

PACKET

SEP 28

2015



TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

BOARD OF SELECTMEN Monday, September 28, 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.

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|----------|---|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:02 pm | 2.) Public Comment |
| 7:10 pm | 3.) Vote to Assign Permanent Municipal Building Committee the Historic Preservation Project to Stabilize Arches of Stone's Bridge |
| 7:20 pm | 4.) Vote to Authorize \$1,280 Expenditure for a Structural Review of the Building on the Municipal Pad |
| 7:30 pm | 5.) Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles |
| 9:10 pm | 6.) Discussion and Potential Vote to Extend Charge of the OPEB Advisory Committee |
| 9:20 pm | 7.) Special Town Meeting 2015 Articles: Discussion and Potential Vote to Withdraw Articles and Determine Order of Articles for Special Town Meeting |
| 9:30 pm | 8.) Vote to Approve Amended Policies on Public Hearings and Alcoholic Beverage Licensing |
| 9:45 pm | 9.) Prepare for Meeting with Wayland Real Asset Planning (WRAP) Committee: Project Town Needs for New/Renovated Facilities and Land |
| 10:00 pm | 10.) Review and Approve Consent Calendar (See Separate Sheet) |
| 10:05 pm | 11.) Review Correspondence (See Separate Index Sheet) |
| 10:15 pm | 12.) Report of the Town Administrator |
| 10:25 pm | 13.) Selectmen's Reports and Concerns |
| 10:35 pm | 14.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 10:40 pm | 15.) Adjourn |

DATE: SEPTEMBER 28, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: ASSIGN PERMANENT MUNICIPAL BUILDING COMMITTEE (PMBC) THE STONE'S BRIDGE PROJECT

REQUESTED ACTION: VOTE TO ASSIGN PERMANENT MUNICIPAL BUILDING COMMITTEE HISTORIC PRESERVATION PROJECT TO STABILIZE ARCHES OF STONE'S BRIDGE

Background:

- On September 21st, the Selectmen met with Duane Galbi regarding a petitioned Special Town Meeting article to a) request the Selectmen to assign the PMBC to consult on the restoration of Stone's Bridge and to b) require that two of the permanent members approve the project before any funds are expended.
- The Town Administrator reported the PMBC will not oppose the assignment of this project, although public works construction is not a part of PMBC's charge. Some PMBC members say they may resign upon completion of the DPW project.
- Elisa Scola, Chair of the Historic Commission, agreed with assignment of the project to PMBC, noting that project design and construction must meet legal requirements for historic preservation.
- The PMBC charge requires that two representatives of the project sponsor serve as temporary PMBC members during the project. These members will be nominated by the Commission and forwarded to the Selectmen for later approval.
- The Board agreed to make the request of the PMBC on September 21st. Mr. Galbi agreed the petitioned article may be passed over at Special Town Meeting.

Attached: PMBC Charge

Town of Wayland

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

Permanent Municipal Building Committee

Address: Wayland Town Building, 41 Cochituate Road
Wayland ,MA 01778

Phone: 508-358-7755

Fax: 508-358-3627

[Meeting Agendas](#)

[Meeting Minutes](#)

Additional Links:

Policies and Procedures

Name	Title	Term
Douglas Goddard	Member	6/30/2016
Brian J. Chase	Member	6/30/2016
James E. Riley	Chair	6/30/2017
Eric Sheffels	Member	6/30/2016
Massimo Taurisano	Member	6/30/2017
Chris Brown	Member	Board of Public Works member -PMBC member duration of DPW project
Jonathan Mishara	Member	Duration of DPW Facility Project
Michael Gitten	Member	Duration of Claypit Hill Project
Jeanne Downs	Member	Duration of Claypit Hill Project

On April 25, 2011, the Board of Selectmen voted to establish a standing committee to be known as the Permanent Municipal Building Committee (PMBC). The PMBC suggested revisions to the charge based on its experience over three years. The Board of Selectmen voted on April 21, 2015, to revise the charge with the accompanying [policies and procedures](#).

The Committee shall be comprised of five (5) members who shall be appointed by and serve at the pleasure of the Board of Selectmen for terms of two (2) years, said appointments to be based on professional or vocational expertise with preference given to citizens possessing experience in any one of the following areas: structural or civil engineering; project management; construction law; building design and construction; or design and installation of heating, ventilation and cooling systems.

The Public Buildings Director shall serve as an ex officio member of the PMBC without right of vote.

The role of the PMBC is to oversee and direct the design and construction of selected Town building projects by providing technical, project management and cost and schedule expertise.

The PMBC may also provide advice on projects not under its direct oversight, if requested by the Board of Selectmen, the School Committee, the Public Buildings Director or the project sponsor. The PMBC may provide technical advice on the feasibility, cost and schedule of projects under consideration by the Town, if requested.

In executing its responsibilities on municipal or school building projects assigned to it, the PMBC may be increased by two (2) members chosen based on interest and expertise related to the program and use of the public building project appointed by:

- the Board of Selectmen for a municipal building project related to a public service under the jurisdiction of the Board of Selectmen, provided that Selectmen may seek recommendations for appointments from an appointed committee of cognizance before making such appointments;
- jointly by the Board of Selectmen and an elected board of cognizance for municipal building projects; and,
- the School Committee, with approval of the Board of Selectmen, for school building projects.

The two additional appointments shall be made for a term ending with the completion of the project as determined by the Board of Selectmen for municipal building projects or the School Committee for school building projects.

The PMBC has developed policies and procedures to support its role. These can be found on the Committee's website and are important to clarify and support the Committee's role and responsibilities.

(4)

DATE: SEPTEMBER 28, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: STRUCTURAL REVIEW OF BUILDING AT MUNICIPAL PAD

REQUESTED ACTION: VOTE TO APPROVE \$1,280 EXPENDITURE FOR THE STRUCTURAL REVIEW OF THE BUILDING AT THE MUNICIPAL PAD

Background:

As part of its due diligence regarding the proposed acquisition of the municipal parcel, the COA/CC Advisory Committee requests authorization to spend \$1280 for a structural review.

Attached: Proposal for Structural Review



September 21, 2015

Sterling Architects
19 Bishop Allen Drive
Cambridge, MA 02139
Attn: Bill Sterling

RE: STRUCTURAL REVIEW
Existing Municipal Building
Wayland Center, Wayland, MA

Dear Bill,

Thank you for considering Testa Engineering Associates LLC's proposal for providing structural review at the existing municipal building in Wayland Center.

It is our policy at Testa Engineering Associates LLC that all of our clients receive full time attention from our Principals. This ensures that continuity and attention to detail is maintained throughout the entire project.

Project Scope

This proposal is for structural review of the existing building only.

Project Parameters / Deliverables

We propose that we would issue a one to three page report on the structural capacity of the existing building.

Fee Proposal

Testa Engineering Associates LLC is pleased to submit professional service fees as follows:

Review of existing building (8 hours @ \$160.00/hour)	\$1,280.00
TOTAL	\$1,280.00

Payment of the Fee shall be made within thirty (30) days of billing. Billings shall be rendered in proportion to the services performed in the preceding thirty (30) day period.

Fee Schedule for Additional Services & Reimbursable Expenses

Principals	\$160 per hour
Technical Support - Drafting	\$120 per hour
Administrative Support	\$65 per hour
Expenses (printing, postage, mileage etc.)	\$1.10 x cost

Payment Schedule

Invoicing will occur on a monthly basis, based on the percentage of work completed for each phase. Invoices are payable upon receipt, after thirty days, interest accrues at a rate of 1.5% per month.

We appreciate the opportunity to submit this proposal for your review and consideration, and we look forward working with you on this project. If this proposal is acceptable kindly return one signed copy of this document for our records.

Sincerely,

Richard J Testa Jr

Richard J Testa Jr. PE

Principal
Testa Engineering Associates LLC

Bill Sterling

(5) (7)

DATE: SEPTEMBER 28, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: SPECIAL TOWN MEETING ARTICLES

REQUESTED ACTIONS: *(Agenda items 5 and 7)*

- 1. VOTE POSITIONS ON SPECIAL TOWN MEETING ARTICLES**
- 2. POTENTIAL VOTE TO WITHDRAW SPECIAL TOWN MEETING ARTICLES**
- 3. ORDER SPECIAL TOWN MEETING ARTICLES**

Background:

Attached:

- 1. Revised ordering of Special Town Meeting Articles with prior BOS and FinCom votes.**
- 2. Article text as approved by Town Counsel as of 9/28/15.**

PROPOSED ORDER OF ARTICLES FOR NOVEMBER 9, 2015 SPECIAL TOWN MEETING

Article	November 2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
1	Pay Previous Fiscal Year Unpaid Bills	Finance Committee	C. Karlson	N. Funkhouser	Approve 4-0	Approve 6-0
2	Current Year Transfer	Finance Committee	C. Karlson	N. Funkhouser	Approve 4-0	Approve 6-0
3	Acquire Municipal Parcel in Town Center	Board of Selectmen	M. Antes/ J. Nolan	B. Steinberg		
4	Amend Chapter 36 of Current Bylaws (36-1)	Petitioners	T. Boschetto	G. Cliff		
5	Acceptance of Chapter 71 Section 71E	School Committee Board of Selectmen	C. Karlson	C. Martin	Approve 3-0-1	
6	Appropriate Funds for Library Planning and Design	Board of Library Trustees	J. Nolan	B. Steinberg		Approve 7-0
7	Appropriate Funds to Update the Open Space and Recreation Plan	Community Preservation Committee	M. Antes	T. Abdella		
8	Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund	Recreation Commission	J. Nolan	C. Martin		
9	Amend FY2016 Budget Funding Sources	Board of Selectmen Finance Committee	C. Karlson	N. Funkhouser		
10	Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School	Board of Selectmen	C. Karlson	D. Watkins	Approve 3-0-1	
11	OPEB Trust Fund Legislation and Governance	Board of Selectmen	T. Boschetto	G. Cliff		

PROPOSED ORDER OF ARTICLES FOR NOVEMBER 9, 2015 SPECIAL TOWN MEETING

Article	November 2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
12	Amendment to Minuteman Regional Agreement	Board of Selectmen	T. Boschetto	G. Wolin		
13	Resolution Regarding Surface of Rail-Trail in Wayland	Community Preservation Committee	J. Nolan	T. Abdella		Approve 7-0
14	Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration	Petitioners	M. Antes	G. Wolin	Pass Over	



ARTICLES IN DRAFT ORDER AND REVISED BY TOWN COUNSEL

**Special Town Meeting
November 9, 2015**

ARTICLE 1: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Sponsored by: Finance Committee

Estimated Cost: \$4,920

To determine whether the Town will vote to:

- (a) pay the 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.

Fiscal 2015 liabilities to be paid using Fiscal 2016 appropriations:

1) Unemployment – State of Massachusetts	\$4,920	Fiscal 2016 Budget
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ARTICLE 2: CURRENT YEAR TRANSFERS

Sponsored by: Finance Committee

Estimated Cost: \$496,725

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 2015	
PURPOSE:	AMOUNT
1 WATER ENTERPRISE FUND	\$ 346,725
2 TOWN INFORMATION TECHNOLOGY	\$150,000
TOTAL CURRENT YEAR TRANSFERS	\$ 496,725
FUNDING SOURCES:	
1 FISCAL 2016 WATER ENTERPRISE REVENUES	\$ 346,725
2 UNRESERVED FUND BALANCE	\$150,000
TOTAL	\$ 496,725

ARTICLE 3: ACQUIRE MUNICIPAL PARCEL IN TOWN CENTER

Sponsored by: Board of Selectmen

Estimated Cost: \$1.00

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 and the building and other structures thereon located on and 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 No. 616 of 2015;
- b.) appropriate \$1.00 to be expended by the Board of Selectmen for the acquisition or lease of said parcels of land and structures; and
- 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.

ARTICLE 4: AMEND CHAPTER 36 OF CURRENT BY-LAWS (36-1)

Sponsored by: Petitioners

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; ~~strikethroughs~~ 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.”

ARTICLE 5: ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS CHAPTER 71, SECTION 71E

Sponsored by: School Committee

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 71E to permit the establishment and maintenance of revolving funds as authorized by said section.

These articles were submitted for consideration for inclusion in the Warrant for the November 2015 Special Town Meeting and were revised to proper legal form by Town Counsel. Please note these articles are in draft order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

ARTICLE 6: APPROPRIATE FUNDS FOR LIBRARY PLANNING AND DESIGN

Sponsored by: Board of Library Trustees

Estimated Cost: \$_____

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; and provide for said appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for other purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

ARTICLE 7: APPROPRIATE FUNDS TO UPDATE THE OPEN SPACE AND RECREATION PLAN

Sponsored by: Community Preservation Committee, Conservation Commission, Recreation Commission

Estimated Cost: \$30,000

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; and
- b.) provide for said appropriation 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 funds in the Community Preservation reserved for open space.

ARTICLE 8: SEEK SPECIAL LEGISLATION FOR MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53 E ½ MUNICIPAL REVOLVING FUND

Sponsored by Recreation Commission

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to increase the allowable annual expenditure limit on the Recreation Department’s Revolving Fund established pursuant to Massachusetts General Laws Chapter 44, Section 53 E ½ from 1% to 5% of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified by the Commissioner of the Department of Revenue.

ARTICLE 9: AMEND FY2016 BUDGET FUNDING SOURCES

Sponsored by: Finance Committee and Board of Selectmen

To determine whether the Town will vote to amend its vote under Article 5 of the Warrant for the 2015 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 5.

These articles were submitted for consideration for inclusion in the Warrant for the November 2015 Special Town Meeting and were revised to proper legal form by Town Counsel. Please note these articles are in draft order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

ARTICLE 10: AUTHORIZE PROCUREMENT AND APPROPRIATE FUNDS FOR ENERGY RESILIENCY PROJECT AT THE MIDDLE SCHOOL

Sponsored by: Board of Selectmen

Estimated Cost: \$29,403

To determine whether the Town will vote to:

- a.) 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 at 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, 2014; and
- b.) provide for said appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

ARTICLE 11: OPEB TRUST FUND LEGISLATION AND GOVERNANCE

Sponsored by: Board of Selectmen

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
- b) accept the provisions of Massachusetts General Laws Chapter 32B Section 20 entitled "Other Post-Employment Benefits Liability Trust Fund" effective upon the repeal of said Chapter 372.

ARTICLE 12: AMENDMENT TO MINUTEMAN REGIONAL AGREEMENT

Sponsored by: Board of Selectmen

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 reserving all of the Town's rights regarding withdrawal from said Regional School District.

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

These articles were submitted for consideration for inclusion in the Warrant for the November 2015 Special Town Meeting and were revised to proper legal form by Town Counsel. Please note these articles are in draft order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

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.

ARTICLE 13: RESOLUTION REGARDING SURFACE OF RAIL-TRAIL IN WAYLAND

Sponsored by: Community Preservation Committee

To determine whether the Town will vote to adopt a resolution clarifying that the sum of money not exceeding \$445,000 appropriated under Article 24 of the Warrant for the 2015 Annual Town Meeting may be used to construct a hard surface of asphalt or a stabilized surface on the rail-trail along the old Massachusetts Central Railroad line in Wayland.

ARTICLE 14: PERMANENT MUNICIPAL BUILDING COMMITTEE INVOLVEMENT IN STONE'S BRIDGE RESTORATION

Sponsored by: Petitioners

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.

These articles were submitted for consideration for inclusion in the Warrant for the November 2015 Special Town Meeting and were revised to proper legal form by Town Counsel. Please note these articles are in draft order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

(6)

DATE: SEPTEMBER 28, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: EXTEND CHARGE OF OPEB COMMITTEE BY ONE MONTH

REQUESTED ACTION: VOTE TO EXTEND CHARGE OF OPEB ADVISORY COMMITTEE UNTIL OCTOBER 31, 2015

Background:

- In May, 2015 the Board voted to extend the charge of the OPEB Advisory Committee until September 30, 2015.
- The OPEB Advisory Committee has a few remaining tasks and its work will be complete by the end of October.

DATE: SEPTEMBER 25, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: REVISED POLICIES ON PUBLIC HEARINGS AND LIQUOR LICENSES

REQUESTED ACTION:

VOTE TO APPROVE THE REVISED BOARD POLICY ON "PUBLIC HEARINGS"
VOTE TO APPROVE THE REVISED BOARD POLICY ON "PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES"

BACKGROUND:

The Board has undertaken a systematic review of Board Policies.

The policy on "Public Hearings" is attached with one revision.

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.

The holidays listed in section I.C.4. are set by state law.

The bullet point under section II.B.3. "No person may be granted a one-day license for more than a total of thirty (30) days per calendar year," is a stipulation found in the policies of peer towns. It is entirely at the discretion of the Board of Selectmen to modify or delete this stipulation.

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.

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 specified date, time and place, 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; revised _____

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. (midnight) on Monday through Saturday, and 12:00 p.m. (noon) and 12:00 a.m. (midnight) 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. (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.) 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 _____ 2015.

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 wine and malt beverages) may be open on Sundays, subject to the following conditions:
 - a. No sales shall be made prior to 12:00 noon, except as noted in Section D below;
 - 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:
 - 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. (noon). 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 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:
 - 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.

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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:

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- 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. (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.) The One-Day Special Event Manager shall display such One-Day Special Event License where the sale of alcoholic beverages is taking place.
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- 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.
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- 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).

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

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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 _____, 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.

(9)

Balmer, Nan

Subject: FW: REMINDER – WRAP Meeting Wednesday, September 30, 2015 at 7:30 p.m.

DATE: SEPTEMBER 28, 2015

TO: BOARD OF SELECTMEN

FROM: NAN BALMER, TOWN ADMINISTRATOR

RE: WRAP MEETING AND REQUEST

Please see request below:

From: Anette Lewis [aslewis33@verizon.net]
Sent: Tuesday, September 22, 2015 4:34 PM
To:
Subject: REMINDER – WRAP Meeting Wednesday, September 30, 2015 at 7:30 p.m.

The members of the Wayland Real Asset Planning Committee (WRAP) are looking forward to meeting with you on Wednesday, September 30, 2015 at 7:30 p.m. in the Town Building. At that time, we hope to learn from you about your group's projected needs for new/renovated facilities as well as any land needs, all hopefully over a future 20 year time horizon.

Please come to share your group's own list (5 min. presentation) and to hear what other municipal entities have in mind. This is an important first step in aligning visions so Wayland can start planning for the long-term.

Wayland Real Asset Planning Committee Members: Colleen Sheehan, Tom Abdella, Anette Lewis, Gretchen Schuler, Bill Steinberg

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING SEPTEMBER 25, 2015**

MINUTEMAN

Minuteman will host an information session for public officials on Friday 10/2 at Minuteman. The Lexington Town Administrator suggested Thursday 10/15 in Lexington to discuss Wayland's proposed withdrawal.

ATTORNEY GENERAL: ANNUAL TOWN MEETING ARTICLES

The Attorney General approved all but Article 32, a citizen petition article which would prohibit distribution of advertising on the basis the proposed by-law would not withstand a constitutional challenge.

Attached.

COA / CC ADVISORY COMMITTEE FORUM

Rescheduled to Thursday October 22, 2015 at 6 pm.

PRIVATE HYDRANT BY-LAW

The Fire Chief advised me revisions to this by-law approved at Annual Town meeting may be necessary for compliance with state drinking water requirements.

OVERLAY

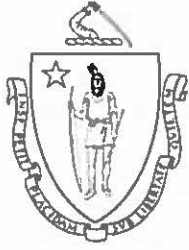
The Assessors voted to release \$300,454.07 from the Overlay Reserve Account to the overlay Surplus Account.

Attached.

WAYLAND BEAUTIFICATION

Regina Kennedy on behalf of the Beautification volunteers provided the attached letter saying that due to a lack of volunteers they will disband. Ms. Kennedy suggested using the account for holiday lights. More information will follow.

Attached.



MAURA HEALEY
ATTORNEY GENERAL

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

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

September 24, 2015

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

**Re: Wayland Annual Town Meeting of April 6, 2015 - Case # 7581
Warrant Articles # 10, 18, 19 and 32 (General)**

Dear Ms. Klein:

Articles 10, 18, and 19 – We approve Articles 10, 18 and 19 from the Wayland Annual Town Meeting of April 6, 2015.

Article 32: Because Article 32 is a content-based restriction on speech which would not survive a constitutional challenge, we must disapprove and delete it.

Article 32 (a citizen-petition Article) seeks to prohibit the distribution of “advertising or leaflets” in the Town as follows:

No person shall distribute pamphlets, booklets, or leaflets to dwellings in Wayland by tossing from a vehicle or affixing to mailbox posts, except as part of a requested subscription or for affixed political distributions.

As drafted, the proposed by-law prohibits the distribution of commercial and non-commercial speech. The terms “pamphlets,” “booklets,” and “leaflets” are not defined in the by-law and are not limited to commercial advertising. The proposed by-law would thus be subject to strict scrutiny if challenged in court. *See e.g. Dex Media West, Inc. v. City of Seattle*, 696 F.3d 952, 957 (2012) *citing City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 423 (1993)) (“It is just as readily apparent that telephone listings and community information contained in the directory constitute noncommercial speech.”). Content-based prohibitions on communicative activity occurring in traditional public forums (here the street) are subject to strict scrutiny. *Benefit v. City of Cambridge*, 424 Mass. 918, 922 (1997). This requires the Town to demonstrate that the ban is necessary to serve a compelling state interest and is narrowly drawn to achieve that interest. *Id.* at 925. The materials submitted by the Town reflect that the petitioners were concerned about litter. Even if this could be demonstrated to qualify as a compelling interest, it is clear that a complete ban is not the least restrictive means to achieve that end. *See e.g., Dex*

Media West, 696 F.3d at 966 (city ordinance establishing permit requirement and requiring publishers to establish an opt-out registry was not the least restrictive means to combat purported litter resulting from residential distribution of yellow pages advertising).

Because Article 32 is facially unconstitutional we must disapprove and delete it. If the Town wishes to revisit this issue at a future Town Meeting we suggest the Town discuss with Town Counsel whether there is any by-law text which could both achieve desired outcome and meet the strict scrutiny standard.¹

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

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

cc: Town Counsel Mark J. Lanza

¹ We note that Town Counsel also expressed concerns about the constitutionality of Article 32, and apparently suggested certain text be added to the Article to remedy these concerns, but not all of the text was included in the final motion as amended at Town Meeting.



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

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

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

MEMO

TO: NAN BALMER, TOWN ADMINISTRATOR
 BRIAN KEVENY, FIANANCE DIRECTOR

FROM: ELLEN BRIDEAU, DIRECTOR OF ASSESSING *EB*

SUBJECT: RELEASE OF EXCESS OVERLAY

DATE: 9/22/2015

On September 21, 2015, the Board of Assessors unanimously voted to release the following Excess Overlay from the Overlay Reserve Account to Overlay Surplus Account:

Fiscal Year	Amount	Date of BOA Vote
FY 06	\$ 1,403.28	9/21/2015
FY 07	\$ 1,535.84	9/21/2015
FY 08	\$ 5,514.95	9/21/2015
FY 12	\$ 29,000.00	9/21/2015
FY 13	\$ 63,000.00	9/21/2015
FY 14	\$ 200,000.00	9/21/2015
Total	\$ 300,454.07	

RECEIVED

SEP 22 2015

Board of Selectmen
 Town of Wayland

21 September 2015

Wayland Board of Selectmen

Dear Board Members:

We, the remaining members of WAYLAND BEAUTIFICATION, would like to inform you of our decision to dissolve due to lack of manpower (i.e. volunteers and DPW support). Beautification was originally formed by a previous Board of Selectmen who wanted some attractive plantings for Wayland's major roads, intersections and highly visible town-owned lands. Money was appropriated in the Selectmen's budget and planting of trees and flowers was done.

Each year money has been appropriated and planters, barrels and islands have been planted around town. A sponsorship program involving local businesses has been set up and their monies have been used for their designated sites. As years have moved along, participation from Wayland volunteers has fallen off completely.

We suggest that the Town of Wayland D.P.W. carry the program from here.

Sincerely,

Laurel Gill
David Johnson
Regina Kennedy
Ralph Wegener



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**REVISED LIST OF PUBLIC DOCUMENTS
PROVIDED TO THE BOARD OF SELECTMEN
FROM SEPTEMBER 18, 2015, THROUGH AND
INCLUDING SEPTEMBER 24, 2015,
OTHERWISE NOT LISTED AND INCLUDED
IN THE CORRESPONDENCE PACKET FOR
SEPTEMBER 28, 2015**

Items Distributed To the Board of Selectmen – September 18-24, 2015

1. None

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

1. Articles Submitted for Admission to Warrant for Special Town Meeting and Revised by the Town Counsel on September 11, 2015
2. Letter of 9/10/15 from CMG Environmental to Board of Selectmen re: Engineering Services for Site Redevelopment, "Municipal Parcel" Portion of Wayland Town Center
3. Minuteman Costs as Prepared by Selectman T. Boschetto, September 21, 2015

Items Included as Part of Agenda Packet for Discussion During the September 28, 2015 Board of Selectmen's Meeting

1. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Assign Permanent Municipal Building Committee Historic Preservation Project to Stabilize Arches of Stone's Bridge
2. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Structural Review of Building at Municipal Pad
3. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Special Town Meeting Articles, with Chart of Proposed Order of Articles and Revised Text
4. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Extend Charge of OPEB Advisory Committee by One Month
5. Memorandum of 9/28/15 from Office of the Town Administrator, re: Revised Policies on Public Hearings and Liquor Licenses
6. Memorandum of 9/28/15 from Nan Balmer, Town Administrator, re: Wayland Real Asset Planning (WRAP) Committee Meeting and Request
7. Town Administrator's Report for the Week Ending September 25, 2015



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

BOARD OF SELECTMEN
Monday, September 28, 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 Appointment of Malcolm Astley as the Representative of the School Committee to the Youth Advisory Committee for a Term to Expire on June 30, 2017
3. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through August 31, 2015, Invoice 168, Account 5673-01M: \$860.75
4. Vote the Question of Approving the Minutes of August 24, 2015, August 31, 2015 and September 11, 2015

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

RECEIVED

SEP 18 2015

Board of Selectmen
Town of Wayland

INVOICE FOR LEGAL SERVICES

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

Page 1
09/16/2015
Account No. 5673-01M
Invoice No. 168

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE

860.75

BALANCE DUE

\$860.75



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BOARD OF SELECTMEN

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JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes August 24, 2015

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

Absent: Tony V. Boschetto

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 7:04 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.

A2. Public Comment Molly Upton, 23B Bayfield Road, said she would like to see the Board work with the Finance Committee to develop a five-year goal for operating budgets, so that it can be referenced while negotiating contracts. She also suggested a discussion between the Board and the Finance Committee on creating clear budget guidelines.

A9. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

A10. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson noted the email from the Town Planner advising that the Town Center project was sold to Zurich Assets Management. M. Antes highlighted the issue of wastewater capacity for the library in Board of Library Trustees minutes. L. Anderson noted the letter from the Massachusetts School Building Authority announcing the approval for Minuteman to proceed to schematic design for the new high school; she said she would address the issue later in the evening.

A11. Report of the Town Administrator N. Balmer updated the Board on the town's new contract with an on-call engineering firm, and the results of the soil testing at the municipal pad.

A3. Petitioners' Workshop for Special Town Meeting Chair C. Karlson opened the Petitioners' Workshop at 7:15 p.m. The Board was joined by Town Counsel Mark Lanza. C. Karlson reviewed the purpose of the workshop and noted the documents that were available on the website. M. Lanza said he is available to assist petitioners. M. Antes said that petitioners to Special Town Meeting must have one hundred signatures to submit an article. M. Upton asked how petitioners can get access to Town Counsel; C. Karlson said a request should be made to the Town Administrator. Linda Segal, 9 Aqueduct Road, asked how soon the public will see the articles being put in the warrant; C. Karlson said they are in process and will be posted on the website after the warrant closing date. The workshop was closed at 7:22 p.m.

A4. Meet with Representatives of the Finance Committee to Discuss Special Town Meeting Articles for: 1) Current Year Transfer; and 2) Use of Free Cash to Fund FY16 Budget; Finance Update and Presentation of Fund Balance Policy and Financial Policies The Board was joined by Nancy Funkhouser, Chair of the Finance Committee, and Brian Keveny, Finance Director. B. Keveny reviewed the

current year transfer article for inclusion in the Special Town Meeting. He noted that the transfers are funded by water and wastewater revenues. The Board considered other potential transfer needs, including funding for solar resiliency and IT. N. Funkhouser said the Finance Committee voted unanimously to support the article.

B. Keveny reviewed the article to return free cash to the FY16 budget. He said that free cash is currently estimated at \$6.8 million, which had originally been estimated at \$5.2 million at the Annual Town Meeting. He reviewed the factors that led to the increase in free cash, including escalated turnbacks and a reduction in the overlay account. He said the Finance Committee agreed to request the use of an additional \$2 million in free cash to balance the Fiscal 2016 budget, which is approximately 6.5% of the FY16 budget. The Board asked about the effect of swings in the tax rate; B. Keveny said the goal is to stabilize the budgets and adopt a five-year model without large variations. The Board discussed co-sponsoring the article. C. Karlson said there should be clear communication with the public that there may not be additional funds to contribute to future budgets, which could lead to future tax rate increases. J. Nolan said the Board should err on the side of returning funds to the taxpayers when it can. It was the sense of the Board to support the free cash article.

B. Keveny discussed the fund balance which was approved by the Finance Committee and was requested by the town's auditors. He reviewed the undesignated fund balances and the financial policies related to year-end reductions through encumbrances and town meeting actions. N. Funkhouser said the Finance Committee is documenting its procedures. B. Keveny said he is still working with the Board of Public Works and the Wastewater Management District Commission regarding the certified retained earnings of the enterprise funds. He said the water fund works very well, and is well-controlled. He said the Wastewater Management District Commission is leaning towards certified retained earnings of 10% of next year's revenue. Members reviewed the timeline for the audit. B. Keveny said the Finance Committee voted the Free Cash Policy at 5% to 10%, noting Wayland had no additional stabilization funds, and that Moody's was comfortable with that range. C. Karlson asked about unbudgeted revenues in the general fund revenue report, including bond premiums. B. Keveny said these funds are not in the tax recap. M. Antes asked the Finance Director to assess the impact on the revenue received from the state-owned land at the MWRA aqueducts, if the town is given access. The Board thanked B. Keveny and the Finance Committee for its work.

A11. Report of the Town Administrator N. Balmer noted the revised Special Town Meeting schedule. She said the Board of Public Works has asked the police to post signs and enhance oversight on Stonebridge Road; M. Antes noted there is also a dangerous intersection at Oak Hill and Stonebridge Roads. N. Balmer said she met with the Department of Revenue regarding the school revolving funds, and the School Committee will have an article for Special Town Meeting to bring to the Board at its next meeting. In regard to the request from Fred Knight about the purchase of excess wastewater capacity for the library, she said Public Buildings Director Ben Keefe is analyzing the request and will provide a recommendation.

A5. Meet with Representatives of the Council on Aging/Community Center Advisory Committee to Discuss and Potential Vote to Submit Special Town Meeting Article to Acquire Municipal Parcel The Board was joined by Council on Aging/Community Center Advisory Committee members Bill Sterling, Steve Correia, and Mark Foreman, Town Counsel Mark Lanza, and Public Buildings Director Ben Keefe. B. Sterling reviewed the progress on Phase I of the committee charge, saying the committee was pursuing the activities necessary to make the decision to acquire the parcel. C. Karlson said the Wayland Real Assets Planning Committee met last week and may do the alternative site analysis. S. Correia said the environmental analysis confirmed that the site could be used for most municipal purposes. J. Nolan said there is an existing Activities and Use Limitation (AUL) and asked whether the restriction would be lifted; B. Keefe said he will

meet with Raytheon to address it. The Board considered sponsorship of the article. C. Karlson said the Board needs a commitment from Raytheon to lift the deed restriction, and a structural assessment of the building, before Special Town Meeting. She said article comments can be changed through September 28. S. Correia said that archeological studies will also be done. M. Antes said she sees no downside to acquiring the parcel. The Board discussed the timing of the article. B. Sterling said the committee would like to bring the article to Special Town Meeting now, as costs may increase by several percentage points in the coming year. S. Correia said there could be a change in the commitment due to the sale of the Town Center to a new owner, and M. Foreman noted the purchase will take time. Linda Segal, 9 Aqueduct Road, asked that the parcel be cleaned so that the public can gain easier access.

J. Nolan moved, seconded M. Antes, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "Acquire Municipal Parcel in Town Center." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

C. Karlson said that M. Antes is the Board liaison to the article. B. Sterling asked for the Board's support in organizing a "Pop Up Park" to let the public know about the parcel, and the Board agreed that the event should go forward.

A6. Meet with Representatives of the Energy Initiatives Advisory Committee to Discuss and Vote to Request Current Year Transfer to Appropriate Matching Funds for Solar Resiliency Grant and Discuss Structured Tax Agreement for Solar Project The Board was joined by John Harper and Ellen Tohn of the Energy Initiatives Advisory Committee. E. Tohn reviewed the matching funds requirement of the solar resiliency grant, a maximum of \$29,000, for a solar powered generator for the emergency shelter at the Middle School. E. Tohn said the Energy Initiatives Advisory Committee voted unanimously to support the request to authorize the procurement of equipment and to appropriate the funds. She noted that the Department of Energy Resources has not yet determined whether it is necessary, but said she would like construction to begin quickly. C. Karlson said it is still possible the funding could be included in the current year transfer article. M. Antes moved, seconded by L. Anderson, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. C. Karlson said she would like to set up a conference call with the Department of Revenue, the Energy Initiatives Advisory Committee and the Board of Assessors to discuss the structured tax agreement.

A7. Meet with Community Preservation Committee Chair to Discuss Special Town Meeting Articles to Adopt Resolution regarding Change in Materials used for Rail Trail Project, and Fund Preparation of Open Space and Recreation Plan; Update on Prior Year Projects The Board was joined by Gretchen Schuler, Chair of the Community Preservation Committee. She said she expects the committee will meet this week to submit a resolution to change the materials to be used for the Rail Trail, in light of the contribution of Eversource for a hard surface for the project. She said a second article will be submitted for funding in preparation for an Open Space and Recreation Plan, which is necessary for any state grants. G. Schuler noted a request for additional funding for a fire suppression system for Cochituate Village, which was withdrawn and will be re-submitted as a capital funding request to Annual Town Meeting. M. Antes said the cost of waiting until the 2016 Annual Town Meeting will be approximately \$25,000; however, the delay will provide an opportunity for the Municipal Affordable Housing Trust Fund Board and the Housing Authority to consider contributions and allow the project for all of the common areas to go forward. G. Schuler reported on prior year projects, including 246 Stonebridge Road, the land management plan, the housing trust funds transfer, and Stone's Bridge.

A8. Meet with Town Moderator to Discuss November 2015 Special Town Meeting The Board was joined by Town Moderator Dennis Berry, who reviewed the logistics for the November Special Town Meeting. In regard to handset management, he said he agrees with the Electronic Voting Implementation Committee that education will solve the problem. The Board discussed the use of slides on an overhead screen during Special Town Meeting. D. Berry said he would like to have all the amendments and motions on the screen. David Bernstein, a member of the Electronic Voting Implementation Committee, said staff will be necessary to coordinate the information for the screens. D. Berry said he would be willing to create the guidelines. He asked to have the motions prepared in time for his Moderators Forum on October 28. The Board discussed methods for controlling the time of the meeting.

A12. Selectmen's Reports and Concerns J. Nolan reported on a meeting of a working group consisting of the Recreation Commission, the Finance Director, and the Town Administrator regarding the issue of the revolving fund. M. Antes said there would be a League of Women Voters forum on the Town Center, with a tentative date of October 20. L. Anderson noted her disappointment in the violation of the liquor license by Bertucci's. She reported on a meeting in Sudbury set up by Representative Carmen Gentile on August 14 about the Minuteman High School project, and said there are concerns about the funding model in which member towns are subsidizing non-member towns. She said Minuteman is likely to call for a district-wide special election, held the same time in all towns, after its meeting on September 8. She noted the weeds coming through the brick pavers at the sidewalks along Routes 20 and 27. C. Karlson said the family at Mainstone, who is considering allowing the town the possible acquisition of their land as early as the 2016 Annual Town Meeting, has invited the Board of Selectmen to walk the land. She reviewed upcoming agendas.

A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A14. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:02 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 24, 2015

1. Email of 8/24/15 from Ben Keefe, Director of Public Buildings, to Nan Balmer, Town Administrator, and Library Planning Committee Members, re: Annual Town Meeting Article on Wastewater for Library
2. Suggested Meeting Schedule through Remainder of 2015 prepared by Town Administrator

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

1. Background Information on Petitioners Workshop, August 24, 2015
2. Memorandum of 8/24/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Finance Committee Special Town Meeting Article, Finance Update, Fund Balance and Draft Financial Policies with Background Information
3. Memorandum of 8/24/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Special Town Meeting Article to Acquire Municipal Parcel, Proposed Article, Draft Comments, and Council on Aging/Community Center Advisory Committee Charge

4. Memorandum of 8/24/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Special Town Meeting Article, Solar Project Structured Tax Agreement, Proposed Article, Board of Assessors Minutes June 1 and June 15, 2015
5. Memorandum of 8/24/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Special Town Meeting Articles, Community Preservation Committee
6. Memorandum of 8/24/15 from Dennis Berry, Town Moderator, to Board of Selectmen, re: Discussion Items for Meeting on August 24, 2015
7. Town Administrator's Report for the Week Ending August 21, 2015



TOWN OF WAYLAND

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

Board of Selectmen Meeting Minutes August 31, 2015

Attendance: Lea T. Anderson, Tony V. Boschetto (arrived at 6:40 p.m.), Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli (left at 6:52 p.m.)

A1. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility At 6:32 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss strategy with respect to the disposition of the Wayland/Sudbury Septage Facility because a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark J. Lanza, and Administrative Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:52 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 6:53 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. L. Anderson said the Library Planning Committee has posted its report on its website. J. Nolan noted that school begins this week, and M. Antes said the Arts Fair will take place on the grounds of the Wayland Town Building on September 19.

A3. Public Comment Larry Kiernan, 17 Concord Road, and Chair of the Rail Trail Committee, said he is meeting on September 17 with the Historic District Commission regarding the future rail trail route through the railroad depot, and he has already met with the Historical Commission and abutters. He asked the Board to clarify the ownership of the parking lot of the depot, as he would like to have full representation. J. Nolan suggested that cobblestones be added to the bike path for historic ambience and to delineate the track structure.

A4. Joint Meeting with Planning Board to Interview Candidates and Potential Vote to Appoint Associate Planning Board Member for a Term to Expire at the 2016 Annual Town Election
This agenda item was postponed until a later date.

A5. Discuss Potential to Waive Attorney Client Privilege of Letter submitted by Attorney Toomey of Murphy, Hesse, Toomey & Lehane; Meet with School Committee Representative to Discuss and Potential Vote to Co-Sponsor Article to Adopt State Statute for School Revolving Funds The Board was joined by Ellen Grieco, Chair of the School Committee, and Susan Botton, School Business Manager, to discuss the Special Town Meeting article to adopt the state statute for school revolving funds. E. Grieco said the School Committee voted 5-0 to waive attorney-client privilege in regard to the opinion letter from Attorney James Toomey. The Board discussed concerns about setting a precedent. L. Anderson moved,

seconded by M. Antes, to waive attorney-client privilege and release to the public only the letter from Attorney James Toomey dated August 25, 2015, on school revolving funds. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board considered whether to co-sponsor the Special Town Meeting article submitted by the School Committee on revolving funds. T. Boschetto asked for more time to discuss and consider the article. E. Grieco said the School Committee voted 4-1 in favor of submitting the article. J. Nolan said he would support the inclusion of the article in order to allow the debate at Town Meeting. The Board postponed its vote to a later meeting.

A8. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve the consent calendar. T. Boschetto expressed concern that the Board did not have the details of the legal invoices. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: T. Boschetto. ABSENT: none. ABSTAIN: none. Adopted 4-1. The Board discussed reviewing the policies regarding legal counsel at a future meeting.

A6. Meet with Representatives of the Recreation Commission to Discuss Special Town Meeting Article to Authorize the Board of Selectmen to Petition the Legislature for a Special Act to Increase the Cap on the Recreation Revolving Fund; Discussion of Recreation Budget Structure for FY17
The Board was joined by Recreation Commission members Frank Krasin, Anna Meliones, and Brud Wright, Recreation Director Jessica Brodie, Finance Committee member Carol Martin, and Finance Director Brian Keveny, to consider an article for Special Town Meeting that addresses the issues regarding the Recreation revolving fund. J. Nolan said the Recreation Commission would like the town to petition the legislature to increase the 53E½ cap to 5% of taxation. He expressed concern that the town will continue to absorb the cost of the salaries, and suggested that a placeholder article for an enterprise fund be included as well. B. Keveny recommended that the salaries be paid by the Recreation Commission. He said that the projected balance in the Recreation revolving fund for the end of FY16 is \$880,000, an excess fund balance of 100% of revenues. J. Brodie noted approximately \$100,000 in outstanding FY16 invoices for expenses incurred in FY15. Members discussed the advisability of transferring excess funds to the general fund, or, alternatively, allowing the funds to remain in the revolving fund and to begin to draw it down for the payment of salaries. B. Wright said the recreation staff should be paid from the general fund, noting it is common practice in peer towns, and it was the practice before the formation of the DPW. He suggested that the excess funds in the revolving account be used for capital improvements of the fields and other facilities, and said the users would prefer to have their user fees used in this manner. T. Boschetto said bifurcating the costs of the recreation programs doesn't give a clear picture to the taxpayers and hinders financial management decisions. J. Nolan said the use of the surplus for capital projects excludes recreation projects from the five-year capital plan. C. Karlson noted that recreation did not submit any projects on its five-year capital plan. She said there remains two conflicting plans, with no unified approach to present to town meeting. B. Wright said the Recreation Commission agreed to remain as a 53 E½ revolving fund and to ask the approval of the State legislature to raise the cap to 5%. J. Nolan said he would agree to that approach if the salary expenses were included in the recreation budget. T. Boschetto said he would support an enterprise fund; it was his opinion that the budget could be better managed, and noted that it would allow the Recreation Commission to incur debt and fund capital projects. B. Wright said if an enterprise fund included salaries, the Recreation Commission would need to increase fees. J. Nolan suggested putting two placeholder articles in Special Town Meeting. M. Antes said more work needs to be done so the voters have clarity. C. Karlson said there needs to be agreement on the amount of the cap before town meeting. N. Balmer pointed out that an article to create an enterprise fund cannot be submitted to a Special Town Meeting. B. Wright said the Recreation Commission has voted to submit this article. It was the sense of the Board that more preparation was necessary to create a

unified plan, and if the parties could not agree upon a clear plan and budget, the Board retains the right to withdraw the article.

A7. Discussion and Vote to Submit Articles Sponsored by the Board of Selectmen The Board was joined by Finance Director Brian Keveny to discuss the article submitted by the Finance Committee to revise the sources of funding for the fiscal year 2016 operating budget. J. Nolan moved, seconded by T. Boschetto, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "Amend FY2016 Budget Funding Sources," with the correction from "2016 Annual Town Meeting" to "2015 Annual Town Meeting." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board was joined by OPEB Advisory members Cliff Lewis and Maryanne Peabody to discuss the article for Special Town Meeting to rescind the town's special act to create an OPEB fund and adopt Massachusetts General Laws 32B Section 20 to establish an OPEB Trust Fund. C. Lewis reviewed the article and the need for investment expertise in order to meet the town's financial goals. He said one member of the committee opposed the article due to concerns of cost to benefit. T. Boschetto noted the article provides flexibility and does not mandate action, and C. Karlson said that should be clarified for town meeting. J. Nolan moved, seconded by L. Anderson, to accept for inclusion in the 2015 Special Town Meeting warrant the article, "OPEB Trust Fund Legislation and Governance." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed the article to amend the Minuteman Regional Vocational School District Agreement to allow Wayland to withdraw. C. Karlson questioned the need to vote twice to withdraw; T. Boschetto said the town voted first to withdraw, and now must vote to accept and approve the amendment to withdraw. T. Boschetto said the town needs to follow up with other towns and request that they take action at their next town meeting. N. Balmer said the amendment must be sent to DESE (Department of Elementary and Secondary Education), and is expected to be approved by July 2017. Board members discussed the financial impact of the withdrawal, and considered the annual debt service charge, the formula for calculations, and the cost implications of non-member enrollment. C. Karlson suggested that a financial analysis be provided to town meeting to show the cost savings. J. Nolan said the town should also take into consideration the value of a new school facility. T. Boschetto moved, seconded by L. Anderson, to approve and accept for inclusion in the 2015 Special Town Meeting warrant the article, "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. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Board discussed the need to put a zoning article in the next town meeting regarding the sale of used cars.

A9. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A10. Report of the Town Administrator N. Balmer provided an update on the Information Technology project, noting there is still not a sufficient description of the necessary projects to put together a funding request.

A11. Selectmen's Reports and Concerns There were no Selectmen's reports and concerns.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair declared that there were no further topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.

A13. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:02 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 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 August 31, 2015 Board of Selectmen's Meeting

1. Memorandum of 8/28/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Appointment of Vacant Position as Associate to the Planning Board, Applications from Nicole Riley, Jennifer Steel, and Steven Glovsky, and Letter of Withdrawal, 8/21/15, from Steven Glovsky
2. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: School Committee, Co-Sponsor Article on School Revolving Funds, and Letter of 8/25/15 from Murphy, Hesse, Toomey & Lehane re: Revolving Accounts
3. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Recreation Commission Article for Special Act to Increase the Cap on MGL 44 Section 53 E ½ Revolving Fund and Discuss Recreation Budget Structure for FY17
4. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Sponsored by Selectmen, Amend Minuteman Regional Vocation School District Agreement to Allow Withdrawal by the Town of Wayland
5. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Co-sponsored by Selectmen, Revise Sources of Funding for the FY 2016 Operating Budget
6. Memorandum of 8/31/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Article Sponsored by Selectmen, Repeal OPEB Special Act and Accept State Statute for OPEB Trust Fund
7. Town Administrator's Report for the Week Ending August 28, 2015



NAN BALMER
TOWN ADMINISTRATOR
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www.wayland.ma.us

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BOARD OF SELECTMEN

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Board of Selectmen Meeting Minutes September 11, 2015

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

Participating Remotely via Telephone: Tony V. Boschetto

Also Present: DPW Executive Assistant Dan Cabral

A1. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 12:33 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.

A2. Public Comment Mary Ellen Castagno, 49 Dean Road, discussed the status of the Minuteman High School and related questions raised by the School Committee. C. Karlson encouraged her to follow-up with T. Boschetto regarding the potential creation of an action item for the Board. Linda Segal, 9 Aqueduct Road, repeated her public comment from the September 8, 2015, Board meeting regarding an environmental report created by Ben Gould. L. Segal noted that B. Gould is ready to make a public presentation to explain his work, and encouraged the Board to schedule the meeting. C. Karlson said that discussions to arrange the meeting are ongoing. Lisa Kra, 9 Saddle Lane, discussed the Glezen Lane turn restrictions. She said that there is neighborhood support for the Town to gather traffic data to determine if the mitigation measures are warranted relative to traffic going to and from Town Center.

A3. 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 C. Karlson announced that T. Boschetto would be participating remotely due to his geographic location. T. Boschetto attested that he is alone and no one else can hear the conversation. At 12:35 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session 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 because a public discussion may have a detrimental effect on the negotiating or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto (remotely via telephone), C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invited attendance by Town Counsel Mark Lanza, Fire Chief David Houghton, Police Lieutenant Patrick Swanick, Town Planner Sarkis Sarkisian, Director of Public Works Stephen Kadlik, and DPW Executive Assistant Daniel Cabral. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 1:23 p.m.

A4. Potential Discussion and Vote to Remove Traffic Signage related to Glezen Lane L. Anderson recused herself from debating or deliberating on the issue, as she is a resident of the Glezen Lane neighborhood; she said she would listen but not participate in votes or discussions. C. Karlson described the decision issued by the Middlesex Superior Court on August 26, 2015, allowing for temporary removal of the Glezen Lane turn restrictions. M. Antes moved, seconded by J. Nolan, to order the removal of all traffic

control signs related to motor vehicle turn restrictions relative to Glezen Lane commencing on September 11, 2015, until further order of the Board of Selectmen. YEA: M. Antes, T. Boschetto (remotely via telephone), C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: L. Anderson. Adopted 4-0-1.

A5. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A6. Adjourn There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 1:26 p.m. YEA: L. Anderson, M. Antes, T. Boschetto (remotely via telephone), 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 September 11, 2015

1. None

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

1. None



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

BOARD OF SELECTMEN
Monday, September 28, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Letter of 9/14/15 from Attorney John J. Cloherty to Nan Balmer, Town Administrator re: Frishman v. Mark J. Lanza et al
2. Letter of 9/21/15 from Beautification Committee to Board of Selectmen and Board of Public Works re: Dissolution of the Beautification Committee
3. Letter of 9/21/15 from Board of Selectmen to the Boards of Selectmen of Minuteman Member Towns re: Request to Place Warrant Article on Fall or Spring Town Meeting Warrants to Permit the Withdrawal of the Town of Wayland from the Minuteman Regional Vocational Technical School
4. Letter of 9/23/15 from Nan Balmer, Town Administrator, to Bertucci's Restaurant, re: Notice of Hearing October 5, 2015

Zoning Board of Appeals

5. Decision No. 15-16, 4 Lawrence Road
6. Decision No. 15-17, 18 Glezen Lane

Conservation Commission

7. Order of Conditions and Chapter 194 Permit, 9/23/15, from Brian J. Monahan, Conservation Administrator, re: 14 Oxbow Road

Minutes

8. Electronic Voting Implementation Subcommittee, July 23, 2015
9. Historic District Commission, June 18, 2015
10. Personnel Board, August 3, 2015
11. Board of Public Works, August 25, 2015

State

12. Letter of 9/10/15 from Department of Transportation to Board of Selectmen re: National Bridge Inspections Standards Bridge Inspection Reports, Stonebridge Road and Pelham Island Road



TOWN OF WAYLAND

41 COCHITUATE ROAD
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NAN BALMER
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BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, September 21, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, Change in Health Insurance for Active and Retired Employees
2. Public Comment, Municipal Pad at Town Center
3. Public Comment, Minuteman Regional Vocational School
4. Notice of Hearing, 9/2/15 from Alcoholic Beverages Control Commission, re: Town & Country Restaurant Inc., dba J. J. McKay's Restaurant
5. Letter of 9/3/15 from CMG Environmental Inc., to Vertex Companies Inc., re: Public Commentary on Draft RAM Completion Report, Former Raytheon Facility
6. Letter of 9/9/15 from Office of the Board of Selectmen to China Rose LLC re: Continuance of Hearing on Alteration of Premises Permit to October 5, 2015
7. Memorandum of 9/11/15 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of William Steinberg from Library Planning Committee
8. Letter of 9/11/15 from Board of Selectmen to KGI Properties LLC re: Request to Use the Municipal Parcel at Town Center for a "Pop-Up Park" on October 17, 2015
9. Letter of 9/14/15 from Attorney Jeffrey L. Roelofs to Middlesex Superior Court re: Plaintiff's Emergency Motion for a Stay, Bernstein et al v. Planning Board et al
10. Director of Public Health Report, September 9, 2015

Conservation Commission

11. Order of Conditions and Chapter 194 Permit, 9/3/15, from Brian J. Monahan, Conservation Administrator, re: 5 Erwin Road
12. Order of Conditions and Chapter 194 Permit, 9/9/15, from Brian J. Monahan, Conservation Administrator, re: 32/34 Covered Bridge Lane
13. Order of Conditions and Chapter 194 Permit, 9/14/15, from Brian J. Monahan, Conservation Administrator, re: 37 Campbell Road
14. Order of Conditions and Chapter 194 Permit, 9/16/15, from Brian J. Monahan, Conservation Administrator, re: 90 Dudley Road

Zoning Board of Appeals

15. Decision No. 15-18, 11 Maguire Road
16. Public Hearing, September 29, 2015, 35 Woodland Avenue, 150 Main Street

Minutes

17. Finance Committee, August 17, 2015
18. Surface Water Quality Committee, September 1, 2015
19. West Suburban Veterans District, June 10, 2015
20. Municipal Affordable Housing Trust Fund Board, August 11, 2015

PIERCE, DAVIS & PERRITANO, LLP

COUNSELLORS AT LAW

90 CANAL STREET
BOSTON, MA 02114-2018

TELEPHONE (617) 350-0950

FACSIMILE (617) 350-7760

Joel F. Pierce
John J. Davis*
Judith A. Perritano
John J. Cloherty III*
David C. Hunter III†
Adam Simms†
Meghan L. Riordan

Of counsel:
Gerald Fabiano
Maria E. DeLuzio
Charles K. Mone*†
Maureen L. Pomeroy▽

Seth B. Barnett
Edward S. Bertrand
Jason W. Crotty□
Kevin M. Hall*
Michael D. Leedberg*
Melissa M. Malloy*
Shannon M. O'Neil*
Shauna R. Twohig
Alexandra N. Vilella*
Robert G. Weller
John M. Wilusz

September 14, 2015

* also admitted in RI
† also admitted in NY
□ also admitted in CT
▪ also admitted in ME
▽ also admitted in NH
□ also admitted in FL
• also admitted in CA

Nan Balmer, Town Administrator
Office of the Town Administrator
41 Cochituate Road
Wayland, MA 01778

VIA ELECTRONIC MAIL ONLY
William MacKinnon, Jr., AIC
Senior Claims Representative
MIIA Member Services
15 Cabot Road
Woburn MA 01801-1003

Re: Mark Frishman v. Mark J. Lanza, et al.
Middlesex Superior Court, C.A. No. MICV2012-04031
MIIA Claim No.: M12PO72282
Our File No.: 282-0410743

Dear Ms. Balmer and Mr. MacKinnon:

Enclosed for your records you will find a Notice from the Appeals Court Clerk's Office indicating that this case is under advisement and the court will now be deciding the appeal on the briefs, without oral argument. This is typical of *pro se* cases. We will keep you advised of the outcome of this appeal.

Sincerely,

PIERCE, DAVIS & PERRITANO, LLP

John J. Cloherty III

JJC/mm
Enclosure

RECEIVED

SEP 17 2015

Board of Selectmen
Town of Wayland

Maryann McKenna

From: Appeals Court Clerk's Office <AppealsCtClerk@appct.state.ma.us>
Sent: Friday, September 11, 2015 2:23 PM
To: John Cloherty; Maryann McKenna
Subject: 2014-P-1835 - Notice: Case Under Advisement

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE

September 11, 2015

RE: No. 2014-P-1835
Lower Ct. No.: MICV2012-04031

MARK FRISHMAN
vs.
MARK J. LANZA & others

NOTICE THAT CASE IS NOW UNDER ADVISEMENT

This notice is being sent to you as a courtesy to inform you that the appeal in the above-referenced case has been taken under advisement by a panel of justices (Berry, Grainger, Sullivan, JJ.). Please do not respond to this notice.

IMPORTANT INFORMATION

ALL FURTHER FILING IN THIS APPEAL. All further filings in this appeal must be filed only as a PDF and by e-mail: original papers will not be accepted without leave of the court. See "Standing Order Requiring the Electronic Filing of All Motions and Letters After Panel Assignment," available at <http://www.mass.gov/courts/appealscourt>.

ELECTRONIC NOTIFICATION. All counsel of record and self-represented litigants may register to receive only electronic (i.e., e-mail) notification of actions, orders, judgments, rescripts, and decisions entered by the Appeals Court, in an appeal in which they are participating. See "Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice," available at <http://www.mass.gov/courts/appealscourt>.

Very truly yours,

Joseph Stanton, Clerk

To:
Mark Frishman, Mark J. Lanza, Esquire, John J. Cloherty, III, Esquire

If you have any questions, or wish to communicate with the Clerk's Office about this case, please contact the Clerk's Office at 617-725-8106. Thank you.

21 September 2015

TO: Wayland Board of Selectmen
Wayland Board of Public Works

Dear Board Members:

We, the remaining members of WAYLAND BEAUTIFICATION, would like to inform you of our decision to dissolve due to lack of manpower (i.e., volunteers and DPW support). Beautification was originally formed by a previous Board of Selectmen who wanted some attractive plantings for Wayland's major roads, intersections and highly visible town-owned lands. Money was appropriated in the Selectmen's budget and planting of trees and flowers was done.

Each year money has been appropriated and planters, barrels and islands have been planted around town. A sponsorship program involving local businesses has been set up and their monies have been used for their designated sites. As years have moved along, participation from Wayland volunteers has fallen off completely.

We suggest that the Town of Wayland D.P.W. carry the program from here.

Sincerely,

Laurel Gill
David Johnson
Regina Kennedy
Ralph Wegener

RECEIVED

SEP 21 2015

Board of Selectmen
Town of Wayland

2



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

DATE: SEPTEMBER 21, 2015

TO: CHAIR, BOARDS OF SELECTMEN OF MINUTEMAN MEMBER TOWNS

FROM: BOARD OF SELECTMEN, TOWN OF WAYLAND

RE: REQUEST TO PLACE WARRANT ARTICLE ON FALL OR SPRING TOWN MEETING
WARRANTS TO PERMIT THE WITHDRAWAL OF THE TOWN OF WAYLAND FROM THE
MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL

We are writing to request the Boards of Selectmen of the member towns of the Minuteman Regional School District place an article on each town's next town meeting warrant to amend the regional agreement to allow the Town of Wayland to withdraw from the district.

If your town is planning a fall town meeting, we respectfully request that your Board place an article on the fall warrant. If your town plans no town meeting in the fall, we request that the article be placed on the spring town meeting warrant. Attached is a letter sent to the member towns on July 16th from Minuteman explaining the amendment to the regional agreement that must be adopted by each member town for Wayland to withdraw. A model warrant article is attached.

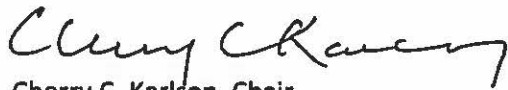
The Wayland Board of Selectmen is supportive of the district and the educational programs Minuteman provides. The Town of Wayland has, however, a very small number of students taking advantage of the educational offerings of the district and Wayland's continued membership no longer makes economic sense. Because of this, Wayland's 2015 Annual Town Meeting voted to withdraw from the district. All member towns must approve the article to amend the regional agreement for Wayland's withdrawal to become effective.

Placing this article on the warrant will provide a clear understanding of Wayland's future position with Minuteman and is helpful for the District to move ahead with planning for a new regional high school. The Town of Wayland intends to meet all of its obligations under the Regional Agreement.

We would appreciate hearing from you about your plans with regard to Wayland's request. The Board will be happy to send a representative from the Wayland Board of Selectmen to discuss its request to include an article on your town meeting warrant at a meeting of your Board.

You may reach Selectman Anthony Boschetto or Town Administrator Nan Balmer by calling the Wayland Town offices at (508) 358-7701 to discuss this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Cherry C. Karlson". The signature is written in a cursive style with a large, sweeping initial "C".

Cherry C. Karlson, Chair
Board of Selectmen



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

September 23, 2015

Mr. Derrick A. Plante
Bertucci's Restaurant
14 Elissa Avenue
Wayland MA 01778

Notice of Hearing

Please be advised that you are requested to attend a hearing for a Liquor License Violation scheduled for Monday, October 5, 2015, at 7:35 p.m. at the Wayland Town Building (Selectmen's Meeting Room) located at 41 Cochituate Road, Wayland.

The hearing is for a violation of Massachusetts General Law, Chapter 138 Section 34, regarding the sale of liquor to underage persons, and for violation of the Wayland Board of Selectmen's Rules for Provision and Consumption of Alcoholic Beverages for servers not possessing a TIPS certification, and for not having a designated manager on the premises. These violations are alleged to have occurred on August 20, 2015.

Please contact my office at (508) 358-3621 to confirm availability.

Sincerely,

Nan Balmer
Town Administrator

cc: Board of Selectmen
Robert Irving, Chief of Police



TOWN OF WAYLAND
MASSACHUSETTS
01778

Selectmen

BOARD OF APPEALS

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

DECISION NO. 15-16

RECEIVED

NAME OF APPLICANT:

SEP 23 2015

BIN JIA

Board of Selectmen
Town of Wayland

APPLICATION FOR:

Any necessary approvals, special permits and/or variances as may be required to change, alter or extend a pre-existing, non-conforming structure by more than 20% (construct a second story addition) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2, and 401.1.3. The property is located at 4 LAWRENCE ROAD, which is in a SINGLE RESIDENCE DISTRICT.

DATES OF HEARING:

August 25, 2015 and September 8, 2015

BOARD CONDUCTING HEARING AND RENDERING DECISION:

Eric B. Goldberg, Aida Gennis, Michael Connors, Linda Segal, and Argie Shapiro

DECISION:

Application withdrawn without prejudice. Applicant may reapply with no further filing fees.

VOTE OF BOARD:

5-0

FACTS AND REASONS:

Bin Jia filed this application with the Clerk of the Town of Wayland on July 24, 2015. A public hearing on his application was scheduled before the Zoning Board of Appeals for August 25, 2015. Mr. Jia failed to attend the hearing. The board received a letter from his attorney dated August 17, 2015, requesting a continuance of the hearing on Mr. Jia's behalf. Counsel explained that Mr. Jia was "scheduled to be overseas on business that day and therefore c[ould] not attend the hearing."

Neither Mr. Jia nor his attorney appeared at the hearing rescheduled for September 8, 2015. Pursuant to Rule 4.3 of the Town of Wayland ZBA Rules and Regulations, "[a]n applicant must either be present at the hearing or represented by a lawyer or other authorized person.

5

If no one appears at the hearing, the Board shall, in its discretion: (a) enter an unfavorable decision on the application; (b) continue the hearing; or (c) treat the absence as being a request for withdrawal with prejudice. Rule 4.5 requires Mr. Jia, as the applicant, to meet his burden of making a true and complete presentation of his case, offer evidence on each of the pertinent legal requirements, and provide "all the relevant facts and documents necessary to a fair presentation of the issues for decision by the Board." He has not met this burden here. Therefore, in accordance with its discretionary authority under Rule 4.3, the Board denies Mr. Jia's application without prejudice. Mr. Jia may refile the application at a later date without the need to pay additional filing fees.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

September 22, 2015


Argie Shapiro, Associate Member

CERTIFICATION:

The Board of Appeals, by delivery of a copy of this decision to the applicant, Bin Jia, and his attorney, Richard D. Vetstein, Esq., does hereby certify that copies of this decision and all plans referred to in this decision have been filed with the Planning Board of the Town of Wayland and with the Town Clerk of the Town of Wayland.

BOARD OF APPEALS


Argie Shapiro, Associate Member



TOWN OF WAYLAND
MASSACHUSETTS
01778

Selectmen

BOARD OF APPEALS

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

DECISION NO. 15-17

RECEIVED

SEP 23 2015

Board of Selectmen
Town of Wayland

NAME OF APPLICANTS:

KEVIN and KARA BRITTON

APPLICATION FOR:

Any necessary approvals, special permits, and/or variance as may be required to extend dormers for increased bedroom and closet spaces within side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 302, 401.1.2, 703.2, 1604.2 and 801-Table of Dimensional Requirements (side yard) The property is located at 18 GLEEZEN LANE, which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.

DATES OF HEARING:

August 25, 2015 and September 8, 2015

BOARD CONDUCTING HEARING AND RENDERING DECISION:

Thomas White, Michael Connors, Eric Goldberg, Aida Gennis and Argie Shapiro.

DECISION:

Special Permit granted, with conditions

VOTE OF BOARD:

5-0

CONDITIONS:

1. The project is to be constructed in substantial conformance with the plans and specifications presented to the Board consisting of drawing "Site Plan 18 Glezen Lane Wayland, Massachusetts, dated June 23, 2015 and date stamped," Received Town of Wayland Building and Zoning Dept, July 30, 2015 prepared by Snelling and Hamel Associates Inc. and drawings "Addition to Residence 18 Glezen Lane sheets 1 of 2 and 2 of 2 date stamped "Received Town of Wayland Building and Zoning Dept. July 30, 2015" prepared by Bernard Ohnemus.

(6)

2. The applicants shall obtain and maintain compliance with any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.
3. The applicant shall adhere to the BMP (Best Management Practices) as outlined in the memorandum from the Wayland Board of Public Works dated May 28, 2014 regarding construction activities in Zone 1 areas referenced in the correspondence between the applicant and Wayland Water Superintendent Don Millette on September 3, 2015.

FACTS AND REASONS:

The property in question is located at 18 Glezen Lane. The applicant seeks zoning relief to expand existing dormers on either side of an existing non-conforming structure situated on a non-conforming lot. The lot is pre-existing non-conforming due to insufficient lot area. The lot contains 27,540 square feet in a district requiring 40,000 square feet. The existing house is non-conforming because it does not meet the side yard setback requirement.

Because the applicant seeks to alter and extend a pre-existing, nonconforming property, under M.G.L. c. 40A § 6 and § 401.1.2 of the Zoning Bylaw, the applicant must obtain a Special Permit, and must demonstrate to the Board that the proposed “change, extension or alteration shall not be substantially more detrimental than the existing non-conforming structure or use to the neighborhood”. The existing dwelling is a two-story structure in a neighborhood of similar two story structures. The applicant submitted plans to expand the width of two dormers on either side of the second floor. These dormer extensions are fully within the existing footprint of the original structure and will expand existing closet space and address roof maintenance issues.

Since this project is within the Zone 1 area of a public water supply well, the applicant conferred with the Town of Wayland DPW Water Division to review the Best Management Practices outlined for construction work on homes within the Zone 1 area. Water Superintendent Don Millette confirmed the work proposed by the applicant was in conformity with these BMP guidelines.

Review by the Board determined the proposed dormer extensions met the criteria for a special permit.

In order to be granted a special permit in accordance with § 203 of the Zoning Bylaw, the applicant must demonstrate to the satisfaction of the Board that “the use of the premises for which the application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety.”

The board of health approved the project on July 28, 2015.

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

By a vote of 5-0, the board finds pursuant to G.L. c. 40A § 6 that the proposed construction does increase the nonconformity but that the proposed project is not against the public interest, will not derogate from the character of the neighborhood and will not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements set forth in § 203 of the zoning bylaw.

The board concludes the proposed addition will not be substantially more detrimental than the existing structure to the neighborhood and votes to approve the Special Permit subject to the conditions set forth herein.

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD

September 22, 2015


Thomas W. White, Member

CERTIFICATION:

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

BOARD OF APPEALS


Thomas W. White, Member



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

September 23, 2015

Jeffrey Capello
14 Oxbow Road
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 14 Oxbow Road, Wayland (DEP File 322-847)

Dear Mr. Capello:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the home addition and septic replacement project at 14 Oxbow Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

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

RECEIVED

SEP 23 2015

Board of Selectmen
Town of Wayland

①

Electronic Voting Implementation Subcommittee
Minutes of the meeting of July 23, 2015

Committee members: Dave Bernstein, Larry Krakauer, Alan Reiss, and Jon Sieber (Beth Klein arrived late)
Audience members: Lea Anderson, Dennis Berry (George Harris & Margo Melnicove arrived late)

Agenda item 1. Dave Bernstein called the meeting to order at 7:30pm.

Agenda item 2. Larry Krakauer was appointed secretary pro-tem.

Agenda item 3. Public comments were invited, but none were offered at this time. However, Chairman Dave Bernstein allowed members of the public to actively participate in the meeting.

Agenda item 4. MSPU (Sieber, Reiss): Approve minutes of the meeting of June 6, 2015.

Beth Klein arrived at this point. The majority of this meeting was devoted to Agenda items 5 and 6.

Agenda item 5. *Preventing Proxy Voting at Town Meeting, Moderator Decisions:*

The discussion was organized by a list of *Moderator Decisions (v2, 2015-06-29)* on suggestions for preventing proxy voting that were discussed at earlier meetings. This document was included with the meeting agenda. It broke the moderator's decisions into three categories, *Education, Prevention, and Detection and Resolution.* (Margo Melnicove and George Harris arrived during this discussion.)

Education: There was discussion of the wording of a consistent short statement, to appear in various places and to be used by the checkers, as to the illegality of voting any terminal but your own. A consensus agreed on the wording "Vote with YOUR handset only", although later in the meeting an alternate statement "Voting another's handset is not permitted" was suggested. A decision on the wording of these statements is up to the Moderator. Any statement to be included on the Town's tax bill is up to the Selectmen.

Prevention: The *Moderator Decisions* document included under the Prevention section:

3. Position and staff two "Exit Desks" with personnel that
 - a. require anyone leaving the building to surrender either a handset or a "Visitor Card"
 - b. can maintain temporary possession of handsets for bathroom users

This is intended to apply *during* the meeting, but not during the exodus *after* the meeting. Dave envisions two people manning each desk. Perhaps non-voters can be used, because you can't really hear the debate from near the doors. We'll need to add a Visitor Check-in position to the check-in stations. Since people may lose things like visitor cards, Lea Anderson suggested that we might have visitors sign a log book. The Town Clerk will be responsible for these arrangements.

Detection and Resolution: Items 1 & 2 on the *Moderator Decisions* document under this section were:

1. Anyone who observes possession of multiple handsets or proxy voting should immediately inform a member of ELVIS at the Help Desk
2. An ELVIS member who observes possession of multiple handsets or proxy voting should raise a point of order unless the voting window is open, in which case he or she should raise the point of order immediately after the voting window closes

In the discussion, it was observed that "point of order" in item 2 (and later in item 4g) should more properly be "point of privilege". Dave Bernstein noted that merely observing a handset left on a chair should not rise to the level of a point of privilege.

Item 3 on the *Moderator Decisions* document:

3. A Police Officer

- a. who observes possession of multiple handsets should immediately inform a member of ELVIS at the Help Desk
- b. who observes proxy voting should immediately inform the Moderator

Moderator Dennis Berry noted that Chapter 39, Section 17 gives the Moderator the right to eject anyone "disrupting" a meeting, but it's unclear if this legally applies to proxy voting issues, because the statutes haven't caught up with electronic voting. He will speak to Police Chief Irving regarding these Detection and Resolution items.

Margo Melnicove noted that the *Moderator Decisions* document makes no mention of closing the bleachers. Dave Bernstein replied that closing the bleachers got only two votes in an earlier meeting, and the Moderator chose to not accept that suggestion. Mr. Berry noted that the bleachers are more open than other seating, and we need the space. There was some discussion about trying to maintain more decorum in the bleachers, although it was noted that this is not a proxy voting issue.

Agenda item 6. Preventing Proxy Voting at Town Meeting, Next Steps:

Refer to the document *Moderator Decisions (v2, 2015-06-29)*:

Education:

Items 1 & 2: Dave Bernstein. Item 3: Dennis Berry will brief the Selectmen (or will delegate this task). Items 4 & 5: Town Clerk Beth Klein. Item 6: Jon Sieber. Item 7: Dennis Berry.

Prevention:

Item 1: Jon Sieber. Item 2: Beth Klein, who will also deal with the Visitor Log (but Jon Sieber volunteered to make any signs needed). Item 3: Dave Bernstein will talk to Ben Keefe about getting any needed tables. Item 4: Dennis Berry. Item 5: Dave Bernstein.

Detection and Resolution:

Items 1 & 2: Dave Bernstein asked Dennis Berry to take a first cut at describing actions voters can take if infractions are observed. Item 3: Dennis Berry will talk to Police Chief Irving. Item 4c: Dave Bernstein will discuss with OTI a means of quickly identifying a terminal's owner.

Subsequent meetings: Dave Bernstein intends to call another committee meeting prior to the next Town Meeting, probably in October (as opposed to only a short meeting in the Field House just prior to the TM).

Agenda item 7. The public having been invited to participate actively during the meeting, there was no additional public comment at this point.

Agenda item 8. MSPU (Reiss, Krakauer) Adjourn. The meeting was adjourned at 9:01 PM.

Abbreviations: MSP: Moved, Seconded, Passed (Mover, Second) Yes-No-Abstained
MSPU: Moved, Seconded, Passed Unanimously (Mover, Second)

Wayland Historic District Commission Meeting
June 18, 2015

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Marji Ford, Kathie Steinberg

Others: Mary Farley (resident, 30 Cochituate Road), Adrian Jackman (contractor for Mary), Don Verrecchia (resident, 20 Concord Road)

Public Comment. There was none.

Minutes of May 7, 2015 Meeting were approved (5-0-0).

Kate Finlayson of 39 Old Sudbury (and resident in the Bow Road Historic District) has expressed a desire to serve on the HDC. The Selectmen will interview her in the near future.

There was a letter to the editor in the Town Crier by Barbara Buell about the possible demolition of two buildings neighboring her property that are owned by the Trinitarian Congregational Church. (Church leaders were under the impression that there were plans to expand the HD to include their buildings).

Gretchen read aloud the letter she wrote to the church board informing them that the HD is not being expanded. She then proceeded to give them the historical background on each building. She recommended several options rather than demolition. (Mike Lowery suggested Selectmen ask them to have permits in order for drainage, etc. before they proceed with demolition.) The church board claims that the church cannot afford the work that would be required to maintain the two buildings.

The topic of "demolition delay" was brought up; and the point was made that Wayland is one of the few towns in our area without a demolition delay bylaw.

7:45 pm Public Hearing: Henry Reeves House, 20 Concord Road - Installation of fencing: Picket fence along side yard on north side of house; while three-rail fence with wire mesh from north corner of garage to rear property line. Don explained that a fence was needed for his dog -- but "dog watch" or invisible fence was not an appealing option. The front picket fence is 4 feet high -- and the proposed new picket will be 3 feet high. Don felt the view is pasture-like between road and barn/garage. The rest of the yard is already fenced in. There would be a 3 by 4 inch wire mesh on the back of the 3 rail painted white board fence. Kathie asked the distance between the rails. Done offered to get back to the HDC with exact measurements. Gretchen suggested that post split and rail or round rails would be appropriate. Don felt that 3-board fence would fit better with the neighborhood. Don is hoping for a pasture look. The distance for the white board fence would be about 80 feet to the existing stockade fence bordering the neighboring lot. There was a motion to approve the 3 foot picket fence and the board fence up to 4 feet in height but not higher, with the wire mesh, with an option to switch to a split rail (unpainted) fence instead of the board fence. The motion received a unanimous, favorable vote. (5-0-0)

Don also spoke of ice dams that were terrible this past winter. He plans to put in soffit vents, 4 inch round, about 4 feet apart, all the way around the house. (This would not be visible from the public way, and thus not under HDC jurisdiction.)

8:00 pm Public Hearing, Mark C. Sibley House, 30 Cochituate Road - Replacement of six windows on rear of house with those to match existing.

On the side of the house facing Millbrook Road the ice dams destroyed half the kitchen. The proposal was replacement of 4 windows on the Millbrook side (along with 2 more that could not be seen from the public way). A bedroom window was damaged and it cannot be opened (and has lead paint). The proposed windows are Anderson Woodwright, double-hung windows, 6 over 6. They will be the same

dimensions and have the same appearance as existing windows. They will have 7/8th inch muntins. There was a motion to approve the application, which received a unanimous favorable vote. (5-0-0)

Design Review Guidelines - Review of Guidelines: Doors, Dormers and Skylights, Fences, Gutters and Downspouts. Margery expressed some concern with what she considered restrictive wording. She pointed out that new materials (in fiberglass, PVC, steel) were being developed and improved all the time. (She brought some examples of this in This Old House magazines.) Wording that recommended the use of wood for doors, dormers, fences; gutters were acceptable to her with the caveat that at the forefront of guidelines it will read that "Materials should be replaced in kind. Vinyl and aluminum are not appropriate and generally will not be approved. As new materials are developed the Commission will consider them on a case by case basis."

The HDC stopped its evaluation of guidelines with dormers and skylights.

The meeting adjourned at 9:15 pm

Unless there are applications during July and August, HDC meetings will not be scheduled.

Respectfully submitted,
Margery Baston

Personnel Board Meeting
Wayland Town Building – Large Hearing Room/Selectmen’s Office
Meeting Minutes
August 3, 2015 6:25 pm

Members Present:

J. Green (JG); M. Peabody (MP), P. Schneider (PS); M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 6:25 pm.

D. Cohen (DC) joined the meeting at 6:30 pm.

Health Insurance – GIC Comparative Analysis

The Board joined the School Committee Meeting along with the Board of Selectmen. Present for the School Committee: Ellen Grieco (EG), Barbara Fletcher (BF), Donna Bouchard (DB), Jeanne Downs (JD) and Kathie Steinberg (KS). Present for the Selectmen: Cherry Karlson (CK), Joe Nolan (JN), Lea Anderson (LA)

JS discussed the current status of health insurance premiums with the West Suburban Health Group (WSHG). He stated that it would be appropriate to consider the option of the Group Insurance Commission (GIC). He suggested engaging a consultant to project employee and retiree migration to GIC plans to be able to better analyze potential savings in such a move. The engagement would cost approximately \$1,500. He noted that a potential move to the GIC would not solve all the health care issues. JS reviewed the FY 15 budget deficit of the GIC, reportedly ranging from \$150M to \$190M. MP inquired if MIIA was an option. JS stated that MIIA was not included in the comparison. DB inquired as to the base year; JS stated it is the fiscal year. EG asked about a time frame for a decision. JS stated the time frame was tight for a 7/1/16 implementation. MP noted that the Town would lose control in such a move. JS agreed. CK stated an earlier public comment at the BOS meeting requested a study of plan design changes. JS stated the study was not geared to plan design changes. EG asked how the GIC is funded. JS stated through premiums, with deficits covered by the Commonwealth. DB and BF expressed support for the study. The Personnel Board was in agreement. JN asked if the study would need to be put out to bid. JS stated no, based on the dollar value of the contract. The School Committee noted that there were no documents provided. JS read the draft scope of services.

JN moved to authorize the engagement of a consultant to conduct a comparative analysis of premiums between the West Suburban Health Group and the Group Insurance Commission and identify potential premium cost savings between the organizations. LA seconded the motion. Three members having voted in the affirmative, the motion passed.

JN confirmed that this was only a study, no decisions are being made yet. JS confirmed. JS also stated that the process should be very open and that he was willing to respond to any employee questions.

The 3-Board meeting concluded at 6:45 pm and the Personnel Board departed to continue with their meeting in the Selectmen’s Office.

Public Comment

None.

Review of the 6/22/15 Minutes

MP moved to approve the draft minutes of 6/22/15. MJ seconded the motion. Four members having voted in the affirmative, the motion passed. PS abstained.

Out-of-Grade Compensation for the Financial/Research Analyst

Elizabeth Doucette (ED) was hired as the Financial/Research Analyst. Following the breach in the Treasurer's Office this past February, given that ED has an IT background, she has been working with consultants and staff on the direction Wayland IT should take. Within the next several months JS expects there will be a restructuring of the IT function (likely both School and Town) and ED will likely have a prominent role in the new IT organization. At some point during the department restructuring, there will likely be new job descriptions proposed to the Personnel Board for ED. In the interim, the Town Administrator is requesting a temporary change in ED's grade. She is currently compensated at top step of a grade N6, \$68,200. The request is to compensate Beth at a grade N7, Step 9 at \$72,703 until such time as the IT restructuring occurs. DC inquired if any comparisons were done with similar positions in other towns. JS stated he had not done a comparison, but noted that the IT Manager's salary currently reporting to ED is in excess of \$80K.

MJ moved to approve out-of-grade pay for Elizabeth Doucette at a grade N7, Step 9 at \$72,703 effective the beginning of fiscal year 2016. MP seconded the motion. Five members voting in the affirmative, the motion passed.

Parental Leave Policy

Early in 2015 the MA Maternity Leave Act (MMMA) was updated and changed to a new Parental Leave law. JS reviewed a template originally drafted by another community and shared on the personnel list serve. JG and JS had discussed the draft. Members found the interplay between the Parental Leave policy language and FMLA to be confusing. DC stated that she had developed a simpler approach which might be more effective. She will forward JS a copy to adapt for Wayland for the next meeting.

Earned Sick Time Law

Final regulations were issued on the new Earned Sick Time law (EST) in MA. The EST is only applicable to municipalities if the law is adopted as a local option. JS noted that Wayland provides the vast majority of its employees with sick leave benefits that far exceed the EST. However, there are some exceptions: seasonal, temporary and part-time employees working under 20 hours/week. The Board determined that no action is required at this time.

Performance Evaluations

JS reviewed the forms being used for various employee groups. As evaluations are an item in collective bargaining, JS suggested discussing evaluations for non-union employees. DC indicated a preference for a format where key evaluation points were identified and rated. Members supported

this approach. JS stated that a form for managers might need to be developed. Additional discussion took place on the range of ratings. JS stated that he preferred less rating options. Members thought 4 or 5 ratings were more appropriate. It was determined that JS would prepare a draft template for future discussion.

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(2) to discuss contract negotiations and employment agreements for the DPW Director and Fire Chief; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Negotiations with the Teamsters, Library, SEIU, Police, Fire, and AFSCME 1, AFSCME 2, WTA, WESA, Custodians and Food Service Unions; to Review an AFSCME Separation Agreement; to Review, Discuss and Potentially Approve a Newly Proposed DPW Job Description; to Review, Discuss and Potentially respond to a Step 2 AFSCME Grievance; Review and Potentially Approve Executive Session Minutes of 6/22/15; Review and Potentially Release Executive Session Minutes of 6/22/09, 2/28/11, 3/21/11, 9/19/11, 10/17/11, 1/23/12, 3/2/15, 3/23/15 and 5/4/15 as an open discussion might have a detrimental effect on the town's negotiating position.

DC seconded the motion.

JG took a roll call vote:

Member Cohen	Aye
Member Jones	Aye
Member Schneider	Aye
Vice Chair Peabody	Aye
Chair Green	Aye

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 1 hour and 20 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:40 pm.

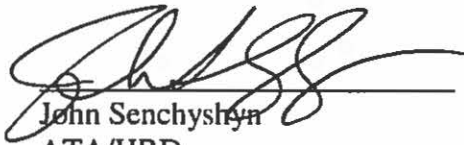
The Board returned to Open Session at approximately 9:30 pm.

Topics not Anticipated 48 Hours in Advance

None.

Next Meeting

The Board decided it would wait to schedule its next meeting until the health insurance review date is determined.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

August 3, 2015

Document:

Draft Minutes - 06/22/15
Parental Leave Advisory
Parental Leave Policy
Draft
FMLA Policy
MA Sick Leave Law Advisory
Financial-Research Analyst Job Description
Performance Evaluations
 Non-Union
 AFSCME
 Library
 SEIU
 Teamsters
 Draft - Non-Union Department Heads

WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

August 25, 2015

7:00 PM

MEETING MINUTES

Present: C. Brown (Chair), M. Lowery (Vice Chair), W. Baston, J. Mishara M. Wegerbauer, S. Kadlik (Director)

Meeting opened at 7:00 PM

(Brown announced that the meeting is being recorded)

Brown opened the meeting with a review of the agenda.

Brown asked for public comment – there was none.

Water Abatement Requests

3 Folsom's Pond Road

Michael Mitchell, 3 Folsom's Pond Road, appeared before the Board to discuss his request for abatement.

Brown explained the process by which water abatements are calculated and granted.

Mishara made a motion to abate the bill in question to 5400 units, waiving all interest and fees.

Wegerbauer 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- 3 Folsom's Pond Request for Abatement
- 3 Folsom's Pond 6/5/2015 Water Bill
- 3 Folsom's Pond Water Usage & Financial History
- 3 Folsom's Pond Repair Receipts/Invoices

1 Nolan Farm Road

Brown noted that the residents of 1 Nolan Farm Road were unable to attend the meeting, and the abatement request would be delayed.

Items Included as Part of Agenda Packet for Discussion

- 1 Nolan Farm 12/17/2014 Water Bill
- 1 Nolan Farm Account Note re: Request for Abatement
- 1 Nolan Farm Water Usage & Financial History
- 1 Nolan Farm Repair Invoice

31 Overlook Road

James O'Reilly, 31 Overlook Road, appeared before the Board to discuss his request for abatement.

O'Reilly noted that the home is a rental property, and the irrigation system was turned on without his knowledge, and the leak occurred while the home was unoccupied.

Lowery noted that the Board has adopted a policy limiting request for abatements related to irrigation systems filed after January 1, 2015 to 20% of the bill.

Lowery made a motion that the bill be abated by 20%, down to a usage of 18,900 units, waiving any interest and fees.

Brown noted that in his opinion this request involves unusual and extraordinary circumstances, and as such should not be subject to the 20% abatement policy.

Brown explained how radio-read meters work and the process of adopting their use.

Lowery amended his motion to abate the bill by 50%, down to a usage of 11,800 units, waiving all interest in fees.

Mishara 2nd. Baston, Lowery, Brown, and Mishara in favor. Wegerbauer opposed.

Wegerbauer noted that he believes the usage data indicates that the leak may have begun prior to the enactment of the Board's 20% abatement policy.

Items Included as Part of Agenda Packet for Discussion

- 31 Overlook E-Mail Requesting Abatement
- 31 Overlook 5/4/2015 Water Bill
- 31 Overlook Water Usage & Financial History
- 31 Overlook Repair Receipts/Invoices

3 Pesce Drive

Jan Sharp, 3 Pesce Drive, appeared before the Board to discuss her request for abatement.

Brown explained how to read the meter to determine if there is any water leakage.

Brown noted that it appears that two bills were affected by the leak.

Wegerbauer made a motion to adjust the combined usage on the January 2014 and December 2014 bills to 7400 units, waiving any interest and fees.

Mishara 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- 3 Pesce Request for Abatement

- 3 Pesce 2/6/2014 & 1/7/2015 Water Bills
- 3 Pesce Water Usage & Financial History
- 3 Pesce Repair Receipt

197 Stonebridge Road

Michael Henley, 197 Stonebridge Road, appeared before the Board to discuss his request for abatement.

Henley showed pictures of the water damage he incurred as a result of the leak to the Board and explained the repair process that occurred.

The Board discussed calculation options for a potential water abatement.

Brown made a motion to abate and separate the October, 2014 bill into two bills, with usage of 13,200 units and 4400 units, waiving all interest and fees.

Mishara 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- 197 Stonebridge 12/23/2013, 5/20/2014, 9/19/2014, 10/22/2014, & 5/14/2015 Water Bills
- 197 Stonebridge Water Usage & Financial History
- 197 Stonebridge Repair Receipt & Work Service Order

10 Catherine's Farm Road

Robert Junkin, 10 Catherine's Farm Road, appeared before the Board to discuss his request for abatement.

Brown noted that in his opinion, since the water usage occurred in 2014, the bill should be abated under the Board's pre-January 1, 2015 guidelines for irrigation-related abatements.

Brown made a motion to abate the January, 2015 bill to 2600 units, waiving all interest and fees.

Mishara 2nd.

Lowery noted that the notice was sent out on July 1, 2014, and moved to amend the motion to abate the January, 2015 bill to 50% of the billed usage, waiving all interest and fees.

Mishara 2nd Lowery's amendment.

Brown noted that the meter was read in December, 2014, but did was not issued to the homeowner until January, 2015.

After Board discussion, Mishara withdrew his 2nd to Lowery's amendment.

Lowery's amendment falls flat – no 2nd.

Board vote on original motion: Baston, Brown, Mishara, and Wegerbauer in favor. Lowery opposed.

Items Included as Part of Agenda Packet for Discussion

- 10 Catherine's Farm Request for Abatement
- 10 Catherine's Farm Repair Receipt
- 10 Catherine's Farm 1/7/2015 Water Bill
- 10 Catherine's Farm Water Usage & Financial History

Irrigation Application Review – 23 Marshall Terrace

Patrick Donovan, 23 Marshall Terrace, appeared before the Board to discuss his irrigation application.

Brown discussed the benefits of installing of a master valve on irrigation systems and encouraged Donovan to do so.

Wegerbauer discussed the Board's policy on granting abatements for water usage due to irrigation leaks.

Donovan noted that the plan supplied indicates the proposed installation of more sprinkler heads than what will be installed.

Lowery noted that due to this change, the plan submitted does not satisfy the irrigation application requirements.

Wegerbauer suggested that a conditional approval be granted by the Board, pending the submission of an updated plan.

Lowery discussed the current ban on the usage of irrigation systems.

Brown suggested that Donovan correct the plan and return to the next meeting for approval.

Mishara made a motion to conditionally approve the application, pending the submission of an updated plan to the DPW Director for approval.

Lowery expressed his personal opposition to the use of irrigation systems.

Wegerbauer suggested that the updated plan indicate an irrigated area of 9500 square feet or less.

Mishara made a friendly amendment that the approved plan shows an irrigated area that does not exceed 9500 square feet.

Brown, Mishara, and Wegerbauer in favor. Baston and Lowery opposed.

Lowery requested that the amended plan be provided to the Board at the next meeting.

Items Included as Part of Agenda Packet for Discussion
- 23 Marshall Terrace Irrigation Application with Site Plan

Discussion & Possible Vote on the Transportation of Rowing Docks for the Wayland-Weston Crew Team to Boston

Kadlik distributed an E-Mail from Assistant Town Administrator John Senchyshyn stating the legal opinion provided by Town Counsel for the Board's review and inclusion in the meeting minutes. (see attached)

Kadlik noted that he is opposed to continuing the process due to cost and liability issues.

Lowery made a motion that the information provided to the Board be given to the Crew and they are notified that the DPW will not be able to move the docks this year or the future for the entity that requested it.

Lowery made a motion that the Wayland-Weston Crew Team be notified that the DPW will not be able to transport the rowing docks for the entity that requested it this year or in future years, with the email indicating Town Counsels opinion provided as well.

Wegerbauer noted that if we do not transport the docks the Town may potentially lose the benefit of their use.

Brown noted that the Town is getting a public benefit, but Town Counsel has indicated that the practice is in violation of the law.

Mishara 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion
- Town / BoPW E-Mail Communication re: Transportation of Docks
Items Distributed for Information and Use by the Board of Public Works
- 8/25/2015 E-Mail from John Senchyshyn re: Town Counsel's opinion on the transportation of the docks

Discussion of the Status of Municipal-Use Water Meters

Brown noted that the large water usage read at Loker School was the result of the meter being read upside down.

Lowery asked how much the water enterprise fund received for the municipal-use meters.

Kadlik noted that it is his understanding that the Town had agreed upon a transfer of \$75,000 annually, although such a transfer has not yet occurred.

Lowery suggested that a municipal rate be established for water usage.

Baston asked if the water analysis to be provided by Woodcock & Associates would offer guidance on how to charge municipal meters.

Brown asked if the YMCA Camp Chickami and the Glezen Swim & Tennis Club are being billed for their usage.

Lowery noted that the School Department does have funds allocated in their budget to pay for water usage.

Lowery made a motion that the Water Department ensures that the water usage at the Bent Avenue Cemetery, YMCA Camp Chickami, and the Glezen Swim & Tennis Club is currently being billed.

Brown 2nd, all in favor.

Lowery made a motion that the Board establish a municipal rate within the rate structure for municipal water usage upon advice from Woodcock & Associates, and that the Finance Department be contacted to determine if a transfer from the appropriate municipal fund to the water enterprise fund has occurred.

Kadlik noted that he agrees with the motion, and added that he believes the school department may be paying their water bills.

Mishara 2nd, all in favor (Wegerbauer absent for vote)

Items Included as Part of Agenda Packet for Discussion
- December, 2014 List of Municipal-Use Water Meters
- Municipal Meter Usage History Reports

Discussion of BoPW Positions on Fall Town Meeting Articles

The Board determined that no discussion on this item was necessary.

Discussion & Possible Board Vote on Policy for the Transfer Station Revolving Fund

Kadlik discussed the balance of the Transfer Station Revolving Fund from 2012 through 2016.

Kadlik discussed potential FY2017 capital requests for the Transfer Station.

The Board discussed the nature of the use of the Transfer Station vehicle scheduled for replacement in 2017.

The Board discussed the optimal target balance for the Transfer Station revolving fund.

Mishara suggested that Finance Director Brian Keveny be consulted about the nature of the Transfer Station revolving fund balance.

Wegerbauer noted that in his opinion, \$100,000 is a desirable level for the fund balance.

Items Included as Part of Agenda Packet for Discussion
- FY2012 to FY2016 Munis Report of Revolving Fund Balance
- Transfer Station Budget Balances at end of FY2015

DPW Director's Financial Report

Kadlik described the current status of the DPW budget.

Lowery discussed the status of open DPW staff positions with Kadlik.

Items Included as Part of Agenda Packet for Discussion
- FY16 Operating Budget Summary

Board Members' Reports, Concerns, and Updates

Brown noted that Police Chief Irving had provided Kadlik with information pertaining to Stonebridge Road Traffic Calming.

Lowery requested that he be sent a copy of the Chief's memo, and that a copy be provided to Stonebridge Road resident Duane Galbi as well.

Baston noted that the brush located along the fence of the DPW Facility appears to be getting overgrown.

Kadlik noted that the maintenance and care of the grounds is done under contract, and the area along the fence was planted with wildflowers.

Lowery asked about the status of the Woodcock & Associates water analysis.

Kadlik noted that the new Water Management Act permit application was just signed and submitted.

Lowery requested that the Board receive a copy of the application.

Brown asked about the status of potholes on Sedgemoor Road.

Lowery noted that he examined the area in question and, in his opinion, it is not a critical concern.

Brown asked about the status of the installation of berm on Rice Spring Lane.

DPW Senior Foreman Joe Doucette noted that berm has been installed and the issues addressed.

Lowery noted that the Board will be discussing capital requests at the next meeting.

Brown asked that requests be sent to the Board as soon as they are prepared.

Items Included as Part of Agenda Packet for Discussion

- 8/20/2015 Memo from Police Chief Irving re: Stonebridge Road Traffic Calming

Review & Approve Executive Session Minutes for Release & Posting to BoPW Website

June 11, 2014 Executive Session re: Discussion of BoPW Interest in Pending Litigation of Moss and Borner v. Lingleys regarding 'Crown Path'

Brown noted that Town Counsel has opined that releasing the minutes would adversely affect the Town's position, and therefore should not be released.

July 9, 2014 Executive Session re: Approval of the Executive Session Minutes of June 11, 2014

Brown noted that Town Counsel has opined that releasing the minutes would adversely affect the Town's position, and therefore should not be released.

September 10, 2014 Executive Session re: Review Landfill Access Road Appeal WET-2014-012

Brown made a motion to release the Executive Session minutes of September 10, 2014 for posting.

Mishara 2nd.

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

October 8, 2014 Executive Session re: Approval of the Executive Session Minutes of September 10, 2014

Brown made a motion to release the Executive Session minutes of October 8, 2014 for posting.

Lowery 2nd.

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

Review & Approve Minutes of the August 11, 2015 Meeting

Brown noted that one page 1, '...between dawn and dusk' should be replaced by '...between dusk and dawn.'

Brown noted that during the discussion of the high water usage at Loker Elementary School, it should be add that the high usage reading was later determined to be the result of a meter reading error.

Mishara noted that the motion to approve minutes on the last page should include the minutes' date of July 15, 2015.

Wegerbauer noted that it should be added to the Sherman's Bridge discussion that the Board agreed with the recommendation of resident involvement throughout the process.

Mishara made a motion to approve the minutes of the August 11, 2015 meeting as amended.

Lowery 2nd, all in favor.

*Items Included as Part of Agenda Packet for Discussion
- 8/11/2015 Board of Public Works Meeting Minutes Draft*

After Board discussion, it was determined that the next meetings will occur on September 15, 2015 and September 29, 2015.

Mishara made a motion to adjourn.

Wegerbauer 2nd, all in favor.

Meeting adjourned at 9:00 PM.



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



September 10, 2015

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

RECEIVED

SEP 14 2015

Board of Selectmen
 Town of Wayland

Attn: Stephen Kadlik, Director of Highway Operations

**SUBJECT: NATIONAL BRIDGE INSPECTION STANDARDS (NBIS)
BRIDGE INSPECTION REPORTS**

W-11-006 = F-07-012 (7UP) STNEBRDGE RD / SUDBURY RIVER (NBI) Dated: 05/14/15
 W-11-002 (8XF) PELHAM IS RD / SUDBURY RIVER (NBI) Dated: 06/18/15

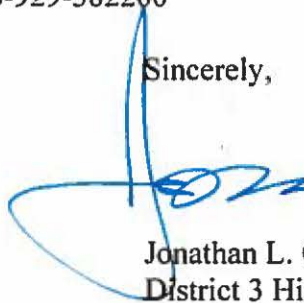
Dear Mr. Kadlik:

As part of the Massachusetts Bridge Inspection Program, MassDOT - Highway Division performs the inspection of municipally owned bridges that have a clear span of 20 feet or greater (NBI Bridge). These bridges are scheduled to be inspected every two years or less, depending on condition. As a courtesy, MassDOT will also occasionally inspect municipally owned bridges that have a clear span of less than 20 feet (Non-NBI Bridge). Non-NBI bridges do not have a set inspection frequency

For your records are copies of recent bridge inspection field reports for the referenced municipally owned bridges. Repair, rehabilitation or reconstruction of any bridges to address the deficiencies reported is the owner/custodian's responsibility. Chapter 90 funds may be used for these purposes.

Questions regarding the content of the reports may be directed to the District Bridge Inspection Engineer, Mahmood Azizi, at 508-929-382200

Sincerely,



Jonathan L. Gulliver
 District 3 Highway Director

MA/ma
 cc: BIE (2), DHD D-3, DBIE D-3
 Enclosure

ENTIRE REPORT
 AVAILABLE
 ON FILE

403 Belmont Street, Worcester, MA 01604
 Tel: (508) 929-3800, Fax: (508) 799-9763
 www.mass.gov/massdot

STRUCTURES INSPECTION FIELD REPORT

2-DIST
03

B.I.N.
8XF

ROUTINE ARCH INSPECTION

BR. DEPT. NO.
W-11-002

CITY/TOWN WAYLAND	8-STRUCTURE NO. W11002-8XF-MUN-NBI	11-Kilo. POINT 000.644	41-STATUS A:OPEN	90-ROUTINE INSP. DATE JUN 18, 2015
07-FACILITY CARRIED HWY PELHAM IS RD	MEMORIAL NAME/LOCAL NAME	27-YR BUILT 2012	106-YR REBUILT 0000	YR REHAB'D (NON 106) 0000
06-FEATURES INTERSECTED WATER SUDBURY RIVER	26-FUNCTIONAL CLASS Urban Local	DIST. BRIDGE INSPECTION ENGINEER M. Azizi		
43-STRUCTURE TYPE 111 : Concrete Arch - Deck	22-OWNER Town Agency	21-MAINTAINER Town Agency	TEAM LEADER L. A. Gauthier	
107-DECK TYPE N : Not applicable	WEATHER Sunny	TEMP (air) 21°C	TEAM MEMBERS D. SMITH	

ITEM 58		N	
DECK		DEF	
1. Wearing surface	8	-	-
2. Deck Condition	N	-	-
3. Spandrel Fill	8	-	-
4. Curbs	8	-	-
5. Median	N	-	-
6. Sidewalks	8	-	-
7. Parapets	N	-	-
8. Railing	8	-	-
9. Anti Missile Fence	N	-	-
10. Drainage System	N	-	-
11. Lighting Standards	N	-	-
12. Utilities	8	-	-
13. Deck Joints	N	-	-
14.	N	-	-
15.	N	-	-
16.	N	-	-

CURB REVEAL (In millimeters)

E	W
187	200

APPROACHES		DEF	
a. Appr. pavement condition	8	-	-
b. Appr. Roadway Settlement	8	-	-
c. Appr. Sidewalk Settlement	8	-	-
d.	N	-	-

OVERHEAD SIGNS (Attached to bridge)		(Y/N) N	
		DEF	
a. Condition of Welds	N	-	-
b. Condition of Bolts	N	-	-
c. Condition of Signs	N	-	-

ITEM 59		8	
SUPERSTRUCTURE		DEF	
1. Arch/Arch Ring	8	-	-
2. Keystone Area	N	-	-
3. Stringers	N	-	-
4. Floorbeams	N	-	-
5. Spandrel Walls	8	-	-
6. Spring Lines	H	-	-
7. Diaphragms/Cross Frames	N	-	-
8. Conn Plt's, Gussets & Angles	N	-	-
9. Pin & Hangers	N	-	-
10. Masonry Joints	N	-	-
11. Rivets & Bolts	N	-	-
12. Welds	N	-	-
13. Deformation/Flattening	8	-	-
14. Member Alignment	8	-	-
15. Paint/Coating	N	-	-
16.	N	-	-

Year Painted **N**

COLLISION DAMAGE: Please explain
None (X) Minor () Moderate () Severe ()

LOAD DEFLECTION: Please explain
None (X) Minor () Moderate () Severe ()

LOAD VIBRATION: Please explain
None (X) Minor () Moderate () Severe ()

Any Fracture Critical Member: (Y/N) **N**

Any Cracks: (Y/N) **N**

ITEM 60		8	
SUBSTRUCTURE		DEF	
1. Abutments	Dive Cur	8	-
a. Pedestals	N N	-	-
b. Bridge Seats	N N	-	-
c. Backwalls	N N	-	-
d. Breastwalls	N N	-	-
e. Wingwalls	N B	-	-
f. Slope Paving/Rip-Rap	N N	-	-
g. Pointing	N N	-	-
h. Footings/Pile caps	N H	-	-
i. Piles	N H	-	-
j. Scour	8 H	-	-
k. Settlement	N B	-	-
l. Abutment Pile Caps	9 N	-	-
m.	N N	-	-
2. Piers or Bents		N	-
a. Pedestals	N N	-	-
b. Caps	N N	-	-
c. Columns	N N	-	-
d. Stems/Webs/Pierwalls	N N	-	-
e. Pointing	N N	-	-
f. Footing	N N	-	-
g. Piles	N N	-	-
h. Scour	N N	-	-
i. Settlement	N N	-	-
j.	N N	-	-
k.	N N	-	-
3. Pile Bents		N	-
a. Pile Caps	N N	-	-
b. Piles	N N	-	-
c. Diagonal Bracing	N N	-	-
d. Horizontal Bracing	N N	-	-
e. Fasteners	N N	-	-

UNDERMINING (Y/N) If YES please explain **N**

COLLISION DAMAGE: Please explain
None (X) Minor () Moderate () Severe ()

I-60 (Dive Report): **9** I-60 (This Report): **8**

93B-U/W (DIVE) Insp **07/17/2013**

X=UNKNOWN N=NOT APPLICABLE H=HIDDEN/INACCESSIBLE R=REMOVED

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 18, 2015
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ITEM 61 7

CHANNEL & CHANNEL PROTECTION

	Dive	Cur	DEF
1.Channel Scour	8	H	-
2.Embankment Erosion	7	7	-
3.Debris	7	8	-
4.Vegetation	7	8	-
5.Utilities	N	N	-
6.Rip-Rap/Slope Protection	N	N	-
7.Aggradation	7	8	-
8.Fender System	N	N	-

STREAM FLOW VELOCITY:
Tidal () High () Moderate (X) Low () None ()

ITEM 61 (Dive Report): 7 ITEM 61 (This Report): 8

93b-U/W INSP. DATE: 07/17/2013

ITEM 36 TRAFFIC SAFETY

	36	COND	DEF
A. Bridge Railing	1	8	-
B. Transitions	1	8	-
C. Approach Guardrail	1	7	M-A
D. Approach Guardrail Ends	1	8	-

WEIGHT POSTING Not Applicable

H 3 3S2 Single
Actual Posting: N N N N
Recommended Posting: N N N N

Waived Date: 00/00/0000 EJDMT Date: 00/00/0000

Signs In Place (Y=Yes, N=No, NR=Not Required)
At bridge: N S Other Advance: N S
Legibility/Visibility: / / / /

CLEARANCE POSTING

Not Actual Field Measurement: 0 0 meter
Posted Clearance: 0 0

Signs In Place (Y=Yes, N=No, NR=Not Required)
At bridge: E W Advance: E W
Legibility/Visibility: / / / /

ACCESSIBILITY (Y/N/P)

	Needs	Used
Lift Bucket	N	N
Ladder	N	N
Boat	N	N
Waders	Y	Y
Inspector 50	N	N
Rigging	N	N
Staging	N	N
Traffic Control	N	N
RR Flagger	N	N
Police	N	N
Other:		
Float Tube	P	N

TOTAL HOURS 8

PLANS (Y/N): Y

(V.C.R.) (Y/N): N

TAPE#: _____

List of field tests performed:

RATING
Rating Report (Y/N): N
Date: 00/00/0000
Inspection data at time of existing rating
I 58: - I 59: - I 60: - Date: 00/00/0000

(To be filled out by DBIE)
Request for Rating or Rerating (Y/N): Y If YES please give priority:
HIGH () MEDIUM () LOW ()

REASON: Repeat of Initial Inspection request

CONDITION RATING GUIDE			(For Items 58, 59, 60 and 61)
CODE	CONDITION	DEFECTS	
N	NOT APPLICABLE		
G 9	EXCELLENT	Excellent condition.	
G 8	VERY GOOD	No problem noted.	
G 7	GOOD	Some minor problems.	
F 6	SATISFACTORY	Structural elements show some minor deterioration.	
F 5	FAIR	All primary structural elements are sound but may have minor section loss, cracking, spalling or scour.	
P 4	POOR	Advance section loss, deterioration, spalling or scour.	
P 3	SERIOUS	Loss of section, deterioration, spalling or scour have seriously affected primary structural components. Local failures are possible. Fatigue cracks in steel or shear cracks in concrete may be present.	
C 2	CRITICAL	Advance deterioration of primary structural elements. Fatigue cracks in steel or shear cracks in concrete may be present or scour may have removed substructure support. Unless closely monitored it may be necessary to close the bridge until corrective action is taken.	
C 1	"IMMINENT" FAILURE	Major deterioration or section loss present in critical structural components or obvious vertical or horizontal movement affecting structure stability. Bridge is closed to traffic but corrective action may put it back in light service.	
0	FAILED	Out of service - beyond corrective action.	

DEFICIENCY REPORTING GUIDE

DEFICIENCY - A defect in a structure that requires corrective action.

CATEGORIES OF DEFICIENCIES:

M= Minor Deficiency - Deficiencies which are minor in nature, generally do not impact the structural integrity of the bridge and could easily be repaired. Examples include but are not limited to: Spalled concrete, Minor pot holes, Minor corrosion of steel, Minor scouring, Clogged drainage, etc.

S= Severe/Major Deficiency - Deficiencies which are more extensive in nature and need more planning and effort to repair. Examples include but are not limited to: Moderate to major deterioration in concrete, Exposed and corroded rebars, Considerable settlement, Considerable scouring or undermining, Moderate to extensive corrosion to structural steel with measurable loss of section, etc.

C-S= Critical Structural Deficiency - A deficiency in a structural element of a bridge that poses an extreme unsafe condition due to the failure or imminent failure of the element which will affect the structural integrity of the bridge.

C-H= Critical Hazard Deficiency - A deficiency in a component or element of a bridge that poses an extreme hazard or unsafe condition to the public, but does not impair the structural integrity of the bridge. Examples include but are not limited to: Loose concrete hanging down over traffic or pedestrians, A hole in a sidewalk that may cause injuries to pedestrians, Missing section of bridge railing, etc.

URGENCY OF REPAIR:

I = Immediate- [Inspector(s) immediately contact District Bridge Inspection Engineer (DBIE) to report the Deficiency and to receive further instruction from him/her].

A = ASAP- [Action/Repair should be initiated by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) upon receipt of the Inspection Report].

P = Prioritize- [Shall be prioritized by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) and repairs made when funds and/or manpower is available].

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 18, 2015
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REMARKS

BRIDGE ORIENTATION

According to the plans the approaches are South and North and the elevations are West and East. This is a single span precast concrete arch structure with 7 precast arch rings labelled from South to North. The river flows East to West.

GENERAL REMARKS

The Sudbury River is capable of excessive change in waterline elevation, up to 6 ft. high. See photo 1 for view of Northeast spandrel wall.

ITEM 58 - DECK

Item 58.6 - Sidewalks

There is minor sand build up, and two plaques set flush with the surface.

Item 58.8 - Railing

There is a plaque attached to the top center vertical. Also see Item #36.a

Item 58.12 - Utilities

Utilities are located on the South side of the structure. See photo 2.

ITEM 60 - SUBSTRUCTURE

Item 60.1 - Abutments

Item 60.1.h - Footings/Pile caps

Footings are the pile caps for each abutment and are hidden by the cutoff steel sheeting for the cofferdams.

ITEM 61 - CHANNEL AND CHANNEL PROTECTION

Item 61.2 - Embankment Erosion

Very minor erosion at all 4 comers. See photo 3 for example.

TRAFFIC SAFETY

Item 36a - Bridge Railing

The bridge rails are concrete Texas rail.

Item 36c - Approach Guardrail

The Northwest approach guardrail is significantly higher than standard height requirements. See photo 4.

Photo Log

- Photo 1 : 6 ft. difference in waterline elevation.
- Photo 2 : Utilities attached to South spandrel wall.
- Photo 3 : Example of minor erosion.
- Photo 4 : Northwest guardrail is set too high.

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PHOTOS

Photo 1: 6 ft. difference in waterline elevation.



Photo 2: Utilities attached to South spandrel wall.

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 18, 2015
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PHOTOS



Photo 3: Example of minor erosion.



Photo 4: Northwest guardrail is set too high.

2-DIST
03

B.I.N.
7UP

STRUCTURES INSPECTION FIELD REPORT
CLOSED/REHABILITATION INSPECTION

BR. DEPT. NO.
W-11-006=F-07-012

CITY/TOWN WAYLAND=FRAMINGHAM	8-STRUCTURE NO. W11006-7UP-MUN-CLO	11-Kilo POINT 000.000	90-ROUTINE INSP DATE -----	93*- INSPECTION DATE MAY 14, 2015
07-FACILITY CARRIED HWY STNEBRDGE RD	MEMORIAL NAME/LOCAL NAME Stone's Bridge		27-YR BUILT 1857	106-YR REBUILT 1957
06-FEATURES INTERSECTED WATER SUDBURY RIVER	26 FUNCTIONAL CLASS Urban Local	DIST BRIDGE INSPECTION ENGINEER M. Azizi		
43-STRUCTURE TYPE 811 : Masonry Arch - Deck	22-OWNER Town Agency	21-MAINTAINER Town Agency	TEAM LEADER L. A. Gauthier	
107-DECK TYPE N : Not applicable	WEATHER Sunny	TEMP (air) 21°C	TEAM MEMBERS Doug Smith	

ITEM 58 DECK	N	ITEM 41 STRUCTURE OPEN, POSTED OR CLOSED K:CLOSED Date: 01/01/1957																				
ITEM 59 SUPERSTRUCTURE	2																					
ITEM 60 SUBSTRUCTURE	3																					
ITEM 60 - (From U/W Report)	N																					
ITEM 61 CHANNEL	5																					
ITEM 61 - (From U/W Report)	N																					
ITEM 62 CULVERT	N																					
ITEM 62 - (From U/W Report)	N	ITEM 36 TRAFFIC SAFETY TOTAL HOURS 12 PLANS (Y/N) N (V.C.R.) (Y/N) N TAPE#: Pedestrian Access (Y/N) N Barricades In Place (Y/N) Y (If YES please explain) Roadway Abandoned (Y/N) Y TYPE: TIMBER RAIL																				
<table border="1"> <tr> <td></td> <td>36</td> <td>COND</td> <td>DEF</td> </tr> <tr> <td>A. Bridge Railing</td> <td>0</td> <td>2</td> <td>S-A</td> </tr> <tr> <td>B. Transitions</td> <td>0</td> <td>3</td> <td>S-A</td> </tr> <tr> <td>C. Approach Guardrail</td> <td>N</td> <td>N</td> <td>-</td> </tr> <tr> <td>D. Approach Guardrail Ends</td> <td>N</td> <td>N</td> <td>-</td> </tr> </table>				36	COND	DEF	A. Bridge Railing	0	2	S-A	B. Transitions	0	3	S-A	C. Approach Guardrail	N	N	-	D. Approach Guardrail Ends	N	N	-
	36		COND	DEF																		
A. Bridge Railing	0		2	S-A																		
B. Transitions	0	3	S-A																			
C. Approach Guardrail	N	N	-																			
D. Approach Guardrail Ends	N	N	-																			
SIGNATURES																						
<p>Legend: Bridge Closed, No Trespassing, Bridge Unsafe.</p>																						

SIGNS Not Applicable

Signs In Place (Y=Yes, N=No, NR=Not Required)
Legibility/Visibility

At bridge		Advance	
E	W	E	W
Y	NR	NR	NR
7/7			

To be filled out by District Bridge Inspection Engineer

1) This bridge is scheduled for:
Replacement () Rehabilitation () Repair () Removal () Unknown (X)

2) If under construction please answer the following:

Contract Number:	Amount:	Completion Date:
Contractor:	Resident Engineer:	
Scope of Work:		
Remarks:		

	ACCESSIBILITY (Y/N)	
	Needed	Used
Lift Bucket	N	N
Ladder	N	N
Boat	N	N
Wader	Y	Y
Inspector 50	N	N
Rigging	N	N
Staging	N	N
Traffic Control	N	N
RR Flagger	N	N
Police	N	N
Other	N	N

CITY/TOWN WAYLAND=FRAMINGHAM	B.I.N. 7UP	BR. DEPT. NO. W-11-006=F-07-012	8-STRUCTURE NO. W11006-7UP-MUN-CLO	INSPECTION DATE MAY 14, 2015
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REMARKS

BRIDGE ORIENTATION

From the compass the abandoned Stonebridge Road ran West and East, and the (relocated to the West) Sudbury River flows from South to North. There are 4 spans and 3 piers numbered from the West to the east

GENERAL REMARKS

NOTE: Stonebridge Road over the Sudbury River is a town line structure, but the majority of the existing structure lies within the Town of Wayland. All access to the structure is from The Town of Wayland side. Recorded interest and maintenance is from the Town of Wayland. Thus, in the interest of accurate coding, the NBI documentation recording has been reversed from normal alpha-numeric superiority, placing the primary record in the Town of Wayland and the secondary record in the Town of Framingham. The roadway in Framingham was originally Potter Road. The R.O.W. has been discontinued and sold to private parties (now houses).

NOTE: This structure has been closed since 1957.

NOTE: this Inspection was generated in conjunctin with a Routine Inspection on the same date. See Routine Insepction for all comments and photographs.

The following elements were considered to be Special Members:

59.1 Arch /Arch Ring
59.2 Keystone area
59.5 Spandrel Walls.
59.10 Masonry Joints
60.1e Wingwalls
60.2d Pierwall

60.1g Pointing and 60.2e pointing would be SM's, but the structure is dry set.

TRAFFIC SAFETY

Item 36a - Bridge Railing

The access to the structure has been closed by the Town due to the rail condition. See photo 17. The structure is designated as a CLO (closed to all), but there is a 2 ft. wide gap in the rail system allowing easy pedestrian access.

The bridge rail system consists of 3- split rail 4X4 (nominal) horizontals spaced 10 ft. on center, extending from the East abutment to the West abutment/wall and back to the East abutment. The verticals consist of 5 in. (nominal) timber posts. The overall condition is very poor with some sections completely missing. See photo 18.

Item 36b - Transitions

Exist on the East approach only. See item 36.a for comments and photos.