

PACKET

OCT 5

2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN
Monday, October 5, 2015
Wayland Town Building
Selectmen's Meeting Room

Proposed Agenda

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

- | | | |
|---------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6:30 pm | 1.) | Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and 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 |
| 7:00 pm | 2.) | Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:02 pm | 3.) | Public Comment |
| 7:15 pm | 4.) | Continued Hearing on Application for Alteration of Premises, China Rose LLC, 15 East Plain Street |
| 7:35 pm | 5.) | Hearing on Liquor License Violation, Bertucci's Restaurant, 14 Elissa Avenue |
| 7:55 pm | 6.) | Consideration and Potential Approval of One-Day Liquor License for Family Promise MetroWest, November 7, 2015 |
| 8:05 pm | 7.) | Potential Vote regarding "No Parking" Restrictions on Bradford Street |
| 8:15 pm | 8.) | Discussion and Potential Vote on Positions, Withdrawal, and Order of Special Town Meeting Warrant Articles |
| 8:45 pm | 9.) | Discuss and Potentially Approve an Intermunicipal Agreement with the Town of Sudbury for Septage Disposal Facility Disposition |
| 8:55 pm | 10.) | Town Administrator Evaluation: Discuss Process and Review Draft Evaluation Form |
| 9:15 pm | 11.) | Town Administrator Goals: Discussion and Potential Vote to Accept |

**BOARD OF SELECTMEN
Monday, October 5, 2015
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda Page Two

- 9:30 pm 12.) Discussion and Potential Vote on Policies:
- Provision and Consumption of Alcoholic Beverages
 - Appointments to Town Boards and Committees
 - Proclamations and Certificates of Recognition
- 9:45 pm 13.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:50 pm 14.) Review Correspondence (See Separate Index Sheet)
- 10:00 pm 15.) Report of the Town Administrator
- 10:10 pm 16.) Selectmen's Reports and Concerns
- 10:20 pm 17.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and 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
- 10:40 pm 18.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:45 pm 19.) Adjourn

DATE: OCTOBER 2, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: APPLICATION OF CHINA ROSE, LLC, 15 EAST PLAIN STREET, FOR AN ALTERATION OF PREMISES UNDER ITS COMMON VICTUALLER POURING LICENSE

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

BACKGROUND

The Town received an application from China Rose LLC for an alteration of premises to change bar seating from 20 to 40 seats under its liquor license which was issued by the Board of Selectmen under its authority as Local Liquor Licensing Authority under MGL Chapter 138. The application for an alteration of premises was received on August 13, 2015 and the original hearing was on September 8, 2015. The applicant agreed to continue the hearing to October 5, 2015.

Attached are the following documents:

1. Letter to Jeff Mei confirmed Continuance of Hearing to October 5, 2015
2. Board of Selectmen Public Hearing Procedures
3. A copy of the legal notice that was published in the Town Crier and posted in the Town Building and Library
4. China Rose's petition for a Change of License for an Alteration of Premises including a plan of the requested alteration of premises
5. A memorandum from the Police Chief regarding the public safety impact of the proposed alteration
6. An affidavit from the owner of China Rose that abutters were notified
7. Form 43, which will be issued to ABCC after vote and signature by the Board of Selectmen acting as the Local Liquor Licensing Authority



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JOSEPH F. NOLAN

September 9, 2015

Jeff Mei
China Rose LLC
15 East Plain Street
Wayland MA 01778

Dear Mr. Mei:

This letter is to confirm that at the Board of Selectmen's meeting on Monday, September 8, 2015, you agreed to the Board's continuance of the public hearing on the application filed by China Rose LLC, for an alteration of premises petition at 15 East Plain Street, to the Board's meeting on Monday, October 5, 2015.

The continued hearing is scheduled for October 5, 2015, at 7:15 p.m. in the Selectmen's Meeting Room at the Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778.

Sincerely,

MaryAnn DiNapoli
Executive Assistant
Board of Selectmen

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 September 28, 2015.



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LEGAL NOTICE

CHINA ROSE LLC
15 East Plain Street

LEGAL NOTICE

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

Board of Selectmen
Town of Wayland

/md

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

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

RECEIVED

AUG 13 2015

Board of Selectmen
Town of Wayland

2:00 PM

PETITION FOR CHANGE OF LICENSE

ABCC License Number

City/Town

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

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

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

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

Description of Alteration:

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

Last-Approved Location:

Requested New Location:

Signature of Licensee

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

Date Signed

Financial Information:

Costs Associated with License

1. Real Property:	\$	<input type="text" value="0"/>
2. Business Purchase:	\$	<input type="text" value="0"/>
3. Renovations/Construction:	\$	<input type="text" value="1000<sup>00</sup>"/>
4. Start up/Operating Capital:	\$	<input type="text" value="4000<sup>00</sup>"/>
5. Inventory:	\$	<input type="text"/>
6. Goodwill:	\$	<input type="text"/>
7. Furniture:	\$	<input type="text" value="1000<sup>00</sup>"/>
8. TOTAL COST:	\$	<input type="text" value="6000<sup>00</sup>"/>
9. TOTAL CASH:	\$	<input type="text" value="6000<sup>00</sup>"/>
10. TOTAL FINANCED:	\$	<input type="text" value="0"/>

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

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

Jaisy Deng
8/13/2015



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

8/17/2015

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: China Rose Alteration of Premises

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

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

AFFIDAVIT OF NOTICE OF MAILING TO ABUTTER AND OTHERS

To the Licensing Board

For the

TOWN OF WAYLAND

Date

AUGUST 24, 2015

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

And that the following schools, churches or hospitals are located within the radius of five hundred (500) feet from said proposed location:

N/A

If there are none, please so state:

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

Signed and subscribed to under the penalties of perjuries:

Printed: Bei Huan Deng

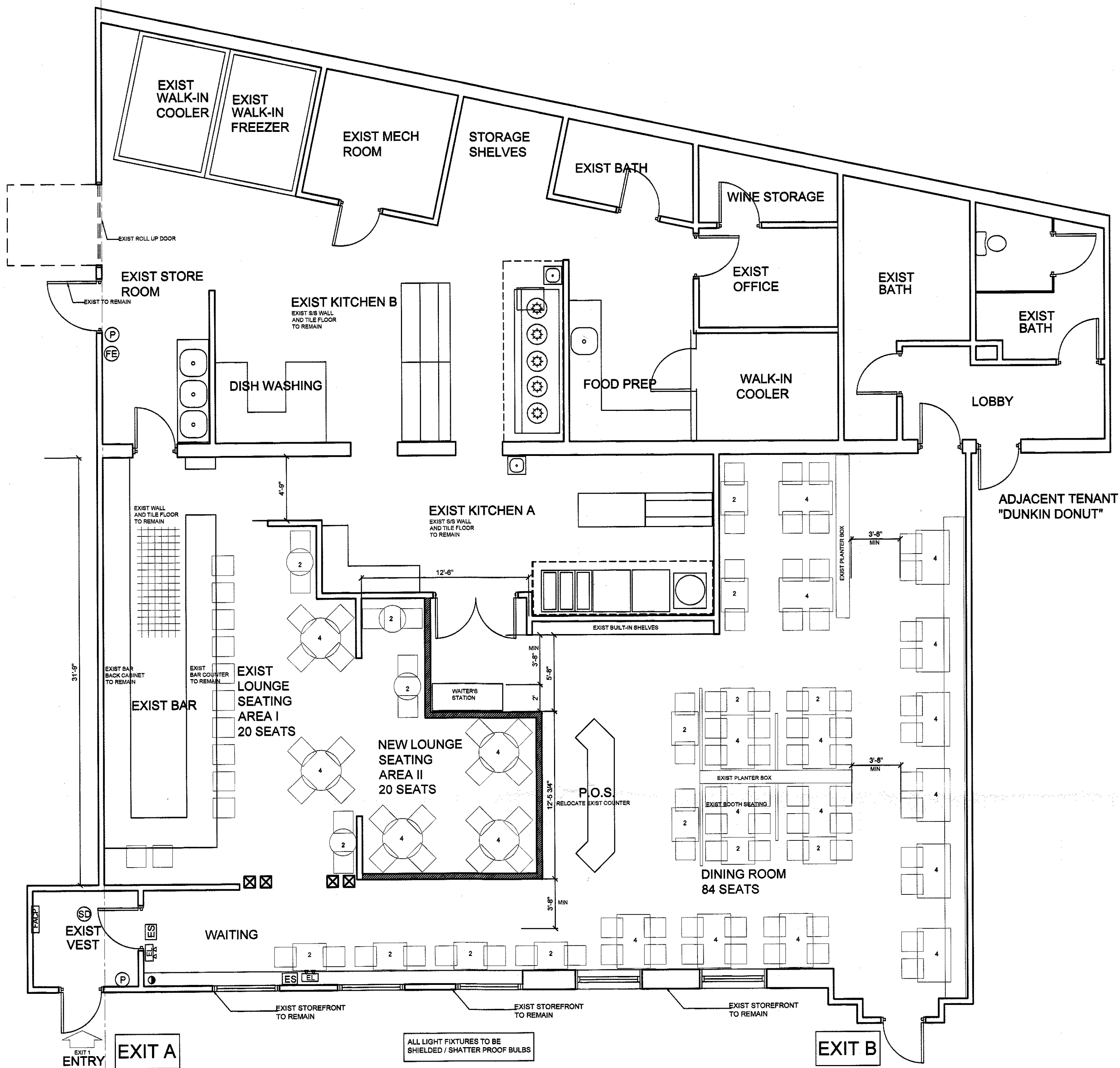
Written: Bei Huan Deng

Date: 8/24/2015

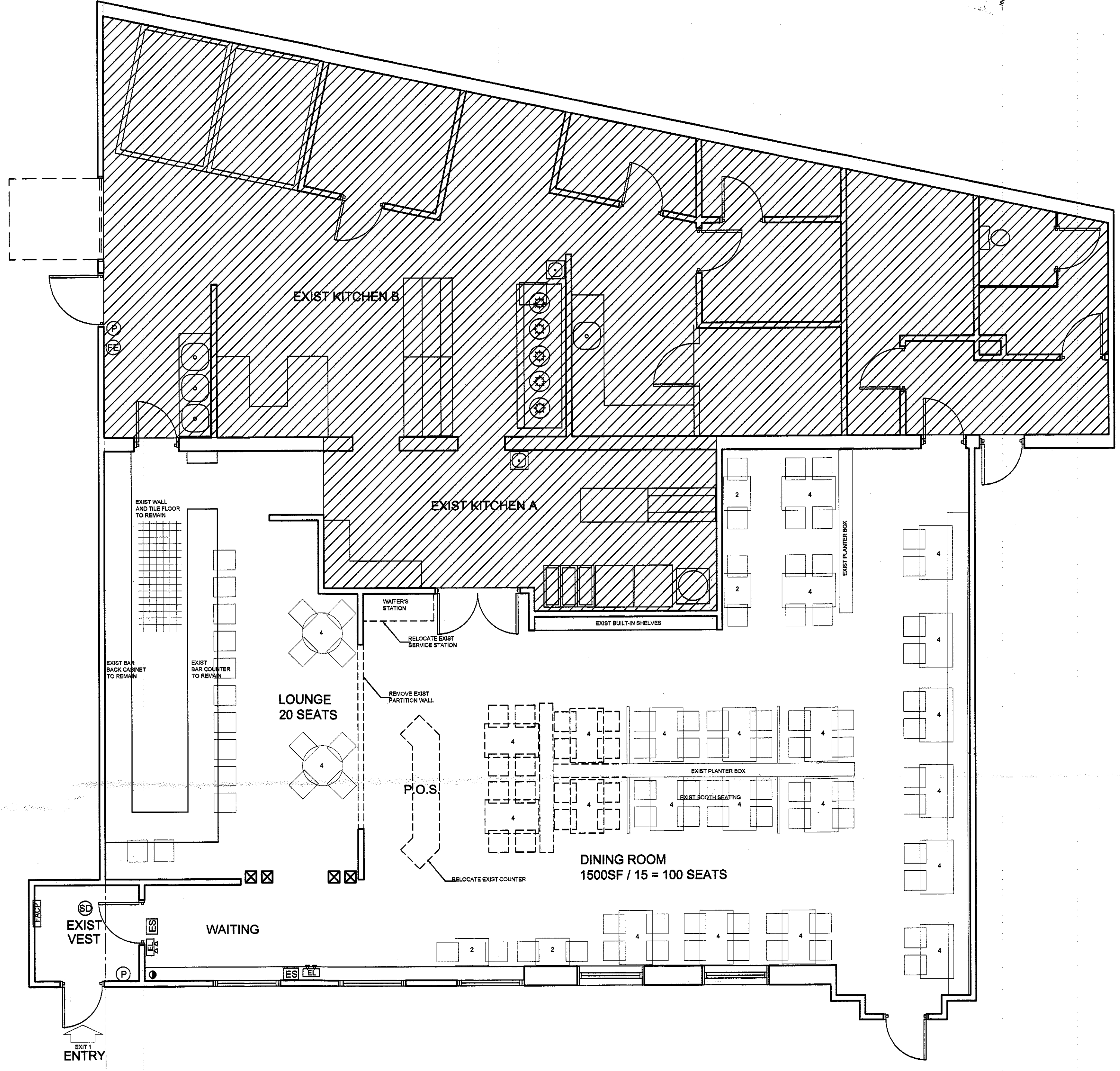
BEI HUAN DENG

Notary Public: [Signature] 8/27/2015

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



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



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

CODE ANALYSIS

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

PROPOSED USE GROUP: A-2 Restaurant

JURISDICTION: TOWN OF WAYLAND

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

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

THERE ARE SEATINGS FOR 124 PERSONS PROPOSED INSIDE.

TOTAL OCCUPANCY= 133 PERSONS

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

1010.2 - EXITS REQUIRED 2
EXITS PROVIDED 2

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

STORY: 1

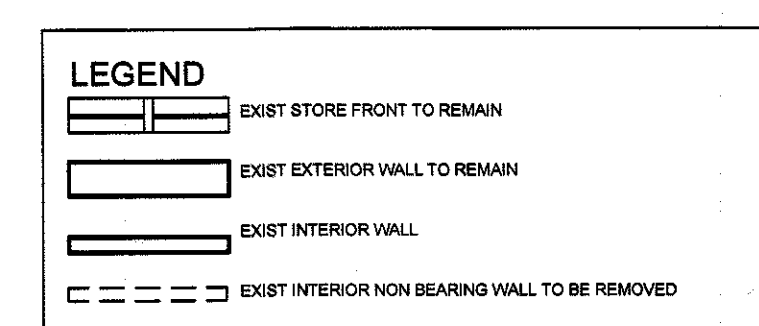
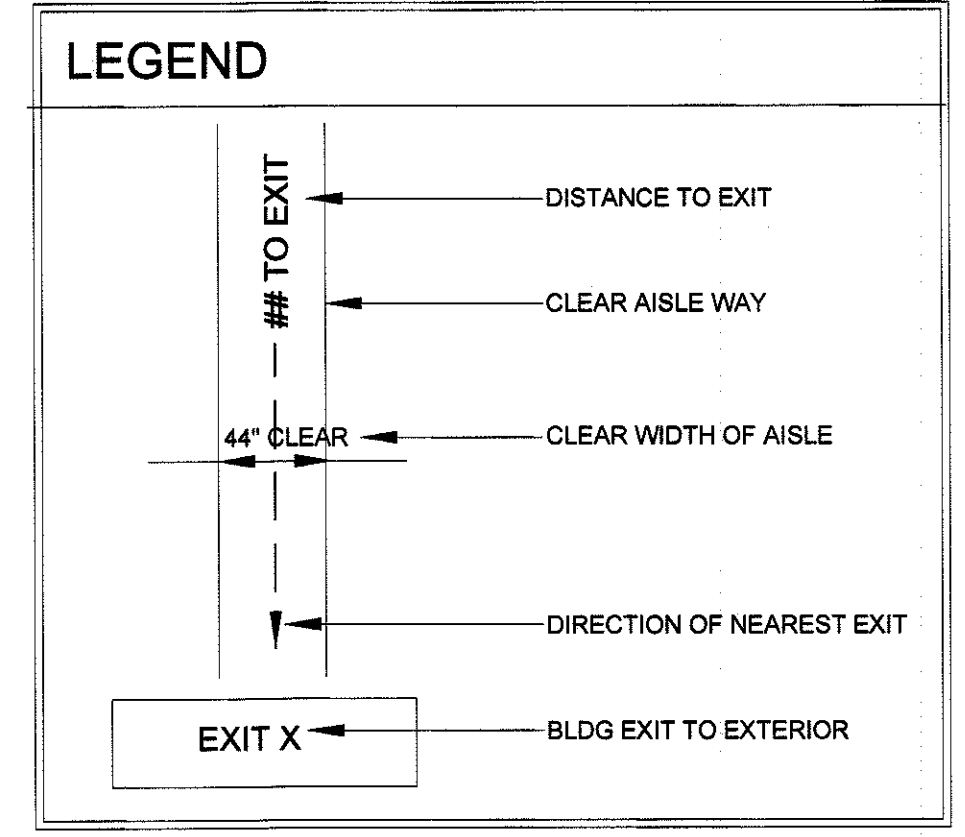
(IBC SECTION 1015.1)
PROVIDED EGRESS PATH LESS THAN 200'

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

SEATING CAPACITY: 124

SCOPE OF WORK:

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



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

ENGINEER:
LARRY YOUNG, P.E.

OWNER:
MOY

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

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

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

REVISIONS:

DATE: AUG 2014
SCALE: AS SHOWN

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

DWG NO:
A-1



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

For Reconsideration

FORM 43
 MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

134000030

ABCC License Number

WAYLAND

City/Town

October 5, 2015

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

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

Name of Licensee EIN of Licensee

D/B/A Manager

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Annual All Alcohol Restaurant Granted under Special Legislation? Yes No

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

If Yes, Chapter Year

Complete Description of Licensed Premises:

Application Filed: Advertisised: Abutters Notified: Yes No

Date & Time Date & Attach Publication

Licensee Contact Person for Transaction Phone:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Remarks:

The Local Licensing Authorities By: _____

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

ABCC Remarks: _____



TOWN OF WAYLAND

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BOARD OF SELECTMEN
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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



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

7/22/2015

To: MaryAnn DiNapoli

From: Robert Irving, Chief of Police

Subject: Background Check – Derrick A. Plante

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

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

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

MET WITH
NEW MANAGER ON
7/23 EXPLAINED
RULES + COMPLIANCE
CHECK POLICY

Wayland Police Department

38 Cochituate Road
Wayland, MA 01778
(508) 358-4721



Incident Number: 201500009085

File No: N/A

Dispatch Incident Number: 2015000010452

Print Date: August 21, 2015

Printed By: jberger

Incident Report

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Thurs	08/20/2015	6:00:01PM		Thurs	08/20/2015	6:00:01PM	→	8/20/2015	6:00:01PM	
Reported As PD-Alcohol Violation P:009085				Incident Type - Primary PD-Alcohol Violation				Arresting Officer			
Incident Address 38 COCHITUATE ROAD, WAYLAND, MA 01778								Reporting Officer Det. Sergeant Jamie Berger (71JB)			
Sector NORTH		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A				Incident Types - Other PD-Threats				Action Taken Report			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 201500009085			

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Offender			M	N/A	N/A	N/A	
Address:							
Victim			U	N/A	N/A	N/A	
Address:							

Wayland Police Department

38 Cochituate Road
Wayland, MA 01778
(508) 358-4721



Incident Number: 201500009085

File No: N/A

Dispatch Incident Number: 2015000010452

Print Date: August 21, 2015

Printed By: jberger

Incident Report

Associated Businesses Summary

Type	Name	Primary Phone #	Secondary Phone #
Offender	BERTUCCI'S	N/A	N/A
Address:: 14 ELISSA AVENUE, Wayland, MA 01778			
Other	Sperry's fine wine	N/A	N/A
Address:: 87 ANDREW AVENUE, WAYLAND, MA 01778			
Other	TAKARA RESTAURANT	N/A	N/A
Address:: 15 ELISSA AVENUE, Wayland, MA 01778			
Other	Local, The (Restaurant)	N/A	N/A
Address:: 11 ANDREW AVENUE, WAYLAND, MA 01778			
Other	WATER LILY	(508) 358-2288	N/A
Address:: 309 BOSTON POST ROAD, WAYLAND, MA 01778			
Other	China Rose Restaurant	(508) 975-4953	N/A
Address:: 15 EAST PLAIN STREET, WAYLAND, MA 01778			
Other	DONELAN'S MARKET	(508) 653-5881	N/A
Address:: 177 COMMONWEALTH ROAD, WAYLAND, MA 01778			
Other	LAVIN'S LIQUOR STORE	(508) 653-8771	N/A
Address:: 330 OLD CONNECTICUT PATH, WAYLAND, MA 01778			
Other	Dudley Chateau	(508) 655-0100	N/A
Address:: 20 CREST ROAD, Wayland, MA 01778			
Other	VILLA RESTAURANT	(508) 653-8570	N/A
Address:: 124 EAST PLAIN STREET, WAYLAND, MA 01778			
Other	WAYLAND WINE + SPIRITS	(508) 545-1815	N/A
Address:: 302 COMMONWEALTH ROAD, WAYLAND, MA 01778			
Other	WAYLAND VARIETY AND DELI	(508) 358-7790	N/A
Address:: 70 BOSTON POST ROAD, WAYLAND, MA 01778			
Other	POST ROAD LIQUORS	(508) 358-4300	N/A
Address:: 44 BOSTON POST ROAD, WAYLAND, MA 01778			
Other	COACH GRILL RESTAURANT	(508) 358-5900	N/A
Address:: 55 BOSTON POST ROAD, WAYLAND, MA 01778			
Other	PRIME BAR & GRILL	(508) 358-2400	N/A
Address:: 131 BOSTON POST ROAD, WAYLAND, MA 01778			

Involved Officers

Officer Title	Officer Name	Officer Type	Division
Det. Sergeant	Jamie Berger	Reporting Officer	Detective Division
Det. Sergeant	Jamie Berger	Responding Officer	Detective Division

IBR/UCR Offenses

Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 201500009085				

Arrest Offenses

Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
1	268	13B		Witness, Intimidate

Wayland Police Department

38 Cochituate Road
Wayland, MA 01778
(508) 358-4721



Incident Number: 201500009085

File No: N/A

Dispatch Incident Number: 2015000010452

Print Date: August 21, 2015

Printed By: jberger

Incident Report

Complaint Charges

Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 201500009085				

Victims

Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A			N/A	N/A	N/A	N/A

Vehicle Info

Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 201500009085					

Property

No Property Info reported for Incident #: 201500009085					
--------------------------------------------------------	--	--	--	--	--

Citations

Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 201500009085					

Permits

Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 201500009085					

Wayland Police Department

38 Cochituate Road
Wayland, MA 01778
(508) 358-4721

Incident Report



Incident Number: 201500009085

File No: N/A

Dispatch Incident Number: 2015000010452

Print Date: August 21, 2015

Printed By: jberger

Narratives for Incident Number 201500009085 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Det. Sergeant Jamie Berger (71JB) Division: Detective Division

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
08/21/2015 07:38	Alcohol Compliance Checks	Det. Sergeant Jamie Berger (71JB)	Open	Det. Sergeant Jamie Berger	08/21/2015

On Thursday, August 20, 2015, I utilized two individuals under the age of 21 and conducted alcohol compliance checks for all businesses that have permits to sell alcohol within the Town of Wayland, with the exception of Sandy Burr Country Club and the Wayland Country Club.

During these alcohol compliance checks, an underage individual was asked to go into each establishment and attempt to purchase alcohol without showing any identification. Alcohol compliance checks were conducted at the following establishments:

Bertucci's Restaurant
Sperry's Fine Wine & Cigars
Takara Restaurant
The Local Restaurant
Water Lily Restaurant
China Rose Restaurant
Donelan's Supermarket
Lavin's Liquors
Dudley Chateau
The Villa Restaurant
Wayland Wine & Spirits
Wayland Variety & Deli
Post Road Liquors
Coach Grill Restaurant
Prime Bar & Grill

At approximately 1839 hrs, I sent both underage individuals into Bertucci's Restaurant in an attempt to complete an alcohol compliance check. Both individuals went into the restaurant, were seated and were waited on by a Waiter, who was identified as Nick Coffin (7/26/95). The two underage individuals asked the waiter for a "Blue Moon" beer. Without checking for identification, the waiter served the two underage individuals the "Blue Moon" beers that they had ordered. The waiter then said to the two underage individuals, "if the big guy comes over here, I carded you", meaning the Manager.

I then entered into the restaurant and removed the two underage individuals from the restaurant and asked for the manager. I spoke with the waiter, introduced myself, and advised him that he served two underage individuals alcohol. I then located the Manager, who was identified as Bill Macneil, he was advised that his employee, Nick Coffin, had served two underage individuals alcohol.

I asked Macneil for the "TIPS" certification list for Coffin and any other employee who serves alcohol at Bertucci's. Macneil stated that they do not have a list and that Coffin is not certified nor is any other wait staff personell. Macneil stated that only management at the restaurant is "TIPS" certified. Coffin was asked by Macneil, if at his other job, "The Local" restaurant he was "TIPS" certified there, and Coffin stated he was not. I advised Macneil that this is another violation and that Bertucci's must keep a "TIPS" certification log available for inspection and that everyone who serves alcohol must be "TIPS" certified. I advised Macneil that a report would be generated, forwarded to the Chief of Police and then a hearing would be held before the Town of Wayland Board of Selectman.

Upon leaving the restaurant, one of the underage individuals relayed to me that there was a waitress inside of Bertucci's who is an acquaintance of theirs. The individual stated that they know the waitresses name is "Victoria" but did not know her last name. At approximately 1906 hrs, one of the underage individuals received a facebook message from someone

Wayland Police Department

38 Cochituate Road
Wayland, MA 01778
(508) 358-4721



Incident Number: 201500009085

File No: N/A

Dispatch Incident Number: 2015000010452

Print Date: August 21, 2015

Printed By: jberger

Incident Report

Narrative by: Det. Sergeant Jamie Berger (71JB) Division: Detective Division (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
08/21/2015 07:38	Alcohol Compliance Checks	Det. Sergeant Jamie Berger (71JB)	Open	Det. Sergeant Jamie Berger	08/21/2015

they're not friends with, named "Craig Connelly". I know Craig Connelly from past incidents. The facebook message stated, "Admit to me ur a snitch for the cops or im telling everyone you are". The underage individual became upset and feared for her safety, stating to me "what if he comes to my house?!" I attempted to reassure her that he would most likely not go to her house, but felt uneasy with the interaction and was afraid for her safety.

I then returned back to Bertucci's and located the manager again. I asked him if "Craig Connelly" worked at Bertucci's and the manager stated "no" he did not. I then advised the manager, that he should meet with his staff, in particular "Victoria", who he acknowledged worked there and advise them that intimidation of a witness is a felony and no one should be sending people threatening messages. I then left the restaurant.

I continued to check other establishments and asked Youth Officer Shane Bowles to go to 271 Concord Road in Wayland to speak with Connelly at his residence. Youth Officer Bowles spoke with Craig's mother, who stated that he no longer lives in Wayland, but with his father at 1 Iris Court, Apt. G in Acton, Massachusetts. She further stated to Youth Officer Bowles that he works at Bertucci's in Wayland.

Youth Officer Bowles, went to Bertucci's and located Craig's vehicle and advised me that he located him inside Bertucci's cooking. I proceeded back to Bertucci's to speak with Connelly. Upon my arrival, I located the manager and spoke with him about Connelly working there, when he told me that he did not. He stated that he thought I meant was he working at the time, when I came into the restaurant. He further stated that Connelly was there earlier but didn't know he was there now. I observed Craig Connelly working in plain sight of anyone in the establishment and was not hiding or being elusive at all. I believe the manager was not being truthful with me about Connelly being there.

I then spoke with Connelly, who stated that he sent the message and it was a mistake and that he shouldn't have sent it and that he had blocked the underage individual on facebook. I advised him that they were not friends on facebook and that he couldn't have blocked the individual. I asked Connelly where his telephone was and he retrieved it from his pocket. I asked him for the phone and confiscated it. I advised him that I would be requesting a search warrant for his cellphone and that he will be charged with "Intimidation of a Witness", Chapter 268, Section 13B.

After reviewing documents for the Bertucci's restaurant management, it does not list Bill Macneil as a manager, which is another violation of the towns rules and regulations.

Based on my observations, I believe Bertucci's is in violation of the "TIPS" certification, serving alcohol to underage individuals and not having a manager on premises. This report will be forwarded to Chief Robert Irving and to the Town of Wayland Board of Selectman.

Respectfully Submitted,
Detective Sergeant Jamie D. Berger
Wayland Police Department

Signature - Reporting Officer

Signature - Reviewing Officer



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778
TEL. (508) 358-7755
www.wayland.ma.us

APPLICATION FOR ONE DAY LIQUOR LICENSE

CHECK ONE

- Application by a manager for a one-day liquor license for the sale of BEER & WINE to be drunk on the premises
- Application by a manager of a nonprofit organization for a one-day liquor license for the sale of ALL ALCOHOLIC BEVERAGES OR BEER & WINE to be drunk on the premises

DATE OF EVENT BEING APPLIED FOR: November 7.

Exact times of the license: FROM 7:00 am/pm TO 11:00 am/pm

The undersigned hereby applies for a License for a One Day Liquor License in accordance with the provisions of the Statutes relating thereto:

Full name, address, phone(s), and email of the organization making this application:

~~Carolee Bradrick~~, FAMILY Promise metrowest : 13 Common ST
PO Box 847, NATICK MA 01778 carolee@familypromisemetrowest.org

Full name, address, phone (s), and email of the manager who shall be responsible for this license:

Carole Bradrick, 13 Common ST NATICK
carolee@familypromisemetrowest.org
Susan Crossley, Executive Director, Director@familypromisemetrowest.org

Is the Applicant TIPS Certified? Yes No British Beer Company will be providing a TIPS Certified Bartender.
If yes, please attach documentation.

Description of Event: keep the Promise: An Evening of Food Tasting to benefit families who are homeless.
15 area restaurants will be participating. Silent & Live Auction

Number of Attendees 200. If number of attendees exceeds 150 people, a police detail will be required)

Is the applicant a non-profit organization duly registered with the Secretary of State? Yes If yes, please attach appropriate documentation. Yes

Location where event shall be held:

Temple Shir Tikva
141 Boston Post Road
Wayland, MA 01778

Has the approval of the property owner been obtained? Yes No

Please supply written confirmation from the owner of the property stating that approval is given for the sale and service of alcohol, and the occupancy number for the location.

Has the applicant been issued similar license in Wayland in the past 12 calendar months?

Yes No If yes, when? _____

Please attach 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.

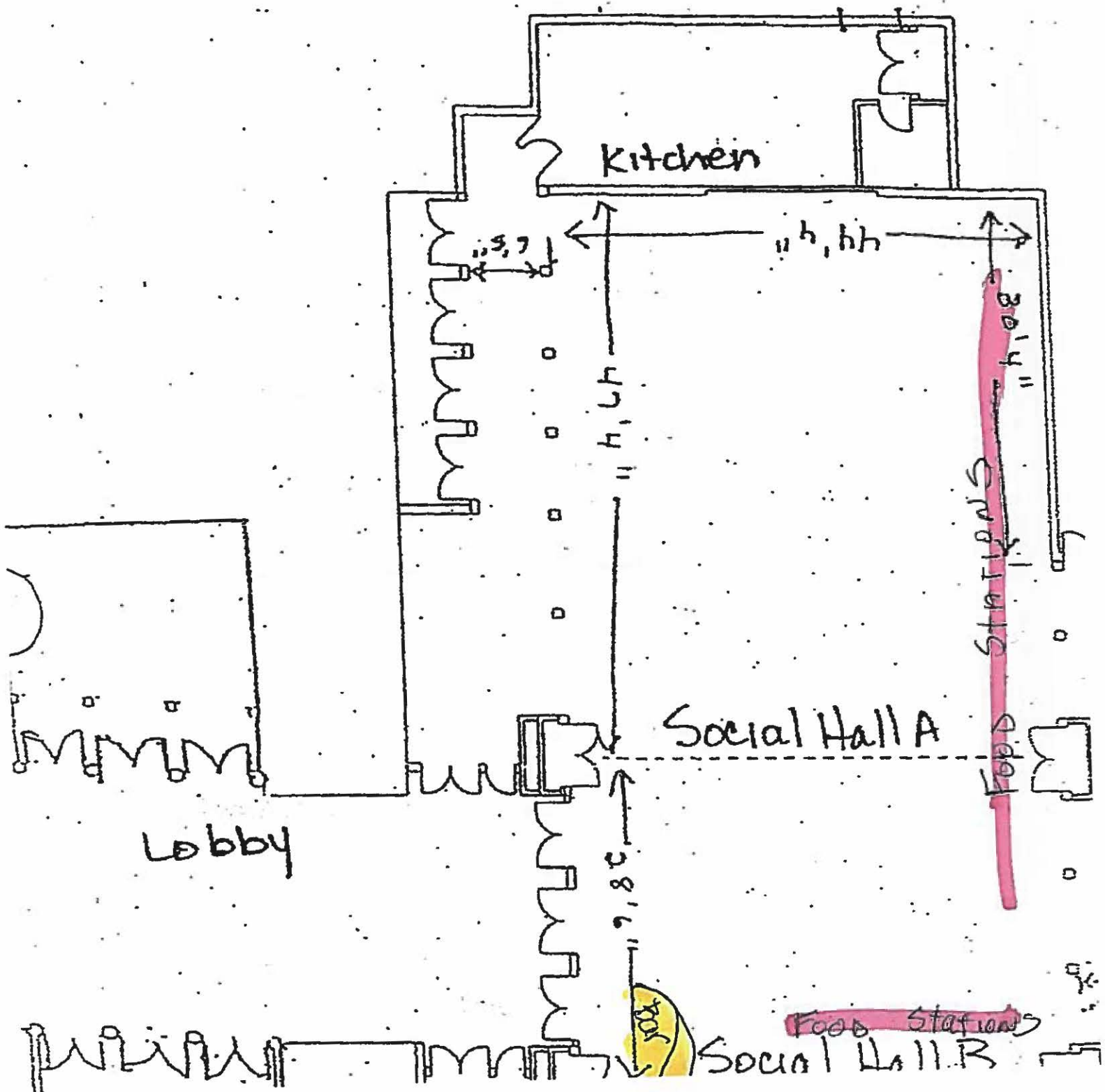
The applicant hereby states that the applicant has received a copy of the Licensing Authority's regulations pertaining to One Day Liquor Licenses and is aware of and shall comply with all applicable statutes, bylaws, and regulations.

Signature of Applicant: *Carole A. Brodrick* Date: 9/28/15

Return this form, along with check for fee of \$25 made out to the TOWN OF WAYLAND, to:

BOARD OF SELECTMEN
Wayland Town Building
41 Cochituate Road
Wayland MA 01778

If you have any questions, please call MaryAnn DiNapoli, Executive Assistant, Board of Selectmen, at 508-358-3621, or email mdinapoli@wayland.ma.us.



DiNapoli, MaryAnn

From: Karen Edwards <kedwards@shirtikva.org>
Sent: Friday, October 02, 2015 11:46 AM
To: DiNapoli, MaryAnn
Subject: Permission for Family Promise Metrowest

To whom it may concern:

Family Promise Metrowest has permission to serve beer and wine at their fundraising event on November 7, 2015 at Temple Shir Tikva, 141 Boston Post Road in Wayland.

Karen Edwards

Karen Edwards

Assistant to the Rabbis and Cantor
Temple Shir Tikva
508-358-9992 ext. 210



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077550279
July 12, 2012 LTR 4168C 0
20-5963640 000000 00
00035428
BODC: TE

FAMILY PROMISE METROWEST INC
PO BOX 847
NATICK MA 01760-0008



036874

Employer Identification Number: 20-5963640
Person to Contact: Sophia Brown
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your May 18, 2012, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in May 2009.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

July 6, 2012

TO WHOM IT MAY CONCERN:

I hereby certify that

METROWEST INTERFAITH HOSPITALITY NETWORK, INC.

appears by the records of this office to have been incorporated under the General Laws of this Commonwealth on January 18, 2005 (Chapter 180).

I also certify that by Articles of Amendment filed here February 28, 2012, the name of said corporation was changed to

FAMILY PROMISE METROWEST, INC.

I also certify that so far as appears of record here, said corporation still has legal existence.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Processed By mbd



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778

8/24 AG-9NDP



Memorandum

ROBERT IRVING
CHIEF OF POLICE

7/27/2015

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: No Parking Zones – Bradford Street

I have received a request from Brian Boggia, the Executive Director of the Wayland Housing Authority, to make part of Bradford Street "No Parking" on one side. I have viewed this area and spoken with Mr. Boggia and I agree with his assessment that the street should be posted for "No Parking" from Main Street to the Wayland Housing Authority driveway on the south side of the street.

Please place me and Mr. Boggia on a future agenda to address this request with the Board of Selectmen, the traffic authority for the town.

cc: Mr. Brian Boggia, WHA Executive Director

RECEIVED

JUL 27 2015

Board of Selectmen
Town of Wayland

Irving, Robert

From: bboggia bboggia <bboggia@waylandhousing.com>
Sent: Friday, July 17, 2015 4:23 PM
To: Irving, Robert
Subject: Bradford Street Parking

Dear Chief Irving,

I am writing to express my concerns over the safety hazards caused by parked vehicles on Bradford Street. These vehicles are parked on the WHA side from Main Street to the WHA driveway on Bradford Street. This area should be designated as a no parking zone.

As you know, this is a busy area and lunch time traffic intensifies the hazards. The angled parking at Honey Farms combined with pedestrians ambling down the middle of the street makes for a dangerous situation. In addition to parked cars, landscapers and vendors park their cars on Bradford Street. Sometimes vehicles have to carefully thread their way down Bradford Street even though it is a one way street. There is also the occasional driver who backs out of the Honey Farm plaza parking and decides to drive in the wrong direction to cut to Main Street. It can be a very busy and confusing area for both pedestrians and vehicles.

Designating the area on Bradford Street from Main Street to the WHA driveway would lessen congestion and improve visibility for both pedestrians and vehicles.

Thank you for your consideration in this matter.

Best Regards,

Brian Boggia, Executive Director
Wayland Housing Authority
106 Main Street, Wayland, MA 01778
Phone: 508.655.6310 x11 Fax: 508.655.8566

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, MGL c. 66, § 10.

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, September 30, 2015 11:16 AM
To: DiNapoli, MaryAnn
Subject: FW: Bradford Street Photos
Attachments: IMG_20150825_114400455_HDR.JPG; IMG_20150825_114406305.jpg; IMG_20150825_114451423.jpg

From: Irving, Robert
Sent: Wednesday, September 30, 2015 10:31 AM
To: Balmer, Nan
Cc: Boggia, Brian; BOH
Subject: Bradford Street Photos

Hi Nan,

I have attached some photos of the BOS of the area of Bradford Street that is being proposed as a "No Parking" zone. As can be seen in the photos, the spaces next to Honey Farms back out towards the cars parked along the side of Bradford Street. Brian Boggia has indicated that this has been very dangerous for people exiting their vehicles at that location.

Bob

Robert Irving
Chief of Police
Wayland Police Department
38 Cochituate Road
Wayland, MA 01778
508-358-1710
508-358-1777 Fax
FBINA Session #199



This e-mail message, and any attachment to it, may contain confidential and/or legally privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original e-mail message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's E-mail System Administrator.



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 5-0
3	Acquire Municipal Parcel in Town Center	Board of Selectmen	M. Antes/ J. Nolan	B. Steinberg	No vote	Approve 5-0
4	Amend Chapter 36 of Current Bylaws (36-1)	Petitioners	T. Boschetto	G. Cliff	Against 0-3	Against 1-4
5	Acceptance of Chapter 71 Section 71E	School Committee Board of Selectmen	C. Karlson	C. Martin	Approve 3-0-1	Approve 4-0-1
6	Appropriate Funds for Library Planning and Design	Board of Library Trustees	J. Nolan	B. Steinberg	Approve 3-0	Approve 7-0
7	Appropriate Funds to Update the Open Space and Recreation Plan	Community Preservation Committee	M. Antes	T. Abdella	Approve 3-0	Approve 6-0
8	Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund	Recreation Commission	J. Nolan	C. Martin	No vote	Against 0-5
9	Amend FY2016 Budget Funding Sources	Board of Selectmen Finance Committee	C. Karlson	N. Funkhouser	Approve 3-0	Approve 6-0
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	Approve 6-0

ARTICLES FOR NOVEMBER 9, 2015 SPECIAL TOWN MEETING

Article	November 2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
	OPEB Trust Fund Legislation and Governance	Board of Selectmen	T. Boschetto	G. Cliff	Withdrawn	Withdrawn
11	Amendment to Minuteman Regional Agreement	Board of Selectmen	T. Boschetto	G. Wolin	Approve 3-0	No vote
12	Resolution Regarding Surface of Rail-Trail in Wayland	Community Preservation Committee	J. Nolan	T. Abdella	Approve 3-0	Approve 7-0
13	Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration	Petitioners	M. Antes	G. Wolin	Pass Over	No position

DATE: October 5, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **Sudbury/Wayland Septage Inter Municipal Agreement**

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN APPROVE THE INTERMUNICIPAL AGREEMENT WITH THE TOWN OF SUDBURY FOR SEPTAGE DISPOSAL FACILITY DISPOSITION.

BACKGROUND:

The Intermunicipal Agreement (IMA) between the Towns of Sudbury and Wayland for the Septage Disposal Facility Disposition has been prepared for the Board's signature. The Board voted to approve the IMA in Executive Session on September 21, 2015. The next step is an open session vote and signing of the IMA. As the IMA has not yet been voted in open session, a copy of the document is in your executive session packet.

The Wayland Selectmen are scheduled to vote and sign the IMA at their October 5, 2015 meeting. The Sudbury Selectmen are scheduled to vote and sign the IMA at their October 6, 2015 meeting. Two original copies of the IMA are prepared. Following signing by the respective Boards, each community shall be provided with an original IMA.

Following the Board's vote in Open Session, copies of the IMA may be made available to the public. However, the agreement is not final until the Sudbury Selectmen vote in Open Session the following evening.

October 5, 2015

**Town Administrator Evaluation
September 2014 – September 2015**

Requirement – Town Administrator Employment Contract:

The full contract is available at:

http://www.wayland.ma.us/Pages/WaylandMA_HR/TA2017.pdf

XI. Performance Evaluation.

- A. Balmer's performance shall be evaluated by the Board of Selectmen as referenced in Section III, at least once each contract year in accordance with the prevailing Town policy and practice for evaluations of non-union Department Heads on or about her anniversary date. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Board and TA and the goals and objectives identified in accordance with Paragraph B of this Section. Said criteria, goals and objectives may be added to or deleted from as the Board may from time-to-time determine, in consultation with the TA. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation process.
- B. At the start of the contract year, the Board and Balmer shall define such goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and the appropriations provided.

The Town Administrator job description is available at:

http://www.wayland.ma.us/Pages/WaylandMA_HR/desc/ta.pdf

ICMA (International City/County Management Association) guidelines:

Excerpts from their website

- Periodic evaluation of the Town Administrator by the Board of Selectmen is an important component of a high-performance organization.
- The evaluation should contain performance goals, objectives and targets that are linked to the Board's established strategic plans, goals and priorities.
- The evaluation should focus on the Town Administrator's degree of progress toward organizational outcomes.
- To be fair, the evaluation must be based on criteria that have been communicated to the Town Administrator in advance.

- The purpose of the evaluation process is to increase communication between the Board and the Town Administrator concerning the Town Administrator's performance.
- The evaluation will also help to establish specific work-related goals and objectives for the coming year.
- All members of the Board must participate in the process, both individually completing the rating document and by discussing their ratings with the other Board members in open session in order to arrive at a consensus about performance expectations.

Public Discussion:

The Town Administrator makes the decision whether to waive the right to privacy as to her written performance evaluation of the past year. If she chooses to waive this right, it should be stated for the record at a BoS meeting and also specifically noted in the minutes.

Proposed process:

This process has been reviewed with Town Counsel and it assumes the Town Administrator gives consent for a public discussion of her evaluation:

- One board member is tasked with coordinating and overseeing the evaluation process.
- The board will review, discuss, modify and accept a 2014-2015 evaluation form.
- Each board member completes the form and brings their written comments to an open meeting. (These documents become public record and will be listed on the "pink" sheet in the next BoS packet.)
- A composite evaluation is created by the coordinating board member and brought to a public session. (It may be emailed in advance of the meeting with the caveat that no discussion may occur until the next meeting. It becomes a public record.)
- The board will review, discuss, modify and accept a completed composite evaluation (may occur over multiple sessions).
- The board delivers the composite evaluation to the Town Administrator.
- The Town Administrator prepares a written response to the evaluation, if so desired.

Evaluation template:

A suggested template is attached. It is a composite form created using ICMA suggested formats and is fairly generic in assessment criteria since the Board and TA did not set goals and objectives for the 2014-2015 time period.

[C. Karlson will bring a draft template to the meeting on October 5th.]

DATE: OCTOBER 5, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOOR
RE: TOWN GOALS, OBJECTIVES AND TOWN ADMINISTRATOR'S PRIORITY ACTIONS

REQUESTED ACTION:

VOTE TO ACCEPT TOWN GOALS OBJECTIVES AND TOWN ADMINISTRATOR'S PRIORITY ACTIONS

Background:

At two prior meetings, the Board provided guidance to the Town Administrator on goals objectives and actions. Board guidance included a request for an "umbrella statement", describing the Town Administrator's role within Wayland town government.

This draft follows the prior format showing 1) global town goals, 2) objectives to achieve them and 3) the expected actions of the Town Administrator to work toward the goals and objectives this year. The draft umbrella statement is included.

I would appreciate the Board's review comment on the "umbrella statement" at the beginning of the document which describes the role of the Town Administrator in Wayland town government.

STATEMENT OF GOALS, OBJECTIVES AND ACTIONS

OCTOBER 5, 2015

THE ROLE OF TOWN ADMINISTRATOR IN WAYLAND TOWN GOVERNMENT:

- The Town Administrator provides administrative leadership under the policy direction of the Board of Selectmen to Wayland town government, within the bounds of local and state law, Board policy, and the International City Managers Code of Ethics. The Town Administrator has a duty to remain apolitical, act under the direction of the Board of Selectmen as a whole, and act in the best interests of the whole town.
- The Town Administrator provides all available facts and information to the Board of Selectmen that is relevant to Board decisions and assists the Board, through the Board Chair, in managing effective decision-making processes.
- The Town Administrator supports the work of town boards and committees, respecting their diverse responsibilities and independent authority as legally elected entities, standing committees, and advisory committees.
- The Town Administrator is responsive to inquiries from the public and promotes a culture of respect for the public within the organization.
- The Town Administrator, with other key appointed officers and Department Heads, manage the town organization within the authority and policies set by appointed and elected bodies, while promoting an organizational culture of teamwork, communication, mutual respect and accountability.

GOALS, OBJECTIVES, AND ACTIONS:

GOAL 1: Sustain and improve the quality of life in Wayland.

OBJECTIVE A: Provide well designed market rate and affordable rental housing at Rivers Edge at reasonable cost to the town.

ACTION: *Conduct a procurement process to select a developer for the River's Edge Project which complies with the law and includes an effective deliberation process.*

OBJECTIVE B: Maximize the effectiveness of town boards and committees that are planning for the future development of the town.

ACTION: *Provide adequate staff resources and monitor on a monthly basis the work of the WRAP Committee ~~COA/CC Committees~~ and all other committees working on the future development of the town and provide ongoing communication to the Board of Selectmen.*

ACTION: *Identify and complete tasks to establish an understanding of roles and responsibilities of the Town and Town Center property owners regarding the use and maintenance of the Town Green.*

GOAL 2: **Assure that local government resources are used responsibly and efficiently.**

OBJECTIVE A: Create a cohesive financial management group that is in compliance with MA General Law and serves the needs of the town.

ACTION: *Apply to the Division of Local Services for a grant or technical support for a financial management study which will evaluate and map out the functionality of each of the town's financial management structure and provide recommendations.*

OBJECTIVE B: Provide excellent information technology for the town and schools.

ACTION: *Complete the IT planning study, and working with the Superintendent of Schools, to implement recommendations.*

ACTION: *Identify the staff resources to develop and manage a town wide document management system.*

OBJECTIVE C: Continuously improve the effectiveness of town services to the public.

ACTION: *Develop an action plan including measurable objectives for all departments. Institute a performance evaluation program for regular personnel.*

ACTION: *Identify the resources and organizational approaches to managing the roles and relationships for assets that are jointly managed by the Schools, Board of Public Works and Recreation Commission.*

OBJECTIVE D: Maintain a responsible investment approach for the OPEB Fund.

ACTION: ~~*Convene the Board of Trustees for the OPEB fund at least quarterly*~~ *Work with the Finance Director, and Treasurer to select an investment management model, investment advisor and investment managers, and monitor fund performance.*

GOAL 3: **Improve the responsiveness of Wayland town government to its residents.**

OBJECTIVE A: Create public awareness about the actions of the Board of Selectmen and the activities of town departments.

ACTION: *Provide residents with information about local government through a quarterly newsletter and periodic programs broadcast on WayCam.*

OBJECTIVE B: Provide efficient permitting processes that are user friendly for the public.

ACTION: *Through a team approach with the permitting departments, identify and develop ways to insure the permitting process is coordinated among departments and user friendly for the applicants.*

OBJECTIVE C: Create a culture of open government within all town departments.

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

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

Accepted by Board of Selectmen on October -----, 2015



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in April 2015. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2015.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

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Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a

local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in, or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

DATE: OCTOBER 1, 2015
TO: BOARD OF SELECTMEN
FROM: MARYANN DINAPOLI, EXECUTIVE ASSISTANT
RE: REVISION OF BOARD POLICIES

REQUESTED ACTION:

VOTE TO APPROVE THE REVISED BOARD POLICY ON “PROVISION AND CONSUMPTION OF ALCOHOLIC BEVERAGES”

REVIEW AND POTENTIAL APPROVAL OF THE REVISIONS TO THE BOARD POLICY ON “APPOINTMENTS TO TOWN BOARDS AND COMMITTEES”

REVIEW THE BOARD POLICY ON “PROCLAMATIONS AND CERTIFICATES OF RECOGNITION”

BACKGROUND:

The Board has undertaken a systematic review of Board Policies.

The attached policy on “Provision and Consumption of Alcoholic Beverages” contains the changes which have been previously approved by the Board.

Town Counsel offered the following opinion regarding the sale of wine at a private household event:

“The only types of activity at a private household that would require a liquor license would be the sale of liquor to anyone or serving it to the general public. Invitees only with no sale requires no license. Wine tasting with off-premises sale (i.e., no purchase consummated in the house where money is paid and wine is received, not including mail order or internet purchase) does not require a license. A fundraiser at a private home with ticket sale including alcohol to the general public requires a license. If such a fundraiser is by invitation only, no license is required.”

The policy on “Appointments to Town Boards and Committees” is attached with one revision.

The policy, “Proclamations and Certificates of Recognition,” is presented for your review.

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.

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 are 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. 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 October 5, 2015.

APPOINTMENTS TO TOWN BOARDS AND COMMITTEES

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

POST OPENINGS

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

ANNUAL APPOINTMENTS

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

VACANCIES

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

REAPPOINTMENTS

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

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

Approved March 1, 2004; revised and restated on October 13, 2010; revised October 5, 2015

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

PROCLAMATIONS and CERTIFICATES OF RECOGNITION

At its discretion, the Board of Selectmen may approve requests for proclamations that emanate from Wayland citizens or groups and certificates of recognition for volunteers and employees at the end of their service to Wayland.

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

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING OCTOBER 2, 2015**

TOUR OF MAINSTONE FARMS

Mr. Hamlen has extended an invitation to the Board and others to tour Mainstone Farms. I will contact Mr. Hamlen to see if the morning of Thursday October 28th is acceptable. Please let me know if this is a good time for you.

SHERMAN'S BRIDGE

In follow up to a question from the Board last week, Sherman's Bridge was closed from 9 am to 2 pm several days last week so that planks could be replaced.

OPEB

Staff will work toward meeting a 10/9 deadline to submit an application to invest OPEB funds in PRIT. Although additional study is needed, this action should bring the fund much closer to the recommended investment policy from the OPEB Committee.

HEALTH INSURANCE ADVISORY COMMITTEE

John Senchyshyn convened a well-attended meeting of the Health insurance Advisory Committee on Wednesday for a question and answer session on the GIC.

CAPITAL PROJECTS

Management review of FY 17 capital projects will take place next week after which the projects will be reviewed by the Selectmen.

LIQUOR LICENSE: JJ MCKAYS

As advised by Town Counsel, an action by the Board is included on the Consent Calendar to accept the surrendered liquor license form JJ McKay's so that it can be re-issued. Counsel will be present at Monday's meeting if you have any questions.

MINUTEMAN

Selectman Antes, Superintendent Stein, Jeanne Downs and I attended a presentation on the Minuteman School Building Project. Please see attached PowerPoint and projected revenue and assessments for the project.

GAS LEAKS

Please see attached.

Minuteman Regional High School
Five year Projected Revenue Plan and Assessments - New School Construction Project
Based on 524 In-District Students and 104 Nonresident Students

<u>Revenue Plan</u>	<u>FY20 PROJECTED</u>	<u>Member Town</u>	<u>Min. Req. Contribution</u>	<u>Transportation</u>	<u>Other Operating Assessment</u>	<u>Debt/Capital</u>	<u>Total Assessments</u>
Non-Assessment Revenue		Acton	464,461	66,848	137,585	298,783	967,678
Chapter 70 State Aid	2,868,943	Arlington	2,608,129	375,377	772,595	1,677,783	5,433,884
Transportation Reimbursement	660,664	Belmont	518,053	74,561	153,461	333,258	1,079,333
Non-Member Tuition	2,060,368	Bolton	178,639	25,711	52,917	114,917	372,184
Non-Member Capital Fee	779,879	Boxborough	71,456	10,284	21,167	45,967	148,874
E & D Contribution	275,000	Carlisle	142,911	20,569	42,334	91,933	297,747
Total - Non-Assessment Revenue	6,644,853	Concord	214,367	30,853	63,501	137,900	446,621
Assessment Revenue		Dover	53,592	7,713	15,875	42,234	119,414
Minimum Required Contribution	6,885,462	Lancaster	571,645	82,274	169,336	367,733	1,190,988
Transportation	990,996	Lexington	741,352	106,700	219,607	476,904	1,544,563
Debt	4,453,313	Lincoln	71,456	10,284	21,167	45,967	148,874
Assessments over Minimum Contribution	2,039,651	Needham	393,006	56,564	116,418	252,817	818,804
Total = Assessment Revenue	14,369,423	Stow	321,550	46,279	95,251	206,850	669,931
		Sudbury	428,733	61,706	127,002	275,800	893,241
		Wayland	53,592	7,713	15,875	42,234	119,414
		Weston	52,522	7,559	15,558	42,234	117,873
Total Budget	21,014,276	Total	6,885,462	990,996	2,039,651	4,453,313	14,369,423

Assumptions:

Debt Service effective FY20	
Projected Enrollment (based on 8% annual increase in member enrollment)	
In-District	524
Out-of-District	104
	628
Inflation Rate - 2% Annually (FY17 to FY20) For Foundation Budget Transportation Reimbursement = 60%	

This model uses the formulas as required in the Current Regional Agreement and valid within the assumptions listed above. This is prepared in response to requested information by member towns and the assumptions used must be considered when analyzing projected future costs to each member town. Five year model used to align with expected enrollment and debt planning. Subject to change as required.

Projected Per Pupil Cost:

Total Operating Budget	21,014,276
LESS:	
Debt	(5,233,192)
Capital	(190,000)
Net Operating Budget	15,591,084
Total Enrollment	628
Per Pupil Cost	24,827

**Minuteman Regional High School
New School Building Project
Projected Annual Debt Service**

Member Towns	Projected Enrollment for Current Method Debt/Capital Assessment	Enrollment Method Debt/Capital Assessment Share	ESCO Lease	New Building Project	Total Capital Assessment
Acton	35	6.71%	\$33,971	\$264,812	\$298,783
Arlington	199	37.67%	\$190,761	\$1,487,023	\$1,677,783
Belmont	39	7.48%	\$37,891	\$295,368	\$333,258
Bolton	14	2.58%	\$13,066	\$101,851	\$114,917
Boxborough	5	1.03%	\$5,226	\$40,740	\$45,967
Carlisle	11	2.06%	\$10,453	\$81,481	\$91,933
Concord	16	3.10%	\$15,679	\$122,221	\$137,900
Dover	5	0.95%	\$4,802	\$37,432	\$42,234
Lancaster	44	8.26%	\$41,811	\$325,923	\$367,733
Lexington	56	10.71%	\$54,223	\$422,681	\$476,904
Lincoln	5	1.03%	\$5,226	\$40,740	\$45,967
Needham	30	5.68%	\$28,745	\$224,072	\$252,817
Stow	24	4.64%	\$23,518	\$183,332	\$206,850
Sudbury	33	6.19%	\$31,358	\$244,442	\$275,800
Wayland	5	0.95%	\$4,802	\$37,432	\$42,234
Weston	5	0.95%	\$4,802	\$37,432	\$42,234
Total	527	100.00%	\$506,333	\$3,946,980	\$4,453,313

Annual Debt Service	
ESCO Debt	\$506,333
Bldg. Project:	
Proj. Annual Debt Service	\$4,726,859
LESS: OOD Capital Fee	(\$779,879)
Net Annual Debt Service	\$3,946,980
Total Net Debt	\$4,453,313

Capital Fee Calculation	
Enrollment Capacity	628
Projected In-District Enrollment (5 min. not incl.)	-524
Projected Non-resident Enrollment	104
Annual Debt Service - Per Pupil Cost	\$4,726,859
Divided by Enrollment Capacity	628
Capital Fee Per Student	\$7,527
Projected Capital Fee Revenue	
Non-resident Capital Fee Per Pupil	\$7,527
Times Projected Non-resident enrollment	104
Total Projected Capital Fee Revenue	\$779,879

*Current Method based on projected enrollment data (with 5 minimum)
Project based on a 30 year pay back, 40% reimbursement with a 3.5% interest rate

**Minuteman Regional High School
New School Building Project
Projected Tax Impact to Median Home by Member Town**

MEMBER TOWN	Median Home Value	<u>New Building Project Only</u>			
		Projected Debt Assessment	Residential Tax Impact	Estimated Tax Impact Per Median Home	Estimated Tax Impact Per \$100,000
Acton	476,700	\$264,812	\$0.0678	\$32.32	\$6.78
Arlington	498,700	\$1,487,023	\$0.1914	\$95.44	\$19.14
Belmont	638,600	\$295,368	\$0.0498	\$31.82	\$4.98
Bolton	477,300	\$101,851	\$0.1133	\$54.09	\$11.33
Boxborough	492,700	\$40,740	\$0.0417	\$20.55	\$4.17
Carlisle	754,700	\$81,481	\$0.0646	\$48.75	\$6.46
Concord	684,200	\$122,221	\$0.0226	\$15.45	\$2.26
Dover	909,400	\$37,432	\$0.0161	\$14.69	\$1.61
Lancaster	295,800	\$325,923	\$0.3934	\$116.36	\$39.34
Lexington	704,600	\$422,681	\$0.0404	\$28.44	\$4.04
Lincoln	854,300	\$40,740	\$0.0216	\$18.49	\$2.16
Needham	662,500	\$224,072	\$0.0223	\$14.79	\$2.23
Stow	437,500	\$183,332	\$0.1585	\$69.33	\$15.85
Sudbury	632,800	\$244,442	\$0.0585	\$37.01	\$5.85
Wayland	591,600	\$37,432	\$0.0116	\$6.83	\$1.16
Weston	1,000,000	\$37,432	\$0.0067	\$6.67	\$0.67
Totals		\$3,946,980			

October 2, 2015

Presented by:
Minuteman School Committee
and School Building Committee



MINUTEMAN
A REVOLUTION IN LEARNING

Minuteman High School Building Project

Presentation for Town Officials

A REVOLUTION IN LEARNING

Welcome

- Ford Spalding, Chair, Minuteman School Building Committee
- Jeffrey Stulin, Chair, Minuteman School Committee
- Kevin Mahoney, Assistant Superintendent of Finance, Minuteman High School
- Steven C. Sharek, Director of Outreach and Development, Minuteman High School



MINUTEMAN
A REVOLUTION IN LEARNING

24

Introductory Video



[3]

Who We Are

- Minuteman was established as a regional vocational-technical school district in the 1970s.
- Minuteman is one of 26 regional voc-techs in Massachusetts.
- Minuteman has 16 member towns.



[4]

What We Do

- We deliver robust academics and powerful career and technical skills. This combination gives students ***a competitive advantage*** in the new economy.
- We link high school to ***college and career***.
- When they go to college, Minuteman graduates go ***with a purpose***, knowing what they like, what they do well, and what they want to pursue.



[5]

The Massachusetts Model

- Our state's voc-tech delivery system is widely recognized as the best in the country.
- We don't teach vocational-technical skills in isolation.
- We integrate robust academics.
- This rigor and relevance gets results.
- Our system is the envy of the nation.



[6]

Project Benefits

The option we will explain today:

- Is the most educationally beneficial for students
- Is the most affordable for taxpayers
- Safeguards our accreditation



[7]

Today's Agenda

- Where the Project Stands
- A Look at the Upcoming Timeline
- Financing the Project
- Enrollment Issues
- Going It Alone
- The Decision-Making Process
- How Local Input Has Shaped the Project
- Questions and Answers



[8]



Where We Are

Where the Project Stands

- We began a Feasibility Study through the Massachusetts School Building Authority (MSBA) in 2009.
- Early this year, we gave you preliminary cost estimates for several options to improve our school facility.
- We held public meetings in 15 of our 16 communities, seeking input on the options. (89.1% of those completing a survey supported a new school.)
- The School Building Committee and School Committee decided on a “preferred solution” – construction of a new school.



[10]

Where the Project Stands

- On August 6, the MSBA Board of Directors unanimously voted to endorse our “preferred solution” – construction of a new school with a design enrollment of 628 students.
- The MSBA Board and its staff endorsed our Educational Program Plan which includes two Career Academies, 16 career technical education programs, and robust academic offerings.
- The MSBA Board moved us into “Module 4,” schematic design.
- A professional poll conducted by David Paleologos of DAPA Research, Inc. showed that 68.5% of district voters support construction of a new Minuteman High School.



MINUTEMAN

[11]

Our Educational Program Plan

Engineering, Construction, & Trades Academy Programs	Shared Services & Programs	Life Sciences & Services Academy Programs				
<p>Advanced Manufacturing & Metal Fabrication 48.0501 / 48.0599</p> <p>Automotive 47.0604</p> <p>Carpentry 48.0201</p> <p>Design & Visual Communications 55.0401</p> <p>Electrical 48.0302</p> <p>Multi-Media Engineering 09.0701</p> <p>Plumbing & HVAC 48.0803 / 47.0201</p> <p>Programming & Web Development 11.0201</p> <p>Robotics Engineering Automation 19.0000 / 18.2403</p>	<p>Nursing Services Library & Media Center Special Education</p> <p>Common Planning Time</p> <p>Academic Programs</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p>Chemistry, Science & Physics</p> <p>English Language Arts</p> <p>Mathematics</p> <p>Physical Education</p> </td> <td style="vertical-align: top;"> <p>Humanities</p> <p>Art & Music</p> <p>Guidance Counseling</p> <p>Career Development</p> <p>Advanced Placement</p> </td> </tr> </table> <p>Common Core CVTE Competencies</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p>Health & Safety</p> <p>Entrepreneurship</p> <p>Financial Literacy</p> </td> <td style="vertical-align: top;"> <p>Digital Literacy</p> <p>Career Guidance</p> <p>Work based Learning</p> <p>Internships & Co-Op</p> </td> </tr> </table> <p>Reading Consultancy</p> <p>Student Portfolios</p> <p>Executive Purpose</p> <p>Project Based Learning</p>	<p>Chemistry, Science & Physics</p> <p>English Language Arts</p> <p>Mathematics</p> <p>Physical Education</p>	<p>Humanities</p> <p>Art & Music</p> <p>Guidance Counseling</p> <p>Career Development</p> <p>Advanced Placement</p>	<p>Health & Safety</p> <p>Entrepreneurship</p> <p>Financial Literacy</p>	<p>Digital Literacy</p> <p>Career Guidance</p> <p>Work based Learning</p> <p>Internships & Co-Op</p>	<p>Culinary Arts & Hospitality 12.0520 / 52.0901</p> <p>Cosmetology & Barbering 12.0434 / 12.0402</p> <p>Early Education & Care 13.1210</p> <p>Health Occupations 61.0000</p> <p>Environmental Science 19.0507</p> <p>Biotechnology 18.0401</p> <p>Horticulture & Landscaping Tech 1.0501</p>
<p>Chemistry, Science & Physics</p> <p>English Language Arts</p> <p>Mathematics</p> <p>Physical Education</p>	<p>Humanities</p> <p>Art & Music</p> <p>Guidance Counseling</p> <p>Career Development</p> <p>Advanced Placement</p>					
<p>Health & Safety</p> <p>Entrepreneurship</p> <p>Financial Literacy</p>	<p>Digital Literacy</p> <p>Career Guidance</p> <p>Work based Learning</p> <p>Internships & Co-Op</p>					



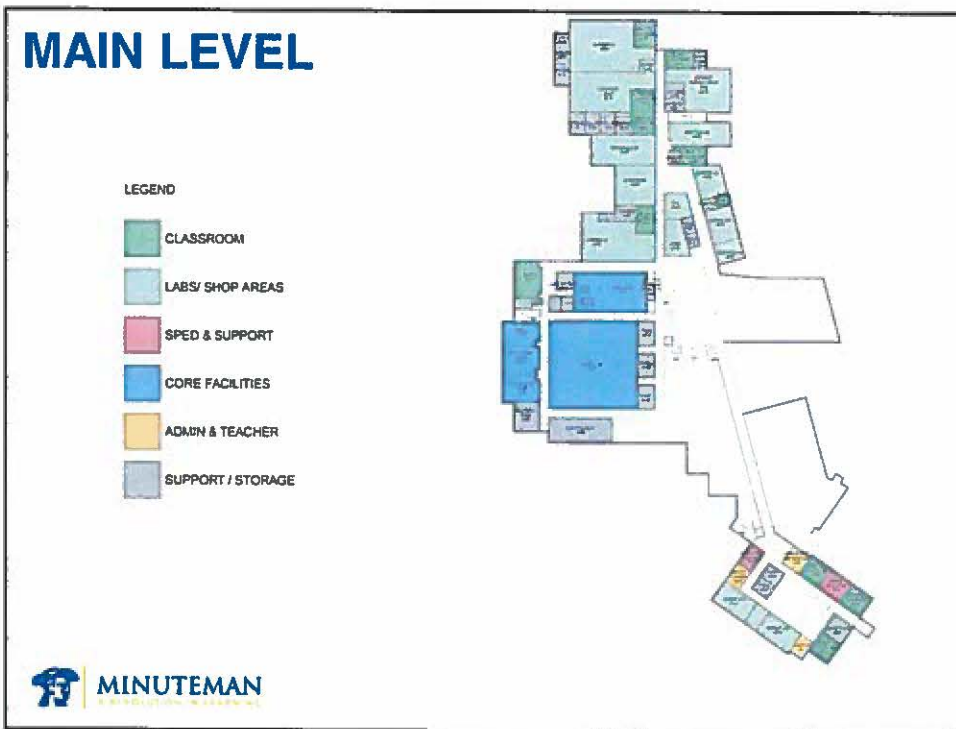
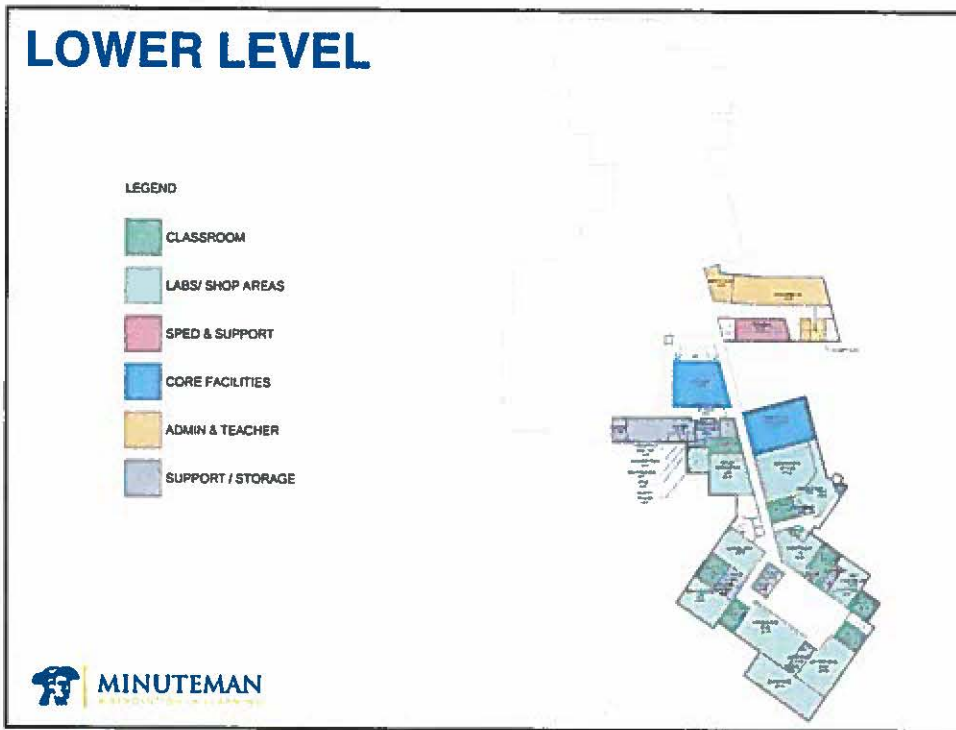
MINUTEMAN

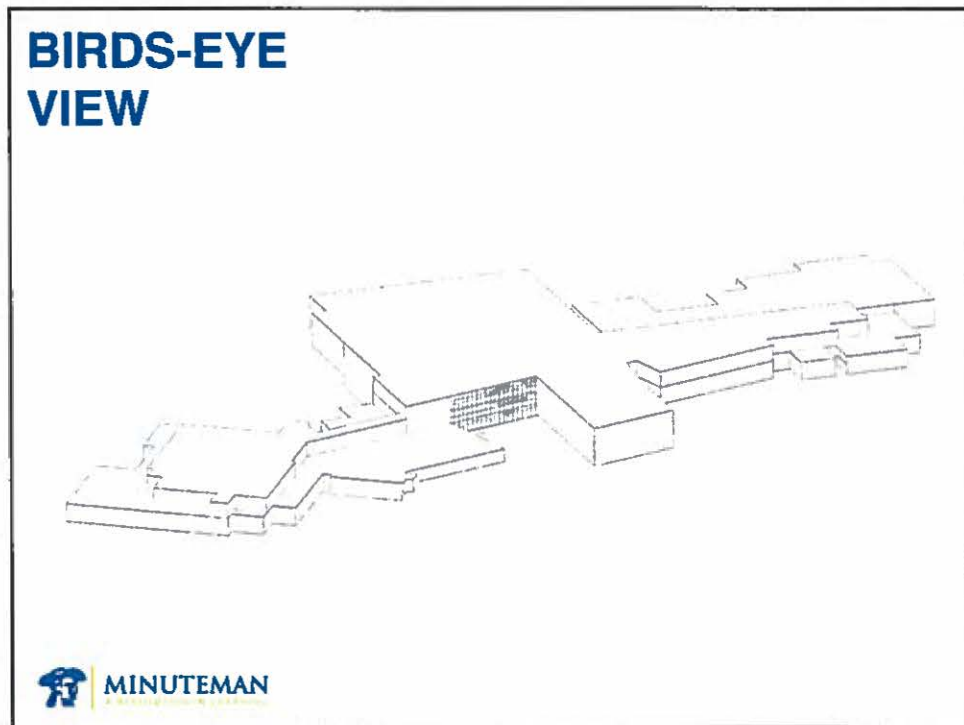
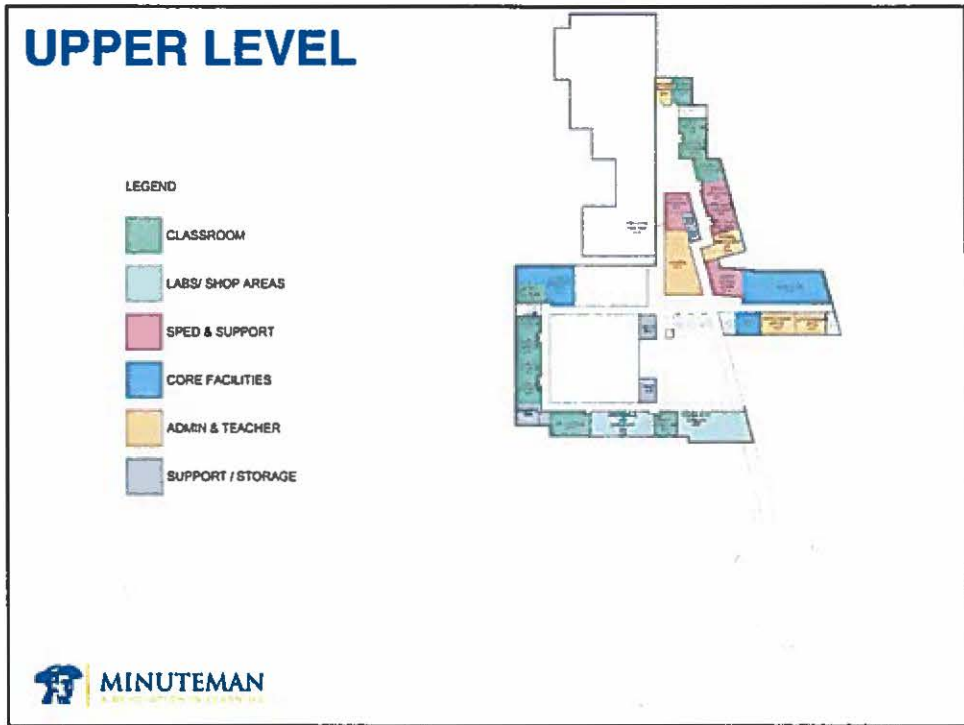
PROPOSED SITE PLAN



SECTION









The MSBA Process and Timelines

MSBA Module 4 - Design

- Underway: Robust Schematic Design, including Costs
- November 17: School Building Committee and School Committee meet to approve Schematic Design
- December 1: Deadline for Schematic Design documents to be submitted to MSBA
- January 27, 2016: MSBA Board of Directors meets



[20]

Upcoming MSBA Modules

- Module 5 (Local Approval of Funding): By June 30, 2016
- Module 6 (Construction Management)
- Module 7 (Actual Construction)
- Module 8 (Project Completion): On or before September 2020



[21]



Funding

A REVOLUTION IN LEARNING

Funding by the Numbers

- Total project cost: Not to exceed \$144.9 million
- State reimbursement rate: At least 40% of eligible costs
- State reimbursement: Up to \$58 million
- Net cost: \$86.9 million
- Annual debt service: \$3.9 million
- Annual tax impact on median homeowner: \$6.67 to \$116.36



[23]

How Voc-Tech Compares

- By its very nature, vocational-technical education is more complex and costs more to deliver:
 - “Two schools in one” with nearly double the faculty
 - Investment in faculty with industry expertise is greater
 - Chapter 74 square footage requirements
 - Safety and health requirements
 - Major equipment needs
 - Infrastructure needs to mirror current industrial and business standards



[24]

How We Compare

- There have been several renovation projects at voc-tech schools.
- There are few comparable new construction projects.
- Essex Agricultural and Technical High School cost \$134.5 million. Construction began in 2012.
- Putnam Vocational Technical High School was built for \$114.3 million. It was completed in 2012.
- In today's dollars, we are in line with those projects.
- We will be within the range of cost per square foot designated by MSBA.



(25)



Enrollment Issues

A REVOLUTION IN LEARNING

Short-Term Challenges

- There's still some stigma in attending.
- We don't have a captive audience.
- The Minuteman option is poorly understood by students, families, and some town officials and educators.
- The aging Minuteman facility compares poorly to most schools in our member towns.
- The current political discord creates an atmosphere of uncertainty about the school's future.



MINUTEMAN

[27]

Long-Term Opportunities

- A new, modern, attractive facility
- New career path offerings and a review and updating of all current vocational-technical programs
- A review of advanced academic offerings
- A new emphasis on making the school more welcoming to female students
- A better partnership between Minuteman and local educators
- A new approach to "marketing" guided by a national expert
- **End of political discord and uncertainty about the school's future**



MINUTEMAN

[28]

Minuteman's Position on Enrollment

- We analyzed multiple sources of data, including enrollment projections from the New England School Development Council (NESDEC)
- The data confirms a large pool of potential students
- We see shifting perceptions about the value of vocational-technical education (Pioneer Institute, Northeastern University, NPR Radio)
- We are developing more effective marketing efforts
- We are confident the enrollment goals are realistic



[29]

MSBA's Position on Enrollment

- MSBA independently reviewed the data and determined that it demonstrated sufficient demand.
- MSBA concluded that it would not support building a school with a design enrollment of less than 600 students.
- If we want MSBA's financial support, we need to accept the current design enrollment of 628.



[30]



Going It Alone

Can We Do Nothing?

- There isn't a **“do nothing”** option.
- Critical repairs must be done and changes must be made to ensure a safe building for our students, to provide them the best education possible, and to maintain our accreditation.



[32]

Going It Alone

1. We will lose up to \$58 million in state funds.
2. Our school's accreditation could be lost.
3. Uncertainty will likely hurt enrollment, driving up per pupil costs to member communities.
4. We will still need to make more than \$100 million in repairs in a failing building.
5. We will need to make these repairs without state help.



MINUTEMAN

[33]

Going It Alone

1. When major repairs reach a “tipping point,” they would automatically trigger the need to bring the entire building into compliance with building codes, fire safety codes, and handicap accessibility laws.
2. The process is no longer up to us. **One example:** In June 2011, a new Assistant Fire Chief in Lexington shut down the Minuteman “Trades Hall” until we made \$500,000 in repairs.



MINUTEMAN

[34]



Decision-Making Process

Options for Local Funding Approval

- Two options are available:
 - 16 individual Town Meeting votes and an unknown number of debt override votes
 - A single, one-day District-wide ballot
- Both options are allowed by state law, Chapter 71, Sections 16(d) and 16(n)
- Minuteman has discussed both options.
- No decision has been made.



[36]



How Local Input Has Already Shaped the Process

Impact of Local Input

- We're designing the ***smallest possible school*** that is financially feasible and educationally responsible.
- We secured the largest possible state reimbursement rate.
- We're planning for fewer out-of-district students.
- We secured a change in state regulations so that non-member communities will pay their fair share of the capital costs for a new school.



[34]



Recap

Project Highlights

- The MSBA-funded project creates a safe, modern facility designed to provide powerful career and technical education and robust academics
- It is the least expensive option
- It retains our regional accreditation



[40]

Act Now

- We have **one** shot: until June 30, 2016.
- We have a limited window to preserve **40%** MSBA funding.
- If we get out of the MSBA project pipeline, we might not get back in.
- Even if we do get back in, our base reimbursement rate would fall to **31%**.



[41]

Act Later

- Far more expensive project for the District
- Far inferior educational results
- Years of political chaos due to the need to bond for numerous individual projects
- Risk of escalating costs due to interest rate and/or construction cost increases
- Continued uncertainty for students and parents in the District



[42]



Questions and Answers

For More Information

- Visit the Minuteman website for more information on the building project:

www.minuteman.org





Thank You


A REVOLUTION IN LEARNING

Memo

RECEIVED

OCT -2 2015

Board of Selectmen
Town of Wayland

To: Nan Balmer
From: Chief Houghton 
Date: October 2, 2015
Re: Natural Gas Leaks

It is reported that Wayland has 74 known gas leaks in town, and over 20,000 in the Commonwealth. There is an online Google map that indicates the leak area and the date that it was reported to the gas provider.

https://www.google.com/maps/d/viewer?mid=z-Pu_WIm4rJY.kphcXvAvY4y8

Although it would be nice to say that every leak is repaired in a timely fashion, there are many factors that the gas company looks at in regards to repairing Natural Gas leaks. The first is the size of the leak. The determination of the size of the leak is not done by how strong the odor is, but rated by using a calibrated meter and measuring the explosive range of the gas.

Any leak that is found to be in the explosive range MUST be fixed and most often this is done by the gas company immediately. Currently there is no requirement for them to fix any non-explosive leaks. There has been some discussion in the Legislature to take care of this as other states have done, but to date there has been no resolution.

Besides the odor, there is an environmental impact in the long term leaks, as it does contaminate the soil and the roots to trees etc. This is generally done by displacing the oxygen in the ground. In calendar year 2014 the Fire Department responded to approximately 68 calls for natural gas odors or problems and so far in 2015 we have had 21 similar calls. The Fire Department sends someone to each and every call for an odor of natural gas even if we have been there the day before. Each time the area is metered and the gas company notified. Unless it is found to be in the explosive range or a contractor has actually broken a main during excavation, we do not stand by and wait for the gas company to arrive.

In 2014 (it may have been 2013) the gas company did begin a program to upgrade the old iron pipes that go from the street main to the meters at the house at the same time it is reported that they have also been moving the meters from inside the basement to outside the homes. This measure is something the fire service is happy they are doing. I do know that the DPW contact the gas company when they plan on doing any road reconstruction to be sure the gas company takes care of anything before the road gets completed.

I am not sure if there is anything the Board of Selectmen can or should do beyond contacting our legislative people to push for more action to correct the problem and to stop the waste of the resource these leaks create. On a positive note the gas company has always sent a representative to any incident that we call them for and have always been good to work with.

If you or the board have any questions or wish me to take any action please let me know.

Thanks



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, October 5, 2015
Wayland Town Building
Selectmen's Meeting Room

REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Confirming the Appointment of Anderson & Krieger LLP as the Environmental Counsel for the Acquisition of the Municipal Parcel for a Cost Not to Exceed \$5,000
3. Vote the Question of Accepting the Surrender of the On Premises All Alcohol Beverages License from Town & Country Restaurant Inc. dba J. J. McKay's Restaurant, 171 Commonwealth Road, ABCC License 134000006, Effective Immediately
4. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through September 30, 2015: \$11,283.99
5. 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
6. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through August 31, 2015, Statement No. 105577: \$414.00
7. Vote the Question of Approving the Invoice of Murphy, Hesse, Toomey & Lehane, LLP for Services Through August 31, 2015, Bill No. 61666: \$2,050.00
8. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs for Pam's Run at the Intersection of Old Connecticut Path and Route 27 (Five Paths), Route 20/Old Connecticut Path, Town Center (corner of Routes 20 and 27), and on Main Street in Front of the Cochituate Fire Station, from October 10-17, 2015
9. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs, for the Wayland Children and Parents Association Children's Concert, at the Intersection of Old Connecticut Path and Route 27 (Five Paths), Route 20/Old Connecticut Path, Town Center (corner of Routes 20 and 27), and on Main Street in Front of the Cochituate Fire Station, from November 5-11, 2015
10. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs, for the Hoops for Hope Basketball Tournament to Benefit Jeff's Place, at the Intersection of Old Connecticut Path and Route 27 (Five Paths), Route 20/Old Connecticut Path, Town Center (corner of Routes 20 and 27), and on Main Street in Front of the Cochituate Fire Station, from October 10-17, 2015
11. Vote the Question of Approving the Minutes of August 24, 2015

DATE: OCTOBER 5, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: ENVIRONMENTAL COUNSEL

REQUESTED ACTION:

CONSENT CALENDAR: VOTE TO CONFIRM APPOINTMENT OF THE FIRM ANDERSON & KRIEGER AS ENVIRONMENTAL COUNSEL REGARDING THE ACQUISITION OF THE MUNICIPAL PARCEL AT A COST NOT TO EXCEED \$5,000

BACKGROUND:

On September 28th, the Board directed the Town Administrator to employ Special Counsel to review and provide advice on environmental matters related to the municipal parcel.

After reviewing several suggestions, I appointed the firm of Anderson Krieger. The firm was selected because of its expertise in environmental and municipal law. The Town is currently working with the firm on the Rivers Edge project.

Attorney Mina Makouris will serve as Lead Counsel working under the direction of Attorney Arthur Krieger. Work includes (1) reviewing environmental documents (2) research in applicable federal and state guidance and directives regarding municipal environmental liability issues and up to (3) the three phone calls/meetings. Tasks should take 10-15 hours total. The bulk of the work would be done at Mr. Makouris' rate of (\$270), with some at Mr. Krieger's rate (\$320). The overall cost for this work should be between \$3,000 and \$5,000.

**TOWN & COUNTRY RESTAURANT INC.
d/b/a J.J. McKay's Restaurant
171 East Commonwealth Road
Wayland, MA 01778**

September 28, 2015

Office of the Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

**RE: On Premises All Alcohol Restaurant License – Town & Country Restaurant Inc.
d/b/a J.J. McKay's Restaurant, 171 Commonwealth Road, Wayland, Massachusetts
ABCC License Number 134000006 ("Liquor License")**

Dear Members of the Board of Selectmen:

Please be advised that Town & Country Restaurant Inc. d/b/a J.J. McKay's Restaurant hereby surrenders the above-referenced Liquor License, effective immediately.

Please direct any inquiries related to the surrender of the Liquor License to the below individual, being the owner of the property located at 171 Commonwealth Road, Wayland, Massachusetts. To the extent the undersigned needs to authorize this communication, please accept this letter as authorization.

Joseph A. Strazzulla, President
Main Street Property, Inc.
P.O. Box 5
Hopkinton, MA 01748
(508) 655 – 2616

Thank you in advance for your assistance in this matter.

Sincerely,



Sean McKiernan, President and Treasurer
Town & Country Restaurant Inc. d/b/a J.J. McKay's Restaurant

RECEIVED

SEP 30 2015

Board of Selectmen
Town of Wayland

**LICENSE
ALCOHOLIC BEVERAGES**

**THE LICENSING BOARD OF
The Town of Wayland
MASSACHUSETTS
HEREBY GRANTS A**

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

To Be Drunk On the Premises

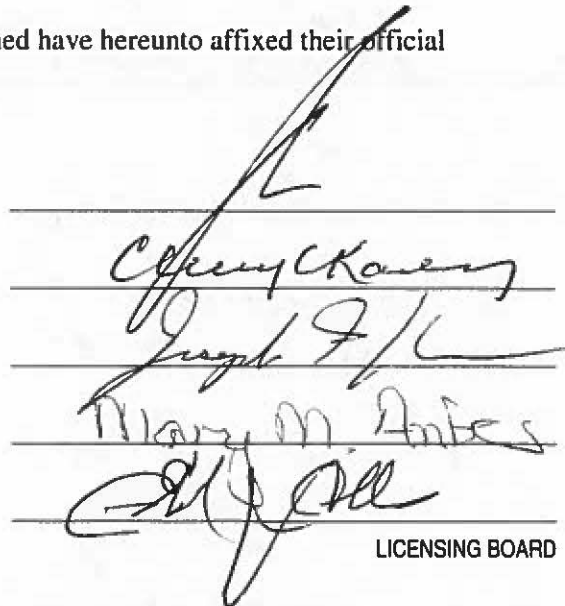
To TOWN AND COUNTRY RESTAURANT, INC., dba J. J. McKay's Restaurant,
Sean McKiernan, Manager

On the premises at 171 East Commonwealth Road, Wayland MA 01778. One floor
consisting of dining room, lounges and back room used for kitchen and storage area.
Seating Capacity: 149; Seating Capacity in Bar: 12

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official
signatures this 15th day of December, 2014.

The Hours during which Alcoholic
Beverages may be sold are from
8:00 a.m. to midnight daily, except
Sundays, 12:00 noon to midnight;
holidays as directed.



LICENSING BOARD

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

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

INVOICE - TOWN OF WAYLAND - 9/30/2015

SUMMARY

FEE CALCULATION: 69.9 HOURS X \$160.00 PER HOUR =	\$11,184.00
DISBURSEMENTS (See below for detail)	99.99
TOTAL 9/30/15 INVOICE.....	<u>\$11,283.99</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$11,283.99</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T	<u>0.00</u>

DISBURSEMENTS

9/2015	Long Dist. Tel. Charges (Detail on File)	11.33
9/2015	Postage	18.66
9/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
9/2015	Copying	8.50
9/2015	Mobile Phone Charges	6.50
9/21/15	Mileage: 46 @ \$.50 =	23.00
9/21/15	Tolls	5.00
9/21/15	Parking	27.00
	Total Disbursements	<u>\$99.99</u>

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

RECEIVED

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

Town of Wayland

Page 2
09/16/2015
Account No. 5673-01M
Invoice No. 168

Labor

TOTAL CURRENT INVOICE 860.75

BALANCE DUE \$860.75

KOPELMAN AND PAIGE, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 105577

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH AUGUST 31, 2015
SEPTEMBER 25, 2015

TOTAL FEES:	414.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>414.00</u>

RECEIVED
SEP 28 2015
Board of Selectmen
Town of Wayland

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

TEL: (617) 479-5000

300 CROWN COLONY DRIVE, SUITE 410
P.O. BOX 9126
QUINCY, MA 02269-9126

FAX: (617) 479-6469

Billing Summary

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

Bill date 09/21/15
Bill number 61666
Billing through 08/31/15

00002 OPEB Issues

Total fees for this matter	\$2,050.00
Total disbursements for this matter	\$0.00

INVOICE SUMMARY:

TOTAL FEES FOR THIS BILL	8.20 hrs	\$2,050.00
TOTAL EXPENSES FOR THIS BILL		\$0.00
TOTAL DUE THIS BILL		\$2,050.00

RECEIVED

SEP 23 2015

**Board of Selectmen
Town of Wayland**

WAYL02 61666

DiNapoli, MaryAnn

From: Jayme Nowland <jayme.nowland@gmail.com>
Sent: Monday, September 28, 2015 8:30 PM
To: DiNapoli, MaryAnn
Subject: Pam's Run Signs

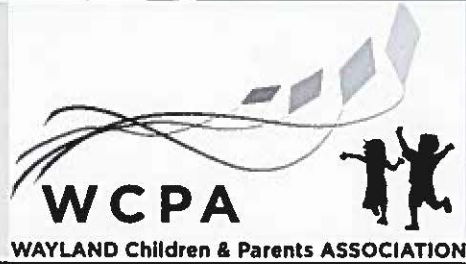
Hi MaryAnn,

I am writing to request the placement of Pam's Run signs from October 10-17 in the four locations allocated by the town.

I apologize that my request was not sent earlier but we had remembered that we needed sandwich boards this year and were trying to confirm that we could get those.

Thanks so much,

Jayme



September 29, 2015

Via Email (mdinapoli@wayland.ma.us)

Ms. MaryAnn DiNapoli
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Signboard Request

Dear Ms. DiNapoli:

The Wayland Children and Parents Association is co-hosting a Stacey Peasley children's concert on November 11th at Temple Shir Tikva in Wayland.

We are requesting permission to post our sandwich boards to promote this event starting November 5th, 2015 at the following locations:

- "Five Corners" of Rt. 126 and Rt 27
- Cochituate Fire Station
- Corner of Route 20 and Route 27
- Coach Grill

Thank you for your consideration and we look forward to hearing from the Selectmen regarding our request.

Sincerely,
Laura Jacques
WCPA Marketing

DiNapoli, MaryAnn

From: Jennifer Scheiber <jenny@jeffsplacemetrowest.org>
Sent: Wednesday, September 30, 2015 10:32 PM
To: DiNapoli, MaryAnn
Cc: lauren@jeffsplacemetrowest.org
Subject: Sign request

Dear MaryAnn,

On behalf of Jeff's Place Children's Bereavement Center, we would like permission to advertise our Hoops for Hope basketball tournament fundraiser throughout town on temporary sandwich boards. We are hoping to obtain 3 boards and would like to have them at Station 3 in Cochituate (East Plain and 27), Town Center, and Five Paths from October 10-17 (a few days sooner would also work).

Thank you, and please let me know if you or the Board of Selectmen have any questions.

Many thanks,

Jenny Schreiber
Founding Director, Jeff's Place

--
Jennifer Kaplan Schreiber, LICSW, FT
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Clinical Director, Experience Camps
www.manitouexperience.org





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 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 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 policy 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 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 use 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 deed restriction called "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



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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

**REVISED LIST OF PUBLIC DOCUMENTS
PROVIDED TO THE BOARD OF
SELECTMEN FROM SEPTEMBER 4,
2015, THROUGH AND INCLUDING
OCTOBER 1, 2015, OTHERWISE NOT
LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR
OCTOBER 5, 2015**

BOARD OF SELECTMEN

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

Items Distributed To the Board of Selectmen – September 25-October 1, 2015

1. Email of 9/30/15 from Doug Gillespie, Weston, to Board of Selectmen, re: Meeting of Minuteman District Selectmen, October 28
2. Email of 9/30/15 from Town Counsel Mark Lanza to Nan Balmer, Town Administrator, re: Glezen Lane Case, Memorandum of Decision and Order on Plaintiffs' Motion for Reconsideration

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 28, 2015

1. Chart, Proposed Order of Articles for November Special Town Meeting, with Assignees
2. Email of 9/28/15 from Town Counsel Mark J. Lanza to Nan Balmer, Town Administrator re: OPEB
3. Draft Finance Committee Comments, "Acceptance of Massachusetts General Laws Chapter 71, Section 71E," and "Seek Special Legislation for Massachusetts General Laws Chapter 44, Section 53 E 1/2 Municipal Revolving Fund"
4. Memorandum of 9/28/15 from Nan Balmer, Town Administrator to Finance Committee, Finance Director, and Board of Selectmen re: Information Technology- Current Year Transfer Request- Revision
5. Outstanding Appellate Tax Board Cases as of September 21, 2015, and Board of Assessors Review of Overlay Surplus, as of June 30, 2015, and as of September 21, 2015
6. Town Meeting Warrant Article for Library Planning and Design Funds

Items Included as Part of Agenda Packet for Discussion During the October 5, 2015 Board of Selectmen's Meeting

1. Memorandum of 10/2/15 from Office of the Town Administrator, re: Application of China Rose for an Alteration of Premises
2. Notice of Hearing, 9/23/15, to Derrick A. Plante, Bertucci's Restaurant, re: Liquor License Violation, with Incident Report from Police Department, August 20, 2015
3. Application for a One-Day Liquor License for Family Promise MetroWest, November 7, 2015, at the Temple Shir Tikva
4. Memorandum of 7/27/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: No Parking Zones, Bradford Street
5. Chart of Special Town Meeting Articles with Assignees and Positions
6. Memorandum of 10/5/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Sudbury/Wayland Septage Intermunicipal Agreement
7. Guidelines for Town Administrator Evaluation, 10/5/15, prepared by Cherry Karlson, Chair, Board of Selectmen
8. Memorandum of 10/1/15 from Office of the Town Administrator, re: Revised Policies on Liquor Licenses, Appointments to Town Boards and Committees, and Proclamations and Certificates of Recognition
9. Town Administrator's Report for the Week Ending October 2, 2015



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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, October 5, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Letter of 9/25/15 from Beth R. Klein, Town Clerk, re: Attorney General Rulings on Amendments to Town Code, 2015 Annual Town Meeting
2. Memorandum of 9/28/15 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Gretchen Ryder Sherry from the Historical Commission
3. Email of 9/30/15 from Doug Gillespie, Weston, to Board of Selectmen, re: Meeting of Minuteman District Selectmen, October 28
4. Director of Public Health Report, September 30, 2015

Zoning Board of Appeals

5. Public Hearing, October 13, 2015, 11 Timber Lane, 55 Lakeshore Drive, 169 Commonwealth Road

Minutes

6. Finance Committee, September 8, 2015
7. Housing Partnership, June 2, 2015
8. Board of Library Trustees, August 28, 2015
9. OPEB Advisory Committee, July 8, 2015, August 6, 2015

State

10. Letter of 9/21/15 from Department of Public Health re: 2014 Water Fluoridation Quality Award



TOWN OF WAYLAND

MASSACHUSETTS
01778

TOWN CLERK

Beth R. Klein
bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham
dgorham@wayland.ma.us

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September 25, 2015

The following Articles were returned with the approval of the Attorney General's Office relative to the following amendments to the Town Code adopted at the Wayland Annual Town Meeting, which convened on April 6, 2015.

GENERAL BYLAWS:

Article 10: Adopt Inspection Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems Bylaw As Amended

Article 18: Amendment to Town Bylaw Section 36-10 – Reconsideration of Articles by Town Meeting

Article 19: Amend Chapter 193-Stormwater and Land Disturbance Bylaw

APPROVED BY THE ATTORNEY GENERAL

September 24, 2015

RECEIVED BY THE TOWN CLERK'S OFFICE:

September 25, 2015

POSTED BY THE TOWN CLERK'S OFFICE:

September 25, 2015

WAYLAND TOWN CRIER PUBLICATION DATES:

October 1, 2015 & October 8, 2015

The following Article was returned with the disapproval of the Attorney General's Office relative to the following amendment to the Town Code adopted at the Wayland Special Town Meeting, which convened on April 6, 2015.

GENERAL BY-LAW:

Article 32: Amend Chap. 139-Prohibit Roadside Distribution of Phone Books and Advertising as Amended

DISAPPROVE & DELETE THE AMENDMENT ADOPTED UNDER ARTICLE 32 BY THE ATTORNEY GENERAL:

September 24, 2015

RECEIVED BY THE TOWN CLERK'S OFFICE:

September 25, 2015

POSTED BY THE TOWN CLERK'S OFFICE:

September 25, 2015

WAYLAND TOWN CRIER PUBLICATION DATES:

October 1, 2015 & October 8, 2015

Any claims that a zoning bylaw is invalid because of a defect in the procedure by which the bylaw was amended or adopted may only be made within 90 days of this posting. Copies of the bylaws amended and adopted are on file in the Office of the Town Clerk.

Beth R. Klein, Town Clerk

Attachments

Cc:

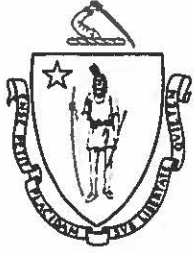
Town Counsel
Board of Selectmen
Nan Balmer, Town Administrator
Stephen Kadlik/Department of Public Works
Brian Monahan, Conservation Commission

Legal Ad Wayland Town Crier 10/1/15 & 10/8/15

RECEIVED

SEP 28 2015

Board of Selectmen
Town of Wayland



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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(508) 795-1991 fax
www.mass.gov/go

September 24, 2015

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

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2015 SEP 25 AM 9:18

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

MASSACHUSETTS
01778

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ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015,
the following business was transacted under Article 10:

ARTICLE 10: ADOPT INSPECTION TESTING AND MAINTENANCE OF PRIVATELY OWNED WATER BASED FIRE SUPPRESSION SYSTEMS BYLAW AS AMENDED

Voted that the Town amend the Code of the Town of Wayland by adding thereto a new chapter entitled "Chapter 123 – Inspection, Testing, & Maintenance of Private Fire Hydrants and Underground and Exposed Piping" as printed on Pages 64 and 65 of the Warrant for the 2015 Annual Town Meeting, except wherever the word "current" appears it shall be replaced with the year "2014".

VOTE ON MOTION AS AMENDED:

IN FAVOR: 240
OPPOSED: 12 MOTION PASSES

A true copy, Attest:

Beth R. Klein
Town Clerk



TOWN OF WAYLAND

MASSACHUSETTS

01778

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bklein@wayland.ma.us

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ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015, the following business was transacted under Article 18:

ARTICLE 18: AMENDMENT TO TOWN BYLAW SECTION 36-10(3) RE: RECONSIDERATION OF ARTICLES BY TOWN MEETINGS

Voted that the Town amend Section 36-10 of the Code of the Town of Wayland as set forth under Article 18 as printed on page 78 of the Warrant for the 2015 Annual Town Meeting, with the following exception that in the penultimate line, the words "two-thirds" not be deleted in favor of "four-fifths."

<u>VOTE ON MOTION:</u>	IN FAVOR:	117	
	OPPOSED:	76	MOTION PASSES

A true copy, Attest:

Beth R. Klein
Town Clerk



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

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ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015, the following business was transacted under Article 19:

ARTICLE 19: AMEND CHAPTER 193 – STORMWATER AND LAND DISTURBANCE BYLAW

Voted that the Town amend Chapter 193 of the Code of the Town of Wayland, the Town's Stormwater and Land Disturbance Bylaw, by making the revisions thereto set forth in Pages 80 through 88 of the Warrant for the 2015 Annual Town Meeting.

VOTED

IN FAVOR: 138

OPPOSED: 73

MOTION PASSES

A true copy, Attest:

Beth R. Klein
Town Clerk



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

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ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015, the following business was transacted under Article 32:

ARTICLE 32: PROHIBIT ROADSIDE DISTRIBUTION OF PHONE BOOKS AND ADVERTISING AS AMENDED

Voted that the Town amend Chapter 139 of the Code of the Town of Wayland, or wherever appropriate, by adding thereto the following subsection:

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.

VOTED:

IN FAVOR: 134 MOTION PASSED

OPPOSED: 74

A true copy, Attest:

Beth R. Klein
Town Clerk



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK
BETH R. KLEIN
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
DIANE M. GORHAM
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630
508-358-3631
www.wayland.ma.us

Date: September 28, 2015
To: Board of Selectmen
From: Beth R. Klein, Town Clerk
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective September 28th, 2015:

Gretchen Ryder Sherry
Term Expires:

Wayland Historical Commission
6/30/17

Pursuant to Chapter 41: Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town clerk or district clerk.

cc: Nan Balmer, Town Administrator
Elisa Scola, Chair Historical Commission

RECEIVED

SEP 28 2015

Board of Selectmen
Town of Wayland

2

24 Lake Road
Wayland, MA01778

19 September 2015

To: Elisa Scola, Chairperson & Members of the Historical Commission

Board of Selectman, Town of Wayland, MA

Beth Klein, Town Clerk

Please accept this letter as my resignation from the Wayland Historical Commission. I have enjoyed being a member of the Historical Commission, and have learned a lot about Wayland's history and cultural heritage.

As an employee of the Wayland Public Schools, I do not want there to be any possible question or appearance of a conflict of interest or appearance of favoritism or influence in my role as a teacher in the Wayland Public Schools and as an appointed member of the Wayland Historical Commission. To date, this has not happened, and I have performed both positions with integrity.

My last meeting as a member of the Wayland Historical Commission was September 9, 2015. Having acted as the secretary for the WHC, I will give my notebooks to Elisa Scola, Chairperson of the Wayland Historical Commission.

Thank you for the opportunity to serve as a member of the Wayland Historical Commission.

Sincerely,



Gretchen Ryder Sharry

Cc: Brad Crozier, Asst. Supt of Schools

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2015 SEP 28 AM 11:28

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Tuesday, September 29, 2015 12:06 PM
To: DiNapoli, MaryAnn
Cc: Tony Boschetto; Karlson, Cherry
Subject: FW: Meeting of Minuteman District Selectmen

Mary Ann
Please place in correspondence.
Thanks

-----Original Message-----

From: Gillespie, Doug [mailto:Gillespie.d@westonmass.org]
Sent: Tuesday, September 29, 2015 11:27 AM
To: Christopher E. Houston; Dan Matthews; Harrity, Michael; selectmen@doverma.org; Selectmens Mailbox; sshaw@boxborough-ma.gov; tgoddard@carlisle.mec.edu; Cleary, Susan; amoroso@gmail.com
Cc: AChapdelaine@town.arlington.ma.us; Carl Valente (cvalente@lexingtonma.gov); cwhelan@concordma.gov; higginst@lincolntown.org; KFitzpatrick@needhamma.gov; manager@acton-ma.gov; Balmer, Nan; Town Manager; townadministrator@stow-ma.gov; VanderClock, Donna

Subject: Meeting of Minuteman District Selectmen

Dear Friends and Colleagues:

I am a member of the Weston Board of Selectmen, as well as Weston's member of the Minuteman Vo-Tech School Committee. I am writing to seek your participation in an effort to resolve our differences regarding funding the sorely needed replacement for the Minuteman High School.

It seems to me that if we all work together, we can get our legislative delegation to secure additional state funds to supplement the Massachusetts School Building Authority's 40% reimbursement for the Minuteman construction project. It is my hope that such a supplement would enable ALL of the Minuteman member towns to support the project.

Please join me for a discussion of the project, and our need to secure additional state funding, on Wednesday, October 28 at 7:00 PM at Weston Town Hall. Get your questions answered, here the facts, and then work together to solve the outstanding issues that are preventing cohesion within the Minuteman communities.

Please RSVP that you are coming, and pass this message along to other Selectmen from your town or other Minuteman communities.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOS

RECEIVED

OCT - 1 2015

Board of Selectmen
Town of Wayland

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

Wayland Board of Health Director's Report September 30, 2015

Septic work and building approvals- The fall push is on with construction, soil testing and field work to finish up before the winter weather begins. We have continued to receive many building approval applications and requests for soil testing.

Senior Flu Clinics have been very successful, so far we have administered 228 doses of vaccine (this includes Town staff). Another Senior clinic is scheduled for tomorrow. Community Flu clinic schedule is October 7, 14, 28, from 2pm to 7pm in the large hearing room at the Town Building.

Mosquitoes-at this time Wayland is still in a low risk category for mosquito-borne illness and we have not had any positive test results for disease in mosquitoes. Residents are still encouraged to prevent mosquito bites. There is still mosquito activity and testing continues throughout the state (usually until the first hard frost), we are monitoring reports from DPH.

Ruth Mori, PHN/Nurse Leader update: Claypit Hill Elementary School has been extremely busy this beginning of school year dealing with multiple medical issues and a lot of care is needed for several students. Staff is working on managing things and working closely with Ruth as well as using sub-nursing coverage to assist. We will continue to monitor the situation and staffing needs.

School Physician Kim Wilson, Volunteer Pediatrician, to the Wayland Elementary Schools has provided notice that she will no longer be filling this volunteer position as of spring 2016. The responsibilities include, consent to standing orders and being available for consultation for Wayland Elementary schools. Ruth has communicated with the Director of Student Services for preliminary recruiting discussion. The School committee appoints this position.

Long Term Sub-nursing assignments-PHN/Nurse Leader Ruth Mori and I met with the Assistant Town Admin/HR Director, John Senchyshyn to review options for a Long Term Sub-nursing assignment position. We used the School Dept. Sub-Teacher long term assignment model as a guideline and discussed options for a Sub-Nursing position including, length of time, rates of pay and step options. John will discuss this idea with the Personnel Board and get back to us.

WHA outdoor smoking issue-After discussions with Brian Boggia, I have been invited to attend a meeting with the WHA to discuss outdoor second hand smoke and to explain state/town regulations. This is related to an abutter issue.

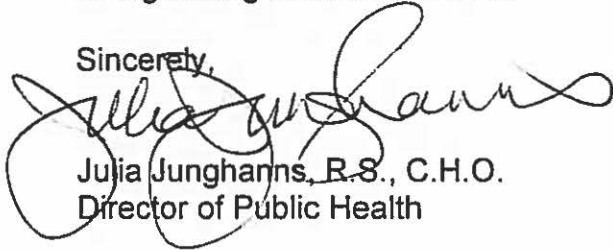
Budget preparation-we have not received guidelines yet but expected dates for Operating Budgets to be due are end of October. Once the annual report is completed we will begin to work on the draft Operating Budget and I will provide dates/info as soon as it is received.

Annual Report-office staff is working on gathering information, reaching out to contracted staff, and researching numbers to compose our annual report. We will have the draft ready for our next BoH meeting.

The Curling Club (located on Rice Road) is looking to do some work/renovations on their building and they have done soil testing to design a new septic system. We are unsure of exactly what is planned but it will be a big initiative and require office staff involvement.

Office move-we are in the process of packing up and moving staff into our new area, the end of this week and next week. This will take some time and will be cleaning up and re-organizing at the same time.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Junghans". The signature is fluid and cursive, with a large loop at the end.

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



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

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

A public hearing will be held on October 13, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following applications at the time indicated:

- 7:00 p.m. Application of TRACEY and ANDY O'ROURKE for any necessary approvals, special permits, and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct second floor addition) within required front yard under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, and 401.1.3. The property is located at 11 TIMBER LANE which is in a SINGLE RESIDENCE DISTRICT. (15-21)
- 7:15 p.m. Application of JOHN DARACK for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-24)
- 7:30 p.m. Application of JOSEPH STRAZZULLA for any necessary approvals, modifications, special permits, variances, site plan approvals and/or amendments as may be required to modify previous Z.B.A. Decision including but not limited to Decision Nos.83-24 dated July 22, 1983 and #87-9 dated June 18, 1987 (redesign pylon sign, building façade upgrade, change location of curb cut and reconfigure parking spaces) under the Town of Wayland Zoning By-Laws Chapter 198. The property is located at 169 COMMONWEALTH ROAD which is in a BUSINESS A AND B DISTRICT. (15-22)

At the conclusion of the hearings on the aforementioned applications, the Board may then meet for the purpose of deciding on or deliberating toward a decision on any applications previously heard by it and to which no decision has yet been filed or any other public business before the Board.

BOARD OF APPEALS

Eric Goldberg
Aida Gennis
Thomas White
Michael Connors

RECEIVED

SEP 30 2015

Board of Selectmen
Town of Wayland

5



Town of Wayland Massachusetts

Finance Committee

Nancy E. Funkhouser (Chair)

Thomas Abdella

Gordon Cliff

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

Finance Committee

Meeting Minutes

September 8, 2015

Attendance: N. Funkhouser, D. Watkins, G. Wolin, G. Cliff, C. Martin and B. Keveny (Finance Director). B. Steinberg (6:42pm), T. Abdella (6:41pm). D. Watkins left meeting at 7:45pm to attend joint BoS/SC meeting. Returned 8:30pm.

The meeting was called to order in the Senior Center at the Town Building at 6:25pm when a quorum was present. Chair Funkhouser announced that the meeting was being recorded for broadcast by WayCAM and may be recorded by others.

Public Comment: None.

FinCom Members' Response to Public Comment: N/A.

Special Town Meeting Article Hearing: Chair Funkhouser distributed a list of the articles submitted for the November Special Town Meeting. She announced the purpose of the Article Hearing was to allow article sponsors the opportunity to present their article. She further stated that while questions were permissible, the hearing did not support debate of the articles.

A. Amend FY2016 Budget Funding Sources: Finance Director, Brian Keveny indicated the FY16 budget approved at Annual Town Meeting included the use of \$2.3M of Free Cash. At that time, year end Free Cash was projected at \$5.2M or 7.1% of the operating budget. Due to number of reasons including higher than expected local receipts, greater than expected turnbacks, repayment of free cash by the Food Service, preliminary year-end Free Cash jumped to \$6.3M or 9% of budget. The Finance Committee is recommending an additional \$2M of Free Cash be applied to the FY16 budget. This action

will reduce Free Cash to \$4.3M or approximately 6.5% of the operating budget.

B. Pay Previous Fiscal Year Unpaid Bills: Mr Keveny, Finance Director indicated the Town has an outstanding FY15 balance due of \$4,920 for unemployment compensation. This article will allow FY16 funds to pay this invoice.

C. Current Year Transfer: Finance Director Brian Keveny stated the purpose of this article is to increase the FY16 Water Budget by \$346K in order for the Water Department to pay their FY16 indirect costs and to contribute \$15K towards a replacement truck that was in an accident. Mr. Keveny also indicated once the report is received from the consultant, there may also be some current year transfers for IT. A Lewis asked for clarity on the funding source for the Water Department. Mr. Keveny replied the funding source will be the Water Department's direct revenue.

I. Appropriate Funds for Library Planning and Design: Aida Gennis, Wayland Hills Road, Chair of the Library Trustees, distributed a draft warrant article writeup and the Report of the 2015 Wayland Library Planning Committee. She explained the Library Trustees are looking to expand and are trying to tie that effort into the Mass Library Building Association (MLBA) grant schedule. The grants can be used to renovate or build. A letter of intent is due by October 2016 and the construction grant application deadline is January 2017. To perform the necessary due diligence, the library is requesting \$150K. Mr. Cliff queried why the Library couldn't wait til spring ATM to request these funds. Ms. Gennis replied that would only afford the Library four months to submit their letter of intent and seven months to apply for the grant.

D. Amendment to Minuteman Regional Agreement: Cherry Karlson, Lincoln Road, Chair of the Board of Selectmen explained the Town had voted at the 2015 ATM to withdraw from Minuteman. This action requires all 16 Minuteman member towns to vote on Wayland's withdrawal petition, including Wayland. Ms. Karlson added in order to be enacted, the vote needs to be unanimous.

G. Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School: Ellen Tohn, Fields Lane, member of the Energy Committee explained that when the \$29K Energy Resiliency Grant was procured, the Committee understood no cash outlay was required. The Committee recently was advised the Town needs to commit 10% of the grant's value which is \$29K in order to receive the grant. This article will allow the grant to proceed.

E. Acquire Municipal Parcel in Town Center: Bill Sterling, Morse Road, Co-Chair of the COA/Community Center Committee indicated this article is requesting \$1.00 to acquire 4.16 acres of land at the Town Center. He stated the Committee has performed the due diligence authorized at the 2015 Annual Town Meeting and found the land to be sound enough on which to build. Mr. Abdella inquired what liability if any, would fall to the Town if the land was purchased. Mr. Sterling replied the deed restrictions with Raytheon need to be worked out. Ms. Lewis asked for clarification as the title of the article indicates acquire, but the article language also includes lease. She felt the article should specify.

F. OPEB Trust Fund Legislation and Governance: Jay Sherry, Pine Needle Road, of the OPEB Committee

distributed a draft copy of the article write up. He then stated the intent of the article was to position the Town to boost its OPEB investment returns. He explained that the OPEB Trust Fund needs to earn 7% each year to maintain the funding schedule and the Committee is proposing the Town has a greater chance of achieving this goal via professional management for the OPEB fund.

H. Acceptance of Chapter 71 Section 71E: Barb Fletcher, Apache Trail, Member of the School Committee, presented this article. She explained the special counsel that had been engaged jointly by the Board of Selectmen (BoS) and the School Committee has recommend Chapter 71 Section 71E of the Mass. General Laws as the appropriate state statute for various school revolving accounts, particularly Building Use and Pegasus.

J. Seek Special Legislation for Chapter 44 Section 53E ½ Municipal Revolving Fund: Jessica Brodie, Recreation Director stated the Recreation Department budget is limited to up to 1% of the prior year tax revenue which is currently \$595K. She stated the Rec. Department would like to expand its program offerings and this article requests Town Meeting to authorize the BoS to petition for special legislation that will allow the Town to increase its spending cap from 1% up to 5%.

Mr. Cliff inquired as to the status of the Recreation Salaries and the Recreation Revolving Fund surplus. Peggy Patton of Plain Road asked about the status of the unpaid salaries that have been paid by the taxpayers. Chair Funkhouser questioned the 5% while Mr. Lowry was concerned with the language in the article indicating it appears authorization is being sought to allow the Recreation Director the authority to spend funds from Recreation Revolving Fund. Ms. Lewis asked whether the Recreation Commission had considered becoming an Enterprise Fund.

K. Resolution Regarding Surface of Rail-Trail in Wayland: Maureen Cavanaugh, Plain Road, member of the Community Preservation Committee stated since 2015 Town Meeting voted the rail trail would be a stone surface, the Mass. Department of Conservation & Recreation (DCR) has indicated they would prefer the trail be a hard surface while Eversource has indicated it is willing to pay for the permitting and upgrade in materials. There is no cost to the Town. Mr. Lowry asked if a maintenance plan existed, inquiring who was responsible for trail maintenance.

L. Appropriate Funds to Update the Open Space and Recreation Plan: Maureen Cavanaugh, Plain Road, member of the Community Preservation Committee stated the Open Space plan needs to be updated every five years and the town's current plan was last updated in 1995. This update will cost \$30K but once complete will allow the Town to apply for certain grants.

M. Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration: There was no presenter for this article.

N. Amend Chapter 36 of Current Bylaws (36-1): Alice Boelter, Lakeshore Drive spoke on behalf of this article which seeks to amend the commencement date for the Annual Town Meeting to no earlier than the last Thursday in April. Ms. Boelter indicated that while this article was presented at the 2015 Annual Town Meeting, new information concerning Wayland's peer towns will be presented.

Fall 2015 Special Town Meeting: Upon completion of the hearing, FinCom discussed the articles and divided the responsibility for the writeups for the Warrant as follows:

A, B, C	Funkhouser
D	Wolin
E	Steinberg
F	Cliff
G	Watkins
H	Martin
I	Steinberg
J	Martin
K, L	Abdella
M	Wolin
N	Cliff

Chair Funkhouser announced the committee would begin its article review on September 16th. She stated she had spoken with Mark Lanza, Town Counsel to secure his advice on how to distribute the article writeups. A discussion ensued on the best method to distribute copies of draft writeups and the Committee elected to send their draft write ups to Brian Keveny.

Discussion and Update on Recreation Revolving Fund: Ms. Martin and Mr. Keveny reported no agreement had been reached on the proposed funding model for Recreation, but the working group hoped to have another meeting in the near future. Ms. Martin indicated two unresolved topics are the recreation salaries and the revolving fund surplus. A brief discussion centered on the Recreation’s current budget cap of \$595K. Mr. Keveny outlined approximately \$100K of one-time expenses in FY15 that will not re-occur in FY16 which should allow Recreation some growth while remaining within their cap.

Debt Management Policy Discussion: Finance Director Keveny indicated the current debt schedule is being proofed by Eastern Bank. Chair Funkhouser suggested this topic be tabled until the updated debt schedule is available. The Committee concurred.

Preliminary FY17 Operating Budget Guideline Discussion: The Committee reviewed draft updates of the Budget Guideline letter submitted by Chair Funkhouser and David Watkins. Ms. Funkhouser will combine the two letters for committee review at the 9/16/15 meeting.

IT Update: Mr. Watkins indicated Special Town Meeting could see up to four IT issues: Archiving emails to comply with statutory regulations, Moving Munis to the Cloud, Purchasing and servicing a Firewall and a San Storage Area Network. Mr. Watkins further stated the consultant has not completed the study and/or submitted his report. Mr. Keveny stated he was working with both the Town’s and School’s IT departments to see how much of these costs they could absorb into their FY16 budgets.

Committee Members’ Reports, Concerns: Mr. Cliff stated the bylaws required the FinCom to appoint a Clerk. After a brief discussion, the Committee appointed Mr. Keveny as Clerk of the Finance Committee. Mr. Watkins asked if the FinCom was going to submit a letter to the Crier. The Committee agreed to discuss in October.

Chair's Update: Ms. Funkhouser confirmed the Committee will meet on 9/16th and 9/28th to review, discuss and vote on warrant articles; 9/21 was set aside as a placeholder.

Adjourn: At 9:32pm, a motion was made and seconded to adjourn. Vote: 7-0.

Respectfully Submitted,

Carol Martin

Documents:

Distributed by N. Funkhouser:

- Article List for November 9, 2015 Special Town Meeting
- 2015 Minutes Worksheet
- Finance Committee Member's Contact Information
- Draft: FY 2017 Operating Budget Process Memo,
Town of Wayland, Debt Management Policy

Distributed by A. Gennis:

- Draft warrant writeup for Article I: Appropriate Funds for Library Planning and Design
- Report of the 2015 Wayland Library Planning Committee

Distributed by D. Watkins: Draft: FY 2017 Operating Budget Process Memo,

Distributed by W. Steinberg: Draft: Minutes: August 31, 2015

Distributed by G. Cliff: Page 2: FinCom Minutes of December 15, 2014

Distributed by J. Sherry: Draft warrant writeup for Article F: OPEB Trust Fund Legislation and Governance

WAYLAND HOUSING PARTNERSHIP

Minutes – June 2, 2015

Submitted by Rachel G. Bratt

Approved unanimously, September 28, 2015

Attending: Mary Antes, Kathy Boundy, Rachel Bratt, Pat Harlan, Fred Moser, Marty Nichols, Armine Roat, Betty Salzberg

At 7:50, Rachel called the meeting to order.

The minutes of April 21 were discussed, with two corrections offered. Kathy moved to accept, Marty seconded. Approved by all those who had been in attendance at that meeting (Boundy, Bratt, Harlan, Nichols and Roat).

The terms of several of our members will expire at the end of June. Marty Nichols has been reappointed by the Wayland Housing Authority and he has agreed to continue serving. He did, however, note that he would step aside if a younger member can be found. Pat Harlan is willing to continue as a Board of Selectmen appointee. Fred Moser, representing the Wayland Clergy, will be leaving us, since his church will be closing this summer. He is working with the Clergy Association to locate another member. Our understanding is that all members of the Housing Partnership must be Wayland residents. Katie Allen may be a possibility. We all wished Fred well in his next assignment and said that we would miss him.

Prior to the meeting, Chris DiBona sent Rachel an email indicating that the River's Edge Committee had not met since our meeting in April. They are moving toward issuing an RFP.

The first family will be moving into the first Habitat home over the summer. Families are continuing to meet every two weeks for educational purposes. Apparently, there is a group of Habitat volunteers traveling in RVs who are heading to the Wayland area, around Oct. 10. They would be available to work on our houses if they can find a place to hook up their trailers. Armine mentioned that there may be such a facility near Hanscom Air Force base.

Armine and Mary reported on the Housing Trust Fund committee. The by-laws have been adopted. There have been several meetings with representatives from other towns with housing trust funds. Two accounts have been set up. There is a need for a separate account for CPA funds. Not counting Town Center funds, there will be \$419,202 in the CPA account and a second with \$51,339. Mary reported that Jackie DuCharme continues to advocate that the Town purchase single family properties under \$350K. Brian O'Herlihy is concerned that this would remove such lower cost homes from the market, thereby limiting options for households looking to buy in that price range. Armine noted that her appointment on the Trust committee had been for just one year. She is likely interested in getting off this committee, since she has taken on another volunteer position at 89 Oxbow. We encouraged her to think about it and that we would discuss in the fall (subsequently, she sent a note to Mary and the chair officially resigning from this committee).

Three housing working groups: The Visions group, chaired by Katherine Provost has completed a draft report. The major need is for rental housing with at least 2 bedrooms. Sarki's group on zoning has not yet met.

Brian's group on monitoring has met once and another meeting will be held soon. Mary reported that member Dan Hill was exploring whether there has been an excess of 20% profit on any of the Town's 40B developments. Profits in excess of that amount are supposed to come back to the Town. There is also a lot of interest in getting the monitoring for two properties to be switched from the current monitoring agents (one by a South Shore group and the other by a Barnstable group) to be transferred to a more local entity, such as the WHA.

Mary reported that at a recent meeting of the Council on Aging, there was renewed interest in the accessory by-law, as a way for seniors to continue residency in Wayland. We agreed that in the fall we should review the by-law and see if we want to recommend changes. When we last discussed this issue, it did not seem that changes were a priority of the Planning Board.

No news about Commonwealth Residences. The planned units are not included on the Town's Subsidized Housing Inventory, toward our 10% goal.

Mary also reported on a new committee being formed to look at Town-owned property. There is a feeling that some school committee-owned parcels may be too small to build on, but that they could be good sites for affordable housing. For example, across from the Alpine field in north Wayland, there is apparently a 2-3 school committee-owned site.

Jennifer van Campen contacted Rachel to find out whether the Finnerty's site may be suitable for a mixed use development, including some affordable housing. She will be following up with the owner of the property. She had thought the CVS proposal was dead.

Following up on the discussion at the last meeting about the Church of the Holy Spirit closing on June 30, Rachel mentioned that she and Fred would be meeting with a consultant the next morning to discuss the possibility that the land could be available, possibly for housing. Sarki has raised the question of whether the land would continue to be used for church purposes, since he thought that stipulation was in the original deed. Fred said that he did not think that requirement was in writing. It is possible that the land could conform to a Conservation Cluster, which requires 5 acres, the size of the church parcel.

Next meeting: Tuesday September 15, 2015

At 8:52 Betty made a motion to adjourn, seconded by Kathy.

**Wayland Free Public Library
Board of Library Trustees
Minutes of Meeting August 28, 2015
Raytheon Room, Wayland Free Public Library**

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Lynne Lipcon, Thaddeus Thompson; **Absent:** Suzanne Woodruff

Call to Order: 7:57 a.m.

Visitors and Public Comment

Former Trustee Nan Jahnke attended as note taker and participated in discussion of the draft warrant article. There was no other public comment.

Minutes of Previous Meeting

The minutes of the meeting of July 22 and were approved unanimously by those in attendance at that meeting.

Financial and Statistical Reports

Nearly two months into the fiscal year, expenditures are on track.

Mrs. Heller informed Trustees of discussions with the Town Treasurer about whether and how the Library might use PayPal, an Internet-based payment service, to accept donations to the Library's Millennium Fund. Town Counsel will be consulted about this as well. Trustees asked that the discussion also address the feasibility of accepting credit card payments.

The Circulation Report was unavailable for review, but Mrs. Knight noted that while circulation of print materials and ebooks is up, circulation of DVDs and videos is down, probably because of the wider availability of streaming services.

Library Planning Committee

Mrs. Gennis reported that the Library Planning Committee (LPC) has voted unanimously to accept a report and recommendation to the Trustees. The report has not yet been delivered to Trustees, but Mrs. Gennis, who was present for the vote, reported that the recommendation is to apply to the Massachusetts Public Library Construction Program (MPLCP) for a grant to either expand the current library at 5 Concord Road or to build a new facility on another site. Trustees will vote on the LPC's report and recommendation at their meeting on September 9. All current LPC members have agreed to remain at work through Fall Town Meeting, when the Trustees are expected to ask the voters for funds for planning and design, as is required for a state grant application.

Mrs. Gennis reported that Neil Gordon, a town resident, has agreed to serve on the LPC this fall in place of Bill Steinberg, who resigned from the LPC on August 18. Mr. Steinberg, who is a member of the Finance Committee and has served as the Finance Committee's liaison to the Library, was recently appointed to the new Wayland Real Asset Planning (WRAP) Committee. He resigned from the LPC

because the WRAP charge states that a WRAP member cannot be a sitting member on any board that has a capital project in the offing. Mrs. Lipcon moved to appoint Neil Gordon to the Library Planning Committee and Mr. Thompson seconded the motion; Trustees voted unanimously in the affirmative. Mrs. Gennis and Mrs. Knight are also speaking with another candidate to fill a place earlier vacated by an LPC member who resigned due to time constraints.

Draft Warrant Article Requesting Planning and Design Funds

Mrs. Gennis presented a draft of a warrant article requesting \$150,000 from the Town for planning and design work needed to apply for a construction grant from the Massachusetts Public Library Construction Program. The article, if approved by Trustees, could be presented to voters at the Fall Special Town Meeting on November 9, 2015.

Mrs. Gennis led Trustees through the article from beginning to end taking comments, suggestions, and edits as they came. After all edits were agreed and recorded, Mrs. Lipcon moved that Trustees accept the warrant article as edited; Mrs. Cartwright seconded the motion and Trustees voted unanimously (5-0) in the affirmative.

Future Wastewater Needs

Wastewater issues continue to vex the Trustees. Mrs. Cartwright and Mr. Thompson reported separately on discussions about wastewater capacity they had recently noted involving the Board of Selectmen, the Council on Aging, the proponents of a new Community Center, and the Facilities Department. At issue is whether reserve capacity is adequate for all near-future Town needs, including the needs of the Library (wherever it is located), and whether the Trustees should appeal for an immediate connection to the wastewater district for the library building at 5 Concord Road, which is currently served by an aging septic system. In the face of conflicting information, Trustees agreed not to submit a warrant article for a wastewater connection for the Library at the coming Special Town Meeting.

Discussion of Three Items Postponed

As time ran short, Trustees postponed discussion of communications to town boards and residents, a Town Center update, and a new table for Internet computers to a later date.

The Meeting Was Adjourned at 10:31 a.m.

Documents for This Meeting

1. Agenda of Meeting Friday, August 28, 2015
2. Director's Report, August 2015
3. Minutes of Meeting, Board of Library Trustees, July 22, 2015
4. Financial Report, "Summary Reports as of 2015.08.27"
5. "Draft Town Meeting Warrant Article for Planning and Design Funds," August 28, 2015

Next Meeting(s)

- Wednesday, September 9, 7:45 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, September 16, 7:45 a.m., Raytheon Room, Wayland Free Public Library

Respectfully submitted by Nan Jahnke, Friend of Wayland Free Public Library



Town of Wayland Massachusetts

OPEB Advisory Committee

Kent E. George
David Gutschenritter
Cliff Lewis (Chair)
Maryanne Peabody
Jay Sherry

**Minutes of the OPEB Advisory Committee
Wednesday, July 8, 2015
Selectmen's Meeting Room in the Wayland Town Building**

Present were Committee Members: Cliff Lewis (Chair), Kent George, David Gutschenritter, Maryanne Peabody and Jay Sherry. Also invited and present: Nan Balmer, Town Administrator and Zoe Pierce, Town Treasurer.

Proceedings can be viewed on WayCam.

Cliff Lewis called the meeting to order at 7 pm.

Public Comment – none

Cliff opened the meeting by saying the Committee had asked Nan and Zoe to attend for a discussion regarding whether the Town should live with or alter the Special Town statute on the OPEB Trust.

Nan Balmer described that she, Zoe, Brian Keveny (Finance Director) and Brian Fox, the attorney from Murphy, Hesse, Toomey & Lehane, retained by the OPEB Committee to help the Town assess whether there is need for a separate Trust agreement. Nan said Brian Fox was very helpful in letting she, Brian and Zoe understand their responsibilities under the current Town OPEB statute. She said that the fund had not been managed according to the Special Act (particularly with regard to the roles of the Town Administrator and Finance Director as the Trustees) and that they would be now. Nan mentioned that she saw the "prudent investor" in Chapter 203C as very different from the "prudent investor" concept in business. She said that she and Brian must find an expert to assist them in their duties that would be separate from the investment managers at Rockland Trust and Bartholomew. The Trustees of the OPEB Fund must set goals and adopt an investment policy. She stated they have started acting in their respective roles and would hire an expert through a procurement process. The issue was raised that since the Town Administrator and Finance Director are the trustees and as Town employees, also beneficiaries, Maryanne Peabody asked if having an additional independent trustee made sense. Dave Gutschenritter suggested a Board of Trustees made up of three (3) employees and two (2) independent trustees. Kent George asked if the 2 trustees who are Town Employees were not qualified as financial experts, would they need to hire a Trustee who is an expert. Nan Balmer said that she is investigating what other towns do and if there are trustees for hire and whether they charge by the hour, set fee, or

on a retainer. Jay Sherry discussed whether the idea of an informal investment committee would be workable under Wayland's current statute. Brian Fox said that it would not. Nan said that Brian said that any committee would have to operate under the Open Meeting Law guidelines.

Jay also asked about the current state of the investment reporting. Nan agreed that it should be reported for transparency. Cliff voiced that the Special Act did not mandate reporting. Kent George asked where did the Selectmen fit in the equation? It was discussed that the Special Act only identified the responsibility of the Town Administrator and the Finance Director and that, while the input of the Selectmen could be sought, it seemed that in the current Special Act the authority lay with the Town Administrator and the Finance Director.

A question was asked whether Rockland Trust and Bartholomew responded regarding investment information. Cliff said that they responded to him by emailing questions. The committee did not see that response. Bartholomew has not implemented the investment policy recommended by the OPEB Committee. If the policy is not implemented then the dollar amounts for town contribution annually and having the fund fully funded in 37 years will not work since the investment growth at 7% accounts for a good portion of the funding needed. The recommended town contribution is based on a return rate of 7% after management fees.

Can the Town change the Special Act? Nan said that we need to do is what is in the best interest of the Town. She thought that we should consider Dave Gutschenritter's suggestion of 5 trustees.

Cliff voiced that he was impressed with Brian Fox's understanding of the matter and that our next question should be: should we keep the Special Statute, adopt the State statute or change Wayland's Special Statute?

Nan Balmer will proceed with hiring an expert.

Cliff Lewis said we had received a good summary of where we are.

Jay Sherry suggested that if we wanted to change the Special Act we need to prepare an article for vote at the Special Town meeting that, if successful, that would need to be followed by a vote of the legislature. Jay suggested we file a place holder for an article for the November Special Town Meeting. He also suggested that we need to change the wording in section 3 about the HCST fund since HCST no longer exists as an option.

Both Jay Sherry and Kent George voiced the concern that the lack of citizen taxpayer input in the process in the governance of the fund is not a good situation. Kent voiced that the Finance director should be involved for oversight. Maryanne Peabody voiced that there must be someone representing the Town for oversight in addition to the Town employees. Nan Balmer thought there might be various ways to accomplish this. Cliff posed the question, should we rescind the Town's Special Statute and replace with the State version, 23B, or is it simpler to rescind the current Special Statute and re-write it with a real trust agreement with the State statute?

Kent George agreed that we should re-write the Special Act. Jay Sherry thought it would be easier to embrace the State Statute. Cliff thought we should question Brian to see what other towns have done. Both Kent George and Maryanne Peabody thought that since there are few towns that have put any

substantial money aside that we were in the forefront and would not find much useful data. Jay Sherry will contact PERAC. Zoe Pierce thought that this would be a very small sample.

Maryanne Peabody asked if Wellesley (a town that had put money aside) has a trust agreement. Zoe Pierce responded that they had not and that in Wellesley the Trust Fund Commission will take the responsibility on. There was discussion about how other towns have begun to handle the OPEB issue.

Nan Balmer updated the committee on some of the issues in the Treasurer/Collector's office that Zoe has been clearing up since she came on board and that there are tighter controls being put in place for these areas. They will get investment activity performance measures back from Bartholomew. They have a 50/50 allocation of investments and said they can move quickly. Jay Sherry suggested that the question should not be "how are we doing against a 7 % return but how are we doing against a fair benchmark for the market". Some discussion ensued about what benchmark that could be. Cliff suggested the MSCI World Index which is international and is a fair benchmark and would have produced a 7% return over time. He also suggested Barclay's Aggregate for Fixed Income products. Cliff suggested we define a cadence of questions that we want answered by the investment managers. Zoe Pierce said that the Town has a responsibility to stay on top of things and that we need an automatic reporting process from the investment management firms. Kent George asked how often the money was transferred to the OPEB Trust account. Zoe Pierce said that it was transferred once annually.

Further discussion ensued regarding the use of index funds (passive investment) vs. having investment managers. The question for active managers should be: prove that your active management trumps the use of passive index funds. Zoe Pierce asked if PRIT had been considered. Cliff explained that the Committee has considered that and thought that it is a defensible strategy. Some OPEB committee members have voiced concern about some of the radical investments that PRIT has in its portfolios.

Kent George said that the 75%/25% investment mix provides the bulk of the return needed by the Town over the long term. There was a motion made and seconded to reaffirm the investment policy adopted on 5/20/2015. It was voted in favor 4-0-1 (with Dave Gutschenritter abstaining due to potential conflict of interest).

The committee agreed we should read MGL Chapter 203C and understand the IRS regulations regarding a trust.

Kent George voiced that he did not think the Conflict of Interest issue comes in to play with the Town Administrator and the Finance Director being trustees since the life of the trust is so long in time that those 2 individuals would not have a substantial percentage of impact. However, if there is a question of what to do with the money, then conflict of interest comes into play.

Jay Sherry asked about what the Committee wanted to do about a warrant article. Kent George pointed out that the Committee does not have the authority to submit a warrant article but only to recommend an article to the Selectmen. Discussion ensued whether the Committee could reasonably get a motion to rescind the Special Act; accept the state statute, and get a trust agreement ready for the Special Town meeting. Cliff Lewis will contact Brian Fox to confer. Jay Sherry asked if we could put together a warrant article. Cliff Lewis agreed we should begin to write an article. Cliff will also speak with Tony Boschetto, the Selectman who is the OPEB's contact. Dave Gutschenritter made the motion, seconded

by Kent George to delegate to Cliff Lewis and Jay Sherry to talk with Tony Boschetto and to begin drafting a warrant article for the Special Town meeting. Vote was passed 5-0.

Schedule subsequent meetings – the next meeting was scheduled for Wednesday, July 5, 2015. A subsequent meeting was scheduled for Thursday, August 6.

Remaining Tasks for the Committee -

1. What to do with the actuary – the responsibility for choosing an actuary remains with Brian Keveny.
2. The legal issue of whether a separate trust document is needed.
3. Cost savings
4. Other housekeeping items of identifying who owns the various responsibilities moving forward.
5. How we allocate the bills from West Suburban regarding active vs. retired employees.
6. How do we get our final report completed?

There being no further business, a motion was made, seconded and voted to adjourn the meeting at 8:50 pm.

Respectfully submitted,

Maryanne Peabody
Member, OPEB Advisory Committee



Town of Wayland Massachusetts

OPEB Advisory Committee

Kent E. George
David Gutschenritter
Cliff Lewis (Chair)
Maryanne Peabody
Jay Sherry

Minutes of the OPEB Advisory Committee

Held on

Thursday, August 6, 2015 at 7 pm

Selectmen's Meeting Room

Wayland Town Building

Present were Cliff Lewis, Kent George and Maryanne Peabody.

Absent were Dave Gutschenritter and Jay Sherry

Also present was Nan Balmer, Wayland Town Administrator

The meeting was called to order Nan at 7 pm by Chair, Cliff Lewis.

Public Comment – no public comment

Minutes: The Minutes of July 8, 2015 had been prepared and emailed to members by Maryanne Peabody. Review was tabled until next meeting. Kent George has some outstanding Minutes.

The **OPEB Investment Account document** was discussed as drafted by Jay Sherry after conferring with Attorney Fox. Nan Balmer said she thought it was great and she is fine with the document as drafted.

Kent George made a motion that the OPEB Committee ask the Selectmen for an additional \$1,000 to have Special Attorney to the OPEB Committee Brian Fox draft a trust document for the OPEB Trust. Maryanne Peabody seconded the motion. The motion was approved 3-0.

Kent George made a second motion that the OPEB Committee vote to accept the OPEB Committee Investment Account Document as proposed. Motion was seconded by Maryanne Peabody. The Committee voted in favor 3-0. The OPEB Investment Account Document is slated to be on the Selectmen's agenda on the August 10, 2015 meeting.

OPEB Investment Management - Discussion ensued regarding looking at PRIT. Nan Balmer stated that RFPs would be going out in the meantime to look for an expert investment advisor to advise the current Trustees of the OPEB Trust Fund (Nan Balmer, Town Administrator and Brian Keveny, Town Finance Director) who are not expert investment advisors. Insurance for the Trust and Trustees will cost an additional

\$ 5,000. Nan said that the PRIT Board meets on October 1 and December 3, 2015. The performance of PRIT Investments should also be measured against a benchmark. Nan said that PRIT may not be the only option. Several OPEB Committee members have concerns about some of the investments in the PRIT portfolio. Nan will follow up with them to learn more about their concerns.

The next meeting of the OPEB Advisory Committee was set for Wednesday, August 26, 2015 at 7 pm.

There was a question regarding cost reductions. Nan Balmer said there were some things in motion to reduce costs.

A motion to adjourn was made and seconded. The meeting adjourned at 7:22 pm.

Respectfully submitted,
Maryanne Peabody,
Member, OPEB Advisory Committee



The Commonwealth of Massachusetts
 Executive Office of Health and Human Services
 Department of Public Health
 250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
 Governor

KARYN E. POLITO
 Lieutenant Governor

MARYLOU SUDDERS
 Secretary

MONICA BHAREL, MD, MPH
 Commissioner

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SEP 25 2015

Board of Selectmen
 Town of Wayland

Tel: 617-624-6000
www.mass.gov/dph

September 21, 2015

Dear Water Quality Awardee,

For 2014, a total of 2,282 public water systems in 33 states received these awards, including 63 in Massachusetts.

I am pleased to present you with a *2014 Water Fluoridation Quality Award* from the U.S. Centers for Disease Control and Prevention (CDC). Fluoridation of public water supplies in our country began more than 65 years ago. Today in Massachusetts 70% of our residents, more than 4 million people in 140 communities, are receiving the health and economic benefits of community water fluoridation. Each community's water system reports their fluoride level to the Office of Oral Health. We then monitor and document the results in the Water Fluoridation Reporting System (WFRS) managed by the CDC.


The CDC presents this Water Fluoridation Quality Award annually to public water systems that

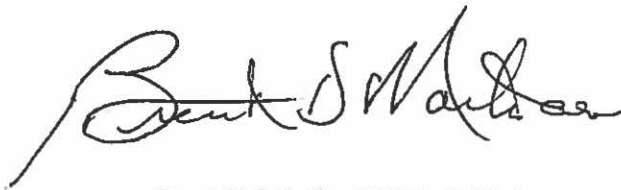
1. Adjust the fluoride concentration of their drinking water;
2. Achieve a monthly average fluoride level that is in the optimal range for 12 consecutive months in a year; and
3. Document their fluoride levels in CDC's Water Fluoridation Reporting System.

This award recognizes your investment in ensuring that every resident of your community receives the benefit of good dental health.

Thank you for your hard work and dedication and congratulations on this special recognition!

Sincerely,


 Craig S. Andrade, LATC, RN, DrPH
 Director, Division of Health Access Health


 Brent D. Martin, D.D.S., M.B.A.
 Oral Health Consultant, Office of Oral

Cc Board of Health
 Cc Mayor

10



WFRS
Water Fluoridation
Reporting System

2014

Water Fluoridation Quality Award

**WAYLAND WATER DEPARTMENT
STATE OF MASSACHUSETTS**

The Centers for Disease Control and Prevention commends this water system for its consistent and professional adjustment of the water fluoride content to the optimum level for oral health for 12 consistent months. Consistent, high-quality water fluoridation practice, as demonstrated by this water system, is a safe and effective method to prevent tooth decay, improving the oral health of community residents of all ages.

Presented by the
Centers for Disease Control and Prevention
United States Department of Health & Human Services

National Fluoridation Engineer, Division of Oral Health
National Center for Chronic Disease Prevention
and Health Promotion



Centers for Disease
Control and Prevention
National Center for Chronic
Disease Prevention and
Health Promotion