

PACKET

OCT 26

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 26, 2015 Wayland Town Building Selectmen's Meeting Room

Proposed Agenda

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

- | | |
|---------|---|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:02 pm | 2.) Public Comment |
| 7:15 pm | 3.) Meet with Andrew Gallinaro, Senior Vice President, Director of Asset Management for National Development for the Town Center Project |
| 7:35 pm | 4.) Presentation and Recommendations Regarding Information Technology Analysis by Craig Finley, McGladrey Associates, with Representatives of the Finance Committee and the Personnel Board |
| 8:20 pm | 5.) FY17 Capital <ul style="list-style-type: none">• Presentation of IT• Discussion and Potential Vote on Capital Recommendations to Finance Committee |
| 8:30 pm | 6.) Energy Initiatives Advisory Committee Update |
| 8:45 pm | 7.) Continued Discussion of Combined Draft of Town Administrator Evaluation |
| 9:05 pm | 8.) Review and Approve Consent Calendar (See Separate Sheet) |
| 9:10 pm | 9.) Review Correspondence (See Separate Index Sheet) |
| 9:20 pm | 10.) Report of the Town Administrator |
| 9:30 pm | 11.) Selectmen's Reports and Concerns |
| 9:40 pm | 12.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:45 pm | 13.) Adjourn |

**(3) MEET WITH NEW OWNERS –
TOWN CENTER**

DATE: October 26, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **Meeting with Representatives from National Development, the New Town Center
Management Group**

REQUESTED MOTION:

NONE

BACKGROUND:

Andrew Gallinaro, Senior Vice President, Director of Asset Management for National Development will meet with the Board to introduce himself and his organization to the Board.

(4) PRESENTATION IT REPORT

DATE: October 26, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **Presentation of Information Technology Report from McGladrey Associates**

REQUESTED MOTION:

NONE

BACKGROUND:

Craig Finley from McGladrey Associates will be presenting his findings, recommendations and 3-year master plan for Wayland's IT organization. The item is planned for a 25 minute presentation with 20 minutes afterwards for Q&A from the Board.

(5) FY17 CAPITAL PROJECTS

DATE: October 26, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **Presentation, Discussion and Review of FY 17 Capital Requests under the Jurisdiction of the Board of Selectmen**

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN AUTHORIZE THE TOWN ADMINISTRATOR TO FORWARD TO THE FINANCE COMMITTEE THE FY 17 CAPITAL RECOMMENDATIONS FROM THE BOARD OF SELECTMEN FOR DEPARTMENTS UNDER ITS JURISDICTION.

BACKGROUND:

This is a 2 part agenda item:

1. A presentation of capital requests for Information Technology, and
2. A discussion and potential vote on recommendations to the Finance Committee for capital items under the jurisdiction of the Board of Selectmen.

The capital information from the October 19th meeting is again included in your packet.



To: Nan Balmer & Paul Stein
From: Leisha Simon, WPS IT Director
Date: October 21, 2015
Subject: McGladery Recommendations and FY17 CIP Requests

I have worked closely with McGladery in review of their recommendations. There are several important IT upgrades and enhancements that I fully support to improve and secure the IT infrastructure for the Town of Wayland and Wayland Public Schools and increase the much needed IT staffing for the Town of Wayland.

In support of their recommendations, there is a request for a current year transfer of funds in Fall Town meeting for two new firewalls for enhanced security protection and an upgrade to the Town Exchange mail server to a vendor hosted solution. We are also moving ahead with the much needed Munis upgrade also to a vendor hosted solution, which will result in an increase to the Town IT Operating Budget in FY17 and beyond.

Our original plan (FY16 CIP/Summer 2015) was to install a new SAN, upgrade all out-dated servers (including Exchange), and upgrade and migrate Munis to an in-house virtual server. These projects were on our schedule for FY16/Summer 2015. Public requests seeking more supporting documentation led to the removal of this CIP request before the 2015 Annual Town Meeting. At that time, we began to focus on the new 3-year Town IT assessment. We also continued with our server and client computer OS upgrades. The McGladrey report clearly lays out the supporting documentation. We are pleased that the consultants have validated the original plan.

FY16-FY19 School CIP plans included the recommended network upgrades. Due to the Town IT Assessment not being complete, we pushed out our original request to upgrade the Middle School network to FY18. However, having had preliminary information from McGladery and given the security issues at stake, we have requested the following three CIPs in FY17:

- \$50,000 Upgrade Town and School Firewalls to enhance protection and mitigate risk. (Note: This is a placeholder should it not pass at Fall Town Meeting)
- \$80,000 Purchase a new SAN for improved virtualized end user performance and storage capacity.
- \$40,000 Purchase and install a centralized patch management system to scan, detect, assess and rectify security vulnerabilities.

DATE: OCTOBER 19, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: FY 17 CAPITAL PROJECTS

REQUESTED ACTION:

POTENTIAL VOTE TO APPROVE CAPITAL IMPROVEMENT PROJECTS FOR DEPARTMENTS UNDER THE JURISDICTION OF THE TOWN ADMINISTRATOR

Background:

Under the Town Code, the Finance Committee is responsible for preparing the annual Capital Improvement Plan. The Board of Selectmen "shall, no later than the 15th of January in each year, unless another date is agreed to, make both a capital and expense budget recommendation to the Finance Committee for the ensuing fiscal year for each Town board, officer and committee under its jurisdiction."

The Finance Committee's Capital Planning process is underway. The Conservation Administrator, Facilities Director and Fire Chief will present FY 17 capital project requests to the Selectmen on 10/19. Capital Projects for IT will be presented on 10/26.

Attached please find the following supporting documents prepared by the Finance Director:

1. A summary of all town and school FY 17 Capital requests totaling, as of 10/15/15, \$17,360,199. A Capital Improvement Form for each project can be found at: http://www.wayland.ma.us/Pages/WaylandMA_Finance/FY17CapitalProjects.pdf
2. Draft FY 17 – 21 Capital Plan
3. Adopted Capital Plan for FY 16 – 20 for comparison
4. Funds remaining available from prior year capital requests as of 9/30/15

FY17 CAPITAL BUDGET REQUESTS

FISCAL 2017 CAPITAL BUDGET REQUESTS-DRAFT

10-15-15

GENERAL FUND			
Department	Type	Description	Capital Budget
DPW	Infrastructure	Town wide road reconstruction	1,460,000.00
DPW	Infrastructure	Cemetery expansion	50,000.00
DPW	Infrastructure	Traffic calming	-
DPW	Equipment	Light Trucks-Replacement Schedule	90,000.00
DPW	Equipment	Light Trucks-John Deere Turf Tractor P 59	150,000.00
DPW	Equipment	Small Equipment-schedule	70,000.00
DPW	Equipment	Heavy Equipment-various	225,000.00
DPW	Equipment	Small Swap Loader L	220,000.00
DPW	Equipment	Transfer Station Trash Compactor	40,000.00
Conservation	Land	Land acquisition / open space-Standish Road	486,900.00
Conservation	Infrastructure	Rice road / Snake Brook dam repairs	50,000.00
Conservation	Building Repair	Shed and Office upgrades	35,000.00
JCC	Equipment	Radios REPEATER	25,000.00
Facilities	Building repair	Library Rotunda Window Replacement	85,000.00
Facilities	New construction	COA New Construction	5,600,000.00
Facilities	Building repair	Transfer Station Building Improvement	48,000.00
Facilities	Building repair	Demolition of old DPW Building	330,000.00
IT Dept.	Equipment	Town / School SAN upgrade	80,000.00
IT Dept.	Equipment	Firewall	50,000.00
IT Dept.	Equipment	Data Center Patch Management Software	40,000.00
Fire	Vehicle	Ladder and Fire Truck	950,000.00
Fire	Vehicle	Rescue Pump Truck	490,000.00
Fire	Vehicle	Fire Vehicle	55,000.00
Recreation	Land Imp	Capital field maintenance	75,000.00
Recreation	Land Imp	Artificial Turf Field Design	80,000.00
Recreation	Land Imp	Oxbow Meadows Site Construction	200,000.00
Recreation	Land Imp	Happy Hollow Playground	100,000.00
High School	Equipment	Security System	30,000.00
High School	Land Improvement	Stadium Repairs	150,000.00
School	Vehicle	Vehicle	30,000.00
Clayplt School	Equipment	Furniture Replacement	25,000.00
Food Service	Equipment	Food Service Equipment	175,600.00
4 Locations	Equipment	Custodian Equipment	50,000.00
Happy Hollow	Building Repair	Floor Tile	65,000.00
Happy Hollow	Equipment	Furniture Replacement	25,000.00
Happy Hollow	Building Repair	Phone upgrade	50,000.00
Loker School	Building Repair	Tile Replacement	65,000.00
Loker School	Building Repair	Door and Windows	1,900,000.00
Loker School	Equipment	Furniture Replacement	35,000.00
Middle School	Building Repair	Tile Replacement	150,000.00
Middle School	Equipment	Furniture Replacement	35,000.00
Wayland Housing	Building repair	Cochituate Apartments Fire Suppression	524,699.00
Total General Fund			14,395,199.00
WATER FUND			
Department	Type	Description	Budget
Water Fund	Building repair	Pump station upgrade	525,000.00
Water Fund	Building repair	Reeves Hill water tank cleaning	-
Water Fund	Vehicles	Vehicles	-
Water Fund	Infrastructure	Happy Hollow Access Road	600,000.00
Water Fund	Infrastructure	Water main replacement projects	1,400,000.00
Water Fund	Equipment	Water meter radio	200,000.00
Water Fund	Equipment	Water Tank Cleaning	250,000.00
Water Fund	Equipment	Billing software	80,000.00
Water Fund	Equipment	Remote Meter Reading Pilot Study	180,000.00
Water Fund	Equipment	Replace filters media	-
Total Water Fund			3,235,000.00
Total Fiscal 2016 requested budget			17,630,199.00

* DEPARTMENTS UNDER SELECTMEN HIGHLIGHTED

DRAFT FY17-21 CAPITAL PLAN

10-15-15

Department	Projected Description / Acquisition	Category	FY 17	FY 18	FY 19	FY 20	FY 21
DPW	Town wide road reconstruction	Infrastructure	1,460,000.00	1,606,000.00	1,766,600.00	1,943,260.00	2,137,586.00
DPW	Cemetery expansion	Infrastructure	50,000.00	-	-	-	-
DPW	Traffic calming	Infrastructure	-	-	-	-	-
DPW	Light Trucks-Replacement Schedule	Equipment	90,000.00	90,000.00	90,000.00	90,000.00	90,000.00
DPW	Light Trucks-John Deere Turf Tracker P 59	Equipment	150,000.00	-	-	-	-
DPW	Small Equipment-schedule	Equipment	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
DPW	Heavy Equipment-various	Equipment	225,000.00	225,000.00	225,000.00	225,000.00	225,000.00
DPW	Small Swap Loader L	Equipment	220,000.00	150,000.00	150,000.00	80,000.00	65,000.00
DPW	Transfer Station Trash Compactor	Equipment	40,000.00	-	40,000.00	-	40,000.00
			-	-	-	-	-
		Total	2,305,000.00	2,141,000.00	2,341,600.00	2,408,260.00	2,627,586.00
Conservation	Land acquisition / open space-Standish Road	Land	486,900.00	810,000.00	760,000.00	750,000.00	810,000.00
Conservation	Field Restoration	Land	-	-	-	-	-
Conservation	Rice road / Snake Brook dam repairs	Infrastructure	50,000.00	100,000.00	50,000.00	200,000.00	-
Conservation	Shed and Office upgrades	Building Repair	35,000.00	-	-	-	-
		Total	571,900.00	910,000.00	810,000.00	950,000.00	810,000.00
Police	Radios	Equipment	-	-	-	-	-
		Total	-	-	-	-	-
JCC Dept.	Repeater Replacement	Equipment	25,000.00	-	-	-	-
		Total	25,000.00	-	-	-	-
Planning	New Sidewalk	Infrastructure	-	400,000.00	-	890,300.00	-
		Total	-	400,000.00	-	890,300.00	-
Facilities	TB window replacement design	Building repair	-	100,000.00	-	-	-
Facilities	Library Rotunda Window Replacement	Building repair	85,000.00	-	-	-	-
Facilities	Town Building Renovations	Building repair	-	375,000.00	-	125,000.00	-
Facilities	Town Building New Windows	Building repair	-	-	1,185,000.00	-	-
Facilities	Demolition of old DPW Building	Building repair	330,000.00	-	-	-	-
Facilities	COA New Construction	New construction	5,600,000.00	-	-	-	-
Facilities	Vehicles - Motor pool	Vehicles	-	50,000.00	-	50,000.00	-
Facilities	Interior Renovation of Town Building	Building repair	-	-	-	-	-
Facilities	Transfer Station Building Improvement	Building repair	-	-	-	-	-
Facilities	TB mechanical / electrical Improvement	Building repair	-	218,000.00	2,766,250.00	-	-
Facilities	New Library	New construction	-	12,800,000.00	-	-	-
Facilities	Transfer Station Building Improvement	Building repair	48,000.00	-	-	60,000.00	-
			-	-	-	-	-
		Total	6,063,000.00	13,543,000.00	3,951,250.00	235,000.00	-
IT Dept.	Document Management	Misc.	-	50,000.00	50,000.00	50,000.00	-
IT Dept.	Town / School SAN upgrade	Equipment	80,000.00	-	60,000.00	-	-
IT Dept.	Firewall	Equipment	50,000.00	-	-	-	-
IT Dept.	Data Center Patch Management Software	Equipment	40,000.00	-	-	-	-
IT Dept.	Library Wiring and Wireless system	Equipment	-	-	-	-	-
IT Dept.	Permitting and Building Software	Equipment	-	150,000.00	-	-	-
IT Dept.	District / MAN Switches	Equipment	-	-	25,000.00	-	-
IT Dept.	Town Hall Wireless	Equipment	-	-	10,000.00	-	-
		Total	170,000.00	200,000.00	145,000.00	50,000.00	-

Department	Projected Description / Acquisition	Category	FY 17	FY 18	FY 19	FY 20	FY 21
			-	-	-	-	-
Fire	Ladder and Fire Truck	Vehicle	950,000.00	-	-	-	-
Fire	Rescue Pump Truck	Vehicle	490,000.00	-	-	550,000.00	-
Fire	Fire Vehicle	Vehicle	55,000.00	-	-	-	70,000.00
Fire	Fire Vehicle	Vehicle	-	-	-	-	75,000.00
Fire	Ambulance	Vehicle	-	295,000.00	-	-	-
Fire	Breathing Apparatus	Equipment	-	-	150,000.00	-	-
Fire	Other Equipment	Equipment	-	-	60,000.00	-	-
		Total	1,495,000.00	295,000.00	210,000.00	550,000.00	145,000.00
Recreation	Capital field maintenance	Land Imp	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Recreation	Artificial Turf Field Design	Land Imp	80,000.00	-	-	-	-
Recreation	Oxbow Meadows Site Construction	Land Imp	200,000.00	-	-	-	-
Recreation	Happy Hollow Playground	Land Imp	100,000.00	-	-	-	-
		Total	455,000.00	75,000.00	75,000.00	75,000.00	75,000.00
4 Locations	Phone upgrade	Building Repair	-	-	-	-	-
Happy Hollow	Boiler Replacement	Building Repair	-	200,000.00	-	-	-
Claypit School	Boiler Replacement	Building Repair	-	-	-	350,000.00	-
Claypit School	Phone upgrade	Building Repair	-	50,000.00	-	-	-
Middle School	Music Space / Café	Building Repair	-	120,000.00	-	-	-
Middle School	Phone upgrade	Building Repair	-	-	100,000.00	-	-
Middle School	Stage Lighting	Building Repair	-	-	115,000.00	-	-
Middle School	Gym Replacement	Building Repair	-	-	225,000.00	-	-
Loker School	Roof Replacement	Building Repair	-	-	130,000.00	-	-
Loker School	Roof Replacement / Air Handling Units	Building Repair	-	-	1,200,000.00	-	-
Loker School	Boiler Replacement	Building Repair	-	-	350,000.00	-	-
High School	Security System	Equipment	30,000.00	-	-	-	-
High School	Stadium Repairs	Land Improvement	150,000.00	1,000,000.00	-	-	-
High School	Turf Replacement	Land Improvement	-	800,000.00	-	-	-
High School	Resurface All Weather Track	Land Improvement	-	200,000.00	-	-	-
High School	Tennis Court Renovation	Land Improvement	-	150,000.00	150,000.00	-	-
School	Vehicle	Vehicle	30,000.00	-	-	-	35,000.00
Claypit School	Furniture Replacement	Equipment	25,000.00	-	-	-	-
Loker School	Parking equipment	Equipment	-	250,000.00	-	-	-
Food Service	Food Service Equipment	Equipment	175,600.00	166,500.00	164,000.00	-	-
4 Locations	Custodian Equipment	Equipment	50,000.00	30,000.00	-	20,000.00	-
Happy Hollow	Floor Tile	Building Repair	65,000.00	-	-	-	-
Happy Hollow	Furniture Replacement	Equipment	25,000.00	-	-	-	-
Happy Hollow	Phone upgrade	Building Repair	50,000.00	-	-	-	-
Loker School	Tile Replacement	Building Repair	65,000.00	50,000.00	-	-	-
Loker School	Door and Windows	Building Repair	1,900,000.00	-	-	-	-
Loker School	Furniture Replacement	Equipment	35,000.00	35,000.00	35,000.00	-	-
Middle School	Tile Replacement	Building Repair	150,000.00	150,000.00	75,000.00	-	-
Middle School	Furniture Replacement	Equipment	35,000.00	35,000.00	35,000.00	-	-
		Total School	2,785,600.00	3,236,500.00	2,579,000.00	370,000.00	35,000.00
		Town / School	13,870,500.00	20,800,500.00	10,111,850.00	5,528,560.00	3,692,586.00
Water Fund	Pump station upgrade	Building repair	525,000.00	-	-	-	-
Water Fund	Reeves Hill water tank cleaning	Building repair	-	-	-	-	-
Water Fund	Vehicles	Vehicles	-	75,000.00	80,000.00	80,000.00	-
Water Fund	Happy Hollow Access Road	Infrastructure	600,000.00	700,000.00	700,000.00	700,000.00	-
Water Fund	Water main replacement projects	Infrastructure	1,400,000.00	1,400,000.00	1,400,000.00	1,400,000.00	1,400,000.00
Water Fund	Water meter radio	Equipment	200,000.00	-	-	-	-
Water Fund	Water Tank Cleaning	Equipment	250,000.00	-	-	-	-
Water Fund	Billing software	Equipment	80,000.00	-	-	-	-
Water Fund	Remote Meter Reading Pilot Study	Equipment	180,000.00	-	-	-	-
Water Fund	Replace filters media	Equipment	-	-	1,000,000.00	-	-
		Total Water	3,235,000.00	2,175,000.00	3,180,000.00	2,180,000.00	1,400,000.00
Wayland Housing	Cochituate Apartments Fire Suppression	Building repair	524,699.00	-	-	-	-
		Total All	17,630,199.00	22,975,500.00	13,291,850.00	7,708,560.00	5,092,586.00

ADOPTED 5 YEAR CAPITAL PLAN FY 16-20

Department	Projected Description / Acquisition	Category	FY 16	FY 17	FY 18	FY 19	FY 20
DPW	Town wide road reconstruction	Infrastructure	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00
DPW	Cemetery expansion	Infrastructure	50,000.00	50,000.00	-	-	-
DPW	Culvert repairs-Transfer Station	Infrastructure	100,000.00	-	-	-	-
DPW	Traffic calming	Infrastructure	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00
DPW	Speed bumps - Glezen East	Infrastructure	25,000.00	-	-	-	-
DPW	Light Trucks-Replacement Schedule	Equipment	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
DPW	Light Trucks	Equipment	90,000.00	-	-	75,000.00	75,000.00
DPW	Small Equipment-P 34 Chlpper	Equipment	60,000.00	-	-	-	-
DPW	Small Equipment-schedule	Equipment	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00
DPW	Heavy Equipment-various	Equipment	80,000.00	240,000.00	150,000.00	150,000.00	80,000.00
DPW	John Deere Gator	Equipment	32,000.00	-	-	-	-
Conservation	Land acqisition / open space	Land	625,000.00	500,000.00	500,000.00	750,000.00	750,000.00
Conservation	Land acqisition / open space	Land	59,500.00	-	-	-	-
Conservation	Field Restoration	Land	40,000.00	60,000.00	-	64,000.00	60,000.00
Conservation	Rice road / Snake Brook dam repairs	Infrastructure	-	100,000.00	50,000.00	200,000.00	0
Conservation	Equipment	Equipment	-	-	45,000.00	-	-
Police	Radlos	Equipment	-	30,000.00	-	-	-
JCC Dept.	Repeater Replacement	Equipment	-	75,000.00	-	-	-
Facilities	TB exterior painting & repairs	Building repair	60,000.00	-	-	-	-
Facilities	TB window replacement design	Building repair	-	1,285,000.00	-	-	-
Facilities	Rotunda Window Replacement	Building repair	72,000.00	-	-	-	-
Facilities	Public Safety Building Sewer Pump Station	Building repair	50,000.00	-	-	-	-
Facilities	Library oil tank removal	Building repair	25,000.00	-	-	-	-
Facilities	Station 2 Septic and Paving	Building repair	35,000.00	-	-	-	-
Facilities	New CDA - Design and Construction	New construction	-	4,500,000.00	-	-	-
Facilities	Vehicles - Motor pool	Vehicleless	75,000.00	-	50,000.00	-	-
Facilities	Interior Renovation of Town Building	Building repair	-	-	375,000.00	-	125,000.00
Facilities	Transfer Station Building Improvement	Building repair	-	-	-	-	100,000.00
Facilities	TB mechanical / electrical improvement	Building repair	-	-	218,000.00	2,766,250.00	-
Facilities	Station 2 Interior Renovations	Building repair	-	-	25,000.00	-	-
Facilities	New Library	New construction	-	-	12,800,000.00	-	-
IT Dept.	Document Management	Misc.	-	50,000.00	50,000.00	50,000.00	50,000.00
IT Dept.	MUNIS Utility Software In Treasury Dept	Equipment	-	-	-	-	-
IT Dept.	MUNIS TAX Software In Treasury Dept	Equipment	-	-	-	-	-
IT Dept.	Library Data Center / Computers	Equipment	26,000.00	-	-	-	-
IT Dept.	Public Safety Building PSB Center	Equipment	30,000.00	-	-	-	-
IT Dept.	Town / School SAN upgrade	Equipment	100,000.00	-	60,000.00	-	60,000.00
IT Dept.	Library Wiring and Wireless system	Equipment	-	50,000.00	-	-	-
IT Dept.	Permitting and Building Software	Equipment	-	-	150,000.00	-	-
IT Dept.	District / MAN Switches	Equipment	-	-	-	25,000.00	-
IT Dept.	Town Hall Wireless	Equipment	-	-	-	10,000.00	-

Department	Projected Description / Acquisition	Category	FY 16	FY 17	FY 18	FY 19	FY 20
Building Dept.	Vehicle	Vehicle	-	-	-	-	-
Fire	Breathing apparatus bottles (48 units)	Equipment	48,000.00	-	-	-	-
Fire	Duty Officers Vehicle	Vehicle	55,000.00	-	-	-	-
Fire	Ladder and Fire Truck	Vehicle	-	1,035,000.00	-	-	-
Fire	Station 2 Fire Truck	Vehicle	-	-	395,000.00	-	-
Fire	Fire Chief Vehicle	Vehicle	-	-	-	60,000.00	-
Fire	Ambulance	Vehicle	-	-	-	-	294,000.00
Recreation	Capital field maintenance	Land Imp	125,000.00	125,000.00	125,000.00	125,000.00	125,000.00
Recreation	Hannah Williams Park Improvement	Land Imp	-	-	-	-	-
Recreation	Dudley Woods Trail Improvement	Land Imp	129,760.00	-	-	-	-
Recreation	Nike Field	Land Imp	20,000.00	-	-	-	-
Recreation	DPW Site Truf Design	Land Imp	150,000.00	-	-	-	-
Recreation	Greenways (municipal portion) design	Infrastructure	-	-	-	-	-
4 Locations	Phone upgrade	Building Repair	120,000.00	140,000.00	-	-	-
Claypit School	Door and Windows	Building Repair	250,000.00	-	-	-	-
Claypit School	Furniture Replacement	Equipment	35,000.00	25,000.00	-	-	-
Happy Hollow	Floor Tile	Building Repair	62,100.00	64,275.00	-	-	-
Happy Hollow	Renovation of Art Room and Café	Building Repair	195,000.00	-	-	-	-
Happy Hollow	Paving and Top Coat	Land Imp	52,000.00	-	-	-	-
Happy Hollow	Furniture Replacement	Equipment	35,000.00	25,000.00	-	-	-
Loker School	Tile Replacement	Building Repair	110,000.00	115,000.00	-	-	-
Loker School	Door and Windows	Building Repair	1,460,000.00	-	-	-	-
Loker School	Furniture Replacement	Equipment	35,000.00	35,000.00	35,000.00	35,000.00	-
Middle School	Window Replacement	Building Repair	250,000.00	-	-	-	-
Middle School	Furniture Replacement	Equipment	25,000.00	35,000.00	35,000.00	35,000.00	-
Water Fund	Pump station upgrade	Building repair	50,000.00	50,000.00	-	-	-
Water Fund	Reeves Hill water tank cleaning	Building repair	-	40,000.00	-	-	-
Water Fund	Vehicles	Vehicles	60,000.00	75,000.00	75,000.00	80,000.00	80,000.00
Water Fund	Water main replacement projects	Infrastructure	700,000.00	700,000.00	700,000.00	700,000.00	700,000.00
Water Fund	Access road HH	Infrastructure	350,000.00	-	-	-	-
Water Fund	Water meter radio	Equipment	-	800,000.00	-	-	-
Water Fund	Billing software	Equipment	-	80,000.00	-	-	-
Water Fund	Meter replacements	Equipment	200,000.00	200,000.00	-	-	-
Water Fund	Replace filters media	Equipment	-	-	-	1,000,000.00	-
Sub-total			6,621,376.00	10,954,292.00	16,308,018.00	6,595,269.00	2,969,020.00
Wayland Housing	Cochituate Village Apt Sprinkler System	Building repair	620,000.00	0	0	0	0
Total			7,241,376.00	10,954,292.00	16,308,018.00	6,595,269.00	2,969,020.00

OPEN CAPITAL PROJECTS - 10 - 15 15

PROJECT #	DESCRIPTION	DEPARTMENT	CURRENT BALANCE
TOWN PROJECTS			
40141103	ASSESSOR EQUIPMENT	ASSESSING	29,246.20
40155203	IT CAPITAL ATM 2014	TOWN IT	49,282.20
40155104	IT CAPITAL SP TM 2013	TOWN IT	63,596.92
40171404	DAM REPAIR SP TM 2013	CONSERVATION	25,000.00
40171403	DAM REPAIRS	CONSERVATION	91,054.00
40175003	PLANNING	PLANNING	36,680.92
40171405	CONSERVATION ATM 2014	CONSERVATION	28,908.00
40192103	TOWN BUILDING REPAIRS	FACILITIES	23,198.44
40192203	FY 13 BUILDING REPAIRS	FACILITIES	63,913.90
40192703	TOWN BUILDING REPAIRS ATM 2014	FACILITIES	60,011.50
40193003	STATION 2 REPAIR ATM 2014	FACILITIES	33,720.06
40193103	ENERGY UPGRADES ATM 2014	FACILITIES	(3,215.79)
40221803	FIRE BRUSH TRUCK ATM 2015	FIRE	42,831.60
40227103	STATION 2 REPAIR	FACILITIES	4,284.00
40422803	H-19 DUMP TRUCK ATM 2014	DPW	728.92
40423503	BOBCAT ATM 2014	DPW	572.44
40423803	HIGHWAY VEHICLES	DPW	5,807.58
40423903	HIGHWAY SIDEWALKS	DPW	29,276.60
40424203	NEW DPW FACILITY STUDY	FACILITIES	7,131.00
40424205	NEW DPW BUILDING STM 2013	FACILITIES	2,487,530.90
40424303	HGWY ROADWORK DESIGN (27/30)	DPW	54,685.84
40424403	HGWY TRAFFIC CALMING	DPW	165.08
40424503	DRAINAGE IMPROVEMENTS	DPW	90,066.93
40424903	ROAD CONSTRUCTION ATM 2014	DPW	55,595.38
40425003	PARKLAND / CHARLES ATM 2014	DPW	59,608.20
40425103	CULVERT REPAIRS ATM 2014	DPW	100,000.00
40425700	FY 16 DPW P-37 CHIPPER	DPW	5,014.00
40494403	TF STATION CAPPING	DPW	331.41
40494803	CEMETERY EXPANSION ATM 2014	DPW	94,734.85
40650503	FIELD IMPROVEMENTS ATM 2014	DPW	55,229.86
40650600	FY 16 RECREATION FIELD MAINT	RECREATION	67,137.00
40651703	BEACH HOUSE	RECREATION	6,211.05
40651903	CEMETERY SITE IMPROVEMENTS	RECREATION	24,763.22
40652303	BEACH IMPROVEMENTS	RECREATION	656.78
40651304	RECREATION FIELD IMP 2013	RECREATION	78,844.33

SCHOOL PROJECTS

3709	CLAYPIT FLOOR TILE ATM 2014	FACILITIES	1,174.00
3710	CLAYPIT DOORS / WINDOWS ATM 2014	FACILITIES	18,937.27
3711	HAPPY HOLLOW ART ROOM ATM 2014	FACILITIES	20,000.00
3712	HAPPY HOLLOW FLOOR TILE ATM 2014	FACILITIES	2,970.86
3714	MIDDLE SCHOOL WINDOWS ATM 2014	FACILITIES	250,000.00
3715	MIDDLE SCHOOL AIR COND ATM 2014	FACILITIES	70,000.00
3716	LOKER SECURITY ATM 2014	FACILITIES	6,556.97
3717	LOKER KITCHEN ATM 2014	FACILITIES	211,000.00
3754	FY14 BUILDING REPAIRS SP TM 2013	FACILITIES	80,163.00
3763	FY13 CAPITAL EQUIPMENT-OTHER	FACILITIES	128.70
3764	FY14 CAPITAL EQUIPMENT SP TM 2013	FACILITIES	1,176.53
3765	CLAYPIT FURNITURE AMT 2014	FACILITIES	4,363.12
3766	HAPPY HOLLOW FURNITURE 2014	FACILITIES	5,086.47
3768	MIDDLE SCHOOL FURNITURE 2014	FACILITIES	400.00
3781	FY 16 CLAYPIT DOOR AND WINDOW	FACILITIES	690,000.00
3789	FY 16 LOKER TILE REPLACEMENT	FACILITIES	54,752.00
3792	FY 16 MIDDLE SCHOOL WINDOWS	FACILITIES	24,862.00
3705	HIGH SCH RENOVATIONS/PLANNING	FACILITIES	2,798,212.00

WATER PROJECTS

42450003	PUMP STATION ATM 2014	WATER DEPART.	114,487.36
42450103	WATER VEHICLE ATM 2014	WATER DEPART.	13,330.00
42452903	PEMBERTON RD UPGRADE	WATER DEPART.	59,988.00
42452604	WATER MAIN REPLACE SP TM 2013	WATER DEPART.	2,781.56
42452304	WATER VEHICLES SP TM 2013	WATER DEPART.	2,009.00
42452904	HAPPY HOLLOW ROAD SP TM 2013	WATER DEPART.	19,300.00

(6) ENERGY - SOLAR PROJECT UPDATE

DATE: October 26, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: Update on Energy Committee's Solar Project

REQUESTED MOTION:

NONE

BACKGROUND:

Ben Keefe and Ellen Tohn will update the Board on options for the installation of panels for Committee's solar initiative. Options are discussed in Ben's report.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

DATE: October 22, 2015
TO: Nan Balmer, Town Administrator
FROM: Kenneth "Ben" Keefe, Public Buildings Director
RE: Board of Selectman Solar Project update

REQUESTED ACTION:

No action required.

BACKGROUND:

Ameresco has offered two construction schedule options for the solar photovoltaic panel installations:

Option 1: Expedited Schedule with restricted working hours at school sites

Summary: As a result of budget increases, I have run our financial model to evaluate the price implication of increased labor costs. The preliminary result is an increase in the first year PPA rate to \$0.13/kWh, escalating at 2% annually. The price increase due to budget changes are not considered costs covered by existing contingency, as they are specifically imposed by the Town. While labor cost increases and PPA changes are not enormous, Ameresco requests the Town the review and acceptance of updated PPA pricing to move forward with this project option. The price provided above is preliminary. Ameresco will work with the Town to provide transparency in the cost increases and will work toward a mutually agreeable price increase if this option is preferred.

Schedule: Anticipated overall construction schedule for Wayland under option 1 is as follows (drawings for permit will take 4 weeks to complete)

- Wayland High School
 - Foundations - November
 - Site work & underground electrical – November & February
 - Steel Work – April
 - Electrical work to connect carports – May

- Wayland Middle School
 - Foundations - November
 - Site work & underground electrical – November & February
 - Steel Work – April
 - Electrical work to connect carports – May

- Wayland Town Offices
 - Foundations - April
 - Site work & underground electrical – April & May
 - Steel Work – May
 - Electrical work to connect carports – June
- Wayland DPW
 - Roof Mounting & Electrical – April & May

COD: June 2016

Next steps:

1. Finalize contracts with subcontractors
2. Finalize PPA price impact, and present to energy committee
3. Amend PPA contract with agreed upon price change
4. Commence construction once final design is received
5. Engage Con Comm.

Option 2: Construction in Summer 2016

Summary: The second proposed option delays the start of construction to April vacation in 2016. As result of no working hour restrictions, there is no cost increase. Under option 2, construction will commence this spring, Ameresco will engage its subcontractors to be on location continuously from April through August, rotating between project sites to complete critical task and finish up with electrical work at the school sites immediately following the start of summer vacation.

Schedule: Anticipated overall construction schedule for option 2

- Wayland High School
 - Foundations - April
 - Site work & underground electrical – May & June
 - Steel Work – June & July
 - Electrical work to connect carports – July

- Wayland Middle School
 - Foundations - April
 - Site work & underground electrical – May & June
 - Steel Work – June & July
 - Electrical work to connect carports – July
- Wayland Town Offices
 - Foundations - April
 - Site work & underground electrical – May & June
 - Steel Work – June & July
 - Electrical work to connect carports – July

- Wayland DPW
 - Roof Mounting & Electrical – April & May

COD: August 2016

Next Steps:

1. Finalize contracts with subcontractors
2. Schedule specific construction dates with subcontractors
3. Engage Con Comm. for Town Office

The change in PPA pricing in Option 1 is estimated to reduce the benefit to the Town by over \$3,000 annually and a total reduction of over \$70,000 for the 20 year life of the agreement.

The expedited schedule in Option 1 only achieves Commercial Operational Date (COD) two months sooner and requires continued good weather to accomplish that. The expedited schedule would also create greater interference with school schedules, as well as reducing the financial benefit to the Town.

I am recommending that we proceed with Option 2. I have briefed the Energy Initiative Committee and have received no objections.

The project and PPA have been approved by Annual Town Meeting and the Board of Selectman. No new additional approval is required as these are the first proposed schedules we have received. I am providing this update to keep you informed and to insure that there are no objections to the Option 2 schedule.

Additionally, Net Metering Allocation Caps have been approved for the High School, Middle School and DPW portions of the project. The Town Building Allocation Cap will be applied for after all local permitting is completed for that part of the project.

(7) TOWN ADMINSTRATOR EVALUATION

DATE: October 26, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **Town Administrator Evaluation**

REQUESTED MOTION:

NONE

BACKGROUND:

This item is a continued discussion on the Town Administrator's performance evaluation. Enclosed are comments from each Selectman regarding the Town Administrator's performance. These comments will be discussed, condensed and used to create a single evaluation form.

Nan Balmer
Annual evaluation notes
Tony Boschetto 10/19/15

Tenet 1- Nan has taken steps to foster professionalism in her role as general manager, through enhanced communication with her department heads, goal setting and coordination.

Tenet 2- I believe that Nan has demonstrated strong sense of her role in the Town and the responsibility to the residents. As demonstrated during the challenges over Thanksgiving weekend. Nan understood that there was a lack of coordination among the School, Recreation and Public Works departments and work to develop solutions to make improve coordination to ensure better service to the citizens.

Tenet 3- Nan has represented Wayland professionally in all dealings I have had with other communities. She has been very professional in dealings with the MM school comm and member communities, she worked to represent Waylands interest per the direction of the Board and communicate professionally to the other communities.

Tenet 4- Nan has demonstrated the goal of making town government more effective for the people of Wayland, her assistance in reviewing town policies and improving the effectiveness of the town has been a good first step.

There are still a lot of areas in the Town, where it is very difficult to understand who is responsible for certain actions and how residents get things done. Who do I go to to do this and how does it get done. For Example see the town of Lexington website <http://lexsc.com/> top left corner.... "How do I apply for business license"

Tenet 5- Nan has always provided the board with the necessary facts and details for which to make policy decisions.

Tenet 6- This is an area where I believe Nan excels. She respects the authority of the Board of Selectman and other Authoritative boards in town and works to administer the policy and guidelines provided by those bodies.

Tenet 7- Nan has respected the will of town voters and has been impartial in her presentation of materials to provide factual information to the boards and voters.

Tenet 8- NA

Tenet 9- Nan has done her best to keep the board aware of all matters and communicate effectively. We talked about the development of other media and tools to make the public more aware of issues and what is going on and I would encourage Nan to explore better communication for the Town.

Tenet 10-12- Nan has fulfilled her duties in professional manner.

Overall- Nan has done a good job getting up to speed in her first year in Wayland. She has developed better management communication and works professionally with all boards and residents.

Nan Balmer
Annual evaluation notes
Tony Boschetto 10/19/15

I would encourage continued enhancement to policies to make sure the Town is treating all residents consistently and fairly. Work to make town government more effective and cost effective to citizens. Work on developing better communication to residents to understand town procedures and policies.

Continue to manage the fiscal affairs of the Town to manage the tax burden to our citizens.

Tony Boschetto

Town Administrator Evaluation Form*
Wayland, MA
September 2014 – September 2015

Board of Selectmen:

Each member of the Board of Selectmen (BoS) should complete this evaluation form for the Town Administrator (TA) by providing assessments on a separate sheet, then sign it in the space below, and return it to the Chair by October 19, 2015. For each assessment section, examples are given of skills and behaviors to consider while completing the evaluation, and specific examples should be used. Evaluations will be summarized and included on the agenda for discussion by November 2, 2015 (tentative).

Lea T. Anderson



Oct. 16, 2015

BoS Member's Signature

Date

Please note that I have been a selectman for six months. My review covers that time only.

1. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
 - *Nan has demonstrated knowledge of local government management.*
 - *She draws on her experience in previous towns and instills confidence that she pays attention to best practices and updated processes.*
- Demonstrates a capacity for innovation and creativity
 - *Nan has demonstrated an interest in innovating. This is Nan's first year in Wayland and she has understandably taken a cautious approach to making significant changes early on.*
 - *She has started to put her signature on new processes such as bringing together departments for regular discussions on improving Wayland's efficiency and responsiveness to its citizens.*
 - *Since the summer, the BoS packet is fully electronic, a change that is welcome by all of us. The packet is also available on line for citizens to read before our meetings. This has helped instill a sense of transparency.*
- Anticipates and analyzes problems to develop effective approaches for solving them
 - *Nan has been faced with some challenging issues in her first year, such as the hacking of the town treasurer's computer system last winter. Nan jumped*

right into triage and has since overseen the consultants' work on defining short and long-term solutions.

- *As Nan becomes more experienced in understanding Wayland's strengths and weaknesses, she will grow in the ability to anticipate problems.*
- Willing to try new ideas proposed by BoS members and/or staff. Sets a professional example by handling affairs of the Town Administrator's office in a fair and impartial manner
 - *Nan has taken on many projects proposed by the BoS. Nan and her staff developed a charge for a committee to oversee development of the town parcel at the town center for a possible Council on Aging and Community Center.*
 - *Other projects introduced this year include a comparative study of the town's health insurance provider and a new charge for the Permanent Municipal Building Committee.*
 - *Nan has also stepped forward to help coordinate work on the very complex issue of our request to withdraw from the Minuteman Voc. Tech. school district.*
- Represents the Town with good judgment and attitude appropriate for an executive position
 - *Nan is very professional. In my short time on the BoS, I have been impressed with Nan's attention to detail, good judgment, and kind nature. She represents Wayland well as our Town Administrator.*
- Helps the BoS address future needs and develop adequate plans to address long term trends
 - *Nan has developed goals and objectives for her second year as Wayland's Town Administrator that demonstrates an understanding of future needs.*
 - *As Nan gains experience in Wayland, she will be more able to understand and address long term trends.*

2. WORKING WITH THE BOARD OF SELECTMEN: RELATIONS AND REPORTING

- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
 - *Nan sets meeting agendas with the chair of the BoS that are full, but manageable.*
 - *She arranges for the appropriate people to be present at each meeting so that progress can be made. Most meetings end on time.*
 - *Nan and her staff also have the responsibility of developing warrants for Annual Town Meeting and Special Town Meeting. During my limited time on the board, Nan has coordinated management of this long process effectively.*
 - *I do not observe Nan burdening the BoS with unnecessary involvement in administrative actions.*
- Carries out directives of the body as a whole
 - *Nan keeps track of directives and follows up appropriately. For example, Nan and her staff have caught up on producing meeting minutes in a timely*

fashion.

- *There are some complicated issues that do not have easy resolution and are taking longer to address, such as IT, Rec revolving account, Minuteman, etc.*
- Assists by facilitating decision-making without usurping authority
 - *Nan does not appear to be usurping anyone's authority.*
- Responds well to requests, advice, and constructive criticism
 - *Nan follows through on requests.*
 - *I do not have a sense yet for how she handles constructive criticism. This first review will provide Nan an opportunity to demonstrate this skill!*
- Provides regular information and reports to the BOS concerning matters of importance to the Board; disseminates complete and accurate information equally to all members in a timely manner
 - *Nan communicates effectively with the board.*
 - *Most of the information passed on is useful, although it would be helpful to the board if some of the reports were summarized. Absorbing hundreds of pages of documents for every meeting can be difficult.*
- Responds in a timely manner to requests from the BOS for special reports
 - *Nan responds in a timely manner.*
- Takes the initiative to provide information, advice, and recommendations to the BoS on matters that are non-routine and not administrative in nature
 - *Nan is gaining confidence in giving advice and recommendations to the board.*
 - *This will be an area for growth as she gains experience in Wayland.*
- Cooperates with neighboring communities, regional, state and federal government agencies and maintains working relationships with Wayland's legislative team
 - *Nan participates in community, regional, and state events.*
 - *She talks with Wayland's legislative team on a regular basis. I do not know about federal level involvement.*

3. POLICY EXECUTION

- Implements BoS actions in accordance with its intent
 - *Nan implements BoS actions according to its intent.*
- Supports the actions of the BoS after a decision has been reached, both inside and outside the organization
 - *Nan is very careful to support the decisions of the BoS.*
- Understands, supports, and enforces Wayland's by-laws, policies, and practices; good knowledge of Town by-laws and policies
 - *Nan has made an effort to learn the Town's by-laws and policies in this first year and displays a good understanding of both.*
- Reviews Board policies and procedures periodically to suggest improvements to their effectiveness
 - *Nan has brought policies before the BoS this year for review and updating. The process is regular and ongoing.*
 - *Nan solicits feedback from the board and incorporates suggested changes*

until the board approves the policy update.

- Offers workable alternatives to the BoS for changes in by-law or policy when an existing policy is no longer practical
 - *As part of the ongoing review, Nan suggests changes and listens well to the suggestions of the BoS.*

4. CITIZEN RELATIONS

- Responsive to requests from citizens
 - *Nan is interested in improving Wayland Town Government's responsiveness to citizens as a goal and also in practice.*
 - *I have observed her response to requests for help getting a utility company to move more quickly on a pole installation.*
 - *Nan has responded to requests for documents that can interrupt the ongoing work of her staff. She displays the willingness to work with and respect for the small number of citizens who regularly request information.*
- Demonstrates a dedication to service to the community and its citizens
 - *Nan has expressed a goal of improving the customer service offered to Wayland's citizens.*
 - *It will be a challenge to spread this concept to all corners of town government.*
- Maintains a nonpartisan approach in dealing with the news media
 - *My sense is that Nan is nonpartisan with the news media, but I have no direct experience.*
 - *As Nan gains experience in Wayland, I would like to see more involvement with the press in communicating the work of the BoS and in soliciting feedback.*
- Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
 - *I have observed that Nan is a very good listener and makes an effort to understand people's concerns.*
- Gives an appropriate effort to maintain citizen satisfaction with Town services
 - *This is important to Nan and will be an ongoing goal.*

5. STAFFING AND SUPERVISION

- Recruits and retains competent personnel for staff positions
 - *Nan has hired a new fire chief, treasurer, building inspector, and other staff, all of whom are well qualified.*
 - *Nan works with a seasoned staff who continue to perform their jobs very well.*
- Applies an appropriate level of supervision to improve any areas of substandard performance
 - *Nan is concerned with improving performance, but I am not aware of*

specifics.

- Stays accurately informed and appropriately concerned about employee relations
 - *Nan works closely with the Asst. Town Administrator/Personnel Director to stay apprised of employee relations.*
- Instills confidence and promotes initiative in Department Heads through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
 - *Nan works with Department Heads and is determined to improve the team approach to solving problems.*
- Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the Town Administrator's office
 - *I rarely see Nan in her day-to-day interactions with staff, yet my sense is that her relationship with staff is developing. Her demeanor is friendly, yet dignified.*
- Encourages teamwork, innovation, and effective problem-solving among the staff members
 - *Nan is making an effort to encourage teamwork, innovation, and problem-solving through her regular department head meetings.*

6. FISCAL MANAGEMENT

- Prepares a budget to provide services at a level directed by the Finance Committee and BoS
 - *I was not on the BoS when the last budget was prepared.*
- Makes the best possible use of available funds, conscious of the need to operate Wayland efficiently and effectively
 - *Nan is clearly dedicated to operating efficiently and effectively within budget.*
- Prepares a budget and budgetary recommendations in an comprehensive and timely manner with an accessible format and in compliance with Wayland's by-laws
 - *I was not on the BoS when this was done last year.*
- Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
 - *Nan demonstrates responsibility for financial planning and accountability.*
 - *She has stated in her goals for the current year that she wants to create a cohesive financial management group.*
- Appropriately monitors and manages fiscal activities of the organization
 - *Nan works with the town's finance director to monitor and manage fiscal activities and communicate with the BoS.*

7. What would you identify as the Town Administrator's strength(s) expressed in terms of results achieved during the rating period?

- *Organization and preparation for meetings*
- *Follow-through on suggestions or requests of the BoS*

- *Responsiveness to citizens*
- *Improving openness of BoS through on-line packet access*

8. What performance area(s) would you identify as most critical for improvement?

- *Anticipating problems*
- *Offering advice and recommendations to the BoS*
- *Working with the press to communicate BoS activities*

9. What other comments do you have for the Town Administrator, e.g. priorities, expectations, goals or objectives for the next year?

Nan has had a very good first year in Wayland. She boarded a moving train that did not slow down, while learning the intricacies of Wayland's town government.

I recommend that Nan pay particular attention to staff relations this year. While I have no specific concerns at this point, I know that Nan and the BoS depend on the whole team working well together.

Major issues to be resolved over the current fiscal year are

- *Select a developer for River's Edge*
- *Continue planning for the Town Parcel at the new town center*
- *Revamp Wayland's IT*
- *Work to resolve the Recreation Dept. revolving account*
- *Work with the WRAP committee on future development of the town*
- *Select an investment model for the OPEB fund*
- *Improve the responsiveness of Wayland Town government*

** Questions and format are drawn from various ICMA examples provided by Nan Balmer and available online.*

Town Administrator Evaluation Form*
Wayland, MA
September 2014 – September 2015

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Mary M. Forbes
BoS Member's Signature

10/19/15
Date

1. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by BoS members and/or staff. Sets a professional example by handling affairs of the Town Administrator's office in a fair and impartial manner
- Represents the Town with good judgment and attitude appropriate for an executive position
- Helps the BoS address future needs and develop adequate plans to address long term trends

During her first year as town administrator, Nan Balmer has consistently demonstrated her knowledge and professionalism. She has researched and understands the Selectmen's policies and town bylaws. If she or the board has a question, she is quick to seek answers from Town Counsel, state agencies, or her peers. She is also conscious of the Wayland landscape and tailors her actions and responses to the scrutiny the town receives from members of the community.

The Town Administrator is very good at anticipating and analyzing problems. For example, she acted quickly to the hacking incident and has brought in outside expertise each step along the

advance of a request and always has motions prepared, such as those to go into executive sessions. She understands Wayland's by-laws, policies, and practices and frequently researches those of other communities as well. With the chair's encouragement, she is methodically reviewing the Board's policies and updating them.

4. CITIZEN RELATIONS

- Responsive to requests from citizens
- Demonstrates a dedication to service to the community and its citizens
- Maintains a nonpartisan approach in dealing with the news media
- Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- Gives an appropriate effort to maintain citizen satisfaction with Town services

I have heard nothing but good reports from residents. Nan is approachable, listens well, is even-mannered, and works to resolve issues. She maintains collegial relationships with those who question the town's actions. I have been pleased that she attends Wayland activities and events and patronizes Wayland businesses.

5. STAFFING AND SUPERVISION

- Recruits and retains competent personnel for staff positions
- Applies an appropriate level of supervision to improve any areas of substandard performance
- Stays accurately informed and appropriately concerned about employee relations
- Instills confidence and promotes initiative in Department Heads through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the Town Administrator's office
- Encourages teamwork, innovation, and effective problem-solving among the staff members

Under her leadership, Nan has hired very competent staff—Ben and Zoe, to name two. She has worked with employees to enhance their knowledge and skills. She has worked cooperatively with staff over which she does not have authority because of our particular organizational structure. And she has made a special effort to work effectively with the school-side of the town.

Nan has spent time with each member of the staff to better understand their jobs and perspectives. She holds staff meetings and brings related staff together to address specific issues. One person suggested to me that Nan does not treat (office) staff as well as she might.

Town Administrator Evaluation Form*
Wayland, MA
September 2014 – September 2015

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BoS Member's Signature

10-19-15

Date

1. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by BoS members and/or staff. Sets a professional example by handling affairs of the Town Administrator's office in a fair and impartial manner
- Represents the Town with good judgment and attitude appropriate for an executive position
- Helps the BoS address future needs and develop adequate plans to address long term trends

2. WORKING WITH THE BOARD OF SELECTMEN: RELATIONS AND REPORTING

- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions

Karlson
Notes for TA Evaluation
Period: Sept 2014 – August 2015
October 19, 2015

Background:

- Wayland had been without a full time manager for 13 months when Nan started in September 2014
- Started in September 2014 and landed in many ongoing projects and processes
- Work had not been done or was on hold and agendas were quite full
- No goals were set for the first year; it has been a time of learning Wayland ways, developing relationships with staff, entering a difficult budget process for FY16, dealing with multiple staffing changes, and administrative and operational challenges.

1. Professional Skills and Status

- Demonstrates willingness to try new ideas proposed by BoS
- Analyzes and applies Town bylaw related to TA position
- Understands legal issues and role of town
- Demonstrated ability to work in a crisis mode when the Town's IT infrastructure was hacked
- As procurement officer for the Town, has completed numerous requests for proposals with assistance of key staff in TA office. Good guidance is given during the process. Developed list of on call engineering/design firms to facilitate the bid process.
- Lead the town staff through one of the worst winters on record – impact on town services, residents.

Going forward:

- further develop skills and comfort with making strategic recommendations to the BoS regarding priority initiatives in addition to providing information to make those decisions
- develop and reinforce skill to address any systemic problem impacting multiple areas of Town; bring to resolution with BoS assistance if needed.

2. Working with the Board of Selectmen: Relations and Reporting

- Proactively outlines meeting agendas multiple weeks in advance; it is the nature of the work that agendas are moving targets until the last minute; however, need to work to finalize meeting topics as early as feasible.
- Receptive to BoS requests on agenda items – responding to inquiries, following up on public comment topics, adding topics to future agendas
- The BoS receives many communications; over the last year Nan has become more adept at forwarding important items throughout the week rather than waiting for Correspondence packets.
- Responsive to the BoS requests for information – requested information is received on a timely basis
- With help of key staff, implemented electronic BoS packets at urging of board

- Provides an overview “memo” for each agenda topic – clearly outlining the requested action, the issues at hand and providing necessary background information. This procedure has resulted in meetings running more time efficiently and productively.
- Over the year has developed better use of the Consent Calendar for handling routine BoS matters.

Going forward:

- develop relationships with neighboring communities and peers in similar towns;
- develop and enhance a working relationship with Wayland’s legislative team.

3. Policy Execution

- Fully supports decisions of the BoS and acts to implement them
- Nan has worked to understand Wayland’s bylaws and policies as they related to all Town functions; Wayland’s structure is complex and in some ways unique.
- Assisting with the ongoing review of all BoS policies; providing suggestions to clarify and address areas of confusion/concern.
- Was not able to complete work on better licensing/zoning regulations for auto dealerships – although requested by Board on multiple occasions

Going forward:

- suggest changes and improvements to Wayland’s way of conducting town business based on prior professional experience.
- Suggest bylaw changes where appropriate.
- Provide guidance on issue of licensing the town green site at Town Center

4. Citizen Relations

- Nan has made a concerted effort to have time for residents. She has an open door policy and has set up meetings with many residents to understand how Wayland is important to them.
- Has made a concerted effort to attend town events and be a presence in Wayland
- Nan is apolitical in her interactions with Wayland residents – and brings all requests and concerns to the BoS with equal import.
- Nan was the first interviewee on Wayland Buzz and made certain that the topics were informational as opposed to political in nature.
- Made a concerted effort to attend many board/committee meetings to understand the Wayland process and to meet the residents involved with various committees.
- Holiday lights – responded to resident requests for holiday lights, worked with town departments to implement, received positive feedback from the community

5. Staffing and Supervision

- Met with all department heads to better understand department functions, roles, concerns and needs
- Similarly, made a concerted effort to interact with all Town staff
- Many new department heads - Fire Chief, Treasurer, Public Buildings Director, Building Inspector, Recreation, DPW – good hires, developing good working relationships
- Beginning review process as allowed/determined under the TA job description
- Needs to continue to find balance between supporting vs restricting dept heads and delegating vs staying involved with daily operations

- Has developed a presence within town building
- Has managed sensitive staff situations in a professional and effective manner.

Going forward:

- TAs office has more staff but does not seem to be accomplishing more than in years past
- Find better balance between delegation and still attending meetings; determine efficient method to stay informed
- Work toward smoother relations with employees at all levels of the organization

6. Fiscal Management

- The FY16 budget was a rough/uncertain process as Nan learned the bylaws and process of putting together a Wayland budget; end product was a sound budget presented and passed at ATM. Continue collaboration with FinCom during the budget process.
- Materials were brought to the BoS for review according to bylaw
- Town maintained its AAA rating with Moody's
- Worked with Finance Department (workflow) and Schools (owners) to understand and resolve issues related to revolving funds and their legal structure.
- Cash reconciliation – has been going on for over a year and has not been brought to closure; recognize that various staff, auditors and consultants have been involved.
- OPEB – has not taken a leadership role in addressing and implementing the investment role for OPEB funds
- Rec Revolving fund – has not taken a leadership role in addressing and implementing a financial plan to address the fund balance (management letter comment) and business model.

Going forward

- Make recommendations for a better budget process
- TA role in whole town-side budget creation should be clarified
- Bring Cash Reconciliation issue to a close.
- Develop plan and timetable for implementing OPEB investment policy and clearly outline legal options for trust and/or special act legislation.
- Develop better process/reports for BoS to review weekly warrants.
- Work with Finance Director, FinCom, BoS and Rec to implement a financial model that fits the program needs and provides financial controls.

7. Strength(s) expressed in terms of results achieved during this period:

- Made a concerted effort to understand and have a working knowledge of Wayland's structure in order to perform the TA job responsibilities
- Brought stability to the TAs office; made staff feel listened to
- Repeatedly asks for clarification of an issue – which helps to drill down to the essence of the matter
- Good at reviewing process – and bringing items to BoS for vote that were not always done before, e.g. approval for annual bond sale, formal right of first refusal on affordable housing units.
- Worked with MaryAnn to review and approve past minutes (regular and exec session) to bring BoS into better compliance with OML
- Several projects took large amounts of time from the TAs office - Settlement of judgment (20W/WWMDC/Town) occurred in February 2015; ongoing executive session discussions

about Glezen Lane traffic calming/restrictions; issuance of the River's Edge RFP in August 205 and negotiations on the Septage facility IMA with Sudbury.

- Pulling together dept heads/land use to get feedback on projects that touch on many departments (e.g. solar).

8. Performance area(s) for improvement:

- After a year of experience, needs to provide leadership in the development, implementation and administration of town functions within the TA's purview. Don't be afraid to offer suggestions.
- Develop comfort with impacting policies and programs that impact multiple areas of town government – working with all elected and appointed boards in the implementation, development and execution of programs. The TA should provide leadership and recommendations, e.g. Rec.
- Bring projects to closure – for example, cash reconciliation, IT, zoning for auto dealers, OEPB and Rec financial model.
- Providing stronger guidance and opinions on some topics – e.g. Minuteman and appropriate steps for the Town.
- Relies heavily on BoS for information and direction, more than should be required of a volunteer position.
- Now that you have participated in two town meetings, taking a more active role in preparing articles for ATM, working with departments to prepare articles/balance workload with ATM schedule in mind and stronger follow-up on action steps after ATM.

9. Other comments:

- Pursue professional development for town administrator/manager roles – to lend support to new staff, develop stronger leadership skills and bring new knowledge of best practices to Wayland.
- Time management is key given Wayland's flat organizational structure. Finding the right balance between attending meetings, managing the volume of email correspondence and bringing effective management skills to the BoS. Perhaps helping the BoS say no to new projects if there is not sufficient staff time to devote to overseeing it.

Town Administrator Evaluation Form*
Wayland, MA
September 2014 – September 2015

Board of Selectmen:

Each member of the Board of Selectmen (BoS) should complete this evaluation form for the Town Administrator (TA) by providing assessments on a separate sheet, then sign it in the space below, and return it to the Chair by October 19, 2015. For each assessment section, examples are given of skills and behaviors to consider while completing the evaluation, and specific examples should be used. Evaluations will be summarized and included on the agenda for discussion by November 2, 2015 (tentative).

BoS Member's Signature

Date

1. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
Nan has had an acceptable learning curve and is improving.
- Demonstrates a capacity for innovation and creativity
More analytical than creative, good organization skills
- Anticipates and analyzes problems to develop effective approaches for solving them
Seems to understand problems, would like to see more in the way of offering solutions.
- Willing to try new ideas proposed by BoS members and/or staff. Sets a professional example by handling affairs of the Town Administrator's office in a fair and impartial manner
Yes, Nan does this well
- Represents the Town with good judgment and attitude appropriate for an executive position
Nan, comports herself in a professional manner

- Helps the BoS address future needs and develop adequate plans to address long

term trends

Nan seems to be more oriented to day to day management as opposed to long term planning

2. WORKING WITH THE BOARD OF SELECTMEN: RELATIONS AND REPORTING

- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
Yes more use of consent and issues handled offline
- Carries out directives of the body as a whole
For the most part. Sometimes requires additional information/direction
- Assists by facilitating decision making without usurping authority
Generally appears reluctant to make decisions separate from BOS direction
- Responds well to requests, advice, and constructive criticism
Always willing to learn
- Provides regular information and reports to the BOS concerning matters of importance to the Board; disseminates complete and accurate information equally to all members in a timely manner
Yes
- Responds in a timely manner to requests from the BOS for special reports
Yes
- Takes the initiative to provide information, advice, and recommendations to the BoS on matters that are non-routine and not administrative in nature
Not often. This is an area that I believe needs improvement. TA needs to advise board and provide direction and propose plans for resolution of issues. Nan needs to take more initiative in this area
- Cooperates with neighboring communities, regional, state and federal government agencies and maintains working relationships with Wayland's legislative team
Yes

3. POLICY EXECUTION

- Implements BoS actions in accordance with its intent
Yes
- Supports the actions of the BoS after a decision has been reached, both inside and outside the organization
For the most part, some issues have required a second look as competing views can muddle the decision making process. I would attribute this to the learning curve I this new position and community
- Understands, supports, and enforces Wayland's by-laws, policies, and practices; good knowledge of Town by-laws and policies
Nan seema well versed in town bylaw and has helped the board update our policies

- Reviews Board policies and procedures periodically to suggest improvements to their effectiveness
Yes as stated above
- Offers workable alternatives to the BoS for changes in by-law or policy when an existing policy is no longer practical
Yes in cooperation with the board

4. CITIZEN RELATIONS

- Responsive to requests from citizens
Yes, Nan works well with the towns citizens
- Demonstrates a dedication to service to the community and its citizens
Yes
- Maintains a nonpartisan approach in dealing with the news media
Not Applicable to this time but I would expect Nan to be nonpartisan
- Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
Has good open door policy
- Gives an appropriate effort to maintain citizen satisfaction with Town services
This is a priority for Nan and the Town

5. STAFFING AND SUPERVISION

- Recruits and retains competent personnel for staff positions
Hires to date seem very good
- Applies an appropriate level of supervision to improve any areas of substandard performance
It would appear so, I really do not know
- Stays accurately informed and appropriately concerned about employee relations
I do not know
- Instills confidence and promotes initiative in Department Heads through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
We do not work directly with department heads so I cannot say
- Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the Town Administrator's office
It appears so, again our access is limited
- Encourages teamwork, innovation, and effective problem-solving among the staff members
I would hope so but as policy board members our access to department heads is limited

6. FISCAL MANAGEMENT

- Prepares a budget to provide services at a level directed by the Finance Committee and BoS.
Nan worked with Board to prepare last year's budget
- Makes the best possible use of available funds, conscious of the need to operate Wayland efficiently and effectively
Yes
- Prepares a budget and budgetary recommendations in an comprehensive and timely manner with an accessible format and in compliance with Wayland's by-laws
I do not recall Nan making specific budgetary recommendations
- Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
I would need to see specific evidence of Na's actions in this area.
- Appropriately monitors and manages fiscal activities of the organization
I know this is a priority for the BOS and the town, and as such for Nan. I cannot recall specific actions of the TA in this area

7. What would you identify as the Town Administrator's strength(s) expressed in terms of results achieved during the rating period?

Nan cares very deeply about her responsibilities as TA, has an open door policy to residents and understands the towns bylaws. She has also helped update board policies and most importantly guided the town through IT and Budget personell and software problems.

8. What performance area(s) would you identify as most critical for improvement?

As a member of a policy board I expect more direction from a Town Administrator. With the govt populated elected and appointed volunteers it is very important that the TA provides leadership and proposes direction and policy to the BOS to aid in our decision making process.

9. What other comments do you have for the Town Administrator, e.g. priorities, expectations, goals or objectives for the next year?

I think what was an expected and substantive learning curve is behind us. I expect Nan to be leading policy with specific recommendations on how the BOS and town move forward.

Nan has done a good job after coming to Wayland under what can only be described

as very difficult circumstances. As stated above I expect Nan to evolve into the hands on Administrator needed for this position. Board members come and go but the TA is the longer term face of the town, its policies, and direction. As such, I expect the TA to lead with specific policy recommendations and consistent vision.

** Questions and format are drawn from various ICMA examples provided by Nan Balmer and available online.*



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 26, 2015 Wayland Town Building Selectmen's Meeting Room

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Appointment of Mary Antes as the Designee of the Board of Selectmen to the River's Edge Advisory Committee for a Term to Expire upon the Final Disposition of Said Land by Sale, Lease, or Otherwise
3. Vote the Question of Approving a One Day Liquor License for Russell's Garden Center, 397 Boston Post Road, for the Annual Ladies Night Out, Wine Tasting Only, from 4:00 p.m. to 8:00 p.m. on Wednesday, November 4, 2015
4. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs, for the Wayland High School Boys Varsity Lacrosse Team Fundraiser, 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 2-8, 2015
5. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs, for the Wayland Scholarship Committee, at the Intersection of Old Connecticut Path and Route 27 (Five Paths), and at Route 20/Old Connecticut Path, from November 9-16, 2015
6. Vote the Question of Approving the Minutes of September 8, 2015, September 21, 2015, and September 28, 2015



RECEIVED

OCT 22 2015

Board of Selectmen
Town of Wayland

October 22, 2015

Board of Selectmen
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

I am the owner of 397 Boston Post Road in Wayland , MA and give my approval for a winetasting for our Ladies' Night Out event which will take place here at Russell's Garden Center on Wednesday November 4, 2015 from 4-8 pm.

This is primarily a shopping event, customers come and go and do not stay for the entire four hours. Over the course of the evening we estimate on the basis of sale transactions that close to 400 people attend.

Thank you in advance for your consideration of our request.

Timothy H. Skehan

CEO

Russell's Garden Center
397 Boston Post Road
Wayland, MA 01778
508 358-2283 x 344
skehan@russellsgardencenter.com

RUSSELL'S GARDEN CENTER
397 BOSTON POST ROAD
WAYLAND, MASSACHUSETTS 01778
PHONE: 508-358-2283
FAX: 508-358-2473

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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 ^{SERVICE ONLY} 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: WEDNESDAY Nov 4, 2015
Exact times of the license: FROM 4 am/pm TO 8 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:
RUSSELL'S GARDEN CENTER
397 BOSTON POST ROAD
WAYLAND, MA. 01778
MARIE WINTER 508 358-2283 x 394

Full name, address, phone (s), and email of the manager who shall be responsible for this license:
MARIE WINTER 508 358-2283 x 394 (w)
397 BOSTON POST ROAD 508 397-3022 (c)
WAYLAND, MA. 01778
MARIEW@RUSSELLSGARDENCENTER.COM

Is the Applicant TIPS Certified? Yes No If yes, please attach documentation.

Description of Event: LADIES' NIGHT OUT - HOLIDAY SHOPPING
EVENT WITH LIVE MUSIC, WINE & FOOD SAMPLING
FROM LOCAL VENDORS

Number of Attendees _____ (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? If yes, please attach appropriate documentation.

Location where event shall be held:

GREENHOUSE AND RETAIL AREAS AT
RUSSELL'S GARDEN CTR

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 ~~use~~ 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: Marie M Winter Date: 10/22/15

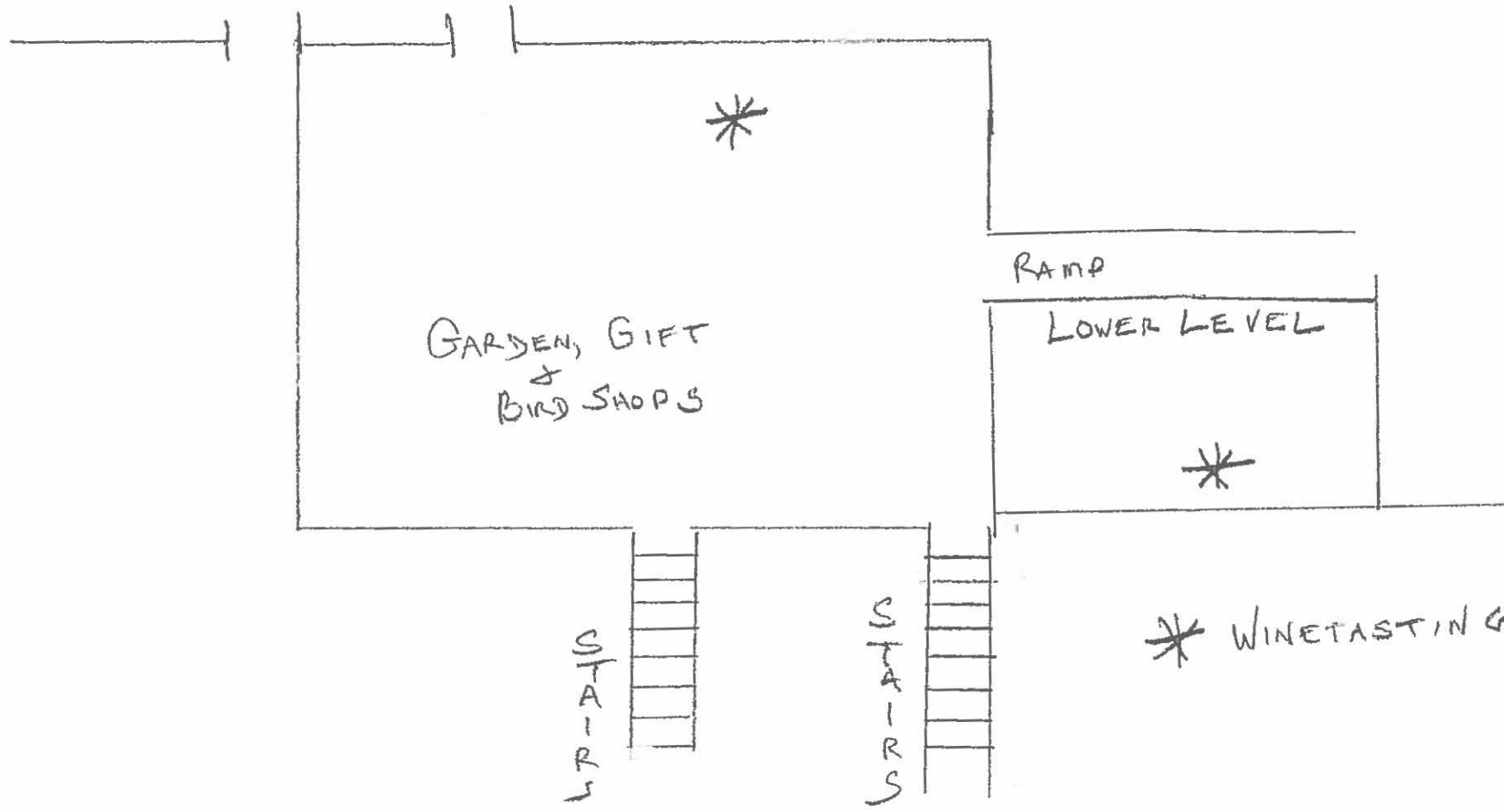
Return this form, along with check for fee of \$25 made out to the TOWN OF WAYLAND, to:

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.



Route 20 ENTRANCE



* WINETASTING

DiNapoli, MaryAnn

From: Keating, Daniel <dan.keating@philips.com>
Sent: Monday, October 19, 2015 4:56 PM
To: DiNapoli, MaryAnn
Subject: RE: Wayland Sign Policy

Hi MaryAnn. Please let me know if you need more information. I appreciate the help. Thanks, Dan

- I represent the Wayland High School Boys Varsity Lacrosse Team
- The signboard will advertise a fundraiser for the Lacrosse Team. We are partnering with charitable organizations that refurbish old bikes and provide them to people in need. The Lacrosse Team will pick up the bikes from peoples' homes for a fee. The benefits of giving a bike are you get rid of the old bikes that are cluttering your shed or garage, you support the Lacrosse Team, and your bike will be given to someone who otherwise can't afford a bike. All checks will be made payable to Wayland Boosters so everything is transparent. Plus we can provide receipts for tax purposes.
- I would like to use the signboards the week of November 2-8, 2015.

Dan Keating

Vice President Ultrasound Sales, Northeast Zone
Philips Healthcare
508-259-0708
Dan.keating@philips.com



From: DiNapoli, MaryAnn [mailto:MDiNapoli@wayland.ma.us]
Sent: Monday, October 19, 2015 4:42 PM
To: Keating, Daniel
Subject: Wayland Sign Policy

Hi Dan. The Wayland sign policy is as follows:

“Town-wide civic and nonprofit organizations may request in writing permission from the Board of Selectmen to display sandwich board signs adjacent to the Town signboards (located on Route 20 at the Weston town line, Route 20 at the intersection of Routes 27 and 126, the intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the corner of East Plain Street). Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of one week and must be removed promptly after the advertised event.”

Please let me know what organization you represent, what the signboards will advertise, and which seven-day period you would like to display the signs. I will put your request on the agenda for the October 26 Board of Selectmen meeting.

Feel free to call me if you have any questions. Thanks, and good luck with your fundraising!

MaryAnn DiNapoli

DiNapoli, MaryAnn

From: Andi Jenny <jennyfarm@comcast.net>
Sent: Thursday, October 22, 2015 8:57 AM
To: DiNapoli, MaryAnn
Subject: Wayland Scholarship Signs

Hi MaryAnn,

I am writing to seek approval for placing the Wayland Scholarship temporary sandwich boards up at Old Conn Path and Coch. Road, as well as Route 20/Old Conn Path by Coach Grill. Ideally we would like to put them up November 9-November 16th.

Let me know after your next meeting if we have been approved.

Thank you very much,

Andi Jenny



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

Board of Selectmen Meeting Minutes September 8, 2015

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

Absent: Tony V. Boschetto, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Joint Executive Session Meeting with the Board of Public Works Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al

At 6:00 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al because a public discussion of the matter may have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, members of the Board of Public Works (Chris Brown, Mike Lowery, Woody Baston), Public Works Director Stephen Kadlik, Fire Chief David Houghton, Police Lieutenant Patrick Swanick, Town Planner Sarkis Sarkisian, Town Counsel Mark J. Lanza, Executive Assistant Dan Cabral, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:04 p.m.

A1. Open Meeting and Enter into Joint Executive Session Meeting with the Board of Public Works Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al

At 6:05 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al because a public discussion of the matter may have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Kevin Dandrade, Traffic Engineer for TEC, Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, members of the Board of Public Works (Chris Brown, Mike Lowery, Woody Baston), Public Works Director Stephen Kadlik, Fire Chief David Houghton, Police Lieutenant Patrick Swanick, Town Planner Sarkis Sarkisian, Town Counsel Mark J. Lanza, DPW Executive Assistant Dan Cabral, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 6:34 p.m.

A2. Attend the Finance Committee Special Town Meeting Warrant Article Hearing At 6:40 p.m., the Board attended the Finance Committee Special Town Meeting Warrant Article Hearing.

A3. Reconvene and Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:10 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.

A5. Potential Vote Regarding Traffic Signage at Route 27 and Glezen Lane This agenda item was postponed to a later meeting.

A6. Consideration and Potential Vote to Approve Alteration of Premises Application, China Rose LLC, 15 East Plain Street Chair C. Karlson opened the hearing at 7:30 p.m. on the approval of the alteration of premises application for the China Rose LLC and reviewed the hearing procedures. The Board was joined by owner Jeff Mei, who explained that he needs more space at the bar. He said his plan is to expand from 20 seats to 40 seats in the bar, with no changes to the exterior. The Board asked about the impact of karaoke and the closing of J. J. McKays on his bar business; he said the request was not a result of those events. M. Antes asked if food is served at the bar; J. Mei said yes. L. Anderson noted that the abutters had been notified and the Police Chief had no issues with the alteration. C. Karlson opened the hearing to the public.

Joop Rijk, 17 Center Street, said that an earlier proposal for a bar on that site was rejected; he expressed concern that it is becoming primarily a bar and not a restaurant. He asked if the hours would be extended. J. Mei reviewed the hours of operation: 11:30 am to 10:00 pm on weekdays, and 11:30 am to 11:00 pm on weekends. He noted there have been no problems at his restaurant. Mike Smith, 20 Leary Street, said J. Mei runs a good business, but he is concerned about patrons who smoke on the sidewalk, and the signage. C. Karlson said she will follow up with the Planning Board regarding the signage. Pauline Ahearne, 29 East Plain Street, said she does not want the restaurant to transition to a bar. She said the landscaping needs to be maintained and the lighting is disturbing to the neighborhood. J. Mei said such complaints should be directed to the landlord. C. Karlson said there may be Planning Board requirements in regard to the landscaping. M. Smith asked if there is a criteria used when a business is expanded, and C. Karlson said the business is not expanding, it is only changing the interior seating. J. Rijk said he sent a complaint letter to the Building Commissioner a year ago about the level of noise from the air system on roof and the overgrowth of the trees. C. Karlson noted that those are also issues for the landlord.

The Board expressed concern about the number of issues being raised, and asked for more time to get information on the impact of the plantings, the signage, and whether permission could be rescinded if needed. J. Mei agreed to grant the Board an extension of the hearing until Monday, October 5, 2015.

A4. Public Comment Judy Currier, 22 Algonquin Path, noted a news article in Wayland Patch that claimed there were 74 gas leaks in Wayland. She cited incidents in her neighborhood and said it is a potential disaster.

A8. Joint Meeting with the Personnel Board and the School Committee to Hear an Analysis and a Presentation from Cook & Company, and to Discuss the Option for Providing Health Insurance to Employees and Retirees through the Group Insurance Commission The Board joined the Personnel Board and the School Committee in the School Committee Room. John Senchyshyn, Assistant Town Administrator/HR Director, recapped the discussion on August 3, 2015, between the School Committee, Board of Selectmen, and Personnel Board regarding health insurance and the possibility of changing health insurance providers from West Suburban Health Group (WSHG) to the Group Insurance Commission (GIC). J. Senchyshyn was authorized by the Board of Selectmen to contract the services of Cook &

Company to study the town's options. Sue Shilue, President of Cook & Company, made a presentation to the three boards in terms of what can be expected if the town makes the switch to the GIC. She noted that the company works with many municipalities for this purpose, including the towns of Natick, Westwood, Walpole, and Ashland, and is made up of both labor and management representation. She said the town would give up control of bargaining the health plans in terms of insurance carriers and benefit designs, such as co-pays and deductibles. She said there are two ways to enter the GIC and she explained the differences. If Wayland makes the decision to enter into the GIC effective July 1, 2016, GIC must be notified by December 1, 2015. She said an initial agreement could be for three or six years; after that, subsequent agreements can be no less than two years. If the town opts out of the GIC, there is a three-year waiting period to re-enter. She said there are eleven active health plans and three Medicare plans that are offered by GIC, and she described the plans in terms of rate increases and deductibles. The WSHG may eliminate the Rate Saver Plans and current benchmark plans, and may in the future only offer the same benefits that the GIC offers. J. Senchyshyn confirmed that the Rate Saver Plans will, at some point, no longer be offered by the WSHG.

S. Shilue highlighted the differences in the benefits in the Harvard Pilgrim Rate Saver Plans. She noted that the potential savings for Wayland, should the town migrate to the GIC, would range from \$730,000 to \$1.3M. If the town stays with WSHG, the savings would be about \$590,000. She explained that individuals and families will be affected in different ways depending on the plan chosen; thus, employees should be educated in terms of their options. Participants discussed pediatric plan options, out-of-pocket maximums, towns that have moved out of the GIC, specific utilization history, the GIC deficit in terms of impacting rates going forward, and the difference in the individual Deltas vs. family Deltas. It was noted that although it is a Board of Selectmen decision whether to stay with WSHG or move to the GIC, they will receive input from the School Committee, the Finance Committee, and the Personnel Board.

A9. Presentation from Special Counsel; Meet with Representatives of the School Committee to Discuss School Revolving Funds; Potential Vote to Co-Sponsor Article to Adopt Massachusetts General Laws 71, Section 71E The Board joined the School Committee and Attorney James Toomey of Murphy, Hesse, Toomey & Lehane, in the School Committee Room to review the letter from J. Toomey regarding statutory authority for certain revolving accounts. J. Toomey provided a brief summary in terms of his legal opinion regarding statutory authority of these ten revolving accounts and, based on his meeting with the state Department of Elementary and Secondary Education (DESE) and the Bureau of Accounts, he reviewed his recommended actions to ensure that these accounts are maintained in compliance with the law as interpreted by the Bureau. J. Toomey noted that, as an exception to the general rule, money deposited into these revolving accounts can be spent without Town Meeting appropriation and without being added to the budget. He commented that Massachusetts General Laws Chapter 71, Section 71E, provides for accounts such as Adult Education and Building Use. These accounts must have Town Meeting acceptance of this statute. However, funds that fall under Chapter 71, Sections 26A to 26F, can be held in the revolving accounts without Town Meeting acceptance. Section 47 did allow fees to be maintained for athletic activities, and was expanded over the years to include fees that were not allowed by Section 71. He said Section 26B covered extended day programs. He noted that Pegasus could be classified as a summer school program and is a Section 71E account, or it could fall under Section 47 as an activity account. After consulting with the DESE and the Bureau of Accounts, J. Toomey agreed with their findings that Pegasus be classified under Section 71E. In addition, it was recommended that the Professional Development and Curriculum funds should be identified by a more general statute, as they are considered departmental revolving funds and should be set up yearly at Annual Town Meeting. He said there is a maximum amount based on the tax levy

that can be maintained in a single department, and a staff member must be designated to expend these funds. A number of these accounts need to be approved by DESE and by the Board of Selectmen so that the programs can be offered in the Town of Wayland. Recognizing that this is a process, DESE noted that the past acceptance and use of funds is acceptable to them, and the funds can be maintained until the proper administrative steps are taken.

Donna Bouchard, School Committee, noted that J. Toomey did not include Chapter 44, Section 53, in his written opinion. She asked J. Toomey who was present at the meeting with the DESE and Bureau of Accounts, and J. Toomey gave an account of what was discussed at this meeting, as well as the timing available to rectify these accounts. Ellen Grieco, Chair, School Committee, clarified that the four accounts that have not completed the administrative tasks in terms of statutory authority are Building Use, Pegasus (possibly), and Professional Development and Curriculum. J. Toomey further stated that if these accounts were not reserved, they would go into the General Fund. The Bureau of Accounts would follow its normal procedure and allow the town to complete the formalities for this year. If action is not taken now by the town at Town Meeting, it is questionable how the Bureau would respond in June of next year. A discussion ensued in terms of the scope of J. Toomey's work regarding the statutory reference of these accounts. J. Toomey recommended that the town bylaws be checked in terms of the warrant article language. He confirmed that the word "maintenance" is appropriate warrant article language.

The Board of Selectmen left at 9:25 p.m. and returned to the Selectmen's Meeting Room. L. Anderson moved, seconded by M. Antes, to co-sponsor a Special Town Meeting article to accept the provisions of Massachusetts General Laws 71, Section 71E, to permit the maintenance of school revolving funds. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. C. Karlson noted the interest of the Board of Selectmen, citing that the Town Counsel is paid jointly by the town and the school.

A4. Public Comment Linda Segal, 9 Aqueduct Road, requested that the Board ask Ben Gould of CMG Environmental to meet with the Board before the Special Town Meeting warrant goes to print.

A10. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility At 9:34 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss strategy with respect to the disposition of the Wayland/Sudbury Septage Facility because a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer and Assistant Town Administrator/Human Resources Director John Senchyshyn. The Board will reconvene in open session in approximately fifteen minutes.

The Board returned to open session at 9:46 p.m.

A7. Review and Approve Plans for Pop-Up Park at Town Center M. Antes reviewed the plans for a "Pop Up Park" event at the municipal pad at Town Center on October 17, and described the types of activities being planned. M. Antes moved, seconded by L. Anderson, to send a letter to Frank Dougherty of Twenty Wayland LLC requesting permission to use the municipal pad property for a pop-up park event on

October 17 from 4:00 to 6:00 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A11. Board Policy Discussion The Board reviewed Board policies. It was agreed to make edits to the policy on "Public Hearings" and review again at a future meeting, and to postpone the discussion on the Alcohol Licenses until Selectman T. Boschetto is present. L. Anderson moved, seconded by M. Antes, to approve the Board Policies, "Opportunities for Public Comment on Regulations and Fees," "Communications with the Board of Selectmen," and to postpone "Acknowledgement of Correspondence from the Public" with corrections. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A12. Discuss Goals The Board postponed this agenda item until a later meeting when the full Board is present.

A13. Special Town Meeting: Assign Board Member Roles The Board reviewed the Special Town Meeting articles and assigned Board member roles.

A14. 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,. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

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

A16. Report of the Town Administrator N. Balmer updated the Board on the need for an Order of Taking for the 44 Main Street property in order to finalize the Route 27/Route 30 project; she said the ANR should be signed in two months, and no town meeting action is needed until the 2016 Annual Town Meeting. She said Brendon Homes will begin its required landscaping in the next two weeks, and she provided an update on the Bike Trail. The Board discussed the request from Lexington to meet with the Board regarding withdrawal from Minuteman.

A17. Selectmen's Reports and Concerns M. Antes said the Wayland Dads and the Wayland Children and Parents Association are coordinating collection efforts to support Cradles to Crayons at a Beach Party on September 12 and the Art Fair on September 19. L. Anderson noted the Massachusetts Municipal Association Fall Legislative breakfast in Concord on October 16. C. Karlson said the RFP for the Rivers Edge project went out last week, and she is working on the issue of structured tax payments for the solar structures.

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

A19. Adjourn There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:40 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 8, 2015

1. Memorandum of 9/8/15 from Board of Selectmen to Boards of Selectmen of Minuteman Member Towns re: Request to Place Warrant Article on Fall or Spring Town Meeting Warrants to Permit the Withdrawal of the Town of Wayland from the Minuteman Regional Vocational Technical School
2. Letter of 9/8/15 from Mary Antes, for the Board of Selectmen, to Frank Dougherty, KGI Properties, LLC, re: Pop Up Park

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

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



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

Board of Selectmen Meeting Minutes September 21, 2015

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

Absent: Lea T. Anderson

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Disposition of the Wayland/Sudbury Septage Facility, and to Discuss the Exchange, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center At 6:32 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility, and to discuss the exchange, lease or value of real estate in regard to the Municipal Parcel at Town Center because a public discussion of the matter may have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:02 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:03 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. C. Karlson said that permission was received to hold the "Pop-Up Park" event at the municipal pad in Town Center on October 17.

A3. Public Comment Linda Segal, 9 Aqueduct Road, encouraged the Board to take the time necessary to ensure that the warrant is fully prepared. Jay Sherry, 18 Pine Needle Road, urged the Board to support the Special Town Meeting warrant article, "OPEB Trust Fund Legislation and Governance." He also expressed concern about the potential of the town joining and then withdrawing from the GIC (Group Insurance Commission), noting that if the town withdraws, employees and retirees would pay no more than 25% of their healthcare premiums. He requested that a consultant review the exit costs of withdrawal from the GIC.

A4. Discuss and Potential Vote to Authorize Expenditure not to exceed \$9,000 for Site Evaluation Survey regarding Conservation Guidelines for Municipal Pad The Board was joined by Bill Sterling, Chair of the Council on Aging/Community Center Advisory Committee, and Ben Keefe, Public Buildings Director. B. Keefe said that CMG Environmental Inc. has proposed reviewing three different theoretical models provided by the committee to evaluate how the models are affected by the requirements of the Conservation Commission. B. Keefe said it is based on the land, not the building structures. He said the work will be done by the end of October so the town will have the information before Special Town Meeting. B. Keefe noted that the evaluation of the structural integrity of the existing building is an additional task. M. Antes moved, seconded by J. Nolan, to authorize the expenditure of funds not to exceed \$9,000.00 in conjunction with the Council on Aging/Community Center Advisory Committee feasibility study for a Site

Evaluation Survey conducted by CMG Environmental Inc. regarding conservation guidelines for the "Municipal Pad." YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

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

A7. Committee Matters M. Antes moved, seconded by J. Nolan, to dissolve the Cable Advisory Committee. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. M. Antes moved, seconded by J. Nolan, to revise the charge of the Senior Tax Relief Committee to extend appointments to staggered three-year terms, and to extend the terms of Linwood Bradford and Pauline DiCesare to three-year terms that will expire on June 30, 2018, and to extend the terms of Joan Bradford and Rebecca MacGregor to two-year terms that will expire on June 30, 2017. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A5. Joint Meeting with the School Committee to Interview and Potential Appointment to the Youth Advisory Committee of One Candidate to Represent the School Committee for a Term to Expire on June 30, 2017, and One Candidate to Represent the Board of Selectmen for a Term to Expire on June 30, 2016 The Board was joined by the School Committee to interview five candidates for potential appointment to the Youth Advisory Committee. Malcolm Astley, Elisa Elkin Cleary, Stefanie Janoff, Rebecca Lloyd, and Brenda Ross reviewed their backgrounds and their interest in serving on the committee. The School Committee members returned to their meeting and advised they will return with their decision later in the evening.

A6. Interviews and Potential Committee Appointments Carol Glick appeared before the Board to interview for appointment to the Council on Aging/Community Center Advisory Committee. She reviewed her background as an attorney in elder law, her service on the Council on Aging, and her membership on the Board of Bay Path Elder Services. J. Nolan moved, seconded by M. Antes, to appoint Carol Glick to the Council on Aging/Community Center Advisory Committee for a term to expire at the 2016 Annual Town Meeting. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

Randall Moore was not available and will be re-scheduled at a later meeting.

A8. Meet with Special Town Meeting Petitioners The Board was joined by petitioner Alice Boelter, lead petitioner for the article, "Amend Chapter 36 of Current By-Laws (36-1)." She said the article is an amended version of the petitioners' article that was submitted to the 2015 Annual Town Meeting, and it seeks to have the Annual Town Meeting scheduled later in the spring. The Board was then joined by petitioner Duane Galbi, lead petitioner for the article, "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration." He said his only interest is having the bridge restored correctly, and he would like the Permanent Municipal Building Committee to take on a consulting role. Elisa Scola, Chair of the Historical Commission, said she has no objection; she noted that it is a preservation project and must meet certain standards. It was the consensus of the Board to vote, at its next meeting, that the Permanent Municipal Building Committee oversee the Stone's Bridge project. D. Galbi assured the Board that he will pass over the article at Special Town Meeting, and confirmed that the Finance Committee can make note of such in their comments for the warrant.

A9. Discussion and Vote Positions on Special Town Meeting Articles The Board deferred action on the article, "Amend FY2016 Budget Funding Sources," until more information was received. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Pay Previous Fiscal Year Unpaid Bills." YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. The Board discussed the article, "Amendment to Minuteman Regional Agreement." J. Nolan asked for a clarification of the costs should the town withdraw. T. Boschetto said the cost is not substantially different, but more importantly, if the town does not withdraw in a timely manner, it will be obligated to pay almost \$1 million in capital costs. He reviewed the cost analysis of the tuition and the debt assessment. C. Karlson advised the Board that a vote on the article was not on the agenda, and must be postponed until the next meeting. N. Balmer reviewed the article, "OPEB Trust Fund Legislation and Governance." She said Town Counsel and Special Town Counsel have more information regarding the town's authority to establish a Trust, and suggested that further discussion of the article be rescheduled to the next meeting.

A10. Joint meeting with Representatives of the Personnel Board, Finance Committee, and School Committee to Discuss and Recommend a Move to the Group Insurance Commission and Vote to Elect to Change Health Insurance Under Massachusetts General Laws Chapter 32B, Sections 21-23
T. Boschetto recused himself from debating or deliberating on this issue, as he is a member of the health insurance plan, and left the room at 9:18 p.m.

The Board was joined by John Senchyshyn (Assistant Town Administrator/Human Resources Director), David Watkins (Finance Committee), Barb Fletcher (School Committee), and Jessica Green (Personnel Board). J. Senchyshyn reviewed the potential move to the Group Insurance Commission (GIC), and said he had asked the School Committee and the Finance Committee for its positions on the health insurance proposals. D. Watkins said the Finance Committee would like to see the Board maximize the savings to the town. B. Fletcher said the School Committee favors moving to GIC, due to the savings and uncertainties of the West Suburban Health Group (WSHG). She said the Wayland Teachers Association knows it cannot negotiate, and asked that employees be educated, and that mitigation funds be used to help support the transition. J. Green said that on balance, there are more advantages than drawbacks. She said the town will lose its voice, but the structure of the WSHG is unstable. J. Senchyshyn said the WSHG will meet on September 24 to make a decision on adopting plans that mirror the GIC plans; he said the WSHG will eliminate rate saver plans over time. J. Nolan said he like to get the vote counts from the Finance Committee, the School Committee, and the Personnel Board. J. Senchyshyn said four towns have left the WSHG, and other towns are considering it. C. Karlson said there are many elements to the vote with a tight timeframe. J. Senchyshyn explained the disparity in the WSHG and GIC rates; he said the contribution rates will not change by going to GIC. J. Nolan expressed concern about the issue raised at public comment, that upon withdrawal from the GIC, employees and retirees would pay no more than 25% of their healthcare premiums. J. Senchyshyn said he was not familiar with that provision and would get an opinion from labor counsel. M. Antes asked if it was possible to move to MIIA; J. Senchyshyn said that a move to MIIA would be a collective bargaining issue. The Board took questions from the public. Ed Palmer, DPW worker, asked if the Board was going to vote tonight, and how the vote would affect the contribution rate. J. Senchyshyn said the potential vote is to move forward with Sections 21-23, which only begins the process, and the GIC does not get involved in the contribution rate. Marian Gibbons noted there may be higher deductibles, depending on the plan, and asked the Board to step back and educate the staff. Andy Holland, Fire Captain, asked if J. Senchyshyn has made a recommendation to the Board; he said he has not. Sean Gibbons, police officer, noted that the GIC can choose to discontinue a plan, such as Harvard Pilgrim. M. Gibbons asked about self-insurance. J. Senchyshyn said there is an economy of scale to health insurance that makes self-insurance unaffordable. S. Gibbons asked how many contracts MIIA has, and how long the town has to

decide. J. Senchyshyn said he did not have the information on MILA. C. Karlson said the town was planning for the future, and after the WSHG meeting this week, will have more information.

J. Nolan said he was not prepared to vote, and that he did not feel he had enough information. M. Antes suggested having more time to educate employees. C. Karlson said implementation can be delayed, but noted the fiscal pressure of town meeting, as the town has an option to save money it should not ignore. C. Karlson suggested communicating with the unions, checking on MILA, and reviewing the status of the WSHG. Board members discussed the impact of delaying the vote and the advisability of making the decision without the full Board. J. Senchyshyn noted that whatever plans the employees have today, they will not have them two years, no matter what system the town joins. J. Nolan asked that other boards review the matter again and vote their recommendations.

T. Boschetto returned to the meeting at 9:45 p.m.

A9. Discussion and Vote Positions on Special Town Meeting Articles The Board reviewed the article on current year transfers; N. Balmer said the IT budget is still under review and is not included in the article. M. Antes moved, seconded by J. Nolan, to support the Special Town Meeting article, "Current Year Transfers." YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. The Board was not ready to vote on the article, "OPEB Trust Fund Legislation and Governance." J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Authorize Procurement and Appropriate Funds for Energy Resiliency Project at the Middle School," as revised by removing sections (a) and (d). T. Boschetto questioned what happened to the original appropriation; C. Karlson said no funds were appropriated at the Annual Town Meeting. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: T. Boschetto. Adopted 3-0-1. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Acceptance of Chapter 71 Section 71E Current Year Transfers." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: T. Boschetto. Adopted 3-0-1.

J. Nolan reviewed the article, "Seek Special Legislation for Chapter 44 Section 53E ½ Municipal Revolving Fund." He said the Recreation Commission would like to raise the cap to five percent, and will not agree to pay salaries out of the revolving fund. He said it is possible that the surplus funds could be put into a stabilization fund, noting that a town meeting vote would still be necessary to invest in a capital project. A partial enterprise fund; i.e., for the beach, is also possible. He said he would not support the article as it stands. The remaining articles, "Resolution Regarding Surface of Rail-Trail in Wayland," "Appropriate Funds to Update the Open Space and Recreation Plan," "Amend Chapter 36 of Current Bylaws (36-1)," and "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration" were deferred to the next meeting.

A11. Minuteman Review The Board discussed its response to the request of the Town of Lexington to meet with them regarding the proposed withdrawal from the Minuteman district. T. Boschetto said he will work with N. Balmer to arrange meetings with their counterparts in Lexington. The Board reviewed and edited the letter to member towns about Wayland's withdrawal. T. Boschetto moved, seconded by J. Nolan, that the Town Administrator work with the Chair of the Board of Selectmen to amend the proposed letter as written and send it to corresponding representatives from the member towns of the Minuteman Regional School. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A12. Review and Comment on Town Administrator Goals The Board reviewed the goals of the Town

Administrator. C. Karlson suggested that they be revised to show what can realistically be accomplished in one year. She said she felt it was missing a more global description of the role of Town Administrator. J. Nolan said the primary role of Town Administrator is to advise the Board of Selectmen and to administer the daily operations of the town. T. Boschetto said that the goals seemed to be more under the purview of the Board; he said the Board has directional goals that drive the Town Administrator's goals. N. Balmer said it would be helpful to hear the Board's priorities. J. Nolan suggested that one goal would be the need for investment and management of IT. C. Karlson suggested the inclusion of personnel issues, such as making the staff feel more valued. T. Boschetto asked if she had consulted with department heads. She said yes, but did not intend to create an action plan. The Board suggested that the goals of the Board of Selectmen and the goals of the Town Administrator be clarified.

A13. Discussion and Potential Vote on Public Hearing and Alcohol Policies The Board reviewed and made edits to the policies on Public Hearings and the Provision and Consumption of Alcoholic Beverages.

A15. Review Correspondence (See Separate Index Sheet) The Board postponed this agenda item until the next meeting.

A16. Report of the Town Administrator N. Balmer said the Council on Aging/Community Center public forum will be held on November 5, 2015.

A17. Selectmen's Reports and Concerns T. Boschetto moved, seconded by M. Antes, to appoint Brenda Ross as its first choice, and Elisa Elkin Cleary as its second choice, to the Youth Advisory Committee to represent the Board of Selectmen for a term to expire on June 30, 2016. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. C. Karlson said she is working on the process for the evaluation of the Town Administrator, and the compilation of the outstanding executive session minutes. M. Antes presented the payment in lieu of taxes from the Housing Authority.

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

A19. Adjourn There being no further business before the Board, T. Boschetto moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 11:30 p.m. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

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

1. Letter of 9/10/15 from CMG Environmental Inc. to Board of Selectmen re: Engineering Services for Site Redevelopment, "Municipal Parcel" Portion of Wayland Town Center
2. Chart, 9/21/15, of Minuteman Costs/Tuition and Debt Assessment prepared by T. Boschetto

Items Included as Part of Agenda Packet for Discussion During the September 21, 2015 Board of Selectmen's Meeting

1. Memorandum of 9/21/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Update from Public Building Director
2. Memorandum of 9/18/15 to Board of Selectmen re: Appointment to the Youth Advisory Committee

3. Memorandum of 9/18/15 to Board of Selectmen re: Appointments to the Council on Aging/Community Center Advisory Committee and the Audit Committee
4. Memorandum of 9/18/15 to Board of Selectmen re: Committee Matters
5. Memorandum of 9/21/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Special Town Meeting Articles
6. Memorandum of 9/21/15 from John Senchyshyn, Asst Town Administrator/HR Director, to Board of Selectmen re: Discussion and Potential Vote to Accept M.G.L. Sections 21-23
7. Memorandum of 9/21/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Minuteman
8. Memorandum of 9/21/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Town Goals, Town Administrator's Priority Objectives and Actions
9. Memorandum of 9/21/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Public Hearing Policy
10. Memorandum of 9/21/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Revised Liquor License Policy
11. Town Administrator's Report for the Week Ending September 18, 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 Meeting Minutes September 28, 2015

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

Absent: Lea T. Anderson, 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 7:02 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. M. Antes announced that WaylandCares will sponsor an Internet Safety Talk at the Wayland High School on September 29, and the Friends of the Council on Aging are holding their annual Lobster Fest on Sunday, October 4. C. Karlson noted that Sherman's Bridge was closed today for repairs.

A2. Public Comment There was no public comment.

A3. Vote to Assign Permanent Municipal Building Committee the Historic Preservation Project to Stabilize Arches of Stone's Bridge The Board was joined by Facilities Director Ben Keefe. C. Karlson advised the Board that the lead petitioner for the Special Town Meeting article, "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration," will pass over the article if the Board assigns the stabilization of the Stone's Bridge arches to the committee. B. Keefe said the members had no objections, although they considered it outside of their normal purview. C. Karlson noted that two members of the Historical Commission will be appointed to the Permanent Municipal Building Committee for the duration of the project. J. Nolan moved, seconded by M. Antes, to assign to the Permanent Municipal Building Committee the Historic Preservation project to stabilize the arches of Stone's Bridge. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. C. Karlson noted for the record that the upcoming resignation of Permanent Municipal Building Committee members is unrelated to this project. M. Antes asked when the new DPW facility will be considered complete; B. Keefe said the goal is to finalize the project by the end of the year.

A4. Vote to Authorize \$1,280 Expenditure for a Structural Review of the Building on the Municipal Pad B. Keefe reviewed the need for a structural analysis of the current building on the municipal pad at Town Center, noting that the work needs to be done whether the article goes forward now or at the 2016 Annual Town Meeting. The remaining discussion on this item was postponed until later in the meeting.

A8. Vote to Approve Amended Policies on Public Hearings and Alcoholic Beverage Licensing M. Antes moved, seconded by J. Nolan, to approve the revised Board of Selectmen policy on Public Hearings. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. The Board made revisions to the Alcoholic Beverages Licensing policy, and asked for clarification regarding the sale of bottled wine in private homes.

A10. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by J. Nolan, to approve consent calendar items 1, 2 and 3. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none.

ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. M. Antes moved, seconded by J. Nolan, to approve the minutes of August 31, 2015, and September 11, 2015, as amended. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. The approval of the minutes of August 24, 2015, was deferred to the next meeting.

A11. Review Correspondence (See Separate Index Sheet) The Board reviewed the correspondence for the weeks of September 21 and September 28, 2015.

A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles The Board was joined by Ben Keefe, Facilities Director, and Town Counsel Mark Lanza, to review Special Town Meeting articles. B. Keefe reviewed his conversation with Andy Irwin regarding conservation issues at the municipal parcel in Town Center. He said that the Phase I study answered the state Department of Environmental Protection concerns, but did not address the Toxic Substance Control Act of the EPA. Upon review, he said the town Environmental Consultant, Ben Gould, advised that he is 95% sure that the land can be used for all municipal uses, including daycare, residential and gardening, and the Council on Aging/Community Center Advisory Committee accepted his report and recommendation. B. Keefe noted that the issue is not about safety, but the potential liability for cleanup. J. Nolan asked if the issue would still exist if the town leased the property; B. Keefe said he would find out. The Board discussed the immediate need for Special Environmental Counsel, and N. Balmer said that because there was no procurement requirement, it can be done quickly. M. Lanza said there are provisions that could be added to either a lease or a Purchase and Sales Agreement to protect the town in the future, and he cited the Dow property. He said there are also laws that protect municipalities. C. Karlson asked if language could be added to the current article, "Acquire Municipal Parcel in Town Center," that would address indemnification; M. Lanza said yes.

Marylynn Gentry, member of the Council on Aging/Community Center Advisory Committee, said the "Pop-Up Park" event is scheduled for October 17, and they need to confirm that the article is going forward. Jean Milburn, member of the Council on Aging/Community Center Advisory Committee, said she believes there is enough time to resolve this issue before Special Town Meeting, and at the worst case, the article can be passed over. C. Karlson said there were four issues to address: lifting the deed restriction from Raytheon, funding to move forward with the Conservation Commission permitting, funding for a structural review of the building on the property, and funding for a Special Environmental Counsel to address the liability issue. It was the consensus of the Board that, pending these issues, the question of moving forward with the article to Special Town Meeting be deferred to the October 5 meeting.

A4. Vote to Authorize \$1,280 Expenditure for a Structural Review of the Building on the Municipal Pad The Board continued the conversation regarding a structural review of the building on the municipal pad. J. Nolan moved, seconded by M. Antes, to approve a \$1,280 expenditure for the structural review of the building at the municipal pad. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to authorize the Town Administrator to engage an Environmental Counsel to explore the issue of environmental liability, either by lease or fee, of the municipal parcel. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. It was the consensus of the Board that the "Pop-Up Park" event should go forward on October 17.

A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles The Board was joined by Library Director Ann Knight and Board of Library Trustees Chair Aida Gennis, who

reviewed the work of the Library Planning Committee and its final report. A. Gennis said that the Board of Library Trustees are pursuing a state construction grant to pay 45% of construction costs, and they are requesting \$150,000 to hire professionals to review building sites, identify two site candidates for further investigation, determine which site to examine further, and obtain schematic designs and an independent cost estimate. J. Nolan thanked the committee for its work, noting that there are limited opportunities to access state funds. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Appropriate Funds for Library Planning and Design." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to support the petitioners' Special Town Meeting article, "Amend Chapter 36 of Current Bylaws (36-1)." YEA: none. NAY: M. Antes, C. Karlson, J. Nolan. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Motion fails, 0-3. M. Antes moved, seconded by J. Nolan, to support the Special Town Meeting article, "Appropriate Funds to Update the Open Space and Recreation Plan." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0. M. Antes moved, seconded by J. Nolan, to support the Special Town Meeting article, "Amend FY2016 Budget Funding Sources." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

M. Lanza reviewed the background to create an OPEB trust fund separate from the general fund. He advised the Board that the current article submitted by the OPEB Advisory Committee does not accomplish the legal mechanism necessary to put a Trust in place with a Board of Trustees, and he recommended that a Special Act be drafted that repeals the Special Act of 2010 and replaces it with a new one. The Board noted there was not enough time to get a new article ready for the Special Town Meeting, and agreed to pursue the matter at the 2016 Annual Town Meeting. J. Nolan moved, seconded by M. Antes, to withdraw the article "OPEB Trust Fund Legislation and Governance" from Special Town Meeting, with the understanding that work will continue to include the article in the 2016 Annual Town Meeting. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Amendment to Minuteman Regional Agreement." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

The Board considered the article proposed by the Recreation Commission, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund." J. Nolan reviewed the background of the article, noting that in 2012, recreation came up against the one percent cap, and removed salaries from its budget. He said that their current revenues exceed expenditures, and there is a substantial surplus. The parties created a working group which was not able to come to an agreement, and he feels the article is not ready for Special Town Meeting and he will not support it. He advised that it would be more prudent to construct a budget for the next year, and bring the matter to the 2016 Annual Town Meeting. N. Balmer distributed copies of the Finance Committee comments on the article. C. Karlson asked if the Recreation Commission has formulated a five-year plan to bring down the fund balance. N. Balmer said yes, the Recreation plan reduces the balance by capital expenditures. She said there is also a plan submitted by the Finance Director that reduces the balance by including salaries, but Recreation Commission will not agree to it. C. Karlson noted that capital improvements need approval by town meeting. It was the consensus of the Board to advise the Recreation Commission that the Board of Selectmen is inclined to withdraw the article.

The Board did not address the article, "Permanent Municipal Building Committee Involvement in Stone's Bridge Restoration," as the petitioner has said he will pass over the article.

A7. Special Town Meeting 2015 Articles: Discussion and Potential Vote to Withdraw Articles and Determine Order of Articles for Special Town Meeting The Board reviewed a draft order of articles for Special Town Meeting. M. Antes moved, seconded by J. Nolan, to approve the order of articles as presented, subject to being re-ordered at the next meeting if any articles are withdrawn. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

A6. Discussion and Potential Vote to Extend Charge of the OPEB Advisory Committee C. Karlson said the OPEB Advisory Committee has advised the Board that it will complete its work at its meeting on September 29, 2015, and will not need to have the charge extended.

A9. Prepare for Meeting with Wayland Real Asset Planning (WRAP) Committee: Project Town Needs for New/Renovated Facilities and Land C. Karlson said the Wayland Real Asset Planning (WRAP) Committee is meeting on Wednesday night, and has invited boards to make five minute presentations if they have any input. C. Karlson said she will be attending, and asked for Board comments. The Board suggested raising the issues of the municipal parcel, the need for a Council on Aging/Community Center/Recreation Center, the town building, and affordable housing. M. Antes noted that residents have asked to purchase small pieces of town land that abut their property. She said the sale of surplus/small parcels are a potential source of revenue and can be better maintained by the property owners.

A5. Discussion and Potential Vote on Positions on Special Town Meeting Warrant Articles The Board was joined by Gretchen Schuler, Chair, Community Preservation Committee, to discuss the rail-trail article. G. Schuler reviewed the work being considered. She said the asphalt or stabilizing surface will be used for two miles, from Weston to Russell's; additional funds will be needed to continue the trail for one more mile across the river. She said she considers the upgrade in materials to be worthwhile, as Eversource will maintain the under-surface in perpetuity, and the DCR (Department of Conservation and Recreation) will maintain the top surface. She said the DCR supports the project because Wayland will be the first to use the surfacing, and they want to encourage all communities to follow. She also noted that the Conservation Commission wants two Orders of Condition, which will hold up the project and add to the cost. M. Antes asked if there was sufficient funding to complete the project, and G. Schuler said there may be a request for an additional \$100,000 from Community Preservation funds at the 2016 Annual Town Meeting. J. Nolan moved, seconded by M. Antes, to support the Special Town Meeting article, "Resolution Regarding Surface of Rail-Trail in Wayland." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

M. Antes noted that the Board had voted against supporting the article, "Amend Chapter 36 of Current Bylaws (36-1)," while Selectman T. Boschetto had spoken in favor of it at the 2015 Annual Town Meeting. The Board agreed to determine whether T. Boschetto was comfortable speaking on the issue at the Special Town Meeting.

A12. Report of the Town Administrator N. Balmer said that Minuteman will host an information session for public officials on October 2. She said that she and T. Boschetto are meeting with the Lexington Town Administrator to discuss Minuteman on October 15. She reviewed the response of the Attorney General regarding the bylaw changes from the 2015 Annual Town Meeting. She said revisions to the private hydrant bylaw will be prepared for the 2016 Annual Town Meeting, the Board of Assessors voted to release \$300,454 from the overlay reserve account, and Wayland Beautification has asked to disband. M. Antes asked if the DPW would take on the work of Beautification; N. Balmer said she will consult with them. In regard to the ongoing IT study, she said the consultants have determined that increased storage is not an emergency at this point.

A13. Selectmen's Reports and Concerns M. Antes asked that the Town Clerk follow up with the Massachusetts Municipal Association regarding the public records proposal. She asked if there was any resolution to the issue of gas leaks in town, and reported on the MetroWest Regional Collaborative meeting last week. J. Nolan reported on the meeting of MetroWest Regional Transportation Authority Advisory Board; of which he is the Chair. He said they will be building an LNG (liquefied natural gas) station in Framingham and the town should consider future use. C. Karlson reported on the OPEB Advisory Committee meeting, and the Community Preservation Committee meeting regarding the purchase of 87 Old Connecticut Path, known as Mainstone.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A15. Adjourn There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:00 p.m. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0.

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 ½ 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, and Library Planning Report
7. Finance Committee Draft Comments on Special Town Meeting Article, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund"

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

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



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
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ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM OCTOBER 16, 2015, THROUGH AND INCLUDING OCTOBER 22, 2015, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR OCTOBER 26, 2015

Items Distributed To the Board of Selectmen – October 16-22, 2015

1. Email of 10/20/15 from Carl Valente, Town Manager, Town of Lexington, to Nan Balmer, Town Administrator, re: Wayland's Request to Withdraw from Minuteman
2. Public Comment, Computer Security

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 19, 2015

1. Letter of 10/15/15 from Richard Turner, Veterans Graves Officer, to Board of Selectmen re: Maintenance of Veterans' Memorials
2. Fire Department Capital Request for FY2017
3. Résumé of Randall Moore, Applicant for the Audit Committee

Items Included as Part of Agenda Packet for Discussion During the October 26, 2015 Board of Selectmen's Meeting

1. Memorandum of 10/26/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Meeting with Representatives from the Town Center Management Group
2. Memorandum of 10/26/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Presentation of Information Technology from McGladrey Associates and Final Report
3. Memorandum of 10/26/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Presentation, Discussion and Review of FY17 Capital Requests under the Jurisdiction of the Board of Selectmen, and Memorandum of 10/19/15 from Nan Balmer, Town Administrator to Board of Selectmen re: FY 17 Capital Project
4. Memorandum of 10/22/15 from Ben Keefe, Facilities Director, to Board of Selectmen, re: Solar Project Update
5. Memorandum of 10/26/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Town Administrator Evaluation



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

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41 COCHITUATE ROAD
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BOARD OF SELECTMEN

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JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, October 26, 2015
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, Computer Security
2. Letter of 10/14/15 from Attorney John J. Cloherty to Nan Balmer, Town Administrator, re: Summary Decision, Mark Frishman v. Mark J. Lanza et al
3. Letter of 10/19/15 from Nan Balmer, Town Administrator to Anthony J. DeLuca, Manager, Twenty Wayland LLC, re: Parcel 3-1 known as the "Town Green"
4. Email of 10/19/15 from Steven Correia, Council on Aging/Community Center Advisory Committee, re: Thanks You for Help for "Pop-Up" Event
5. Email of 10/20/15 from Carl Valente, Town Manager, Town of Lexington, to Nan Balmer, Town Administrator, re: Wayland's Request to Withdraw from Minuteman
6. Letter of 10/22/15 from Town Counsel Mark J. Lanza to Land Court re: John Moss, et al v. Gary D. Lingley, Trustee, et al

Conservation Commission

7. Extension of Order of Conditions, 10/15/15, from Brian J. Monahan, Conservation Administrator, re: 371/373 Commonwealth Road
8. Order of Conditions, 10/19/15, from Brian J. Monahan, Conservation Administrator, re: 35 Covered Bridge Lane

Minutes

9. Electronic Voting Implementation Subcommittee, June 4, 2015
10. Historic District Commission, September 17, 2015
11. Wayland Real Asset Planning (WRAP) Committee, September 18, 2015, September 30, 2015

One Key Computer Security Problem That Puts Wayland at Risk

20 October, 2015

To: Wayland Board of Selectmen
41 Cochituate Road
Wayland ,MA 01778

From: Mark Hays
Cell: 508.661.9733
Email: MarkAllenHays@Gmail.com

Dear Wayland Board of Selectmen members:

No action has apparently been taken by the Board, so I am going to send another confidential letter to you with details on one major computer security issue that affects the Wayland Town and School networks, putting all of Wayland's data at risk

This critical computer security problem is linked to the cybercrime attacks on the Wayland Finance Office last January that nearly cost Wayland taxpayers \$4 million.

The solution is recommended worldwide:

- Elysium, McCann, McGladrey, the US Department of Education, NSA, DHS and every leading computer security association recommend installing the fix.
- This problem and solution are included in the SANS list of Top 20 Critical Security Controls, an international standard.

This problem is so significant and well-known, with an obvious solution. It is a mystery that the fix was not installed years ago, which would have blocked the attack on the Wayland Finance Office. I am even more concerned that the solution was not installed following the attack last January.

I hope you will work with the Wayland Finance Committee to take action now. If you choose to kick this can down the road till the Annual Town Meeting next year, you will simply create more risk for Wayland residents, employees, teachers, students and taxpayers.

Why wait?

Please let me know if you have any questions.

Mark Hays

Confidential Computer Security Information

This public letter does not include details regarding the major security problem, which would be helpful to hackers. Please include a copy in your next meeting packet, to be posted on the Wayland Web site.

CC: Wayland Finance Committee, School Committee, Dr. Paul Stein, Nan Balmer

PIERCE, DAVIS & PERRITANO, LLP

COUNSELLORS AT LAW

90 CANAL STREET
BOSTON, MA 02114-2018

TELEPHONE (617) 350-0950
FACSIMILE (617) 350-7760

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

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

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

October 14, 2015

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

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

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

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

RECEIVED

OCT 16 2015

Board of Selectmen
Town of Wayland

Dear Ms. Balmer and Mr. MacKinnon:

I am pleased to advise you that today we received the attached decision by the Massachusetts Appeals Court which affirms the entry of summary judgment in favor of the defendants. This decision endorses the trial judge's "thorough and conscientious opinion" which found the Defendants entitled to summary judgment on plaintiff's claims of malicious prosecution, abuse of process, and civil rights violations. If you recall, this lawsuit arose from the Town's efforts to enforce its animal control laws against plaintiff's dog, Laska.

Notably, the Appeals Court did not take kindly to plaintiff's behavior, which it described as "obstructionist, contumacious conduct." The Appeals Court was so bothered that it took the unusual step of awarding the defendants appellate costs and fees. This after noting that we did not even ask for such an award. We now have 14 days in which to file our fee petition.

Under the Rules of Appellate procedure, plaintiff now has 14 days in which to Petition for a Rehearing. See Mass. R. App. P. 27(a). Alternatively, or thereafter, plaintiff has 20 days to seek further appellate review by the Supreme Judicial Court. If no such action is taken, the Appeals Court decision is final. Based on the high standards of review for rehearing or further appellate review, as well as plaintiff's slim likelihood of success, we ordinarily would not expect any further appeal by plaintiff. Given his litigious behavior to date, as well as the prospect of

2

PIERCE, DAVIS & PERRITANO, LLP

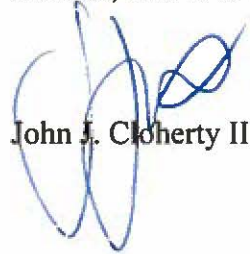
Mark Frishman v. Mark J. Lanza, et al.
Nan Balmer, Town Administrator and
William MacKinnon, Jr., AIC
October 14, 2015
Page 2

facing attorneys' fees, he very well may seek further review. We will keep you advised of any further developments.

We are pleased to have achieved this favorable outcome. Please let me know if you have any questions.

Sincerely,

PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherty III

JJC/mm
Enclosure

cc: Mark J. Lanza, Esq.



1 of 1 DOCUMENT

MARK FRISHMAN vs. MARK J. LANZA & others.¹

1 Frederic E. Turkington, Robert Irving, Steven J. Correia, Thomas J. Fay,
Joseph F. Nolan, Susan W. Pope, and John Blandon.

14-P-1835

APPEALS COURT OF MASSACHUSETTS

2015 Mass. App. Unpub. LEXIS 970

October 14, 2015, Entered

NOTICE: SUMMARY DECISIONS ISSUED BY THE APPEALS COURT PURSUANT TO ITS *RULE 1:28, AS AMENDED BY 73 MASS. APP. CT. 1001 (2009)*, ARE PRIMARILY DIRECTED TO THE PARTIES AND, THEREFORE, MAY NOT FULLY ADDRESS THE FACTS OF THE CASE OR THE PANEL'S DECISIONAL RATIONALE. MOREOVER, SUCH DECISIONS ARE NOT CIRCULATED TO THE ENTIRE COURT AND, THEREFORE, REPRESENT ONLY THE VIEWS OF THE PANEL THAT DECIDED THE CASE. A SUMMARY DECISION PURSUANT TO *RULE 1:28* ISSUED AFTER FEBRUARY 25, 2008, *MAY BE CITED FOR ITS PERSUASIVE VALUE BUT, BECAUSE OF THE LIMITATIONS NOTED ABOVE, NOT AS BINDING PRECEDENT. SEE CHACE V. CURRAN, 71 MASS. APP. CT. 258, 260 N.4 (2008).*

JUDGES: Berry, Grainger & Sullivan, JJ.⁷

⁷ The panelists are listed in order of seniority.

OPINION

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

The plaintiff, Mark Frishman, appeals from a summary judgment in the defendants' favor. We affirm.

The facts are mostly undisputed. With respect to any facts in dispute, we view them in the light most favorable to the nonmoving party, here, Frishman. See *Premier Capital, LLC v. KMZ, Inc., 464 Mass. 467, 474-475 (2013)*. Frishman, then a resident of the town of Wayland (town), first acquired Laska, a mixed breed dog, in 2007. Between 2007 and 2011 Frishman engaged in repeated violations of the town's by-laws relating to licensing and control of dogs. Frishman frequently allowed Laska to run off-leash both on his property and on public property,² in violation of § 91 of the by-laws.³ While off-leash, Laska exhibited aggressive tendencies, including biting two town residents and one pet, leading to numerous complaints and off-leash citations from the town's dog control officer (DCO).

² Frishman's property was located near an elementary school, and Laska was found unleashed on the school's premises.

³ Section 91-5 of the by-laws states in part: "When not on the private property of its keeper, or on private property with the express permission of that property's owner, a dog must be on a leash or under effective voice control. To be under

effective voice control, the dog must be within the keeper's sight and the keeper must be carrying a leash . . . and dog must refrain from illegal activities."

In response to efforts by town officials to secure Frishman's compliance with town by-laws and other rules and to protect residents from further aggressive and threatening behavior, Frishman engaged in obstructionist, contumacious conduct and failed to address any of numerous complaints, orders, and citations. This behavior, as well as a lengthy series of hearings, civil and criminal complaints, short-lived ostensible agreements, and the flouting of town by-laws continued unabated for four long years until Frishman removed Laska from the town. The undisputed specifics of Frishman's conduct and of the town's efforts to exercise appropriate control are recited in careful detail by the motion judge in her thorough and conscientious opinion, and we need not repeat them here.⁴

4 Frishman has failed to provide a statement of facts in his brief as required by *Mass.R.A.P. 16(a)(3)*, 365 Mass. 860 (1974). "Although he [is] acting pro se, he nevertheless [is] bound to comply with the governing court rules." *Rothman v. Trister*, 450 Mass. 1034, 1034 (2008).

Discussion. "Summary judgment is granted where there are no issues of genuine material fact, and the moving party is entitled to judgment as a matter of law." *Ng Bros. Constr., Inc. v. Cranney*, 436 Mass. 638, 643-644 (2002). Where the moving party is a defendant, its burden "may be discharged by showing that there is an absence of evidence to support . . . [any] essential element of the non-moving party's case." *Kourouvacilis v. General Motors Corp.*, 410 Mass. 706, 711 (1991). To survive summary judgment, the nonmoving party affirmatively "must set forth specific facts showing that there is a genuine issue for trial." *Mass.R.Civ.P. 56(e)*, 365 Mass. 824 (1974).

Malicious prosecution -- counts 1, 2, 4, 6, and 8. Fatal to his claims for malicious prosecution, Frishman has failed to show any facts supporting lack of probable cause. "[P]robable cause is a vital and indispensable element in the plaintiff's case . . . and 'must be affirmatively proved, . . . not . . . inferred from the existence of malice . . . or . . . the fact of acquittal.'" *Wynne v. Rosen*, 391 Mass. 797, 802 (1984), quoting from *Higgins v. Pratt*, 316 Mass. 700, 709 (1944). "This

element is to be judged on the honest and reasonable belief of the party at the time he instituted the criminal complaint." *Wynne, supra*.

Nothing in the record suggests that town officials and town police officers were motivated by anything other than keeping town residents safe from an aggressive dog known to bite people. The criminal complaints and civil contempt orders were brought against Frishman as the result of his noncompliance. They were either the basis of ensuing agreements between the parties or upheld when subjected to judicial review. The record shows no support for Frishman's claim that any of the defendants lacked good faith or that their acts lacked probable cause.

Abuse of process -- counts 3, 5, and 7. "The elements of an abuse of process claim are that: '(1) "process" was used; (2) for an ulterior or illegitimate purpose; (3) resulting in damage.'" *Gutierrez v. Massachusetts Bay Transp. Authy.*, 437 Mass. 396, 407 (2002) (citation omitted).

With regard to counts 3 and 5, which allege that the defendants abused civil process by filing two civil contempt of court actions, Frishman has failed to support the second and third element of his claims. He provides only his own conclusory allegations that the defendants created a "scheme" to put him "in direct confrontation with Framingham District Court." Such "[c]onclusory statements . . . and factual allegations not based on personal knowledge [are] insufficient to avoid summary judgment." *Madsen v. Erwin*, 395 Mass. 715, 721 (1985) (citation omitted). Section 91-8 of the by-laws provides authority for the DCO to initiate noncriminal proceedings for any violation of that "article." Moreover, the March 21, 2011, order noted that Frishman "stipulated that he violated a prior court order by returning his dog to his residence." One may be found in contempt for violating a court order. See *Mansur v. Clark*, 25 Mass. App. Ct. 618, 620 (1988). Frishman has failed to raise a genuine dispute of fact to support his claims of abuse of process for counts 3 and 5.

Count 7 relates to the defendants' motion to attach Frishman's home in connection with the civil contempt proceedings. The town moved for prejudgment attachment at the suggestion of the presiding judge. Frishman failed to proffer facts evincing any ulterior or illegitimate purpose underlying the prejudgment attachment on his property. *Ladd v. Polidoro*, 424 Mass.

196, 198 (1997). To the contrary, the record shows that Frishman repeatedly refused to pay fines and judgments ordering him to pay fines and attorney's fees. Frishman has failed to raise a genuine issue of material fact that the defendants abused process in securing a prejudgment attachment.

*Violation of constitutional rights -- counts 9 and 10.*⁵ Frishman claims that he was deprived of his dog without due process of law in violation of the *Fourteenth Amendment to the United States Constitution*. The town by-laws provide ample procedure before a dog can be declared "vicious" and thus be slated for banishment.⁶ The record shows that Frishman was afforded such procedures when he was given multiple hearings and allowed to testify before the town's dog control appeals board and the board of selectmen (BOS). In addition, he exercised his right to appeal BOS rulings to the District Court. Outside of pure speculation, Frishman has identified no facts in the record that establish that the defendants deprived him of his right to due process "by threats, intimidation or coercion." *G. L. c. 12, § 11H*, inserted by St. 1979, c. 801, § 1. He has failed to raise a genuine issue of material fact as to his due process claim.

5 On appeal, Frishman has waived his Fifth Amendment claim; as such, we decline to address it.

6 *Section 91-6* of the town by-laws provides that a dog may only be declared vicious if it, without provocation, bites a human being or kills or maims a domestic animal. A public hearing must be held by the dog control appeals board, which recommends the declaration to the board of selectmen. The board of selectman may elect to hold further public hearings. See *G. L. c. 140, § 157(d)-(f)*, which allows for de novo appellate review.

Frishman's final claim alleges that the town's police had no authority to search his house or to seize his dog at the time the search warrant was executed. Regardless whether law enforcement here had separate statutory

authority to seize a dog, there is no Fourth Amendment violation present. A valid search and seizure requires probable cause. *Commonwealth v. Carrasco*, 405 Mass. 316, 320 (1989). The officer's affidavit that accompanied the application for the search warrant included ample facts such that those facts and "reasonable inferences drawn from" those facts sufficiently allow the conclusion "that the items sought are related to the criminal activity under investigation, and that they reasonably may be expected to be located in the place to be searched at the time the search warrant issues." *Commonwealth v. Walker*, 438 Mass. 246, 249 (2002) (citation omitted). Frishman has failed to raise a genuine issue of material fact regarding his Fourth Amendment claim.

The defendants did not request appellate attorney's fees. However, "it is within the power of the court to award attorney's fees where it is in the interest of justice." *Police Commr. of Boston v. Gows*, 429 Mass. 14, 18 (1999). Our review of this case compels the conclusion that Frishman filed this appeal with "no reasonable expectation of a reversal." *Avery v. Steele*, 414 Mass. 450, 455 (1993), quoting from *Allen v. Batchelder*, 17 Mass. App. Ct. 453, 458 (1984). See *Masterpiece Kitchen & Bath, Inc. v. Gordon*, 425 Mass. 325, 330 n.11 (1997) ("The determination whether an appeal is frivolous is left to the sound discretion of the appellate court"). Accordingly, the defendants are entitled to the attorney's fees and costs of this appeal. See *Mass.R.A.P. 25*, as appearing in 376 Mass. 949 (1979). The defendants may submit a petition for appellate costs and attorney's fees to this court in the manner prescribed in *Fabre v. Walton*, 441 Mass. 9, 10-11 (2004), within fourteen days of the date of this memorandum and order. Frishman may respond to the petition within fourteen days of said filing.

Judgment affirmed.

By the Court (Berry, Grainger & Sullivan, JJ.⁷),

7 The panelists are listed in order of seniority.

Entered: October 14, 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

October 19, 2015

Anthony J. DeLuca, Manager
Twenty Wayland, LLC
10 Memorial Boulevard- Suite 901
Providence, RI 02903

RE: Parcel 3-1, known as the "Town Green", a/k/a the "Informal Town Green",
Town Center Project, Wayland, Massachusetts

Dear Mr. DeLuca:

I am writing in response to your letter dated October 9, 2015, concerning the above-referenced subject.

Please be assured that before the Town of Wayland undertakes any work on the above-referenced land, it will follow proper protocols, including detailed plans and a written agreement which memorializes the parties' respective rights and obligations. This will include the new owners of the Town Center Project if appropriate.

The Town of Wayland Planning Board approved the Town Center Project Master Special Permit in January of 2008. A major finding and public benefit of the project was the creation of a two-acre green open to the public with a pedestrian "friendly" place for Wayland residents to gather, attend events, socialize, obtain municipal services and shop. A detailed plan was further developed in 2012 with your consent and coordinated by the Planning Board and Town Green Committee. The plan was approved by Twenty Wayland, which graded and contoured the land as shown on the conceptual plan which has been posted on the Town's website for the past three years.

In September of 2013, the Town of Wayland approved the Site Plan Approval for 42 Town Houses for Brendon Homes in Town Center. In the decision, a required site plan approval condition was that Brendon Homes construct the public green at a cost of \$150,000. This condition was not appealed. The work on the Town Green is being performed by Brendon Homes. Our understanding is that the work was undertaken with your knowledge and consent. The Town of Wayland is not performing any work on the property.

I suggest that we set up a meeting with Brendon Homes, Twenty Wayland, and National Development to further discuss how to move forward with this process.

Thank you for your attention to this matter and I look forward to meeting with you to resolve this issue.

Sincerely,

A handwritten signature in cursive script that reads "Nan Balmer".

Nan Balmer
Town Administrator

cc: Board of Selectmen
Kevin Giblin, Brendon Homes
Sarkis Sarkisian, Town Planner



Development • Construction • Management

October 9, 2015

By Email and FedEx Overnight

Email: nbalmer@wayland.ma.us

Board of Selectmen
Attn: Nan Balmer, Town Administrator
Office of the Town Administrator
41 Cochituate Road
Wayland, MA 01778

RECEIVED

OCT 13 2015

Board of Selectmen
Town of Wayland

Re: Parcel 3-1, commonly known as the "Town Green," also known as the "Informal Town Green," located generally at 400-440 Boston Post Road, Wayland, Massachusetts (the "Land")

Town Administrator Balmer:

As I believe you know, our firm, Twenty Wayland, LLC ("Owner"), owns the above-referenced Land. We are happy to cooperate with the Town of Wayland's ("Town") efforts to improve and make the Land more useful to residents, but must insist that the Town please follow proper protocol.

Specifically, before the Town undertakes any work on the Land, Owner needs detailed plans, proof of insurance, and an express agreement by the Town to maintain the improvements and otherwise take responsibility for and indemnify Owner against any associated costs now or in the future.

With respect to the work recently begun by Brendon Homes, Inc., Brendon Properties, or an affiliated entity (jointly and severally, "Brendon"), on behalf of the Town, we recently received a Certificate of Insurance from Brendon stating that Owner is an additional insured, "*where required by written contract or agreement.*" Thus, Brendon's insurance company expects that we will have a written agreement concerning relative rights and responsibilities.

Accordingly, attached please find a concise agreement that I suggest is reasonable and appropriate to ensure that the expectations of our firm and the Town are satisfied without misunderstanding. Please execute and return to me immediately, as owner's permission to construct the improvements on the Land is expressly conditioned upon acceptance and approval of same and, until signed, any work on our Land is done *without our permission*.

Nothing in this letter or any prior or subsequent communication regarding this matter is intended to waive, modify, diminish or limit any rights, remedies or claims Owner may have, nor any obligation owed to Owner, and Owner expressly reserves all rights and remedies it may have at law and in equity.

Very truly yours,
Twenty Wayland, LLC


By Anthony J. DeLuca, Manager

/mos
Encl

cc (w/encl., by email only to each):
Cherry C. Karlson, Chair, Wayland Board of Selectmen (ckarlson@wayland.ma.us)
Kevin Giblin, Manager, Brendon Properties (kevin@brendonhomes.com)

INDEMNIFICATION AND LICENSE AGREEMENT ("Agreement")

This Agreement is entered into as of the date of execution last set forth below, by and between Twenty Wayland, LLC ("Owner") and the Town of Wayland, Massachusetts ("Town").

Owner owns that certain lot or parcel of land ("Land") known as Parcel 3-1, commonly known as the "Town Green," also known as the "Informal Town Green," located generally at 400-440 Boston Post Road, Wayland, Massachusetts. The Town desires to install or construct certain improvements upon the Land ("Improvements"), illustrated on the site plan attached as Exhibit A, and has engaged or otherwise authorized a contractor ("Contractor"), in this case Brendon Homes, Inc., Brendon Properties, or an affiliated entity, to construct the Improvements on the Town's behalf.

For One (\$1.00) Dollar and other good and valuable consideration, the sufficiency and receipt whereof is hereby acknowledged, Owner and Licensee hereby agree as follows:

1. License. Upon receipt of this Agreement signed by the Town, together with the following items in form and substance reasonably acceptable to Owner, Owner shall countersign this Agreement, and by such execution, Owner shall be deemed to have granted the Town a revocable, limited license ("License") to install or construct the Improvements ("Improvements") upon the Land, either itself or by an agent or Contractor: (a) detailed plans describing the proposed Improvements; (b) all approvals required from any governmental and/or quasi-governmental authorities; and, (c) Evidence of liability insurance naming Owner an additional insured, with policy limits of not less than \$1,000,000 per occurrence, and such other coverages as Owner deems commercially reasonable.

2. Indemnity. The Town hereby ASSUMES ALL RISKS associated with use of the Land, and acknowledges that Owner makes no representation or warranty of any kind with respect to same, the Town, its Contractor and any others accessing the Land "AS IS", "WHERE IS" and "WITH ALL FAULTS." The Town agrees to at all times maintain (including remove snow and ice), repair, replace, and insure (as to liability and property damage) the Improvements, with limits of liability, coverages, and insurers reasonably acceptable to Owner. Further, the Town agrees to at all times defend, protect, indemnify and hold Owner harmless with respect to any and all liabilities, claims, actions, suits, injunctions, costs, expenses, liens and other legal and equitable proceedings (including reasonable attorneys' and other professionals' fees and costs) resulting or arising in any way from, out of, or related to, the License, the Improvements, or any use of the Land. The Town's agreement to defend, protect, indemnify and hold Owner harmless shall survive the expiration, earlier termination, or revocation of the License. The Town specifically agrees to forever stand solely responsible for and pay all taxes (real or personal) assessed against the Improvements, to the extent such taxes exceed the amount assessed, or that would have been assessed, without the Improvements.

3. Term. Owner may in its absolute discretion revoke the License at any time and for any or no reason, upon written notice to Licensee and the Town. Immediately upon revocation of the License by notice from Owner, Licensee shall cease work on the Land, vacate and remove its tools, equipment, supplies, and other property and, upon request of Owner thereafter, remove any Improvements not completed prior to revocation, restoring the Land beneath such incomplete Improvements to essentially the same condition it was in as of the time the License was granted. If not so revoked by notice from Owner as aforesaid, the License shall automatically be deemed revoked by Owner without necessity of further action on the date that is ninety (90) days from the date of this Agreement, unless extended by Owner in its sole and absolute discretion.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date of last execution appearing below.

Owner: Twenty Wayland, LLC

Town: Town of Wayland, Massachusetts

_____, _____, 20____
By Anthony J. DeLuca, Manager
Hereunto Duly Authorized

_____, _____, 20____
By Nan Balmer, Town Administrator
Hereunto Duly Authorized

EXHIBIT A

Site Plan showing proposed Improvements

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, October 19, 2015 3:06 PM
To: DiNapoli, MaryAnn
Subject: FW: Pop-Up Event - Thank You

Correspondence

From: steven correia [mailto:stevencorreia@comcast.net]
Sent: Monday, October 19, 2015 3:04 PM
To: Balmer, Nan; Selectmen
Cc: Brodie, Jessica; Roman, Seth; Daria Greeley; Marylynn Gentry; Mary Antes; ellentohn@gmail.com; mark.h.foreman@gmail.com; Bill@Sterlingarchitects. Com; Secord, Julie; Cellphone, Julie
Subject: Pop-Up Event - Thank You

Nan,

I just wanted to officially thank you and your staff for helping the CoA/Community Center Advisory Committee and our many volunteers on the Pop-Up Event this past weekend. The event was a wonderful community gathering with over 200 Wayland residents and businesses present. The mission to have the public walk the municipal parcel, ask questions and share their visions was overwhelming met. We heard many voices that our committee will summarize and send to the Board of Selectmen before town meeting. We hope to combine these comments with the planned forum feedback on thursday night.

At this point, I just wanted to specifically express my gratitude to Julie Secord, the Director of the Council on Aging and Jessica Brodie, the Director of Recreational Programs in Wayland. Both these employees went over and beyond their jobs in helping us make this event a success. They both used their free time after hours to meet and plan with our volunteers. They recruited businesses and helped resolve many roadblocks. They confronted problems with options and solutions. I can't say enough how much they understood what it means to service the Wayland community. Please recognize them for their commitment to our town and express our many thanks.

Regards

Steven Correia
Member of the CoA/CCAC
188 Glezen Lane

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, October 21, 2015 5:00 AM
To: Karlson, Cherry; Anderson, Lea; Senchyshyn, John; DiNapoli, MaryAnn; Mary Ellen Castagno
Subject: Fwd: Minuteman

For Board correspondence

Sent from my iPhone

Begin forwarded message:

From: Carl Valente <cvalente@lexingtonma.gov>
Date: October 20, 2015 at 9:14:51 PM EDT
To: "Balmer, Nan" <nbalmer@wayland.ma.us>
Cc: David Horton <Paulrevereroad@aol.com>, Eric Michelson <eric@michelsonshoes.com>, Jill Hai <j.hai@verizon.net>
Subject: RE: Thanks

Nan,

On Monday, the Lexington Board of Selectmen took up Wayland's request to withdraw from Minuteman. Regarding their recommendation to Town Meeting, three members voted to recommend that Town Meeting not approve Wayland's request and two members voted to recommend indefinite postponement of the Article. Our financial committees have not yet voted their positions.

Please let me know if Wayland officials wish to speak at our town meeting on this Article.

Carl

Carl F. Valente
Town Manager
1625 Massachusetts Avenue
Lexington, MA 02420
781 698-4545
781 861-2921 (fax)



(When writing or responding please understand that the Secretary of State has determined that emails are a public record and, therefore, may not be kept confidential.)

From: Balmer, Nan [<mailto:nbalmer@wayland.ma.us>]
Sent: Thursday, October 15, 2015 5:54 PM
To: Carl Valente <cvalente@lexingtonma.gov>
Subject: Thanks

Dear Carl,

Thank you for hosting the Minuteman discussion. It was very helpful to us. The Wayland Selectmen will discuss their position again Monday.

Nan

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





TOWN OF WAYLAND
MASSACHUSETTS
01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL. (508) 358-7701
www.wayland.ma.us

RECEIVED

OCT 22 2015

**Board of Selectmen
Town of Wayland**

October 22, 2015

Recorder's Office
Land Court Department
Three Pemberton Square - Room 507
Boston, MA 02108

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

Dear Madam/Sir:

Enclosed with respect to the above-referenced case please find the Plaintiffs' and Intervener's Joint Motioin to Continue Pre-Trial Conference and Trial, or, Alternatively, to Stay Action. Kindly docket and file this document and forward it to Judge Long for his action on it.

Thank you for your attention to this matter.

Very truly yours,

Mark J. Lanza
Town Counsel

MJL/ms
Enclosure
cc Nicholas P. Shapiro, Esq. (w/ encl.)
Board of Selectmen (w/ encl.)
Board of Public Works (w/ encl.)
Conservation Commission (w/ encl.)

grounds that:

1. Moss & Borner and the Town are actively engaged in good faith negotiations which will likely lead to a settlement of all claims that they have asserted against each other.

2. In the event that the settlement of this action involves the release and abandonment of the Town's easement rights in Crown Path and the acquisition to easement rights at another location on Moss & Borner's property, action by a town meeting vote will be necessary. M.G.L. c. 40, §§ 15¹, 15A² and 14³.

¹M.G.L. c. 40, § 15 provides in pertinent part that: "[i]f any officer of a... town having charge of any land, easement or right taken for such...town, otherwise than by purchase, notifies the...selectmen that, in his opinion, such land, easement or right, or part thereof, is no longer required for public purposes, and if thereafter...the inhabitants of the town by a two thirds vote authorize the conveyance of such land, or of part thereof, or the abandonment of such easement or right, or part thereof, and specify the minimum amount to be paid for such conveyance or abandonment,...the selectmen may, for such amount or a larger amount, and upon such other terms as the...selectmen shall consider proper, convey said land, or part thereof, by deed, or declare said easement or right, or part thereof, to be abandoned." The parcels of land in the Woodland Park Subdivision held in the custody of the Board of Selectmen were acquired by the Town through the tax title foreclosure process. The parcel of land held in the custody of the Board of Public Works was acquired by eminent domain. The parcels held by the Conservation Commission were acquired by purchase.

²M.G.L. c. 40, § 15A provides in pertinent part that: "[w]henver a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a...town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to...the board of selectmen of the town. At any time after the receipt of such notice, ...the town by a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose." "...[W]henver town land that is held for any other specific purpose is to be sold, there must be a two-thirds vote pursuant to G. L. c. 40, Section 15A, to authorize the transfer of the land from one purpose to the other. Once the transfer for the purpose of sale has been authorized pursuant to G. L. c. 40, Section 15A, the selectmen, duly authorized, may consummate the sale by a deed, pursuant to G. L. c. 40, Section 3." Harris v. Town of Wayland, 392 Mass. 237, 243 (1984).

3. The next annual town meeting of the Town of Wayland has not been scheduled⁴. Under the Town's bylaws, it must occur some time between April 1 and May 15, 2016. (Exhibit A).

4. The three Town boards which must approve the settlement, the Board of Selectmen, the Board of Public Works and the Conservation Commission, are comprised of unpaid volunteers who meet, generally, bi-weekly.

5. Allowing the parties more time to pursue settlement of the case in the interests of judicial economy and will conserve the parties' resources.

Respectfully submitted,
Moss & Borner, by their attorney,



Nicholas P. Shapiro BBO#673490
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
Phone: (617) 367-8787
Fax: (617) 227-8992
email: nshapiro@phillips-angley.com


and

DATED: October 22, 2015

³M.G.L. c. 40, § 14 provides in pertinent part that: The...selectmen of a town may purchase, or take by eminent domain under chapter seventy-nine, any land, easement or right therein within the...town not already appropriated to public use, for any municipal purpose for which the purchase or taking of land, easement or right therein is not otherwise authorized or directed by statute; but no land, easement or right therein shall be taken or purchased under this section unless the taking or purchase thereof has previously been authorized by...vote of the town, nor until an appropriation of money, to be raised by loan or otherwise, has been made for the purpose by a two thirds vote of...the town'...". Conservation commissions may acquire land or rights in land with funds available to it and may accept gifts of land and interests therein for conservation purposes, without a town meeting vote. M.G.L. c. 40, § 8C.

⁴A special town meeting has been scheduled for November 9, 2015, but the warrant for the meeting is closed.

The Town, by its attorney,




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

DATED: October 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that, on October 22, 2015, a copy of the foregoing document was served on counsel of record for the Plaintiffs, by sending a copy thereof to their counsel of record, via first class mail, postage prepaid.



Mark J. Lanza

EXHIBIT A

EXCERPT FROM THE TOWN CODE OF THE TOWN OF WAYLAND

Chapter 36. MEETINGS

[HISTORY: Adopted by the Town of Wayland as indicated in article histories. Amendments noted where applicable.]

Article I. Notice and Warrant; Moderator

[Adopted 3-12-1973 ATM by Art. 14 as Art. 1 of the 1973 Bylaws]

§ 36-1. Town meeting and election.

[Amended 3-11-1974 ATM by Art. 11; 5-1-1991 STM by Art. 3; 5-12-2004 ATM by Art. 34; 4-13-2009 ATM by Art. 23]

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



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3046

October 15, 2015

Ronald Simons, Manager
373 Commonwealth Residence LLC
220 North Main Street, Suite 105
Natick, MA 01760

Re: Extension of Order of Conditions for 371/373 Commonwealth Road, Wayland (DEP File 322-699)

Dear Mr. Simons:

Enclosed please find the Extension Permit for the Order of Conditions voted by the Conservation Commission extending the Order of Conditions under DEP File 322-699 until April 17, 2017 for 371/373 Commonwealth Road in Wayland.

The Extension Permit should be filed at the Middlesex South Registry of Deeds with evidence of recording submitted to this office.

Please note that work on the project must still conform to the original Order of Conditions issued on the project.

Sincerely,

Brian J. Monahan
Conservation Administrator

Enclosure

cc: Town Clerk w/enc.
Building Commissioner w/enc.
DEP NERO w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
File

RECEIVED

OCT 19 2015

Board of Selectmen
Town of Wayland

7



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

October 19, 2015

Devens Hamlen
Hamlen & Company, Inc.
54 Canal Street – 5th Floor
Boston, MA 02114

RE: Order of Conditions/Chapter 194 Permit for 35 Covered Bridge Lane, Wayland (DEP File 322-850)

Dear Mr. Hamlen:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the home construction project at 35 Covered Bridge Lane, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

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

RECEIVED

OCT 19 2015

Board of Selectmen
Town of Wayland

8

Electronic Voting Implementation Subcommittee
Minutes of meeting of June 4, 2015

Present: Dave Bernstein, Beth Klein, Larry Krakauer, Alan Reiss, Don Schuler, and Jon Sieber.

1. Dave Bernstein called the meeting to order at 7:30pm. Larry Krakauer was appointed secretary pro-tem.
2. Public comments were invited, but none were offered at this time. However, Chairman Dave Bernstein invited additional public comments at various times during the meeting.
3. MSPU (Krakauer, Sieber): Approve minutes of the meeting of April 30, 2015.
4. The majority of this meeting was devoted to the agenda item *Preventing Proxy Voting at Town Meeting*.

The discussion was organized by a list of suggestions for preventing Proxy Voting, included with the meeting agenda. At the end of the meeting, the opinion of each ELVIS committee member on each of these suggestions was summarized in a spreadsheet for the Moderator. To further organize the discussion, the suggestions were broken down into four categories: Education, Prevention, Detection, and Resolution.

Education: We discussed items such as signs behind the checkers, a short statement by the checkers as to the illegality of voting any terminal but your own, and even the possibility of an actual paper handout.

Prevention: There was a discussion of the possibility of closing the bleachers, with various opinions expressed by committee members. The mechanics of requiring checkout of terminals during the meeting were discussed, including the staffing needs that would be created as a result.

Detection and Resolution were taken together: There was further discussion of the bleachers. Larry Krakauer suggested that the bleachers are not really a Proxy Voting issue, and that closing them might be viewed as an effort to discourage citizens with young children from attending. He added that education might be sufficient without additional measures; in public comment, Margo Melnicove strongly disagreed.

The opinion of each committee member on each of the suggestions was collected for the Moderator.

5. Agenda item: *Encouraging additional Electronic Voting System suppliers to satisfy Wayland's requirements*.

Dave Bernstein and Jon Sieber reported on their conference call with *Meridia Interactive Solutions*, who are interested in being able to meet Wayland's requirements. They currently can't display a vote after the voting window closes, which we need to be able to do for an audit – that would take additional development.

The committee discussed the possibility of pursuing additional possible vendors. Larry Krakauer, Alan Reiss, and Jon Sieber were in favor of concentrating on the two we have (OTI and Meridia), at least for the moment. It would be helpful to see the Meridia system in operation in another town with an open Town Meeting.

6. At the end of the meeting, public comments were again invited. Margo Melnicove reiterated that she will only feel confidence in electronic voting if strong measures are taken to detect and prevent violations.

7. MSPU (Reiss, Klein) Adjourn. The meeting was adjourned at 9:35 PM.

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

Wayland Historic District Commission Meeting
September 17, 2015

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

Others: Amanda Ciaccio, Larry Kiernan, Rick Conard, Mike Lowery, Tonya Largy, Woody Baston, Richard Turner, Neil and Donna Olmstead (34 Bow Road), Sarki Sarkisian (Town Planner), Dan Hill (Planning Board member)

Gretchen distributed *A Guidebook for Historic District Commissions* (published by MHC) to new members of the HDC along with a CD on *Local Historic Districts in Mass.* Gretchen announced that our newest (alternate) member, Kate Finlayson would not be at the meeting; and that Desmond could be arriving late.

Alice asked about progress on a demolition delay bylaw. Rick Conard was asked if the Historical Commission was working on this. He reported that Elisa Scola attended a workshop and came up with a draft demolition delay bylaw. Rick thought this could possibly come before spring town meeting.

The Annual Report draft was unanimously accepted. (6-0-0)

Public Comment. There was none.

Minutes of June 18, 2015 were approved as amended.

7:45 pm Public Hearing. Rail-Trail through Depot Parking Lot. Options of getting the trail through the Depot parking lot. Sarki was present to review the project and more. He explained that the rail-trail will extend from the Weston line to the New Wayland Town Center. (This will not include the bridge over the Sudbury River, just beyond Russell's; and it does not include the trail through the Depot property.) There is still nothing in writing from Eversource. Licenses are required; and all agencies want to be covered for liability. Larry Kiernan spoke of some of the challenges with

bringing the trail through the Depot property. Two abutters with houses very close to the Depot, have individual concerns; the parking lot is often full -- so the need for parking is a concern. It was pointed out that DCR really owns the lease along the track; and Wayland only owns a piece of it.

Sarki reviewed several options for a trail through the Depot property, that have been offered in the past:

Option 1 avoids everything including the platform.

Option 2 would have the trail to the north of Depot, covering the platform.

Option 3 would construct the trail around property line to the west and south. Lots of trees would need to come down and there is wetlands at the rear of the parking lot. This option would also eliminate some parking spaces.

Sarki then described a new option:

Option 4 would move the tracks to the north of the Depot by about 10 feet. This would allow space for the trail to the north of the Depot, next to the raised tracks. Sarki stated that the tracks would not be in their original location, but would be more visible and better preserved. Sarki also stressed the need for compromise in order to find a solution through the Depot parking lot. In the Planning Board report that accompanied the HDC application, Kevin Dandrade, a traffic consultant, made another proposal that would be an alternative to Option 1. Gretchen agreed with the need for compromise -- but she also pointed out that the Depot area was a very prominent place in the Old Town Center.

Larry Kiernan suggested that the plan for a trail would work best if the railroad interpretive site were to be established first. He suggested that a stone-dust trail be considered at least temporarily to the north of the Depot until there is a design for the RR interpretive site. Gretchen pointed out that at one time it was thought the \$250,000 gift would include the interpretive site, However, she cautioned that there probably will not be excess from the \$250,000.

Rick Conard asked about the “stabilized aggregate” that was mentioned in the Planning Board “Description of Work” that accompanied the HDC application and the options for the rail-trail through the Depot parking lot. Sarki responded that this “stabilized aggregate,” which was recommended by DCR, was used successfully in Newton along the Charles River -- (it is supposed to be permeable) but it is as expensive as asphalt.

Gretchen said she thought the final decision on the options of the rail-trail through the Depot property should be made by a more collective (and representative) group. Gretchen suggested a Saturday meeting and posting everyone (HC, ConCom, PB, rail trail people, Depot board members, neighbors, etc.). Sarki and Dan Hill appeared to agree that such a meeting should take place, and soon.

34 Bow Road - consideration of paint change. Donna and Neil Olmstead were present to speak to this issue. They are having work done on their house, and they are considering a slight color change. Currently the house is painted white, and they are thinking of painting it a different shade of white, either a Sherwin Williams Eider White, or an Ibis White, The shutters are currently a black forest green; and they are thinking of changing the color slightly to a Black Fox which is more gray. Gretchen explained that If something is a “diminimus” change the HDC can take a vote to waive a public hearing. Abutters are then notified of this diminimus change, and they have 10 days to oppose. There was a motion to take such a vote; and the vote was unanimously in favor of waiving the public hearing and declaring this a “diminimus” change. (6-0-0)

47 Old Sudbury Road. Gretchen recently received a phone call from the architect employed by those at this address. There is a desire for a paint change. They would like to change the trim to a Navajo white, and the shutters to dark, dark green. The home owners will need to meet with the HDC next month. This led to a discussion among the HD commissioners as to whether paint color should be an HDC consideration. Margery asked what percentage of Historic Districts consider color, and Gretchen responded that most of the older districts do -- but none of the new HDs

consider color. Kathie wondered if we could allow people to choose from a palette of historical colors; It was pointed out that paint companies each have their own “historic colors” and they are different from each other.

Design Review Guidelines - Review of guidelines on dormers and skylights, fences, gutters and downspouts. Regarding the guidelines on fences, Margery felt the guidelines should discourage the use of high board fences in the HD when it blocks the view of the historic architecture (allowing it only in rare cases).

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Margery Baston

Wayland Real Asset Planning Committee

September 18, 2015 – 7:30 AM

AMENDED AND APPROVED 10/14/15

Present: Colleen Sheehan, chair; Tom Abdella, Anette Lewis, Gretchen Schuler and Bill Steinberg.

Also attending: Brendan Decker, GIS Coordinator; Mike Lowery.

Public Comment. No public comment.

Bill Steinberg noted that he has received some feedback from residents that the WRAP be prepared to make recommendations to ATM 2016 about the Library and Town Center parcel (potential Community Center) assuming that there will be articles dealing with each at the Spring TM. He noted that there may not be a final decision or recommendation but that the Committee weighs in on each in terms of its evaluation.

Review of Tools, Survey and Resources. A brief discussion of webpage content, posting of meetings and minutes and location of various reports that will be used by WRAP led to the conclusion that Colleen will follow up with Nan Balmer, Town Administrator and Sarkis Sarkisian, Town Planner about where WRAP information will appear on town website. Anette Lewis will ask Mr. Sarkisian to provide links to other reports such as Salt Shed report, library studies, Master Plan Update, COA report etc. Ms. Lewis will post agendas for future meetings.

GIS Resources (Brendan Decker and Mike Lowery). Colleen Sheehan welcomed Brendan Decker, GIS Coordinator and Mike Lowery. Mr. Decker explained that CAT Technologies is updating the GIS website. He walked us through the way in which the new site will operate using a hand-out to demonstrate what each page and cue will look like on computer screens. Specific lot information will be more easily accessed with relevant links and documents on each property card. The time-consuming process of entering data and creating links has begun with deeds for town-owned property as first order of business. Alf Berry, Town Surveyor is working with Ellen Brideau, Town Assessor on this part of the project. Ms. Sheehan wondered if there may be a metro-west grant to help work on downloading the deeds from the Registry.

WRAP will be interested in adjacencies of town owned property. For the time being, members will have to determine adjacencies by viewing a parcel map of town-owned property. Presently a general query is not possible in the GIS system.

Mr. Lowery discussed the issue of data quality and cautioned users that there may be inconsistencies and errors. These generally have to be addressed by both Assessors and GIS staff. Two sets of properties that have been subject of questions are the Town Building, 41 Cochituate Road (deeds and allowed uses) and the Dudley Woods parcels that still show in database as controlled by the Board of Selectmen (Municipal category). They were transferred to Recreation by 2014 and 2015 ATMs. Gretchen Schuler will find reference to TM Articles and send to Mr. Berry and Mr. Decker.

Lack of a change of information related to the Dudley Woods parcels points out the need for a process of getting Town Meeting actions to the Assessors and to GIS. A timeline should be developed.

Mr. Decker requested e-mails of members of WRAP – Ms. Schuler will send.

Preparation for September 30 Meeting. Brendan will provide WRAP with large map of town-owned properties and Sarki will mount on a board. A file will be sent to Tom Abdella who will talk about the GIS and maps showing town-owned property.

Ms. Schuler will ask MaryAnn DiNapoli to reserve the LCD projector for the meeting.

(Bill Steinberg left at 8:15 AM)

Town Departments have been invited to report through the Town Administrator if they are unable to come to September 30th meeting.

- 1) Ms. Sheehan will talk about the WRAP charge and Ms. Lewis will help her develop comments.
- 2) Mr. Abdella will discuss map and GIS capabilities – town owned parcels with ownership, restrictions, deeds, milestones, and ATM report.
- 3) Department reports and summaries.

The two-year committee is in its first stage of defining characteristics of land – the real restrictions through deeds and restrictions that are subject to change.

It is likely that departments and boards controlling land will be asked if they see a need for acquiring additional land.

NEXT MEETING . September 30th at 7:30 PM. Ms. Lewis will post and send reminder to boards that may want to participate in that meeting.

This meeting adjourned at 8:45 AM.

Respectfully submitted, Gretchen G. Schuler

Material Received at Meeting

- 1) Screen Shots showing new GIS Website scheduled for release in January 2016. (7 pages prepared by Mr. Decker for 9/18/15 meeting.
- 2) Town Land Ownership Table – Printed 9/3/15 by Mr. Decker

Wayland Real Asset Planning Committee

September 30, 2015 – 7:30 PM

APPROVED AS AMENDED 10/14/15

Present: Colleen Sheehan, chair; Tom Abdella, Anette Lewis, Gretchen Schuler and Bill Steinberg.

Also attending: Mary Antes, Nan Balmer (TA), Woody Baston (BoPW), Dennis Berry, Jessica Brodie (RecDir), Gordon Cliff, Rick Conard (WHC), Barb Fletcher (School) Asa Foster (Rec), Aida Gennis (Lib), Sherre Greenbaum (ConCom), Anne Heller (Library), David Houghton (Fire Chief), Nan Jahnke (Lib), Cherry Karlson (BOS), Ben Keefe (Facilities Director), Ann Knight (Library), Fred Knight (WWMDC), Frank Krasin (Rec), Nasser K (WCC-Cultural Council), Lynne Lipcon (Library), Jean Milburn (COA/CCAC), Brian Monahan (Conservation Commission Dir), Sarkis Sarkisian (Planning), Julie Secord (COA Dir.), Kathie Steinberg (HDC and School), Paul Stein (Sup of Schools, Richard Turner (Public Ceremonies), Susan Wagner (Town Crier), Brud Wright (Rec).

Introduction & Overview of Committee Charge, Goals and Work to Date.

Colleen Sheehan introduced the first community wide forum to discuss planning for the town's real assets – land and buildings. She briefly explained the charge and what preceded WRAP – the 2004 Master Plan, 2011 Update, CIP, Long Range Planning Working Group in response to FinCom forum in July 2014. She talked about who and how appointments were made for WRAP and explained that the Committee will be working on a process by which to evaluate properties for most effective use into the future. Also she noted that WRAP has a sunset date – June 30, 2017 by which time the tasks are to be accomplished. In the meantime WRAP is to report to ATM 2016 on framework of decision process. Ms. Sheehan told of webpage for WRAP and talked about the repository of information. WRAP is to serve as the umbrella for all groups needs related to land and buildings.

Tom Abdella introduced information available through the GIS with maps and property card information. He explained that the data available to us should be comprehensive, accessible and accurate.

Ms. Sheehan opened forum to public comment and questions relative to the general nature of the WRAP charge and procedures of Committee work. Gordon Cliff (Highfields Rd) asked if Committee has high level plan with bench marks for each quarter and suggested that WRAP create such a plan if has not yet done so. Ms. Sheehan responded that Committee will have key deadlines with internal milestones.

Projected Needs for New/Renovated Facilities and Land Needs

Ms. Sheehan opened the conversation to those in attendance to tell of various boards' and commissions' needs and interests in town owned assets.

Chief Houghton – Fire Department. Needs for fire department include:

- 1) Station #2 – a needs assessment with floor plan done – it was built for call firefighters, now we have full time and both men and women. Before renovations begin a home for Art Center that uses building must be found.

- 2) Storage for nearly all departments because nearly every building has code violations relating to storage. Chief emphasized need to alleviate this problem.

Nan Balmer – Town Administrator. Attending to listen and offer help in process and stated that Cherry Karlson, Chair of BOS would speak for BOS which discussed at recent meeting.

Jessica Brodie – Recreation Director. Working on Dudley Woods, Oxbow Meadows and Loker Recreation Area – all funded by CPA. Ms. Brodie then spoke to hand-out of future field needs and forecasted needs for Community Center with Arts Center. She also noted the need for 20-year field maintenance plans.

Brud Wright – Rec Chair. Mr. Wright reiterated Ms. Brodie’s comments and stated that the first two-thirds of the hand out has had substantial review by Recreation Commission while the end of list is a wish list.

Jean Milburn – COA and Advisory Committee. The concept plan for the so called “municipal pad at the Town Center is to use the existing building and add on to it and also create about 100 parking spaces. She explained that COA is about quality of life, not mandatory, not regulated. Wayland has an eligible population of receive COA services of about 3,600 which will grow in numbers. In today’s world many outliving their funds therefore the demand for public services rises. The “aging in place” movement recommends programs that support staying in town in one’s home.

A new community center will need about 20,000 sf if built with flexible design that can serve older and younger population. Bill Steinberg asked if the COA/CCAC and Library Expansion Committee have talked due to similar needs and interests. He also asked about staffing needs. The two groups have not met and staffing needs are the next step under consideration. The State Council of Elder Affairs recommends 5 to 6 sf per person eligible to be served, which means a building between 18,000 and 21,600 sf. Julie Secord, Director of COA added a comment that condominium projects are targeting seniors. Space in critical.

Brian Monahan – Conservation Director. Mr. Monahan explained that the job of conservation is to protect natural resources in town. We have the 1995 Open Space and Recreation Plan update, use maps and seek to protect ground water and habitats. There are 13 named conservation areas and many other unnamed properties that are managed by the ConCom.

Nasser K – Wayland Cultural Council. The WCC has no office, no exhibition space, no funding. It seeks to collaborate with other arts groups and would like a voice in the new proposed community center. Its history is rooted in Arts Wayland that was established at Loker School in the 1990s. The space was reclaimed for school use and the organization lost ground. Now there are many organizations that realize the importance of art and culture including the Library, COA, Recreation. Need collaboration among these groups for a common vision. WCC needs office and exhibit space at a minimum and would like class rooms for visual arts. Performance space has been accommodated at new high school so that is not on the “wish” list. Ms. Sheehan asked if the Cultural Council had talked to other groups about interest in sharing facilities.

Woody Baston – Board of Public Works. Have newest building in town so presently emphasize maintenance particularly since DPW maintains for Rec and Schools.

Aida Gennis – Library. The Library Trustees are stewards of the 1900 library building, the land, and the programs happening in the Library. They have reached the limit on space – maxed out. Looking to build elsewhere in town or expand on site. Needs have been in CIP since 2005 and presently the Library is in line to apply for a state grant (2016-17) that could provide 45% of construction costs. Need space for tutoring, children’s library, teen space, small study groups. Have added challenge of flooding and poor access to current building. The Library Expansion Study Committee recently issued its report hence an article at Special Town Meeting 2015. Timing is critical because in 2014 the State authorized a construction grant program for 2016-17 and the last one was authorized 8 years ago. The Library must apply for the grant by October 2016 and they are required to address needs looking forward 20 years.

Rick Conard – Historical Commission. The WHC is interested in all projects in town due to the wealth of architectural and archaeological resources throughout the town. The WHC is involved in Stone’s Bridge, North Cemetery, Railroad artifacts as part of an Interpretive Site – all CPA projects. Ms. Sheehan asked about the Freight House and its use. Presently it is used for storage for library and Recreation department.

Fred Knight – Waste Water Management. Fred stated that the facility was built in 2012 and opened in 2013. There are two new possible connections – the municipal site and the Library. Anette Lewis asked about encumbrance on field at town building to accommodate future use for leaching field, he stated that he was unsure about that.

Cherry Karlson – Selectmen. In reporting on conversation of BOS on this topic Ms. Karlson stated that she would not report on any projects already mentioned and also on the Town Building as she assumes that the Public Buildings Director would do so. Thus there are four issues that the BOS lists: 1) combining community space (COA and the Arts); 2) acquisition of municipal pad for COA or for open space; 3) affordable housing – if any land is conducive for such needs; 4) BOS parcels to be looked at to see if any useful to other boards or individuals and could be transferred or sold.

Richard Turner – Public Ceremonies. The only request is two flag poles – one in South and one in North Cemetery.

Barb Fletcher – School Committee. The update is that the schools are working together with Recreation and Public Works on: 1) interdepartmental agreement as it relates to school property and recreation and public works; 2) long term plan for the high school – master plan. Ben Keefe the Public Facilities Director is looking at a 30 year needs of existing buildings. Ms. Fletcher stated that the School Committee has discussed Orchard Land and Alpine Field parcels controlled by the School Committee. The most pressing significant need is a location for the buses since River’s Edge has taken over the land where they have been parked.

Ben Keefe – Facilities Director. Mr. Keefe stated that he believes that a long range facilities plan is an important tool and will fit into his work in an important way. He asks WRAP and

other boards to think about current location of utilities on or near each parcel when considering suitability to development.

Bill Steinberg asked about the appropriateness of uses in each building.

Jean Milburn commented that storage was mentioned by several groups and often can be a result of lack of inventory control, poor disposal practices and an aggregate of purchases done by each department ordering its own when sharing could reduce cost and amount of stuff.

Colleen thanked participants and reassured that there will be more opportunity to give information to WRAP.

Bill handed out spread sheet for land/building survey to be given to Wayland Boards and Departments to fill out. Tom and Gretchen noted that most categories are already on GIS spread sheet. This will be discussed at next meeting.

Next Meetings

WRAP members settled on next meetings schedule:

October 14th (Wed.) Agenda - develop process; land/building survey spread sheet categories.

October 28th (Wed.) Agenda - more process development; determine WRAP message to questions at STM.

November 12th (Thurs.)

November 19th (Thurs.) (Gretchen not available - HDC meeting)

December 3rd (Thurs.)

December 17th (Thurs.) (Gretchen not available - HDC meeting)

This meeting adjourned at 9:30 PM.

Respectfully submitted,
Gretchen G. Schuler

Materials Received at Meeting

- 1) Fire Department Long Term Goal Suggestions, Chief Houghton, 9/30/15
- 2) Recreation Department Future Needs, Jessica Brodie, 9/30/15
- 3) COA Resources History 2005-2014, Jean Milburn
- 4) Library Planning Committee Report - Submitted by Library Trustees, 8/27/15
- 5) Minutes for 9/3 and 9/18 meetings

WRAP met on September 30th. It was a community forum of about 30 to 40 attendees. I did not discuss Wayland Weekly Buzz and volunteering to provide bullets about meetings. I am taking my chances and doing so from the minutes (I am the clerk) in hopes that no one will take issue with it.

- About twelve groups – town departments, boards, commissions, committees – reported on present projects and future needs involving town-owned assets of land, buildings and funding.
- A common theme mentioned more than once was: Storage – the need for additional storage for equipment and records.
- Interest in spaces for arts and cultural programs and exhibitions was mentioned in relation to a Council on Aging and Community Center, the Library, the Cultural Council, and Recreation Department. This is an opportunity for collaboration.
- At next few meetings WRAP will be working on identifying the process for analyzing the efficiencies of and needs for town-owned land and buildings.