25% of the total first year savings.

Note: Employee/retiree savings do not reflect increased out-of-pocket expenses

Town of Wayland
 Non-Medicare Employee/Retiree Out-of-Pocket Comparison
 WSHG HPHC Rate Saver vs GIC HPHC Independence, Tufts Navigator & HPHC Primary Choice

	* Wide Network Plan *			* Wide Network Plan *			* Limited Network Plan *		
	WSHG Rate Saver	GIC HPHC Independence	Out-of-Pocket Difference WSHG RSP vs. GIC HP Independence	WSHG Rate Saver	GIC Tufts Navigator	Out-of-Pocket Difference WSHG RSP vs. GIC Tufts Navigator	WSHG Rate Saver	GIC HPHC Primary Choice	Difference WSHG RSP vs. GIC HP Primary Choice
Example 1 - Family (Annual Costs)									
Premium Share	\$8,280	\$7,896	-\$384	\$8,280	\$6,948	-\$1,332	\$8,280	\$6,324	-\$1,956
Deductible*	\$0	\$900	\$900	\$0	\$900	\$900	\$0	\$900	\$900
4 Primary Care Visits	\$80	\$80	\$0	\$80	\$80	\$0	\$80	\$80	\$0
2 Specialist Visits-tier 2	\$70	\$120	\$50	\$70	\$120	\$50	\$70	\$120	\$50
1 MRI	\$0	\$100	\$100	\$0	\$100	\$100	\$0	\$100	\$100
1 outpatient surgery	\$125	\$250	\$125	\$125	\$250	\$125	\$125	\$250	\$125
3 retail RX-tier 2	\$75	\$90	\$15	\$75	\$90	\$15	\$75	\$90	\$15
2 mail-order RX- tier 1 (annual)	\$160	\$200	\$40	\$160	\$200	\$40	\$160	\$200	\$40
TOTAL	\$8,790	\$9,636	10% (Employee or Retiree Increase)	\$8,790	\$8,688	-1% (Employee or Retiree Decrease)	\$8,790	\$8,064	-8% (Employee or Retiree Decrease)

*Member does not need to satisfy the deductible for office visits and RX
 Assumes 3+ family members satisfy deductible (Note: 2 Person Family Deductible is \$600)

	* Wide Network Plan *			* Wide Network Plan *			* Limited Network Plan *		
	WSHG Rate Saver	GIC HPHC Independence	Out-of-Pocket Difference WSHG RSP vs. GIC HP Independence	WSHG Rate Saver	GIC Tufts Navigator	Out-of-Pocket Difference WSHG RSP vs. GIC Tufts Navigator	WSHG Rate Saver	GIC HPHC Primary Choice	Difference WSHG RSP vs. GIC HP Primary Choice
Example 2 - Individual (Annual Costs)									
Premium Share	\$2,296	\$2,340	\$44	\$2,296	\$2,052	-\$244	\$2,296	\$1,872	-\$424
Deductible	\$0	\$300	\$300	\$0	\$300	\$300	\$0	\$300	\$300
2 Primary Care Visits	\$40	\$40	\$0	\$40	\$40	\$0	\$40	\$40	\$0
1 Specialist Visits-tier 2	\$35	\$60	\$25	\$35	\$60	\$25	\$35	\$60	\$25
1 MRI	\$0	\$100	\$100	\$0	\$100	\$100	\$0	\$100	\$100
1 outpatient surgery	\$125	\$250	\$125	\$125	\$250	\$125	\$125	\$250	\$125
1 retail RX-tier 2	\$25	\$30	\$5	\$25	\$30	\$5	\$25	\$30	\$5
1 mail-order RX- tier 2 (annual)	\$200	\$300	\$100	\$200	\$300	\$100	\$200	\$300	\$100
TOTAL	\$2,721	\$3,420	26% (Employee or Retiree Increase)	\$2,721	\$3,132	15% (Employee or Retiree Increase)	\$2,721	\$2,952	8% (Employee or Retiree Increase)

Note: The GIC plans identified above reflect the 3 highest municipal enrollments.

HPHC Independence	21.3%
Tufts Navigator	26.8%
HPHC Primary Choice	10.7%

9 SCHOOL REVOLVING FUNDS

DATE: SEPTEMBER 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: SCHOOL REVOLVING FUNDS

REQUESTED ACTION:

VOTE TO CO-SPONSOR A SPECIAL TOWN MEETING ARTICLE TO ACCEPT THE PROVISIONS OF MGL 71 SECTION 71E TO PERMIT THE MAINTENANCE OF SCHOOL REVOLVING FUNDS

BACKGROUND:

- The Board of Selectmen and School Committee will meet with James Toomey, Special Counsel appointed by both bodies, to review the legal requirements for establishing the school revolving funds.
- Attorney Toomey provided the attached opinion letter on this matter. Both bodies voted to release attorney client privilege and make the letter public. It is available on the Town website.
- Based on advice from both Counsel and Department Of Revenue officials, the School Committee submitted an article for the Special Town Meeting Warrant for adoption of enabling legislation, MGL 71 Section 71 E, which is applicable to certain school revolving funds. A copy of the statute is attached.
- Department of Revenue officials said its practice is to provide communities reasonable time to resolve such problems locally and that adoption of MGL 71 71E by Town Meeting is the first step. (Relayed in conference on 8/17/15 between DOR Deputy Director and Chief Legal Counsel and Wayland Superintendent, Town Administrator, School Business Manager, Assistant Town Administrator, Finance Director and Special Counsel).
- The Board of Selectmen through its Finance Director and the School Committee through its School Business Manager have legal responsibilities for the school revolving funds:
 - The Town Accountant is responsible for setting up the funds in the accounting system, reviewing bills, insuring the revolving funds do not go into deficit, and reporting ending balances to the auditor, Department of Revenue and to the public through the Town Report.
 - The School Business Manager insures deposits are made and that spending under the funds is appropriate for the funds' purpose and the user fees paid.
- Because of the joint town / school responsibilities, the Board of Selectmen is asked to consider co-sponsoring the article as advised by Counsel and DOR.

CC: Superintendent, School Business Manager, Finance Director Assistant Town Administrator

Attached:

1. Opinion Letter dated 8/25/15, Attorney James Toomey
2. MGL 71, 71 E
3. Article submitted by School Committee

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

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Ann M. O'Neill, Senior Counsel

Please respond to Quincy

August 25, 2015

Board of Selectmen
Town of Wayland
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778-2614

School Committee
Wayland Public Schools
41 Cochituate Road
Wayland, MA 01778

Dear Members of the Board of Selectmen and School Committee:

As you know, I have been retained to provide legal guidance concerning certain revolving accounts held by the Town Treasurer for the School Committee. Following is my legal analysis as to the statutory authority for the accounts in question. Also, based on a meeting with the Director of the Bureau of Accounts and his legal counsel, I have formulated recommended actions to assure that these accounts can be maintained in compliance with legal requirements as interpreted by the Bureau.

Scrutiny of the revolving accounts has been required due to a question as to whether the funds may be held separately from the Town general fund and expended without a town meeting appropriation. Specifically, the concern is that these funds can be so segregated and expended only under Section 71E of Chapter 71. Since this section of the law must be accepted by a Town and Wayland has not done so, there is a question whether the funds are being held illegally and should be placed in the Town's general fund.

In summary, most of these accounts can be maintained without town meeting approval with certain administrative actions under various sections of Chapter 71 of the Massachusetts General Laws. Acceptance of Section 71E at the upcoming Special Town Meeting is required only for two accounts. Finally, at the next Annual Town Meeting it will be necessary to establish a departmental revolving account. A description of each account and the actions(s) required with respect to its maintenance is included in the attached chart.

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*Votes to Release
Privilege
School Committee 8/28/15
Board of Selectmen 8/31/15*

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

Board of Selectmen
Town of Wayland
School Committee
Wayland Public Schools
Wayland, MA 01778
August 25, 2015
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The Full Day Kindergarten, BASE (before and after school), The Children's Way, Global Language, Tutoring, and Enrichment accounts all entail "extended school services". Thus, these accounts may be maintained under Section 26C without regard to section 71E.

The four other accounts, Building Use, Pegasus, Professional Development and Curriculum must be analyzed. The issue is whether the programs run under these funds are "adult and continuing education", "summer school" or for "building use" under Section 71E, or whether they should be considered as other activities "not expressly provided for" in Chapter 71. Unfortunately there are neither administrative rulings nor court decisions which define these statutory terms. Would the Pegasus program be considered "summer school" under Chapter 71E or "games and play" or "other activities for ages" under Section 47? Are the professional development and curriculum programs "adult or continuing education" under Section 71E or "other activities" under Section 47?

Based on principles of statutory construction it is my opinion that proper legal analysis would favor an interpretation permitting these accounts under Section 47. The language "all other accounts" indicates an expansive intent in the reach of Section 47, where the exclusionary language of Section 47 for programs "expressly provided for" indicates a limited exclusion. Thus, in my opinion the Pegasus, Professional Development and Curriculum accounts should be considered as authorized under Section 47.

The final fund in question is Building Use. In my opinion this fund encompasses receipt and expenditures for "the use of school property under section 71" and Town Meeting acceptance of Chapter 71, Section 71E is necessary for this fund.

In addition to my legal review and opinion expressed above, we have had the opportunity to meet with the Director of Accounts and his General Counsel (the Bureau of accounts) on August 17, 2015.

Because the Bureau of Accounts is the final administrative authority on municipal financial issues, I felt it prudent to get their legal and practical guidance before making final recommendations on the steps necessary to assure that the School Department's revolving accounts fully comply with the law as administered by the Bureau of Accounts.

Although the legal conclusions stated above differ somewhat from the direction of the Bureau of Accounts, I do recommend that the Town proceed in accordance with the Bureau's guidance.

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

Board of Selectmen
Town of Wayland
School Committee
Wayland Public Schools
Wayland, MA 01778
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Per our discussions with the Bureau of Accounts, the accounts, the current balances and ongoing receipts and expenditures from the accounts may be continued, provided that the Town pursues the recommended actions promptly.

Chapter 71E allows a school committee to segregate receipts from building use, adult education and continuing education programs and summer and community school programs and to expend them without town meeting appropriation.

As detailed below, it is my opinion that most of these accounts are not dependent upon the acceptance of Section 71E, as they can be maintained pursuant to other sections of Chapter 71. However, for the Property Use and Pegasus accounts, acceptance of Chapter 71, Section 71E should be pursued.

In addition to Section 71E, other sections of Chapter 71 allow the creation of a number of the accounts in question. These include: Sections 26A, 26B and 26C for funds received for extended day services; Section 37A for educational gifts and grants; Section 71C for community school programs; and Section 47 for a number of purposes as discussed in more detail below.

Section 26C provides for a separate account for contributions and fees from parents under Sections 26A to F of Chapter 71. Section 26A provides that a school committee may establish

“extended school services for children between three and fourteen years of age of parents who are employed and whose employment is determined by said committee to be necessary for the welfare of their families”.¹

Section 47 of Chapter 71 permits separate funds for fee based programs for physical education, athletics, games and play and for

“receipts by the committee in connection with the conduct of activities provided for by this section or any other activity not expressly provided for in this chapter but sponsored by the school committee in which participation is contingent upon the payment of a fee by the participant”.

It is clear that a number of the funds referenced above are covered by Section 26B or Section 47, or the two sections in combination.

¹ The extended day programs must be approved by a vote of the Board of Selectmen and also approved by the Commissioner of Education.

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

Board of Selectmen
Town of Wayland
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Wayland Public Schools
Wayland, MA 01778
August 25, 2015
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With respect to several of the accounts, my legal opinion and the guidance of the Bureau coincide. The Bureau has indicated that the Full Day Kindergarten, Before and After School (BASE), The Children's Way, Global Language, Tutoring, and Enrichment Accounts may properly be maintained under Section 26C of Chapter 71. While certain administrative steps (outlined below) must be taken, town meeting action is not required for these accounts.

Regarding the Building Use Account, my legal opinion and the Bureau's guidance are the same, namely, acceptance of Section 71E of Chapter 71 is necessary to maintain this account.

The Bureau has also advised that acceptance of Section 71E is necessary to maintain the Pegasus Account, although they agreed that it is not an unreasonable argument that Pegasus could be maintained under Section 47. Nevertheless, with the need established to accept Section 71E for Building Use, doing so will resolve the question in favor of maintenance of the account under that section.

The final two accounts in question, Professional Development and Curriculum, were deemed by the Bureau not to fit into any of the categories of revolving accounts authorized under Chapter 71. Thus, per the Bureau, these accounts can be maintained only via establishment of a departmental revolving account under General Laws Chapter 44, Section 53E½. Since such action can be taken only at an annual town meeting, as opposed to a special town meeting, it is my recommendation that an article be presented to the Wayland Annual Town Meeting in the Spring.

Based on the above, I recommend that the following actions be taken for the accounts as indicated below.

1. **Building Use and Pegasus**

An article should be presented to the upcoming Special Town Meeting to accept Section 71E of Chapter 71. The article would take the following form:

"Will the Town accept the provisions of Chapter 71, Section 71E so as to permit the maintenance of revolving funds as authorized by said section; or take any other action relative thereto?"

2. **Full Day Kindergarten, Before and After School (BASE), The Children's Way, Global Language, Tutoring, and Enrichment Accounts**

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

Board of Selectmen
Town of Wayland
School Committee
Wayland Public Schools
Wayland, MA 01778
August 25, 2015
Page 5 of 5

- a. The School Committee should adopt a plan for the extended school services provided via the Full Day Kindergarten, Before and After School (BASE), The Children's Way, Global Language, Tutoring, Enrichment and Full Day Kindergarten programs;
- b. the plan should be submitted to the Commissioner of Education for approval; and
- c. the School Committee should request the approval of the programs by the Board of Selectmen.

3. Professional Development and Curriculum Accounts

An article for these accounts to be maintained as departmental revolving accounts should be presented to the Annual Town Meeting in the Spring in accordance with Chapter 44, Section 53E½.

Pending action on the steps recommended above, per my opinion and the recommendation of the Bureau of Accounts, all of the accounts should continue to be held and administered as revolving accounts.

I hope the above provides the information needed by the Board and School Committee to resolve the status of the accounts in question. Please do not hesitate to contact me if you have any questions.

Very truly yours,

James A. Toomey

JAT\sd
Enclosure doc #868818v1
868767v1

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ATTORNEY-CLIENT PRIVILEGE



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XII EDUCATION
CHAPTER 71 PUBLIC SCHOOLS
Section 71E Appropriations for and expenditure of receipts from adult education and continuing education programs

Section 71E. In any city or town which accepts this section, all moneys received by the school committee in connection with the conduct of adult education and continuing education programs, including, but not limited to adult physical fitness programs conducted under section seventy-one B, summer school programs and programs designated by prior vote of said committee as community school programs, and in connection with the use of school property under section seventy-one, shall be deposited with the treasurer of the town or city and held as separate accounts. The receipts held in such a separate account may be expended by said school committee without further appropriation for the purposes of the program or programs from which the receipts held in such account were derived or, in the case of the use of school property account, for expenses incurred in making school property available for such use, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws. A city or town may appropriate funds for the conduct of any such program or for expenses incurred in making school property available for such use, which funds shall be expended by the school committee in addition to funds provided from other sources. Three years from the date a city or town accepts the provisions of this paragraph, and every third year thereafter, said city or town may act to rescind its original acceptance.

RECEIVED

ARTICLE FOR SPECIAL TOWN MEETING

SEP - 1 2015

Board of Selectmen
Town of Wayland

SPONSOR: Wayland Public Schools:
School Committee DATE RECEIVED: _____
CONTACT PERSON: Dr. Paul Stein,
Superintendent TELEPHONE/Day: 508-358-3774

TELEPHONE/Evening: _____

BOARD VOTE: 4,1 DATE OF VOTE: August 28, 2015

TITLE: Acceptance of Chapter 71, Section 71E

COST: _____ NO COST: COST ESTIMATE: _____

TEXT:

“Will the Town accept the provisions of Chapter 71, Section 71E so as to permit the maintenance of revolving funds as authorized by said section; or take any other action relative thereto?”

COMMENTS:

PROS:

CONS:

SIGNATURE OF SCHOOL COMMITTEE CHAIR  DATE 8/31/15

SIGNATURE OF BOARD OF SELECTMEN CHAIR _____ DATE _____

Signature of Mark Lanza _____ DATE _____

II. POLICY

LIQUOR LICENSES

DATE: SEPTEMBER 4, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: REVISED LIQUOR LICENSE POLICY

REQUESTED ACTION:

VOTE TO APPROVE BOARD POLICY ON "PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES"

BACKGROUND:

The Board has undertaken a systematic review of Board Policies.

The policy on "Provision and Consumption of Alcoholic Beverages" is presented for Board consideration. Attached is a red-lined version showing the recommended changes, as well as a clean copy with the changes accepted.

Also attached is a Memorandum with the quota figures for the town, a list of the associated license holders, and the Massachusetts General Law reference that establishes the quota numbers.

Finally, as background information, I've attached the Wayland Town Code Chapter 72, Section 4, regarding the denial of a license based on the failure to pay taxes, which is referenced in the beginning of Section I, COMMERCIAL ESTABLISHMENT LICENSES.

PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES

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

I. COMMERCIAL ESTABLISHMENT LICENSES

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

- A. The Police Chief and the officers within his/her command shall be the liquor agent for the Board of Selectmen.
- B. Licensees shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. Violations of any laws, rules, or regulations may result in suspension or revocation of the license after a hearing conducted by the licensing authority.
- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages or convenience or grocery stores selling beer & wine wine and malt beverages) may be open on Sundays, subject to the following conditions:
 1. No sales shall be made prior to 12:00 noon, except as noted in Section D below;
 2. No sales shall be made after 9:00 p.m.;
 3. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
 4. No sales by such licensees may be permitted on any of the following days:
 - Memorial Day (usually last Monday in May);
 - Thanksgiving Day;
 - Christmas Day;
 - Monday following Christmas Day if Christmas Day falls on a Sunday.
- D. On March 16, 2015, the Board of Selectmen voted to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 p.m. Application for the allowance of such sales must be submitted to the Board of Selectmen for approval.
- E. It shall be the responsibility of each licensee of an establishment granted a license to sell alcoholic beverages on premises to assure that, prior to his/her initial shift, each manager or assistant manager of the licensee meets with the Police Chief or his/her designee to discuss expectations and responsibilities of managing such establishments. A list of all managers or assistant managers shall be posted in public view in the establishment.

A designated manager or assistant manager will be on-site at all times the establishment is open. The on-site manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the town's rules and regulations for the provision and consumption of alcoholic beverages. The on-site manager shall be certified in intervention procedures by servers of alcohol in accordance with Section F of these rules. The on-site manager will also be responsible for maintaining the building occupancy limits, as listed on the liquor license, and will be the point of contact for police, fire, or building officials that may inspect the premise at any time. The designated manager shall have full authority to make decisions concerning the operation of the establishment.

- F. Applications for extension of hours on New Year's Eve until 2:00 a.m. must be made in writing to the Town Administrator. No alcoholic beverages shall be served after 1:30 a.m. All patrons shall be off the premises by 2:00 a.m.
- G. All commercial establishments shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.
 - 1. Listed below are programs currently available which meet the requirements of this regulation:
 - a. Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association,
 - b. Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), offered by Health Communication,
 - c. Alcohol Intervention Methods (A.I.M.) offered by Campbell/Trent, or
 - d. Any Insurance Industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
 - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
 - a. Employee Name
 - b. Employee Date of Birth
 - c. Employee Social Security Number
 - d. Position
 - e. Type of Training (Name of Trainer and/or Company)
 - f. Date Valid
 - g. Date of Expiration (no more than three (3) years)
 - h. Date of Hire
 - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.
 - 4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring, or show proof of training

certification at a course approved by the Board of Selectmen within the past three (3) years. Proof of certification must be submitted to the Board of Selectmen.

5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

II. NON-COMMERCIAL LICENSES

The Board of Selectmen is authorized to grant permission to serve ~~beer, wine, champagne, and sherry wine and malt beverages~~ under Section A. below as outlined in the following Section A, and to issue a temporary license under Section B. below under the following conditions and is authorized to issue a One-Day Special Event License to serve wine and malt beverages and/or all alcoholic beverages as outlined in the following Section B. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

A. Town Property

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

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

The Board will review requests for One-Day Special Event Licenses in accordance with Massachusetts General Laws Chapter 138, Section 14, after receipt of a completed application. A public hearing is not required for the issuance of a One-Day Special Event License.

1. Requests for the sale of alcohol under a One-Day Special Event License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on Monday through Saturday, and 12:00 p.m. and 12:00 a.m. on Sundays.
2. One-Day Special Event Licenses for the sale of wine and malt beverages may be issued to the responsible manager of any indoor or outdoor activity or enterprise. However, One-Day Special Event Licenses for the sale of all alcoholic beverages may ONLY be issued to the responsible manager of non-profit organizations. Proof of non-profit status must be provided.

3. Organizations may be granted a One-Day Special Event License under the following conditions:

- Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
- A fee of \$25.00, paid in advance and made payable to the Town of Wayland, is required for each 24 hour period, not to exceed 72 consecutive hours. No person may be granted a one-day license for more than a total of thirty (30) days per calendar year.
- Written confirmation by the owner of property where the event is being held must accompany the application. The letter must state that approval is given for sale/service of alcohol and specify the occupancy number for the location. Proof of insurance must be provided.
- The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, and shall be physically present during the duration of the entire event. The One-Day Special Event Manager shall display such One-Day Special Event License where the sale of alcoholic beverages is taking place.
- A floor plan or diagram (8-1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed
- Alcohol must be dispensed at the event by someone who is server trained and/or familiar with the laws regarding the service of alcohol.
- The area where the alcoholic beverages are being sold and consumed must be controlled and supervised. Individuals may not carry their alcoholic beverages outside the area approved for consumption.
- A police detail will be required if 150 or more people will be attending the event. It is the applicant's responsibility to contact the Police Department to arrange for these details. The Board reserves the right to require additional police details if the event seems to warrant this.

C. A One-Day Special Event License is NOT necessary for:

- A function at a private dwelling where there is no direct or indirect sale of alcohol (i.e., a caterer providing alcohol at a cost)
- An event in a facility or establishment that already has a valid liquor license

III. COMMERCIAL ESTABLISHMENTS WITHOUT LICENSE TO SELL ALCOHOLIC BEVERAGES

1. Patrons of an establishment granted a common victualler's license for the sale of food to be consumed on the premises which have not been granted a license for the sale of alcoholic beverages may not consume alcoholic beverages on the premises (prohibits practice commonly referred to as "BYOB").

2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

History:

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

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

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

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

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

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

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

Revised and restated on October 13, 2010. Revised on August 10, 2015.

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- C. Holders of off-premises liquor licenses (package stores selling all alcoholic beverages, or convenience or grocery stores selling wine and malt beverages) may be open on Sundays, subject to the following conditions:
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 - b. No sales shall be made after 9:00 p.m.;
 - c. The employee compensation and work schedule provisions of Section 31 of Chapter 141 of the Acts of 2003 shall be complied with; and
 - d. No sales by such licensees may be permitted on any of the following days:
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- D. On March 16, 2015, the Board of Selectmen voted to accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 p.m. Application for the allowance of such sales must be submitted to the Board of Selectmen for approval.
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 - 2. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
 - a. Employee Name
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 - e. Type of Training (Name of Trainer and/or Company)
 - f. Date Valid
 - g. Date of Expiration (no more than three (3) years)
 - h. Date of Hire
 - 3. All personnel shall be required to be recertified once every three (3) years by an approved program, as noted above.
 - 4. All newly hired employees that sell or serve alcohol shall complete a training program within sixty (60) days of their hiring, or show proof of training

certification at a course approved by the Board of Selectmen within the past three (3) years. Proof of certification must be submitted to the Board of Selectmen.

5. Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

II. NON-COMMERCIAL LICENSES

The Board of Selectmen is authorized to grant permission to serve wine and malt beverages as outlined in the following Section A, and is authorized to issue a One-Day Special Event License to serve wine and malt beverages and/or all alcoholic beverages as outlined in the following Section B. Copies of all such permissions and licenses shall be forwarded to the Police Chief.

A. Town Property

1. No alcoholic beverage of any kind may be sold or purchased in Town buildings or on Town property.
2. Non-profit and public service organizations that are eligible to use Town buildings or property may provide wine and malt beverages only under the following conditions:
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2. One-Day Special Event Licenses for the sale of wine and malt beverages may be issued to the responsible manager of any indoor or outdoor activity or enterprise. However, One-Day Special Event Licenses for the sale of all alcoholic beverages may ONLY be issued to the responsible manager of non-profit organizations. Proof of non-profit status must be provided.
3. Organizations may be granted a One-Day Special Event License under the following conditions:

- Permission is requested in writing at least two (2) weeks before the event and the Board of Selectmen issues a license.
- A fee of \$25.00, paid in advance and made payable to the Town of Wayland, is required for each 24 hour period, not to exceed 72 consecutive hours. No person may be granted a one-day license for more than a total of thirty (30) days per calendar year.
- Written confirmation by the owner of property where the event is being held must accompany the application. The letter must state that approval is given for sale/service of alcohol and specify the occupancy number for the location. Proof of insurance must be provided.
- The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, and shall be physically present during the duration of the entire event. The One-Day Special Event Manager shall display such One-Day Special Event License where the sale of alcoholic beverages is taking place.
- A floor plan or diagram (8-1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.
- Alcohol must be dispensed at the event by someone who is server trained and/or familiar with the laws regarding the service of alcohol.
- The area where the alcoholic beverages are being sold and consumed must be controlled and supervised. Individuals may not carry their alcoholic beverages outside the area approved for consumption.
- A police detail will be required if 150 or more people will be attending the event. It is the applicant's responsibility to contact the Police Department to arrange for these details. The Board reserves the right to require additional police details if the event seems to warrant this.

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2. The Board of Selectmen will reconsider this policy at such time all available licenses for the sale of alcoholic beverages in restaurants are granted.

History:

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

Revised and restated on October 13, 2010. Revised on August 10, 2015.

Memo

Town of Wayland Board of Selectmen

To: Board of Selectmen
From: MaryAnn DiNapoli
Date: September 3, 2015
Re: Quota of Alcoholic Beverages Licenses

Wayland has the following quotas and active licenses:

Section 12 On-Premises (Restaurant):

All Alcoholic	Allowed: 14	Active: 12 Bertucci's, Broomstones, China Rose LLC, Coach Grill, Dudley Chateau, J.J. McKays (currently closed), Primebar Grill, Sandy Burr, The Villa, Wayland Country Club, The Local, Takara
Wine & Malt	Allowed: 5	Active: 2 Water Lily, Mel's Commonwealth Café

Section 15 Off-Premises (Package Stores):

All Alcoholic	Allowed: 3	Active: 3 Post Road, Lavins, Wayland Wine and Spirits
Wine & Malt	Allowed: 5	Active: 3 Donelans, Wayland Variety and Deli, Sperry's Fine Wine Brew and Cigars

The Massachusetts Liquor Control Act places a quota or limit on the number of alcoholic beverages licenses a city or town can issue. The quota is based on the population of the community as determined by the most recent federal census.

On-Premises License (M.G.L. c. 138, §12)

Each city or town may grant one on-premises all alcoholic license for each unit of 1,000 persons (or fraction thereof) with a minimum of 14. An additional all-alcoholic beverages license may be granted for each population unit of 10,000 (or fraction thereof) over the first 25,000. One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5.

Veteran's Club License

The local licensing authority may grant an all-alcoholic beverages license, outside the quota system, subject to ABCC approval, to any corporation whose members are war veterans which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell to members of that post only, and, subject to local licensing authorities, to guests introduced by such members and to no others.

Off-Premises (M.G.L. c. 138, §15)

Each city or town may issue one off-premises (Section 15) all-alcoholic beverages license for each unit of 5,000 persons (or fraction thereof) with a minimum of 2. One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5.

Chapter 72. TREASURER AND COLLECTOR

[HISTORY: Adopted by the Annual Town Meeting 4-29-1991 by Art. 10 (Art. 10 of the 1973 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Finances — See Ch. 19.

§ 72-4. Denial, revocation or suspension of licenses and permits for failure to pay taxes or other municipal charges.

[Added 5-6-1998 ATM by Art. 20]

- A. The Town Collector shall annually furnish to each department, board, commission or official, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.
- B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however, that written notice is given to the party and the Town Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the town as of the date of issuance of said certificate.
- C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder is given notice and a hearing as required by applicable provisions of law.
- D. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1 in the business or activity conducted in or on said property.
- E. This section shall not apply to the following licenses and permits: open burning, MGL c. 48, § 13; bicycle permits, MGL c. 85, § 11A; sales of articles for charitable purposes, MGL c. 101, § 33; children work permits, MGL c. 149, § 69; clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E; dog licenses, MGL c. 140, § 137; fishing, hunting, trapping license, MGL c. 131, § 12; marriage licenses, MGL c. 207, § 28; and theatrical events, public exhibition permits, MGL c. 140, § 181.

11. POLICY

HEARINGS, PUBLIC
COMMENT,
COMMUNICATIONS
CORRESPONDENCE

DATE: SEPTEMBER 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER
RE: BOARD POLICIES

REQUESTED ACTION:

1. VOTE TO APPROVE POLICY ON PUBLIC HEARINGS
2. VOTE TO APPROVE POLICY ON OPPORTUNITIES FOR PUBLIC COMMENT ON REGULATIONS AND FEES
3. VOTE TO APPROVE POLICY ON COMMUNICATIONS WITH BOARD OF SELECTMEN
4. VOTE TO APPROVE POLICY ON ACKNOWLEDGEMENT OF CORRESPONDENCE FROM THE PUBLIC

BACKGROUND:

The Board has undertaken a systematic review of Board Policy. The 4 policies listed above were reviewed and revised on August 10th.

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, Reviewed September 8, 2015

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, **for all town boards**, 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, Reviewed and revised September 8, 2015

COMMUNICATIONS WITH THE BOARD OF SELECTMEN

In order to keep the Board of Selectmen well informed, the Town Administrator is expected to exercise his or her discretion in bringing to the attention of the Board any ~~other~~ communications, written or oral, from any source relevant to the activities and interests of the Board of Selectmen.

The Town Administrator shall provide to the Board of Selectmen copies of all **such** written communications received or sent by the Town Administrator or the Board of Selectmen to or from any person or organization including, but not limited to, federal, state, and local (non-Wayland) governmental organizations and officials; other Wayland boards, elected and appointed officials, and their employees; and the public. Obvious unsolicited "junk mail" or routine scheduling matters or similar correspondence is excluded.

For each regular meeting of the Board of Selectmen, a list of all public records provided to the Board of Selectmen subsequent to the last regular meeting shall be published. Scheduling items, invitations, junk/spam correspondence shall be excluded from this list.

This paragraph, formerly "Publication of List of Public Records Provided to the Board of Selectmen" was approved March 9, 200; restated on October 13, 2010, reviewed and merged with "Communications with the Board of Selectmen" Reviewed and revised September 8, 2015

~~The Town Administrator is expected to exercise his discretion in bringing to the attention of the Board any other communications, written or oral, from any source relevant to the activities and interests of the Board of Selectmen.~~

Approved February 9, 2004; revised and restated on October 13, 2010, Reviewed and Revised September 8, 2015

ACKNOWLEDGMENT OF CORRESPONDENCE FROM THE PUBLIC

Correspondence addressed to the Board of Selectmen shall be acknowledged promptly **by the Town Administrator or the Chair of the Board of Selectmen**, in writing. The Board does not routinely acknowledge receipt of memoranda and letters addressed to other boards or officials or impersonal correspondence. Copies of all responses, other than routine acknowledgements, shall be provided to the Board in the next packet.

Approved February 9, 2004; revised and restated on October 13, 2010, Reviewed and revised September 8, 2015

DATE: SEPTEMBER 8, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOOR
RE: TOWN GOALS: TOWN ADMINISTRATOR'S PRIORITY OBJECTIVES AND ACTIONS

Please review and provide your comments on the draft Town Administrator objectives and actions below. The objectives and actions to achieve them under general organizational goals set by the Board of Selectmen which may be further developed. Over time, a more comprehensive action plan including objectives and actions for each department will be developed. Objectives are intended to fit "SMART" criteria – Specific, Measurable, Achievable and Timebound. Additional information about timelines will be provided in the next draft. The objectives and actions below comprise an ambitious outline of work already assigned to the Board's administrative staff. Other high priority work, which we expect to include in a comprehensive organizational action plan, includes other key priorities such as energy management and improvement of the town's advanced life support services.

Thanks to the Board, Assistant Town Administrator and Department Heads for contributing their ideas to this task!

GOALS, OBJECTIVES ACTIONS
DRAFT 9/8/15

- GOAL 1:** Sustain and improve the quality of life in Wayland.
- OBJECTIVE A:** Provide well-designed market rate and affordable rental housing at Rivers Edge at a reasonable cost to the town.
- ACTION:** Conduct a procurement process to select a developer for the River's Edge Project which complies with the law and includes an effective deliberation process.
- OBJECTIVE B:** Maximize the effectiveness of town boards and committees that are planning for the future development of the town.
- ACTION:** Provide adequate staff resources and monitor on a monthly basis the work of the WRAP and COA / CC Committees and provide ongoing communication to the Board of Selectmen.
- ACTION:** Identify and complete tasks to establish an understanding of roles and responsibilities of the town departments and Town Center property owners regarding the use and maintenance of the Town Green.

- GOAL 2:** Assure that local government resources are used responsibly and efficiently.
- OBJECTIVE A:** Create a cohesive financial management group that is in compliance with MA General Law and serves the needs of the town.
- ACTION:** Apply to the Division of Local Services for a grant or technical support for a financial management study which will evaluate and map out the functionality of finance offices and provide recommendations.
- OBJECTIVE B:** Provide excellent information technology for the town and schools.
- ACTION:** Complete the IT planning study, and working with the Superintendent of Schools, implement recommendations.
- ACTION:** Identify the staff resources to develop and manage a town wide document management system.
- OBJECTIVE C:** Continuously improve the effectiveness of town services to the public.
- ACTION:** Develop an action plan including measurable objectives for all departments. Working with the Personnel Board, institute a performance evaluation program for regular personnel.
- ACTION:** Identify the resources and organizational approaches to managing the roles and relationships for assets that are jointly managed by the Schools, Board of Public Works and Recreation Commission.
- OBJECTIVE D:** Maintain a responsible investment approach for the OPEB Fund.
- ACTION:** Convene the Board of Trustees for the OPEB fund at least quarterly to select an investment management model, investment advisor and investment managers, and monitor fund performance.
- GOAL 3:** Improve the responsiveness of Wayland town government to its residents.
- OBJECTIVE A:** Create public awareness about the actions of the Board of Selectmen and the activities of town departments.
- ACTION:** Provide residents with information about local government through a quarterly newsletter and periodic programs broadcast on WayCam.
- OBJECTIVE B:** Provide efficient permitting processes that are user friendly for the public.
- ACTION:** Through a team approach with the permitting departments, identify and develop ways to insure the permitting process is coordinated among departments and user friendly for the applicants.

OBJECTIVE C: Promote a culture of open government within all town departments, boards and committees..

ACTION: Plan and institute a program to increase compliance with the open meeting, public records and ethics laws including training for staff and volunteers, adoption of board of selectmen policies and / or town by-laws and systematic communication with appointed and elected bodies.

ACTION: Identify resources and effective work group organization to redesign and update town website.

ARTICLE LIST FOR NOVEMBER 9, 2015 SPECIAL TOWN MEETING

Article	November 2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
A	Amend FY2016 Budget Funding Sources	Board of Selectmen Finance Committee	C. Karlson			
B	Pay Previous Fiscal Year Unpaid Bills	Finance Committee	C. Karlson			
C	Current Year Transfer	Finance Committee	C. Karlson			
D	Amendment to Minuteman Regional Agreement	Board of Selectmen	T. Boschetto/ L. Anderson			
E	Acquire Municipal Parcel in Town Center	Board of Selectmen	M. Antes/ J. Nolan			
F	OPEB Trust Fund Legislation and Governance	Board of Selectmen	T. Boschetto			
G	Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School	Board of Selectmen	C. Karlson			
H	Acceptance of Chapter 71 Section 71E	School Committee	C. Karlson			
I	Appropriate Funds for Library Planning and Design	Board of Library Trustees	J. Nolan			
J	Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund	Recreation Commission	J. Nolan			

ARTICLE LIST FOR NOVEMBER 9, 2015 SPECIAL TOWN MEETING

Article	November 2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
K	Resolution Regarding Surface of Rail-Trail in Wayland	Community Preservation Committee	J. Nolan			
L	Appropriate Funds to Update the Open Space and Recreation Plan	Community Preservation Committee	M. Antes			
M	Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration	Petitioners	M. Antes			
N	Amend Chapter 36 of Current Bylaws (36-1)	Petitioners				

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING SEPTEMBER 4, 2015**

RT. 27 / 30 STATUS

The owner of 44 Main St. (Starbucks plaza) did not agree to donate property and the procedure for a taking is going forward. The Planning Board will wait to finalize the ANR plan until the appraisal and review appraisal has been completed. Once this has been completed, the town will give 44 Main a 30-day notice of the BOS meeting to vote on the Order of Taking. At this time, we can get the ANR signed by PB, which should be about a 2 months from now. No town meeting action is required until spring.

TOWN CENTER GREEN LANDSCAPING

In accord with the Site Plan Approval decision dated September 27, 2013, condition number 22, Brendon Homes will begin required landscaping in the next two weeks with completion anticipated this Fall.

DEPOT PARKING LOT – TOWN PLANNER FOLLOW UP

From Town Planner: Larry Kiernan appeared before the Board of Selectmen regarding the Bike Trail options plan. As you know, the Planning Department applied to the Historic District Commission with an application for a certificate of appropriateness. The application shows three options for the Bike Trail. One of those options would remove parking spaces and the concern is to make sure that the users of this parking lot would be to have an opportunity to be heard. I will follow up and make sure hearing notices are sent to the business in the district. We are scheduled to appear before the Historic Commission on September 17th.

DPW DIRECTOR'S REPORT

See attached

DPW Director's Report

August 11, 2015

Water Division

- WMA Permitting Process progressing. Application deadline is August 31st
- Began the training of our two new Water Workers
- Mandatory Water Ban went into effect on Aug 5th. Crews were in Wednesday night and found 122 addresses that were in violation of the water ban. Letters of reprimand were handed out along with copies of section 190 of the Town by-law.
- Town-wide Leak Detection progressing. No major leaks discovered yet. They are about 45% complete
- All Well Master Meters were flow tested and calibrated
- The Water Division is now an EPA WaterSense Partner www.epa.gov/watersense. The EPA program will complement the Water Conservation Program that we are currently developing as part of our WMA Permit.
- Don Millette was interviewed on 8/7/15 by the Wayland Town Crier for a public-information article about the increased water ban.

Treatment

Rebuilt finish water sodium hypo pump at the Water Treatment Plant
Flushed & cleaned chemical feed lines at the Water Treatment Plant

Distribution

Repaired water service leak at 74 Lake Shore Drive
Repaired water service leak at 22 Michael Road
Replaced main to curb at 20 Riverview Circle
Investigate 8 leaking Fire Hydrants discovered by our Leak Detection Contractor - All Hydrants were repaired
Repaired Fire Hydrant at 10 Black Oak Road

Highway Division

- Final top coat applied to Happy Hollow Rd, Rice Spring Ln, Nolan Farm Rd, Juniper Ln, and Goodman Ln
- Extensive debris clean-up from Tuesday 8/4/2015 storm
- Rebuilt 7 manhole / catch basins
- Replaced / installed 9 road signs throughout the Town
- Installed wall barrier and paved portion of Pelham Island Rd
- Implemented 2 emergency traffic-control detours at the request of the Police

Vehicle Maintenance:

Prepped all equipment for annual State inspection
H-1 – Sent to shop to repair rear crash damage
H-3 – Rebuilt front suspension components and performed minor electrical repairs
H-4 – Replaced tailgate cables and windshield
H-5 – Replaced tires and aligned vehicle
H-8 – Welded hydraulic tank and charged a/c system
H-14 – Replaced rear springs and broken taillight
H-17A – Permanently mounted sander body
M-1 – Repaired damaged oil pan
P-51 – Replaced damaged tire
P-57 – Replaced front hub, replaced tires

Park Division

- Extensive debris clean-up from Tuesday 8/4/2015 storm
- Conducted 7 cemetery interments
- Painted Town Signboard frames
- Responded to 5 emergency call-ins regarding trees fallen in roadways
- Ground several tree stumps left from emergency tree removals

Transfer Station Division

- In FY2016, 1586 Full Stickers have been sold as of August 1. Of those, 1097 were paid by check (70%), 436 were paid by credit card on-site (27%), and 53 were purchased online (3%). Sales in FY16 are currently up 12% - at this point in FY2015, 1389 Full Stickers had been sold.
- In FY2016, 118 Recycle Only Stickers have been sold as of August 1. Of those, 98 were paid by check (83%) and 20 (17%) were paid by credit card. Sales in FY16 are currently exactly on pace with FY15 - at this point in FY2015, 118 Recycle Only Stickers had been sold.
- Ground up collected brush
- Mowed capped landfill



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN
Tuesday, September 8, 2015
Wayland Town Building
Selectmen's Meeting Room**

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Town Counsel Mark J. Lanza for the Month Ending August 31, 2015: \$8,982.68
3. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through July 31, 2015, Statement No. 105284: \$792.00
4. Vote the Question of Approving the Minutes of August 10, 2015

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

INVOICE - TOWN OF WAYLAND - 8/31/2015

SUMMARY

FEE CALCULATION: 55.9 HOURS X \$160.00 PER HOUR =	\$ 8,944.00
DISBURSEMENTS (See below for detail)	38.68
TOTAL 8/31/15 INVOICE.....	<u>\$ 8,982.68</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$ 8,790.68</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T	<u>192.00</u>

DISBURSEMENTS

8/2015	Long Dist. Tel. Charges (Detail on File)	9.24
8/2015	Postage	16.44
8/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
8/2015	Copying	7.50
8/2015	Mobile Phone Charges	5.50
	Total Disbursements	<u>\$38.68</u>

KOPELMAN AND PAIGE, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 105284

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH JULY 31, 2015
AUGUST 31, 2015

TOTAL FEES:	792.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>792.00</u>

RECEIVED

SEP -2 2015

Board of Selectmen
Town of Wayland



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

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Board of Selectmen Meeting Minutes August 10, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan
(arrived 7:27 p.m.)

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:01 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. C. Karlson thanked the DPW for its rapid response to the recent storm. She noted that the water ban remains in effect, and announced that the last summer concert in the Wayland Town Center will be Wednesday, August 16, at 5:30 p.m.

A2. Public Comment Dorothy Dunlay, 27 Sherman's Bridge Road, said Sherman's Bridge has historic significance. She said that the neighbors got together in the late 1990's to protect the design and support federal legislation to preserve at least one wooden bridge in each state. Tom Sciacca, 31 Rolling Lane, also expressed support for maintaining the current design of Sherman's Bridge; he said it allows residents a sense of a wild and scenic river. Susan Koffman, 66 Sherman's Bridge Road, said the neighbors are concerned about the proposed design of Sherman's Bridge and the lack of information provided to the public. She said the design can be engineered to maintain its historical integrity.

A3. OPEB: Discuss Proposed Changes to Governance, Special Town Meeting Article, and Potential Vote to Authorize Preparation of Trust Document Jay Sherry, OPEB Advisory Committee, appeared before the Board to discuss the preparation of an OPEB trust, the governance of the trust, and proposed Special Town Meeting articles. He said the OPEB committee learned from Special Counsel Brian Fox, of Murphy, Hesse, Toomey & Lehane, that the current OPEB Trust is deficient in meeting GASB 45 requirements, and recommended the preparation of a formal trust agreement document for review by the Board and adoption by the OPEB Trust's Board of Trustees. He noted that no Town Meeting action is required to adopt the trust agreement, and he said the OPEB Advisory Committee voted 3-0 to recommend a request for an additional \$1,000 for legal costs to prepare the trust document.

J. Nolan arrived at 7:27 pm.

The Board discussed the potential changes to the governance model under consideration. Members discussed increasing the number of trustees, and the importance of expertise and diversity. J. Sherry said the current trustees are compelled to hire an investment advisor to fulfill their fiduciary responsibilities. The Board discussed the advantages and drawbacks of using PRIT (Pension Reserves Investment Trust). T. Boschetto asked if the entire trust must be put into PRIT; J. Sherry said no, it can be split between accounts. J. Sherry said it was the opinion of Special Counsel that a change to the current model should be put into effect by a vote of Town Meeting to petition the Legislature to revoke Wayland's special OPEB Trust Statute, and adopt the provisions of Chapter 32B Chapter 20. Following Town Meeting, he said the Board would then amend its Trust Agreement regarding the composition of the Board of Trustees. The Board considered the employment status of the trustees, and the need for indemnification. T. Boschetto thanked the committee for its work. C. Karlson said she was inclined to go forward with the adoption of the trust, but

would like more direction on the amendment. T. Boschetto moved, seconded by M. Antes, to authorize an additional \$1,000 for the preparation of an appropriate OPEB Trust Document by the OPEB Special Counsel, consistent with Wayland's Special OPEB Trust Statute. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: J. Nolan. Adopted 4-0-1.

A4. Meet with the Chair of the Board of Public Works and DPW Director to Discuss Special Town Meeting Articles and for Update of DPW Projects The Board was joined by Chris Brown, Chair of the Board of Public Works, and Stephen Kadlik, Director of Public Works, to discuss potential Special Town Meeting articles and DPW projects. C. Brown said funding is ready for the Route 27/30 intersection project, and there is one parcel of land left to be donated or taken by eminent domain. J. Nolan emphasized the need to retain the funding from TIP (Transportation Improvement Plan), and asked that Town Counsel record all the parcels at a nominal fee; he said that if one owner wants fair market value, it can be addressed. The Board directed the Town Administrator to confirm that the legal requirements have been met in regard to the article that passed at the 2015 Annual Town Meeting. C. Karlson noted the public comment regarding Sherman's Bridge. C. Brown said there were numerous citizen concerns brought up at the Conservation Commission hearing for permitting, and the state Department of Transportation withdrew the funding because the project wasn't ready. C. Brown said there is a need for a reconstruction plan, as the bridge is currently unsafe. He said the Board of Public Works authorized the Director of Public Works to close the bridge if Sudbury and Wayland deem the bridge to be unsafe. S. Kadlik noted that the reconstruction of the current wooden deck will be much more expensive, and C. Brown said state funding may be contingent upon state design requirements. C. Brown said the School Street and East Plain Street project is in the design phase, and will be ready for the 2016 Annual Town Meeting as a capital project. A cost estimate and issues with the turn radius by fire apparatus will be addressed. T. Boschetto asked if Option Three was still viable, and C. Brown said it could be a long-term solution. C. Brown said design plans are underway for Glezen Lane. He discussed traffic calming on Stonebridge Road, and said his sense is that speed bumps are not a likely solution, as both the Police and Fire Chief are opposed due to ice and damage to equipment. The Board discussed the potential need for a Special Town Meeting article, as the Department of Environmental Protection requires a Water Conservation Bylaw in order for the town to get a new water permit. C. Brown advised the Board that a draft bylaw is sufficient for a one-year extension until the 2016 Annual Town Meeting. If the bylaw is approved at that time, the DEP will issue the remaining 19-year permit. C. Brown provided the Board with background on the current water ban. He said the town is authorized to withdraw 1.7 million gallons a day, and the town is pumping too much water. He said that at the end of August, there will be a need to temporarily shut down the wells while one more well is added at Happy Hollow. T. Boschetto asked if there was a long-term plan for meeting water needs. C. Brown said there will be one additional well at Happy Hollow; the other option is to request an increase in daily capacity from the DEP. M. Antes suggested making the water bills more informative by including the number of daily gallons used per household, and asking residents to limit their usage. The Board thanked the DPW for the cleanup work done during the recent storm.

A5. Vote to Open Warrant for Special Town Meeting T. Boschetto moved, seconded by M. Antes, to hold a Special Town Meeting on Monday, November 9, 2015, at 7:30 p.m. in the Wayland High School Field House, and the warrant for said Special Town Meeting to be open from Tuesday, August 25, 2015, at 8:30 a.m. through Wednesday, September 2, 2015, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Wednesday, September 2, 2015. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson noted that should a second night of Special Town Meeting be required, it would be held on Tuesday, November 10.

A6. General Discussion and Review of Special Town Meeting Articles The Board reviewed the draft list of articles for the November 9, 2015, Special Town Meeting. Members discussed potential articles and the ability to address them effectively within the time constraints. C. Karlson said she would like to include the Board's vote on each article in the warrant.

A7. Board Policy Discussion and Vote J. Nolan moved, seconded by L. Anderson, to approve as amended the Board policy, "Management of Town Legal Affairs." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson said the next policies for review were Public Hearings, Opportunities for Public Comment on Regulations & Fees, Communication with the Board of Selectmen, Acknowledgement of Correspondence, and Publication of the List of Public Records. T. Boschetto asked for clarification of the requirement to schedule public comment on regulations and fees. The Board reviewed the policy regarding communications with the Board, and suggested revisions be made for further review.

A8. Review and Potential Vote on Board Portfolio Assignments The Board reviewed and revised the portfolio assignments by re-assigning shared portfolios to individual members so as to avoid any potential Open Meeting Law violations.

A9. Discuss Communications with Public M. Antes led a discussion regarding improved communication with the public. She proposed that the Board meet with focus groups over a period of two to four weeks, to present a standard set of questions and get feedback. She recommended that specific invitations be issued to assure a diversity of geography, age, and household income. Board members also considered publishing a quarterly Selectmen's newsletter, scheduling more Selectmen's office hours, and holding regular meetings with the media. C. Karlson recommended a "public conversations project" to facilitate discussions where there is conflict.

A10. Discuss Open Meeting Law The Board discussed ways to communicate and educate the town's board and committees in regard to the Open Meeting Law. M. Antes suggested providing more information, such as updates on Open Meeting Law decisions. C. Karlson said the effort should be coordinated by a staff member. L. Anderson noted the need to support the town's volunteers. N. Balmer said she will meet with the Town Clerk regarding this issue.

A11. 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.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. L. Anderson reported on the August 3 meeting in Sudbury with representatives of member towns' Boards of Selectmen. She said the towns are evenly split over their support of the proposed size of the school, but they are opposed to a district-wide vote. She said the MSBA voted to support the project. She asked if there was a way for the town to ascertain its current cost. T. Boschetto noted the cost under the current agreement is less than under the proposed agreement, and that the town would be obligated to its portion of the debt up to the date of withdrawal.

M. Antes highlighted the letter to the owner of an affordable housing unit with an illegal rental. J. Nolan suggested that the Board request a meeting with the editorial board of MetroWest News; he expressed concern that the media does not reach out to the town before publishing critical opinions.

A13. Report of the Town Administrator N. Balmer provided an update on the construction at River Trail. She said the Phase I Site Assessment was received for the Town Center Municipal Pad, and the soil testing will now be conducted. She updated the Board on the Recreation revolving fund, and said that an RFP will be issued this week for an expert financial advisor to the OPEB fund trustees. The Board discussed liability coverage for the staff's fiduciary responsibility; N. Balmer said MILA requires a separate officers and directors policy. N. Balmer noted the Finance Director had provided the Fiscal Year 2015 Budget Status Report. She advised the Board that procurement has begun for an on-call engineering firm, as the town does not employ a Town Engineer.

A14. Selectmen's Reports and Concerns C. Karlson reviewed upcoming meeting schedules. L. Anderson said the Board of Assessors will be discussing the overlay amount tonight, and the Finance Committee will discuss it next week. C. Karlson said the Board needs to review the status of executive session minutes.

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

A16. Adjourn There being no further business before the Board, L. Anderson moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:35 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 August 10, 2015

1. None.

Items Included as Part of Agenda Packet for Discussion During the August 10, 2015 Board of Selectmen's Meeting

1. OPEB Advisory Committee Notes, Draft of August 6, re: Proposed Changes to Governance, Special Town Meeting Article, and Potential Vote to Authorize Preparation of Trust Document
2. Memorandum of 8/10/15 from Nan Balmer, Town Administrator to Board of Selectmen, re: Board of Public Works Update
3. Memorandum of 8/10/15 from Board of Selectmen to All Boards, Committees, Departments and Staff re: Special Town Meeting
4. Draft List of Potential 2015 Fall Special Town Meeting Articles
5. Memorandum of 8/10/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Board Policies
6. Memorandum of 8/10/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Board Portfolio Assignments
7. Report of the Town Administrator for the Week Ending August 7, 2015



TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
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JOSEPH F. NOLAN

**REVISED LIST OF PUBLIC DOCUMENTS
PROVIDED TO THE BOARD OF SELECTMEN
FROM AUGUST 28, 2015, THROUGH AND
INCLUDING SEPTEMBER 3, 2015,
OTHERWISE NOT LISTED AND INCLUDED
IN THE CORRESPONDENCE PACKET FOR
SEPTEMBER 8, 2015**

Items Distributed To the Board of Selectmen – August 28-September 3, 2015

1. Email of 9/3/15 to Board of Selectmen re: Articles Submitted for Special Town Meeting
2. Email of 9/1/15 from Minuteman School Committee to Minuteman District Boards re: Save the Dates, Community Information Meetings

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 31, 2015

1. Email exchange, 8/25/15, re: A Message from the Town Clerk
2. Letter of 8/28/15 from Edward Bouquillon, Superintendent, Minuteman School, to Wayland Board of Selectmen re: Clarification of New Minuteman High School Plans

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

1. List of Articles Received for November 9, 2015 Special Town Meeting and Text of Articles
2. Memorandum of 9/8/15 to Board of Selectmen re: Application of China Rose for Alteration of Premises, Application and Backup Information
3. Draft Promotional Piece, Pop Up Park Event, October 17, 2015
4. Memorandum of 9/8/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, School Committee and Personnel Board re: Analysis and Discussion of Potential Options regarding Providing Health Insurance
5. Memorandum of 9/8/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: School Revolving Funds
6. Memorandum of 9/4/15 to Board of Selectmen re: Revised Liquor License Policy
7. Memorandum of 9/8/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Board Policies
8. Memorandum of 9/8/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Town Goals: Town Administrator's Priority Objectives and Actions
9. Article List for November 2015 Special Town Meeting with Draft Selectmen Assignees
10. Town Administrator's Report for the Week Ending September 4, 2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Tuesday, September 8, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Letter of 8/24/15 from Baystate Roads to Nan Balmer, Town Administrator, re: Joseph Doucette Achieves Rank of Roads Scholar
2. Memorandum of Decision and Order on Eleanor and Weldon Farwell's Motion to Intervene and Town of Wayland's Motion for Temporary Relief from Judgment, 8/26/15, re: David Bernstein & Others v. Wayland Planning Board & Others
3. Animal Control Summary Report, August 2015
4. Director of Public Health Report, August 26, 2015
5. Monthly Report, Police Department, August 2015

Conservation Commission

6. Order of Conditions and Chapter 194 Permit, 9/1/15, from Brian J. Monahan, Conservation Administrator, re: 7 Lincoln Road

Minutes

7. Council on Aging/Community Center Advisory Committee, August 11, 2015
8. Finance Committee, May 18, 2015, June 17, 2015
9. Planning Board, July 28, 2015

Region

10. Letter of 8/19/15 from 495/MetroWest Partnership re: Renewal of Membership
11. Letter of 8/28/15 from Edward Bouquillon, Superintendent, Minuteman School, to Wayland Board of Selectmen re: Clarification of New Minuteman High School Plans

State

12. Letter of 8/24/15 from Office of the Attorney General re: Extension of 90-Day Review Period of Articles 10, 18, 19, and 32, Wayland Annual Town Meeting of April 6, 2015
13. Letter of 8/25/15 from Department of Transportation re: July 27, 2015 Correspondence, Route 20 Resurfacing
14. Letter of 8/31/15 from Massachusetts Municipal Association re: Fall Legislative Breakfast Meetings



214 Marston Hall, University of Massachusetts, 130 Natural Resources Road, Amherst, MA 01003
413-577-2762 • Fax: 413-545-9569

August 24th, 2015

Nan Balmer, Town Admin
Town of Wayland
41 Cochituate Rd.
Wayland, MA 01778

RECEIVED

AUG 31 2015

Board of Selectmen
Town of Wayland

Re: Joseph Doucette has achieved the rank of Roads Scholar

Dear Ms. Balmer:

Congratulations to the Town of Wayland on the success of Joseph Doucette! Joseph has recently completed all of the requirements for our Baystate Roads Scholar Program. This program requires that the applicant attend at least seven of our training workshops. Each workshop requires a minimum of six hours participation and is always challenging and often very technical.

Although the name "Roads Scholar" is somewhat humorous and designed to catch attention, Mr. Doucette's accomplishment is very impressive because he has come to all of our workshops ready to learn with a genuine interest in improving operations in Wayland. Joseph has shown us that he is a professional who is serious about furthering his education and improving the way he accomplishes his work.

We hope you are as pleased with Mr. Doucette's achievement as we are and that you will acknowledge his accomplishment within your department. This achievement lends itself very well to articles in local newspapers or community newsletters; his participation will, of course, be announced in our newsletter *MASS Interchange*. More information about our program is available by contacting me at (413) 545-2604 or visiting our website at: <http://www.mass.gov/baystateroads>

Sincerely,

Christopher J. Ahmadjian, Ph. D., P.E., MBA
Program Manager

17

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 08-00552

DAVID BERNSTEIN & others¹

vs.

WAYLAND PLANNING BOARD & others²

MEMORANDUM OF DECISION AND ORDER ON ELEANOR AND WILDON FARWELL'S MOTION TO INTERVENE & TOWN OF WAYLAND'S MOTION FOR TEMPORARY RELIEF FROM JUDGMENT

On July 16, 2008, the original parties to this action came to an Agreement for Judgment on Count II of the Plaintiffs' Amended Complaint (Agreement) and simultaneously dismissed Count I. Eleanor and Wildon Farwell seek to intervene as defendants in the above-captioned case under Mass. R. Civ. P. 24(a). In addition, the Town of Wayland seeks temporary relief from the Agreement pursuant to Mass. R. Civ. P. 60(b)(6). For the following reasons, the Farwells' Motion to Intervene and the Town's Motion for Temporary Relief from Judgment on Count II of Plaintiffs' Amended Complaint will both be **ALLOWED**.

BACKGROUND

The present case arises from a dispute regarding an increase in through-traffic on Glezen Lane in Wayland, where plaintiffs reside and where the Farwells have resided

¹ Kathleen Bernstein, Jeffrey Porter, Jill Porter, Susan Reed, William Petri, Arlene Petri, Timothy Marsters, L. Howard Hartley, Marcia Anne Hartley, Richard Mikels, Deborah Mikels, and Michael Bate

² William Steinberg, Albert I Montague, Jr., Daniel Mesnick, Kevin Murphy, and Lynne Dunbrack, as members of the Wayland Planning Board, Anette Lewis, as an associate member of the Wayland Planning Board, Town of Wayland, Wayland Board of Selectmen, Wayland Board of Road Commissioners, and Twenty Wayland, LLC

since approximately 2010. The increase was generated by the Wayland Town Center Project, by which the Town has sought to develop a 56-acre parcel of land consisting of commercial, residential, and municipal building space. The parcel is located between Route 20 to the south and Route 27 to the east. In July, 2008, plaintiffs and the Town entered into the Agreement, without publication to or input from the neighborhood or community at large. The Agreement, in pertinent part, prohibited left turns from Glezen Lane onto Route 27 southbound, and right turns from Route 27 northbound onto Glezen Lane. The Agreement further required the Town to install and maintain physical restrictions preventing such turns if the traffic volume reached a certain level.

The Farwells, as residents of Glezen Lane, seek to intervene on grounds that the delayed response time of emergency vehicles servicing calls from Glezen Lane is an "interest in the subject of the action" sufficient to permit intervention as of right under Rule 24(a). They have submitted an affidavit from Wayland Fire Chief David Houghton stating that, as a result of the Agreement, emergency vehicles seeking to access Glezen Lane will be required to take a route approximately 0.8 miles longer than at present. Fire Chief Houghton's affidavit further states that even if emergency vehicles are exempted from the left turn/right turn prohibitions, the physical restrictions mandated by the Agreement will nonetheless substantially burden their ability to turn safely and efficiently onto Glezen Lane.

The Town separately moves for temporary relief from judgment on the grounds that it should be permitted to conduct a traffic study and propose alternative solutions to the increase in through traffic that would not raise the safety concerns identified by Chief Houghton and the Farwells.

ANALYSIS

A. Motion to Intervene

“[A] judge should allow intervention as of right [under Rule 24(a)] when (1) the applicant claims an interest in the subject of the action, and (2) he is situated so that his ability to protect this interest may be impaired as a practical matter by the disposition of the action, and (3) his interest is not adequately represented by the existing parties.”

Massachusetts Fed’n of Teachers, AFT, AFL-CIO, v. School Comm’n of Chelsea, 409 Mass. 203, 205 (1991). “The question whether the prospective intervener is adequately represented necessarily turns to a comparison of the interests asserted by the applicant and the existing party.” Mayflower Dev. Corp. v. Dennis, 11 Mass. App. Ct. 630, 636 (1981). “[I]f his interest is similar to, but not identical with that of one of the parties . . . he ordinarily should be allowed to intervene unless it is clear that the party will provide adequate representation for the absentee.” Id. at 637 (internal citations omitted).

In the present case, it is clear that the Farwells’ residence on Glezen Lane confers an interest in the subject of this action, specifically an interest in emergency vehicles having adequate access to their home. It is equally clear that there “may be a practical negative impact on the protection of that interest of intervention is not allowed,” insofar as the Agreement requires permanent restrictions on Glezen Lane’s traffic flow to which the Farwells and similarly situated neighbors (Motion to Intervene, Ex. 5) will be subject until and unless they file a separate action. Therefore, the Farwells are entitled to intervene in the present case.

B. Motion for Temporary Relief from Judgment

Rule 60(b)(6) permits a court to “relieve a party . . . from a final judgment, order or proceeding for . . . any . . . reason justifying relief from the operation of the judgment” other than the reasons articulated in Rule 60(b)(1) - (5). “The court . . . has power ‘to vacate judgments whenever such action is appropriate to accomplish justice.’” Mass. R. Civ. P. 60 note, quoting Klapprott v. United States, 335 U.S. 601, 615 (1949). “A motion pursuant to rule 60(b)(6) is addressed to the discretion of the judge . . .” Parrell v. Keenan, 389 Mass. 809, 814 (1983).

The court is mindful of the Supreme Judicial Court’s holding in Thibbitts v. Crowley that there is “no authority to modify [a] consent judgment.” 405 Mass. 222, 223 (1989). However, the SJC specifically distinguished the factual situation in Thibbitts from that in the earlier case Bowers v. Board of Appeals of Marshfield, 16 Mass. App. Ct. 29 (1983). In Bowers, the Appeals Court held that relief was available where “the town selectmen ‘offered as their part of an agreement for judgment a restriction that they lacked the power to impose.’” Thibbitts, 405 Mass. at 228, quoting Bowers, 16 Mass. App. Ct. at 33.

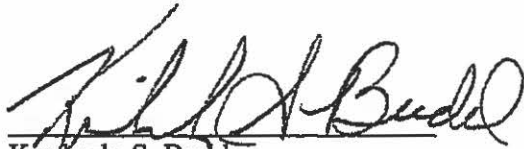
While it would be premature to award permanent relief under Rule 60 in this case, the interveners have raised concerns similar to those in Bowers, specifically whether the Town, in entering into the Agreement, violated the notice requirement of G.L. c. 90, § 18 and/or improperly abdicated its statutory power to regulate the rules of the road under G.L. c. 40, § 22. Therefore, the court will exercise its discretion and grant the Town temporary relief from the pertinent parts of the Agreement, in order to conduct the traffic

study the Town desires and to comply with public bid requirements in the event that the permanent physical alterations contemplated by the Agreement are found enforceable.

ORDER

Based on the foregoing, the Farwells' Motion to Intervene is **ALLOWED**. The Town of Wayland's Motion for Temporary Relief from Judgment on Count II of the Plaintiffs' Amended Complaint is **ALLOWED** as follows: the court grants temporary relief from the Judgment on Count II of the Plaintiffs' Amended Complaint for either 180 days from the date that this order is entered on the docket, or until further order of this court, whichever comes first.

August 26, 2015



Kimberly S. Budd
Justice of the Superior Court

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
AUGUST, 2015

TOTAL NUMBER CALLS HANDLED

77

# Complaint Calls	7
# Lost Dog Calls	6
# Lost Cat Calls	2
# Other Cat related calls	4
# Animal / Wildlife Calls	3
# Miscellaneous Calls	48

TOTAL # DOGS PICKED UP

4

Total # not licensed	2
Total # dogs not claimed	
# still in dog officer custody	
#surrendered to Humane Shelter	

TOTAL # HUMAN BITE CALLS

0

TOTAL # ANIMAL -> ANIMAL BITE

0

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

TOTAL # CITATIONS ISSUED

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

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



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

fos

RECEIVED

AUG 31 2015

Board of Selectmen
Town of Wayland

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

Wayland Board of Health Director's Report August 26, 2015

Septic work and building approvals- Things continue to be very busy for office staff with construction season soil testing and field work. We have continued to receive many building approval applications and requests for soil testing. Due to summer vacations we are still working on backlogged paper work, and will continue to focus on catching up.

Food inspection violations-Office staff and the Food Inspector have met with the owner and restaurant management staff of a Wayland Restaurant regarding compliance with the Food Code and safe food handling. Steps have been outlined to the owner and staff for compliance including more oversight/inspections until issues are resolved and corrected.

Meeting with Town Administrator-Discussion 8/13 of goals, things we are working on together. I suggested we work on the checklist for customers to use for building/septic projects. We will build a working group to look at this and outline/identify what should be included. I will be meeting with the Building Commissioner to pull our notes and thoughts together on objectives/goals for this task to provide to the Town Administrator. Also, discussed future Land Use meetings and agenda items.

Health Department meeting-We held an office staff meeting on 7/14 to discuss current productivity, plan to clean out the kitchen and trailers and beginning of flu clinic preparations. Department meetings will continue on a regular basis after summer vacations.

Geothermal wells- We do not have these types of wells included in our Private Well Regulations, therefore there are only state regulations to follow (no local). Another thing to add for future regulations updates.

IT Master Plan/Study by a Consulting Company- The Town has engaged a consulting firm, McGladrey, to assess IT and provide us with an IT Master Plan for the next 3-5 years. I attended 2 joint meetings (conducted by the IT consultants) along with other department heads where we were interviewed and questioned about technology. I provided extensive input regarding the Health Department job tasks, and workflow between departments, processing, storage of sensitive information (sensitive information that we handle), ideas for improvement, etc. I spent a lot of time with the consultants in hopes of their acquiring a comprehensive idea of what we do and what

our needs are. Additionally, the Health Department staff also met with IT regarding a more detailed shadowing of Health Department processing/IT needs/ workflow.

Smoking outdoors at WHA 106 Main Street-We are working with Wayland Housing Authority Executive Director, Brian Boggia to resolve an issue related to smoking outdoors and where smoking areas are located to address an abutter complaint. I have met with the Executive Director, the abutter, and the state, and will continue to follow up to hopefully resolve this situation. There is nothing in local or state regulation that addresses smoke migration from one outdoor place to another outdoor place. We are working on moving the "designated smoking area," and hopefully they will post signs and maybe some announcements to the residents will help to move the smokers. Another idea is for WHA to go "smoke free campus".

Grease traps letter-A letter is being prepared for food establishments in town regarding pumping of grease traps/maintenance and inspection. This will include establishments on both town sewer and private septic systems.

Office renovation/expansion-The Planning Office will be relocated to the former Recreation Department area. A counter/winder has been constructed in the Planning Office for the Health Department to use for our customer service receiving area. Once the Planning Office is relocated we will be moving our Administrative Assistants to the front area by the counter/window and we will re-organize the old and new office space. This will be a huge improvement to our work space/environment and will improve our customer service. We are very pleased and thankful to everyone who helped make this happen (especially Sarkis and Ben).

Investigations of trash complaints and compost complaints from abutters have been conducted. Some re-inspections have been needed regarding trash and are under investigation.

Meeting with Assessing Director-I met with Assessing Director on 7/30, Ellen Brideau regarding the discrepancies between septic permit number of bedrooms (including deed restricted properties) and the assessed numbers of bedrooms. Ellen has advised that a solution will be to not allow a closet in a room that is in question. Going forward we will take care to include looking at whether there is a closet included when a deed restriction is considered or an addition is being proposed (in rooms that are not a bedroom).

Retirement notice-We received notification of retirement from Cindy Forti, Community Health Nurse at the Claypit Hill Elementary School. Target date is likely for some time on or close to the date of February 2, 2016. For the benefit of the Nursing Program Cindy has advised us at this early date to provide us with a safe and smooth transition to a new CHN for Claypit Hill.

PHN/Nurse Leader Ruth Mori-Will be joining the meeting this evening to provide an update. Of note: we are looking at purchasing of a UPS battery backup system for our vaccine refrigerator which is a better alternative than a portable generator. Ruth has

been in contact with facilities and DPH regarding this backup system. This UPS system would hold the temperature for 2 days so that temperature coverage would be maintained over a weekend or weather occurrence and would then allow for us to evaluate the situation and move the vaccine if needed at that point. Also, we are looking at purchasing an AED for new DPW Facility (currently they do not have one onsite). We are actively planning for upcoming flu season and have scheduled an MRC meeting for 9/17.

Sharps disposal inspection-Office staff conducted an inspection of our sharps collection area at the transfer station. The area was clean, and tracking paperwork was found in an orderly fashion.

Municipal Parcel at town center-The Phase I Environmental Assessment has been received and is currently being reviewed along with the notice of soil sampling and testing results which states that ,”the identified concentration of PCB’s in the soil would not pose a significant risk of harm to human health, public welfare, safety or the environment...”.

Meeting with Fire Chief 8/18 –We conducted a joint review of draft Assisted Living Facility emergency plans as being required by EOOEA. Input provided and more detailed review will be performed of sections relevant to Public Health. Also, conducted a joint onsite meeting with the Executive Director of Traditions. Their final plan is hoped to be used as a template for other similar facilities in Wayland.

Wayland Nursing and Rehab-It has come to our attention that the septic system which serves this facility has been pumped 4 times in a year which as per State Title 5 Regulations is a failure. With this knowledge, along with problems we have been aware of with the system, a legal order was prepared and sent to the owner of the facility to repair the septic system. We had met with the owner and their engineer on 8/5 so they were aware that the order was being sent as well as time-frames of expected progress.

Update on Willowbrook Condos-The White Knight treatment system installation was completed at the end of June. We have received a report on July 27th that upon their observing the distribution box, it was noted that the system functionality has dramatically improved. The liquid level in the dbox was observed at the normal operating level where last observed it was above the invert level. We are very pleased to hear this and will continue to follow the next report on system functionality.

Mass Health Officer’s Annual Educational Conference-Office staff (Myself and Health Agent Darren McCaughey) will be attending this conference to obtain the required credits for our R.S. and Soil evaluator licenses, as well as keep up to date on current Public Health and Environmental Health issues. I am involved with running the Title 5 Track for the Conference. The conference is in Hyannis (10/21-10/23).

Additional monitoring at Septage facility-I have been advised from Ian Catlow of Tighe & Bond that additional monitoring well sampling has been cleared to be performed. I will

be reaching out to get information as to what is being tested and to ensure we received test reports.

Emergency beaver permit-staff received an application for an emergency beaver permit. An inspection was conducted with the MWRA of the Hultman Aqueduct which is being impacted by water held up in a culvert (beneath the aqueduct) from a beaver dam. An emergency permit was issued.

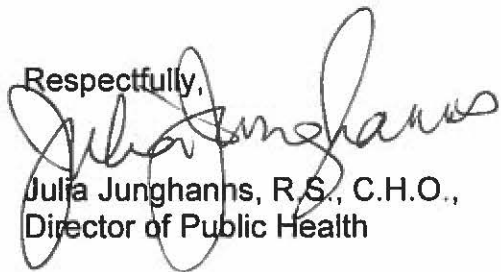
Mosquitoes-at this time Wayland is still in a low risk category for mosquito-borne illness and we have not had any positive test results for disease in mosquitoes.

Inventory/cleanout our kitchen storage area-Office staff spent almost a full day on 8/5 cleaning out and organizing the kitchen storage area where our flu clinic supplies are kept. We disposed of expired products/items and inventoried all supplies. Next is inventory and organizing of the 2 MRC trailers which began today and will be completed next week.

Beach water testing and pool testing – Town beach testing was weekly throughout the summer and results have been good this season with the town beach having low (good) numbers. The beach is now closed as of 8/17. Dudley Pond (Mansion Beach) had lower numbers than last year, however we had a high ecoli sample yesterday and posted signs. The water was re-tested today. Pool testing for the summer (coliform bacteria) has been performed and all results were absent of coliform bacteria except for one result received today which was also re-tested after pool treatment (pool is closed until results are cleared).

Coach Grille-Construction is going on to install 2 new septic tanks 14,000/7,000 (which is a big project in a small area). In July a new grease trap was installed.

Respectfully,

A handwritten signature in black ink, appearing to read 'Julia Junghanns', written over the typed name and title.

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



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

RECEIVED

SEP -2 2015

August 2015

Board of Selectmen
Town of Wayland

On August 20th, Wayland detectives used two underage women to conduct compliance checks of local businesses in town that possess a liquor license. Fourteen of the fifteen establishments passed the compliance check. Bertucci's Restaurant failed the compliance check and will be called to appear before the Board of Selectmen to consider the circumstances of the violation and possible punishment. The Wayland Police Department regularly conducts compliance checks at local businesses in an effort to reduce the underage consumption of alcohol. Later in the month, compliance checks for tobacco sales were conducted with no violations.

Three people were arrested during the month for Operating Under the Influence of Alcohol. A Connecticut woman was arrested for O.U.I. after officers observed erratic operation on Concord Road. The woman was also found to be unlicensed. A Wayland man was arrested for O.U.I., 2nd Offense, after an officer observed him speeding and failing to stay in marked lanes on Plain Road. In the third case, a Framingham man was charged with O.U.I after he was stopped for a marked lanes violation on Old Connecticut Path.


The Wayland Police Department was awarded \$2,500 in August to fund officers participating in the "You Drink, You Drive, You Lose" campaign sponsored by the Massachusetts Governor's Highway Safety Bureau. The money funds added patrols for officers to be on the lookout for drunk driving and other motor vehicle offenses.

On August 20th, officers responded to a break-in attempt at the Dean Mausoleum in the Lakeview Cemetery. It appears that a lock was cut open to a steel grated door; however the main door to the mausoleum was not compromised. This is the second act of mischief at the Dean Mausoleum this year. In March the mausoleum was defaced by graffiti.

Also during the month, Wayland officers made several arrests for default warrants and for unlicensed or suspended operation of motor vehicles.

Wayland's two new officers, Justen Kazan and Colin Fitzpatrick continue in the field training program and are expected to be ready for street duty in October.

The department had its first review by the Massachusetts Police Accreditation Committee in August. The department is working towards the level of certification and will go through several policy reviews over the next several months.

A handwritten signature in blue ink, appearing to read 'Robert Irving', with a large, stylized flourish extending to the right.

Robert Irving
Chief of Police

Wayland Police Department Detective Division Report of August 2015

INVESTIGATIONS

Credit Card Fraud/Larceny – Stop & Shop Supermarket
Larceny over \$250 – TD Bank
Residential Break & Entering – White Road
Residential Break & Entering – West Plain Street
Credit Card Fraud/Larceny over \$250 – Oak Street
Criminal Harassment/Suspicious Activity – Saddle Lane
Intimidation of a Witness – Elissa Avenue
Alcohol Compliance checks – Town wide
Tobacco Compliance checks – Town wide
Wayland High School Incident
Threats – Cochituate Road

MEETINGS/TRAININGS

Meeting with Framingham Assistant District Attorney's
Acton area Detective Meeting

MISCELLANEOUS

Framingham District Court – MV/Criminal Hearings
Traffic Study Project – Sherman Bridge Road
Speed Radar Deployment – Bow Road
12 LTC/FID permits
Assist with neighbor issue – Plain Road
Elder Abuse/Reporting meeting
Citizen Police Academy
Background Investigation new town employee

*Wayland Police Department
Monthly Training Report*

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

*National Association of Women Law
Enforcement Executives
Hartford, Conn*

Attended numerous presentations from key note speakers, Topics included leadership and media awareness.

Sgt. Jennifer Ordway

August 5-9, 2015

Irving, Robert

From: Currans [REDACTED]@verizon.net>
Sent: Sunday, August 16, 2015 8:53 PM
To: Irving, Robert
Subject: Solicitors (no permit)

Chief

Bill, Dispatch, and Lynette, Officer, should be commended for outstanding work.

An unidentified solicitor appeared in my backyard Sat. We were packing for vaca.

"Zach" offered roof inspection for potential hail damage. I politely declined.

I then engaged Bill who dispatched Lynette taking my statement and cruised around till she found them close by.

Lynette took the time to stop at my home and help me feel better about potentially being cased out. The workers were doing ad hoc repairs and provided some ID.

Here is another example of same hr service Wayland provides. I told Lynette, with her work, no speed trailer needed!!!

All the best,
The Currans

[REDACTED] 6

SLOAN PERSONNEL FILE

Irving, Robert

From: Al Dean <[REDACTED]@verizon.net>
Sent: Thursday, August 27, 2015 2:26 PM
To: Irving, Robert
Subject: Dean Mausoleum

Dear Chief Irving,

I want to extend my thanks and appreciation to Officer Sloan for her time and concern for the recent attempt to break into the Dean Mausoleum at Lakeview Cemetery. Her professional investigation and approach to the matter as well as her kindness exemplifies the people on your force.

Sincerely,

Alfred H. Dean Jr.



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

7/13/2015

To: Sgt. Ed Walsh, Sgt. Charles Akins, Officer Chris Custodie, Dispatcher William Reed

From: Robert Irving, Chief of Police

Subject: No Sick Leave Bonus

A review of attendance records reveals that you did not use any sick days from January 1st through June 30th, 2015. In accordance with Article 18, Section 5 of the Police Collective Bargaining Agreement, Sgt. Walsh will receive an incentive of 2 days' pay. Officer Custodie will receive an incentive of 1 days' pay. Sgt. Akins will receive an incentive of ½ days' pay. In accordance with Section 19-11 of the Dispatcher's Collective Bargaining Agreement, Dispatcher Reed will receive an incentive of 1 days' pay. Your excellent record of attendance is commendable and an example of the dedication that you have each demonstrated towards your job with the Wayland Police Department and Joint Communications Center.

I wish you continued good health for the remainder of 2015.

cc: Lisa Dana
Personnel Files



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

September 1, 2015

Peter Normandin
JEKN, LLC
60 Edro Isle
Westminster, MA 01473

RE: Order of Conditions and Chapter 194 Permit for 7 Lincoln Road, Wayland (DEP File 322-844)

Dear Mr. Normandin:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic system replacement project at 7 Lincoln Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Morahan
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.
DEP NERO w/enc.
Building Commissioner w/enc.
The Jillson Company, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

RECEIVED

SEP -1 2015

Board of Selectmen
Town of Wayland

6



Town of Wayland Massachusetts

Members: Steve Correia
Mark Foreman
Marylynn Gentry
Frank Krasin
Jean Milburn, Co-Chair
William Sterling, Co chair

Council on Aging /Community Center Advisory Committee (“CoA/CCAC”)
Minutes: August 11, 2015 7:00 PM

In attendance: Steve Correia, Frank Krasin, Marylynn Gentry and William Sterling
Absent: Jean Milburn & Mark Foreman. Also in attendance were Ben Keefe and Town
Administrator, Nan Balmer.

The meeting was called to order, as a quorum was present at 7:01 PM at the Council on Aging multi-
purpose room in the Wayland Town Building.

1. Public Comment #1-

Tom Sciacca commented on the CMG Environmental, Inc. Phase I report dated July 21, 2015, prepared by Ben Gould. Tom said he did not understand why Ben expressed no concern about any potential health risks to older adults and children from the presence of Trichloroethylene (TCE) in the ground water. Tom expressed concern of vapor migration of TCE into the existing building.

(The CMG report explains: “DEP has established Method 1 risk characterization GW-2 standards as protective of vapor migration into habitable structures. The GW-2 standards pertain to groundwater that is located within 30’ of a habitable structure, ... but none of these wells are located within 30’ of the existing building.”

CMG concludes: ERM has extensively studied groundwater contamination at the Property since 1996, and this contamination is very well understood. ERM continues to conduct groundwater assessment (and remediation where necessary) at the Property (including the subject Site) on behalf of Raytheon Company. Therefore CMG does not recommend any additional investigation into groundwater contamination at the Site other than review of ERM documentation, which the Town of Wayland Board of Selectmen has retained us to conduct since 2002.

When asked what measures he would suggest, Tom suggested continued testing (which is happening) and adding a vapor barrier beneath the slab of any building to be constructed (easily done).

Public Comment #2- Tonya Largy asked who ordered all the heavy equipment that has been seen in the Rail Trail bed. No one present had an answer.

2. Members’ response- Mr. Sterling thanked Mr. Sciacca and promised to convey his concerns to Mr. Gould.

3. Review of meeting notes- Minutes of July 12 meeting were reviewed.

4. Review of Site Engineering RFP- Mr. Keefe reported that an opinion from the MA AG office was requested regarding the ability to select an engineering service from the “on call” list.
5. Phase I report review- Aside from the discussion noted in the public comment section, Mr. Sterling reported a conversation with Ben Gould about what happens next after the results come in. Mr. Gould had said there are three possibilities: 1. The site is proven clean enough for occupancy and use by people of all ages, or 2. If the site contains reportable hazardous materials, then a.) we get the original owner to clean up the contamination, or b.) we cap the area with clay or concrete to prevent it from being in contact with people who occupy the property. So in any case the problem can be remedied to make the property usable for a municipal use.

6. Possible Archeological Study

The proposal to provide a “sensitivity assessment” from Public Archeology Laboratory dated August 5, 2015 was reviewed. The proposed fee is within the \$5,000 limit of “administrative funds” of either the CPC. The CCAC needs to get a funding commitment from this boards because the “due diligence” authorization at the last spring Town Meeting did not include archeological studies in the itemized list of tasks to be funded. Because the report will require 30 days to complete, it should be authorized as soon as possible in order to be finished in time for the fall Town Meeting. An application to the CPC requesting this funding needs to be filled out by this committee before their next meeting on 8/26/15.

7. Warrant for Town Meeting

Ms. Balmer produced copies of the 2015 spring Town Meeting warrant for the committee to use in drafting the new warrant for the fall Town Meeting. Mr. Krasin volunteered to help Mr. Sterling draft the warrant, as did Mr. Correia and Ms. Gentry. It must be submitted to the BoS on 8/24/15 in order to give them time to edit it and submit to the Clerk by 9/2/15.

8. Discuss Pop-up Park at the Municipal site

Mr. Sterling discussed his understanding that any activity that uses Town funds and staffing to operate should remain neutral and strictly informational about the proposed acquisition of the land by the Town.

Other participants besides the Council on Aging and the Recreation Department may include the Historical Commission and the River Stewardship Council.

A letter needs to be sent to 20 Wayland, and copied to Nan Balmer & Sarkis Sarkisian describing the proposed events planned for the Pop-up Park that is tentatively scheduled for October 17 from 4-6 PM. Whoever sponsors the event needs to request permission to obtain access to the property.

9. Other topics

Ben Keefe reported that an OPM is not required for this project until after Town Meeting authorizes acquisition of the land.



Town of Wayland Massachusetts

Members: Steve Correia
Mark Foreman
Marylynn Gentry
Frank Krasin
Jean Milburn, Co-Chair
William Sterling, Co chair

Mr. Sterling suggested holding a meeting with the River Stewardship Council to devise a site plan solution for the boat launch parking area and coordinate it with the CCAC site planning.

10. Date and time of next meetings

Wednesday, 8/19/15-7 PM will be the next meeting if the soil test results are back by Monday, 8/17/15.

Monday, 8/24/15-7 PM is the next regular meeting followed by a meeting with the BoS to submit a draft of the warrant article at around 8 PM.

11. Adjournment

At 8:10 PM, Mr. Correia moved to adjourn. Ms. Gentry seconded the motion. The vote in favor was 4- 0. One member had already left.

Handouts:

Agendas of tonight's two meetings

Minutes of July 6, 2015 meeting

CoA/CCAC RFP-DRAFT 7-5-15

Sudbury Initiative, Town Hall Forum Presentation 03.29.15

Marlborough Senior Center Schematic Design October 2013

Respectfully submitted

William A. Sterling, Co-Chair



Town of Wayland Massachusetts

Finance Committee

Thomas Abdella, Nancy Funkhouser (Vice Chair), Thomas Greenaway (Chair)
Carol Martin, Bill Steinberg, David Watkins, Gil Wolin

Finance Committee Meeting Minutes, May 18, 2015

Attendance: T. Abdella (7:07 PM), T. Greenaway, N. Funkhouser, C. Martin (by phone), B. Steinberg, D. Watkins, G. Wolin and Finance Director Brian Keveny.

I. Call to Order

The meeting was called to order at 7:01 PM in the School Committee Conference Room of the Wayland Town building. The meeting was video taped.

II. Public Comment

None

III. Finance Director's Report

The Finance Director provided a report (see handout) with updated financial results.

He noted that the local receipts on the detailed revenue report (p. 4 of the handout) indicated that they should be materially as budgeted for the fiscal year.

He then took the committee through page 5 of the report to look at departments that are expected to overspend or under spend the budget for FY'15, as shown on his handout. He explained that the under spend on the school side of the budget would likely be reduced before the end of the year, with many teacher's taking a large 4th quarter payment in lieu of taking those funds over the course of the summer. This is a typical occurrence.

The Fire Department will underspend their budget due to the timing of an additional hire that was not filled when anticipated, and therefore the funds allocated were not spent. This is the second straight year of material turnbacks from the Fire Department. The DPW is under spending by approximately \$78,000, which was a savings on labor costs.

Overall, most turnbacks are non-departmental, coming from reserve funds and line 32B of the budget and reserves for salary adjustments.

We looked at the projected year-end free cash, which is projected to be just over 8%.

There was a discussion of the Water Enterprise Fund and the amount of cash it holds from year to year, under the theory that they should have enough cash to pay for their largest capital asset in case of emergency. There was a suggestion that we look into the possibility of carrying less cash in that

fund and then borrowing if significant cash were required to replace plant or equipment. The question is – could we obtain Town Meeting approval to borrow funds in the event of an emergency event.

The Wastewater fund is now stable, having collected 155% of budget, primarily due to the Town Center betterment account, which was not anticipated.

Regarding Town Revolving Funds, the ambulance fund continues to grow, but with funds being projected for the acquisition of a new ladder truck in 2017 or 2018, as anticipated for a long time. The Transfer Station has similar funds as in past years. The Recreation Department's revenues are down from FY 2014 by approximately \$143,000.

The Town's auditor, Melanson & Heath, will be meeting with the Board of Selectmen on June 24th to discuss the Town's free cash policy. The Finance Committee plans to discuss the Town's free cash policy at its June meeting in order to provide guidance to the Board of Selectmen.

Mr. Keveny shared a memo from the Fire Chief for a new vehicle; however Members did were not supportive of this request, as the Fire Department suggested to Town Meeting and the Finance Committee that this vehicle would be included in its FY 2017 budget.

IV. Annual Town Meeting Recap

FinCom Members discussed whether Members should have been more active in the debates regarding Articles at Annual Town Meeting; however the consensus was that Members could do so as residents but that there was no need to do so as FinCom Members, other than to provide information to the public regarding information learned during the process of writing the Warrant Articles.

V. General Discussion and Potential Vote on Committee Policy on the Relationship between General Fund Activities and Revolving and Enterprise Fund Activities

The Chair suggested that FinCom should understand the relationship between general funds and revolving funds. He asked the questions: a) can the general fund support fee based funds; and b) when funds build up balances, can the general fund receive reimbursement from these cash balances. There was a general discussion about revolving funds and whether they should cover all of their costs or some of their costs, which then would require that the general fund would cover some of their costs. There were divergent opinions among Members; however the Members agreed that we should inventory revolving funds to try to determine if some/all/none were meant to be self-sustaining or self-supported? Should the Town shut down funds that are not self-supported? Do we or should we support these funds because of our sense of community and what that means at its core intent? The Finance Director was asked to put together an inventory of the funds and an analysis of which are cover their costs and which are all or partially funded by the general fund. There was a discussion, without resolution, of whether excess funds in revolving funds should be transferred to the general fund or should stay with the revolving funds and/or returned to fee payers.

VI. Members Reports, Concerns and Topics for Future Meetings

Mr. Steinberg introduced a new committee being formed by the Board of Selectmen, the Wayland Real Asset Planning Committee (the "WRAP"). It will consider the real assets owned and operated by the Town (land and buildings) and the potential to continue to use existing assets or to look for alternative sites for these uses. It will also attempt to prioritize the best use of assets such as land. Members shall be from the following: 2 recommended by FinCom; 2 recommended by the Planning Board; and 1 recommended by the CPC (5 total members). The WRAP will operate as a sub-committee of the Planning Board. FinCom, via consensus, recommended Tom Abdella and Bill Steinberg as its representatives to the WRAP. Mr. Steinberg informed members that the Library Committee continues to consider a new or renovated library and the River's Edge committee is working with the Board of Selectmen on a request for proposals from developers.

Ms. Martin reported that the Wayland Housing Authority continues to work on the addition of sprinklers to the affordable housing project on Rte 27, having hired an architect and an engineer.

Mr. Watkins reported that IT planning for the coming year is moving forward and taking recommendations from a variety of people. It was noted that citizen Mark Hayes continues to inform the Town Administrator and School Superintendent of his concerns and suggestions regarding security systems for the Town's technology resources.

VII. Chair's Update

Mr. Greenaway noted that FinCom would vote on leadership for FY 2017 at its next meeting, in June, and the Committee suggested that meeting should occur on June 17th.

VIII. VIII. Executive Session to Review, Approve, and/or Consider Releasing Executive Session Minutes for the Following Dates:

Mr. Greenaway made a motion for the Finance Committee to enter into Executive Session for approximately 30 minutes for the purpose of approving and consider the release of executive session meeting minutes for the dates noted below, and with the Members coming out of Executive Session to report the release of any such minutes and to adjourn:

- January 24, 2011
- February 7, 2011
- July 9, 2012
- August 28, 2012
- September 5, 2012
- September 24, 2012
- October 3, 2012
- November 26, 2012
- January 10, 2013
- January 14, 2013
- January 28, 2013
- March 4, 2013
- March 6, 2013
- April 22, 2013
- May 14, 2013
- June 18, 2013

- November 20, 2013
- September 2, 2014
- May 19, 2014
- September 22, 2104
- November 12, 2014
- December 15, 2014

Mr. Steinberg seconded the motion to enter into executive session. There was a roll call vote in favor of entering into executive session, as follows:

Abdella – yes; Funkhouser – yes; Greenaway – yes; Martin – yes; Steinberg – yes;
Watkins – yes; and Wolin – yes.

Ms. Martin dropped off of the phone call at that time and did not follow the remainder of the Members into executive session, which was held in the small school committee conference room across the hall.

IX. Adjourn

At 10:12 PM, the Committee voted unanimously to adjourn based upon a motion from Ms. Funkhouser and a second from Mr. Steinberg.

Respectfully submitted,

William Steinberg

Documents:

1. Financial Report dated May 18, 2015 from Mr. Keveny



Town of Wayland Massachusetts

Finance Committee

- Tom Abdella
- Carol Martin
- Nancy Funkhouser
- Bill Steinberg
- Gil Wolin
- Tom Greenaway (Chair)
- David Watkins

Meeting Minutes June 17, 2015

Attendance: B. Steinberg, C. Martin, T. Greenaway, , N. Funkhouser, G. Wolin, Brian Keveny, D. Watkins. Absent: T. Abdella.

The meeting was called to order in the Town Building COA meeting area when a quorum was available. The Chair announced that the meeting was being recorded by WayCam.

7:00 Call to Order

7:05 Public Comment & Members' Response to Public Comment. There was no public comment.

7:15 Finance Director's Report

Mr. Keveny reviewed the FY15 Revenue & Expense Update. He noted that Wayland had collected 98% of budgeted revenue through June 11, 2015 including revenues for the Wastewater, Enterprise and General Funds. He estimates that uncollected revenue will be \$500,000 primarily due to uncollected real estate taxes and that Wayland had a relatively high collection rate of 99.9% (real estate taxes) and 83% from local receipts. The estimated turn-backs for the town were \$1.5 million dollars. He also observed that \$212,000 of FY13 rollover purchase orders will be returned to Free Cash. He identified that management accounts for insurance and the reserve for salary adjustments were lower and that they resulted in additional savings. He estimated that Free Cash was over 8% and would be certified to be approximately \$6.4 million dollars.

Mr. Keveny requested that the committee consider making a transfer from the Reserve Fund to pay for expenses related to Town office supplies, payroll for the library, snow and ice removal fees, the Council on Aging, Youth Services, and Medicaid Taxes.

A motion was made by Ms. Martin and seconded by Mr. Watkins to approve the seven (7) requests for transfer from the Reserve Fund. Ms. Funkhouser, Mr. Wolin, Mr. Watkins and Ms. Martin voted 4-0-0 in favor.

Based on topics discussed in a prior meeting, Mr. Keveny compiled a listing of all Town and School Revolving Funds and associated payroll charges. He discussed several of the older funds that he identified to be deactivated and any outstanding monies would be transferred to Free Cash. Mr. Keveny reported that cash reconciliation work discussed at a prior meeting was still

behind and was estimated to be completed by December, 2015. Lastly, he indicated that he was anticipating an update from Ben Keefe regarding the DPW building project funding.

7:30 2016 ATM & Budget Schedule Planning, Vote FY 2017-2022 Capital Planning Memo

Ms. Funkhouser reviewed the budget request memo that will be disseminated to the heads of the Town Department requesting their budgets be submitted to FinCom by mid-September. She then discussed potential enhancements to the CIP form to make it more user friendly. Mr. Keveny suggested that Ms. Balmer, the Town Administrator, should optimally meet with her department heads first and approve their budgets prior to the department heads presenting the departmental budgets to FinCom.

Mr. Watkins inquired whether the Town made use of budgetary benchmarks from peer towns for comparative purposes in assisting with the preparation of the budget.

Ms. Funkhouser suggested that the turn-back memo be incorporated into the departmental budgeting process. Ms. Martin concurred and observed that it would be helpful in identifying outstanding balanced within the funds that could be released. Lastly, FinCom discussed the need for the departments to have a fleshed out their five (5) year plan to expedite the budgeting process.

8:00 General Discussion and Potential Vote on Committee Policies on the Relationship between General Fund Activities and Revolving and Enterprise Fund Activities

FinCom discussed the draft policy regarding fee based revenue funds drafted by the School Committee. Mr. Keveny indicated that he was supportive of the policy and that it provided the Town with a methodology regarding surplus funds. He noted that the Town had not been cited by the Auditor regarding the lack of a policy. FinCom discussed the challenge of maintaining a policy without an approach to track adherence. Mr. Greenaway indicated that the Schools might be overthinking the policy and that the reason he put the topic on the agenda was to initiate the debate. He suggested that there are many Wayland residents that have the opinion that revolving funds and enterprise funds must be self-sufficient. Ms. Funkhouser clarified that the draft policy being discussed was related to Wayland Schools and not the Water or Wastewater departments.

8:30 Discuss and vote free cash policy

The committee discussed the proposed Free Cash Policy and previously discussed changes. Ms. Martin, Mr. Wolin and Mr. Steinberg clarified that several of the suggested changes were not necessarily related to policy but procedure and the content of the policy was modified accordingly. FinCom discussed the requirement for the Town to maintain Free Cash within 5 to 10% to maintain the Moody's rating. Mr. Greenaway amended the wording of the policy to provide a proscriptive method for Town departments. He suggested that if a department were to request contingency funds that they would be directed to review FinCom's Free Cash Policy and instructed to use Town Meeting to request additional budget.

A motion was made by Ms. Funkhouser and seconded by Mr. Greenaway to approve the Free Cash Policy. Ms. Funkhouser, Mr. Wolin, Mr. Watkins, Mr. Greenaway, Mr. Steinberg and Ms. Martin voted 6-0-0 in favor.

9:00 Members' Reports, Concerns, and Topics for Future Meetings

Mr. Wolin and Ms. Martin participated in the Open Meeting Law (OML) training. They commented that the training was well done and that they discussed the topic of record retention. FinCom discussed the practice of using a Town Email account and performing automated record retention on all emails sent and received.

Mr. Watkins reported on the IT initiatives regarding planning and security. He indicated that the projects are almost complete. He discussed unbudgeted items such as Exchange Email that would require transfers from the reserve fund. Lastly, he indicated that the consulting work was within budget.

9:30 Chair's Update

FinCom discussed Mr. Greenaway's commitment and dedication to the Town and thanked him for his service.

A motion was made by Mr. Steinberg and seconded by Mr. Greenaway to approve Ms. Funkhouser as Chairman of the committee in FY16. Ms. Funkhouser, Mr. Wolin, Mr. Watkins, Mr. Greenaway, Mr. Steinberg and Ms. Martin voted 6-0-0 in favor.

A motion was made by Mr. Greenaway and seconded by Mr. Steinberg to approve Mr. Watkins Vice Chairman of the committee in FY16. Ms. Funkhouser, Mr. Wolin, Mr. Watkins, Mr. Greenaway, Mr. Steinberg and Ms. Martin voted 6-0-0 in favor.

9:45 Minutes

There were no meeting minutes approved

10:00 Adjourn

At 10:04 pm Tom Greenaway moved to adjourn the meeting, Carol Martin seconded the motion and the vote was 6-0-0 in favor of adjourning.

Meeting Exhibits

Draft Executive Session Meeting Minutes 5-18-15

Draft Meeting Minutes 5-18-15

Draft Meeting Minutes 1-5-15

Wayland Finance Committee Free Cash Policy

FY15 Budget Status Report

Town and School Special revenue funds

Policy for fee based funds

FinCom CIP memo

FinCom revised agenda

Respectfully Submitted,

David Watkins



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

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

FINAL MEETING MINUTES

July 28, 2015

The Wayland Planning Board met on **Tuesday July 28, 2015 at 7:30pm** in the Wayland Town Building, 41 Cochituate Road, Wayland, MA relative to the following agenda items:

- 7:30 Review Agenda / Public Comment / Correspondence / Town Planner Update**
- 7:35 Continue Public Hearing (from June 24th) on Subdivision Rules and Regulations for the Town of Wayland adopted October 1, 1968 and revised September 4, 2001. Specific proposed changes include section B) "Streets" minimum length of streets and "Street Off-Sets" – diagram for measuring.**
- 8:00 Discussion regarding future zoning amendments**
- 8:10 Rail trail update/RFP/On-call consultants**
- 8:20 ANR Plan – 400 Post Road, Town Center**
- 8:25 Wayland Real Estate Planning Committee – Appoint PB rep and confirm appointments made by other Boards**
- 8:35 OML Violation regarding timely approval of minutes. Approve minutes: March 3, 2015, March 24, 2015, April 28, 2015, May 26, 2015, June 2, 2015 and June 24, 2015.**
- 8:45 Adjourn**

Attendance:

Ms. Colleen Sheehan, Chair
Mr. Andrew Reck, Vice Chair - Absent
Mr. Dan Hill, Member
Mr. Kevin Murphy, Clerk
Mr. Ira Montague, Member

The Town Planner, Mr. Sarkis Sarkisian, was also present.

7:30PM Open and Public Comment

C. Sheehan opened the meeting, reviewed the agenda and informed those in attendance that the meeting is being recorded (not televised).

Public Comment:

David Stoer, 33 Shaw Drive: Wanted to confirm that an email sent to the Planner was distributed to PB members (it was).

Also wanted to confirm that a forthcoming application would be grandfathered with respect to any revisions the Subdivision Rules and Regulations. The Planner agreed to follow up with Town Counsel.

7:45PM Subdivision Rules and Regulations (cont. of hearing)

S. Sarkisian informed the Board that at the last meeting a request was made for i) AASHTO requirements and ii) GIS data. Kevin Dandrade (TEC) has provided the AASHTO requirements but due to vacations, the GIS data was not available.

The Board then discussed some of the standards used by neighboring towns.

The current proposal for the minimum length of road is twice the amount of frontage required for a single home. The purpose of the amendment is to prevent short, 'lollipop' style roads as they are disruptive for maintenance, often inconsistent with surrounding development and, when proposed for a single or very low number of lots, often just a way to circumvent rules preventing shared driveways.

The Planner agreed to get the requested GIS information as well as input from DPW before the next meeting.

Motion: Continue hearing to August 18th @ 7:35pm in the Wayland Town Building.

Move: K. Murphy

Second: D. Hill

Vote: 4-0

Public Comment: Annette Lewis, Claypit Road: Suggested replacing the word 'and' with 'or' in section 4.

8:05PM Future Zoning Bylaw Discussion

S. Sarkisian distributed the list of the Board's priorities for ZBL amendments. An entry for the Conservation Cluster bylaw to clarify 'Units' vs 'Lots' has been added.

D. Hill informed the Board that he would meet with Eric Goldberg, Acting Chair of the ZBL, to review their priorities and issues.

S. Sarkisian noted that he has asked Jay Abelli, Building Commissioner (who is retiring this year) to prepare a similar list.

D. Hill suggested that the Board hold public forums well in advance of preparing draft changes to the by-laws to get input and support for amendments that we plan to take to Town Meeting. The Board agreed to have a pre-meeting for ZBL amendments on September 8th (Sept meetings are tentatively scheduled for Sept 8th and 22nd).

8:20PM Rail Trail Update

S. Sarkisian informed the Board that Eversource has expressed interest in constructing a hard-pack or paved path from the Weston line to Wayland Town Center.

A potential issue is that the Mass. Dept of Conservation and Recreation prefers that Wayland build a paved path while Wayland's Conservation Commissioner has expressed a preference for stone dust or similar. S. Sarkisian has identified an aggregate mix that compressed to a pavement-like hardness yet remains water permeable. He has proposed this to Eversource and is awaiting a response.

Also, it would be preferable to have direction from the Historic District Commission for the design for the trail by the depot. S. Sarkisian will provide the HDC with the three options for the layout of the depot section along with a recommendation for feedback.

8:40 ANR Town Center

The ANR consolidates two lots on the westerly end of the Town Center parcel. S. Sarkisian informed the Board that the ANR proposal meets all applicable requirements.

Motion: Approve ANR

Move: K. Murphy

Second: D. Hill

Vote: 4-0

8:45 Wayland Real Estate Asset Planning Committee Appointments

Motion: Confirm Tom Abdella (appointed by FinCom), Bill Steinberg (appointed by FinCom) and Gretchen Schuler (appointed by CPC). Appoint Colleen Sheehan and Annette Lewis as Planning Board representatives.

Move: K. Murphy

Second: I. Montague

Vote: 4-0

9:07 Minutes

The Board discussed a recent Open Meeting Law (“OML”) violation notice received from a resident. The Chair reminded the Board of the importance of preparing, reviewing and posting meeting minutes in a timely fashion. The Board agreed to place additional emphasis on this item to ensure compliance with the OML requirements.

Motion: Approve minutes for March 3, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 4-0

Motion: Approve minutes for March 24, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 4-0

Motion: Approve minutes for April 28, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 3-0 (1 abstention due to absence)

Motion: Approve minutes for May 11, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 3-0 (1 abstention due to absence)

Motion: Approve minutes for June 2, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 2-0 (2 abstentions due to absence)

Motion: Approve minutes for June 24, 2015, as amended.

Move: I. Montague

Second: D. Hill

Vote: 3-0 (1 abstention due to absence)

Motion: Approve minutes for May 26, 2015, as amended.
Move: I. Montague
Second: C. Sheehan
Vote: 2-0 (2 abstentions due to absence)

9:40 Vote Officers

Motion: A. Reck as Chair.
Move: I. Montague
Second: D. Hill
Vote: 4-0

Motion: K. Murphy as Vice-Chair.
Move: I. Montague
Second: C. Sheehan
Vote: 4-0

Motion: D. Hill as Clerk and I. Montague as Assist Clerk.
Move: K. Murphy
Second: C. Sheehan
Vote: 4-0

9:45 Other Planner Updates

- Next meeting will be August 28th (Possible agenda items include: Subdivision Rules, Housing Plan, Zoning Bylaws, Rail Trail Design)
- JJ McKay has closed and will the space will likely be used to allow Rite-Aid to expand and to house a new restaurant.

9:50PM Adjourn

Move: I. Montague
Second: D. Hill
Vote: 4-0

Respectfully submitted,

Kevin Murphy, Clerk

Date



495/METROWEST

PARTNERSHIP

Leaders for Regional Prosperity

RECEIVED

AUG 27 2015

**Board of Selectmen
Town of Wayland**

August 19, 2015

Ms. Nan Balmer
Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778-2697

(NOTE: INVOICE HAS BEEN
SUBMITTED FOR
PAYMENT)

Dear Ms. Balmer:

As municipal leaders and planners in our respective communities and as representatives of the 495/MetroWest Partnership, we are proud of the many accomplishments we have achieved since our inception in 2003. As representatives of the Public Leadership of the Partnership, we are seeking your help in providing a small amount of financial support to continue our mission. Some of the key accomplishments include items such as:

- Expanding transit options within our region by playing a leading role in founding the MetroWest Regional Transit Authority and expanding access to other RTA's;
- Securing federal funds for the region in water resources and examination of potential improvements to the I-495/Route 9 and I-495/I-90 interchanges;
- Providing resources such as our regional economic reports, commercial real estate analyses, development compact, and energy guide;
- Convening dialogues with then-Gubernatorial nominee Charlie Baker and other policymakers to provide regional input and perspective on statewide development initiatives;
- Advocating for needed infrastructure investments in our region;
- Providing opportunities for the region to participate in statewide examinations of potential site location decisions of employers; and
- Other successes in transportation infrastructure, transit services, water infrastructure and stormwater runoff, economic development, and other regional constraints, as detailed in our attached ten year report.

For the last eleven years, the Partnership has worked hard on all of our behalf as a public-private regional development nonprofit, but has never had to request nor require any financial support from municipalities. Instead, the private sector has stepped forward with substantial contributions, while available state support has varied widely over the years to provide corresponding public sector funding in covering the Partnership's modest operating expenses. In recent years, however, the state's fiscal condition has led to dramatic reductions and interruption of available funding for the Partnership's work.

As a result, the Partnership's Board of Directors, including elected and appointed municipal leaders from across the region, have recognized the need to expand our sources of public sector support to include municipal contributions annually. While this step is not being taken lightly,

495/METROWEST PARTNERSHIP

200 FRIBERG PARKWAY, SUITE 1003, WESTBOROUGH, MA 01581

PHONE: 774-760-0495 FAX: 774-760-0017

WWW.495PARTNERSHIP.ORG

10

it is absolutely imperative to continue the public-private collaboration that is the very foundation of the Partnership's accomplishments and ongoing work on our behalf. Recognizing the limited resources of municipalities also coping with the state's fiscal condition, we are asking for a small contribution - only \$500 - from your community as a stipend to the Partnership. While a small amount, collectively such contributions across our entire service area would provide an important source of support for the Partnership's modest operating costs, while demonstrating the public sector's continued commitment to our work along with our private sector contributors. This also allows the Partnership to continue offering our forums with policymakers through our Transportation, Water Resources, and Energy & Sustainable Development Committees free of charge, rather than impose attendance fees for municipal attendees.

Such a contribution would allow the Partnership to continue our work advocating for your community and the entire region, and provide opportunities for 495/MetroWest leaders to be part of an effective, coordinated, and powerful voice to Governor Baker, Lt. Governor Polito, and their Cabinet. We hope that you can join our communities and the towns of Acton, Bolton, Grafton, Hopkinton, Hudson, Littleton, Marlborough, Maynard, Westborough and others in making this important contribution to the 495/MetroWest Partnership. We would be happy to answer any questions you might have.

Thank you for your support of the Partnership's work and your consideration of this request,



Joe Nolan
Public Sector Co-Chair
Selectman, Town of Wayland



Henry Fitzgerald
Public Sector Vice-Chair
Selectman, Town of Shrewsbury



Glenn Trindade
Past Public Sector Co-Chair
Selectman, Town of Medway



RECEIVED

SEP -2 2015

Board of Selectmen
Town of Wayland

August 28, 2015

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

Dear Chairman Karlson and Members of the Board:

I am writing to clarify what appears to be some confusion or misunderstanding about plans for a new Minuteman High School which were unanimously endorsed by the Massachusetts School Building Authority (MSBA) on August 6. I am addressing comments first reported in the Concord Journal on August 3 in an article titled "Minuteman school fight hits Sudbury" and reprinted the following day in the MetroWest Daily News in an article re-titled "Sudbury finds some allies in Minuteman school fight." The article, written by Brittney McNamara, reported on a district-wide meeting hosted by the Sudbury Board of Selectmen.

While I applaud the spirit of Selectman Len Simon's declaration to find a common path forward for the building project, I am compelled to provide some clarification regarding several critical aspects of the discussion:

School Size

It appears that some town officials are still unclear about why we are proposing to build a new school with a design enrollment of 628 students. The number is based on data that was discussed at multiple public meetings. We came to the number, over time, based on our comprehensive review of enrollment trends, labor market data on occupational demand, the specific needs of the career programs we are offering, and input from our member towns, among other factors. In our expert opinion, 628 is also the smallest sized school that allows us to retain the quality of education our communities expect. This size will result in a lower per student operating cost. Further, MSBA's staff and board of directors have indicated that a school of 600 students is the *smallest* they would commit state funds to.

For those seeking a more detailed answer, we have prepared a two-page document outlining how we reached 628. That document can be found on the School Building Committee page under "Latest Updates." See <http://minutemanschoolbuilding.org/>

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Out-of-District Students

Minuteman High School has a long, rich history of welcoming students from outside the 16-town district. Benefits of welcoming out-of-district students include: a contribution to operating costs through out-of-district tuition, improved student diversity, and allowing the school to offer a wider range of career paths and electives. For a period in the 1990s, more than 60% of the school's student body came from outside the district. This past year, we were at 43%.

Since I arrived at Minuteman eight (8) years ago, we have been hearing concerns from officials in our member towns that Minuteman was relying too heavily on out-of-district students at the same time the Commissioner of Education was reducing out-of-district tuition rates. We listened and responded. As a direct result, we reduced the size of the planned school, downsized enrollment to 628 students, and initiated plans to more effectively recruit within the district's 16 towns. We conservatively project that more than 500 of the 628 students will be from within the district within a few years of the project's completion.

Change in Regulations

At the same time we were downsizing the school, we were working with the Department of Elementary and Secondary Education (DESE) to allow a capital fee be imposed on towns sending out-of-district students. I personally advocated for this change. Up until now, non-member communities paid the state-established tuition fee only, but they were not responsible for paying a share of capital construction costs for the new school. The Minuteman School Committee and I agreed with member town officials that that placed an unfair burden on taxpayers in our member towns. This concern has been fully addressed.

On February 23, 2015, the Board of Elementary and Secondary Education approved revised Chapter 74 regulations. These regulations include a provision allowing a capital fee be added to the base tuition rate set by DESE. Putting it bluntly, non-member communities no longer get a "free ride" when it comes to capital expenditures.

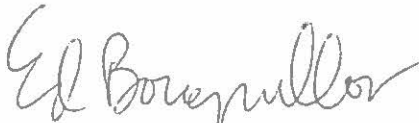
Minuteman's Involvement Moving Ahead

Minuteman would like to be included in future discussions with select boards so that we can discuss the facts and keep misinformation to an absolute minimum. In this regard, Minuteman School Committee chair Jeffrey Stulin and School Building Committee chair Ford Spalding will be in touch soon to inform you of meetings they are arranging to discuss the project and seek your input.

Over the next ten (10) weeks, I will be concentrating my efforts on the design phase of the project and will be meeting with students, parents, staff, business people, and community leaders. I personally welcome the input of all community members, including members of your Board, in providing productive ideas to our Design Team.

Thank you for your support of Minuteman High School and our students.

Very truly,



Edward A. Bouquillon, PhD
Superintendent-Director

cc: Town Administrators/Managers
School Committee Chair
Minuteman School Committee Members

Town Meeting
2015: AG



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 24, 2015

Mark J. Lanza, Esq.
9 Damon Mill Square
Suite 4A4
Concord, MA 01778

**Re: Extension of 90-day review period of Articles 10, 18, 19 and 32
Wayland Annual Town Meeting of April 6, 2015
Case # 7581**

Dear Attorney Lanza:

Pursuant to the requirements of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, the Attorney General and Town Counsel are authorized to extend the 90-day period provided for the Attorney General's review of town by-laws for not more than an additional 90 days. This letter serves to satisfy the requirements of G.L. c. 40, § 32, as amended. In light of our need for time to further discuss the proposed by-laws' consistency with state law, we hereby jointly agree to extend the Attorney General's review period of Articles 10, 18, 19 and 32 for an additional 30 days. Our decision on these Articles will now be due on **September 24, 2015**.

Please sign this letter to reflect your agreement and return the signed letter to us. We will then file the letter with the Town Clerk, with a copy to you. Thank you for your accommodation in this matter.

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

Mark J. Lanza

Town Counsel

August 24, 2015
Date

(12)



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



August 25, 2015

Board of Selectman
 Town of Wayland
 41 Cochituate Road
 Wayland, MA 01778

RECEIVED

AUG 28 2015

Board of Selectmen
 Town of Wayland

RE: 7/27/2015 Correspondence - Route 20 Resurfacing

Dear Board Members,

Thank you for your correspondence of July 27, 2015 regarding the resurfacing of Route 20 in the Town of Wayland. MassDOT reviewed pavement conditions this Spring and we agree with your assessment that the road is in need of resurfacing. As part of our evaluation we observed recent excavation and trench patching associated with utility work. Utility trenches are prone to settlement and typically take up to one year along with a winter freeze/thaw cycle to ensure that no further settlement will occur.

Due to this recent excavation we have deferred plans to resurface Route 20 until next year to provide time for these utility trenches to fully settle.

In the interim, the District is completing the field engineering of this corridor and we will review the trench conditions with the utilities to ensure they are in compliance. Additionally, we have assigned maintenance personnel to complete any necessary patching of the roadway. We anticipate that the full resurfacing work can be done in the Spring of 2016 provided that funds are available.

If you have any further questions, please feel free to contact me at (508) 929-3800.

Very truly yours
 MassDOT – Highway Division

Jonathan L. Gulliver
 District 3 Highway Director



PLEASE SIGN UP FOR THE MMA'S FALL LEGISLATIVE BREAKFAST MEETINGS

August 31, 2015

Dear Local Official,

The Massachusetts Municipal Association is pleased to announce its Fall schedule for **Friday morning Legislative Breakfast meetings** in communities across the Commonwealth. The meetings will take place on October 2, October 9 and October 16 in a community near you!

These meetings will take place as the Legislature looks to complete the first year of the two-year legislative session by mid-November, with a number of high-profile bills affecting local government lined up for possible action, including a major re-write of the public records law, energy legislation with solar cap and property tax provisions, and a budget bill that could include \$25 million to help cities and towns cover the cost of last winter's storms (if legislators support Gov. Baker's recommendation to do so).

And, ready or not, Fall 2015 is also the start of conversations about the fiscal 2017 state budget and prospects for municipal and school aid next year. The Governor's budget recommendation is due to be filed on January 27 next year, but the preparations start early. There will be even more topics to cover at these nine meetings, ranging from budget and finance [including Chapter 90 and other capital programs] to the great array of public policy issues affecting local government lined up for debate and action, including the many citizen petitions being circulated for the 2016 state election.

These meetings will be a great opportunity to talk with your area legislators, fellow municipal officials and MMA staff about key legislative initiatives. The sessions are structured to provide plenty of time for questions and answers, and an opportunity for local officials to talk about priority issues and challenges in their community.

Please join us for great coffee and conversation!

PLEASE SIGN UP TODAY! Register through www.mma.org or by contacting Victoria Sclafani at vsclafani@mma.org or 617-426-7272, ext. 161.

Thank you very much.

Sincerely,

Geoffrey C. Beckwith
Executive Director & CEO

Enclosure

RECEIVED

SEP -2 2015

Board of Selectmen
Town of Wayland

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**2015 Fall Legislative Breakfast Meetings
Please Register Now!**

**Please register online at www.mma.org or complete this registration form and send it to:
Victoria Sclafani, Massachusetts Municipal Association, One Winthrop Square, Boston, MA
02110, or by Fax to: 617-695-1314, or by Email to vsclafani@mma.org**

Registrant's Name: _____

Municipality: _____

Job Title: _____

Phone Number: _____

Email Address: _____

Breakfast Location (Please Check the Meeting You Will Attend):

October 2nd

- Dalton, Senior Center, 20 Field Street
- Holden, Senior Center, 1130 Main Street
- Rehoboth, Gladys R. Hurrell Senior Center, 55 Bay State Road

October 9th

- Avon, Town Hall, 65 East Main Street
- Leverett, Town Hall, 9 Montague Road
- Wenham, Town Hall, 138 Main Street

October 16th

- Chicopee, Chicopee Public Library, 449 Front Street
- Concord, Town House, 22 Monument Square
- Marion, Music Hall, 164 Front Street

While the meetings are free, attendees are asked to pre-register so the planners can have an accurate count. All legislative breakfast meetings will begin at 8:00 a.m. and end by 10:00 a.m.
THANK YOU FOR REGISTERING – WE LOOK FORWARD TO SEEING YOU THERE!