

**PACKET**

**NOV 2**

**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, November 2, 2015 Wayland Town Building Large Hearing Room

### Proposed Agenda

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

- |          |      |   |
|----------|------|---|
| 6:30 pm  | 1.)  | Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center |
| 7:00 pm  | 2.)  | Call to Order by Chair <ul style="list-style-type: none"><li>• Announcements; Review Agenda for the Public</li></ul>  |
| 7:02 pm  | 3.)  | Public Comment  |
| 7:15 pm  | 4.)  | Special Town Meeting Warrant Hearing  |
| 8:00 pm  | 5.)  | Interview and Potential Appointments to Economic Development Committee for Terms to Expire on June 30, 2018 <ul style="list-style-type: none"><li>• John Pugh</li><li>• Frank Panaccio</li></ul>                                      |
| 8:15 pm  | 6.)  | Discuss Municipal Parcel Acquisition with Town Counsel  |
| 8:45 pm  | 7.)  | Meet with Gretchen Schuler, Wayland Real Asset Planning (WRAP) Committee: Town-Owned Land and Buildings under Board of Selectmen  |
| 9:00 pm  | 8.)  | Adopt Order of Taking and Accept Gifts of Land for Route 27/30 Intersection Improvement Project   |
| 9:15 pm  | 9.)  | Discuss Town Administrator's Recommendation on Next IT Steps for IT Project, Potential Vote to Request Increase in Current Year Transfer  |
| 9:30 pm  | 10.) | Town Administrator Evaluation   |
| 9:50 pm  | 11.) | Discussion and Potential Vote on FY17 Capital Projects  |
| 10:05 pm | 12.) | Review and Approve Consent Calendar (See Separate Sheet)  |
| 10:10 pm | 13.) | Review Correspondence (See Separate Index Sheet)  |
| 10:20 pm | 14.) | Report of the Town Administrator  |
| 10:30 pm | 15.) | Selectmen's Reports and Concerns  |
| 10:40 pm | 16.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any   |
| 10:45 pm | 17.) | Adjourn   |

**(4) STM WARRANT HEARING**

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 1: PAY PREVIOUS FISCAL YEAR UNPAID BILLS**

I move you, sir:

**MOVED:** that the Town pay the bills of Fiscal Year 2015 for Unemployment – Commonwealth of Massachusetts in the amount of \$4,920, and for Seton Company in the amount of \$129, and for Eppley Court Reporting LLC in the amount of \$259, and that the Fiscal Year 2016 appropriation for said expense be used to pay said bills.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 2: CURRENT YEAR TRANSFERS**

I move you, sir:

**MOVED:** that the following sums be appropriated to be expended by the following boards and committees in Fiscal Year 2016 for the following purposes:

<u>Purpose</u>	<u>Amount</u>	<u>Board or Committee</u>
WATER ENTERPRISE FUND	\$ 346,725	Board of Public Works
TOWN INFORMATION TECHNOLOGY	\$70,000	Board of Selectmen
TOTAL CURRENT YEAR TRANSFERS	<u>\$416,725;</u>	

and that said appropriations for the Water Enterprise Fund be provided by transferring \$346,725 from Fiscal Year 2016 Water Enterprise Revenues; and said appropriation for Town Information Technology be provided by transferring \$70,000 from the General Fund – Unreserved Fund Balance.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 3: ACQUIRE MUNICIPAL PARCEL IN TOWN CENTER**

I move you, sir:

**MOVED:** That the Town:

- a.) authorize the Board of Selectmen, with approval of Town Counsel as to form, to lease, as lessee, or acquire by purchase, gift, eminent domain or otherwise, for municipal purposes, the fee or any lesser interest in all or any part of the parcels of land and the building and other structures thereon located on and off Boston Post Road (Route 20) Andrew Avenue and Lillian Drive in Wayland, Massachusetts shown as Lot 4-1, Parcel R-20-1, Lot 8-1, and Lot 9-1B, on a plan entitled “Plan of land Wayland, Massachusetts Showing Proposed Municipal Parcels” dated July 21, 2015 prepared by the Wayland Town Surveyor and recorded with the Middlesex South Registry of Deeds as Plan No. 616 of 2015, subject to such terms and conditions as the Board of Selectmen may deem acceptable to minimize the Town’s liability for preexisting hazardous waste, hazardous materials or contaminants on or in the soil or groundwater of said parcels of land or in said building or other structures;
- b.) appropriate \$1.00 to be expended by the Board of Selectmen for the acquisition or lease of said parcels of land and structures; and
- c.) that said appropriation shall be provided by transferring \$1.00 from the General Fund – Unreserved Fund Balance.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

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

I move you, sir:

**MOVED:** that the Town accept the provisions of Massachusetts General Laws Chapter 71, Section 71E, to permit the establishment and maintenance of revolving funds as authorized by said section.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 6: APPROPRIATE FUNDS FOR LIBRARY PLANNING  
AND DESIGN**

I move you, sir:

**MOVED:** that the Town appropriate \$150,000 to be expended under the direction of the Board of Library Trustees for a study in accordance with the guidelines of the Massachusetts Public Library Construction Program to examine the feasibility of (a) expanding and renovating the current library building and of (b) building a new library on a different site; and that said appropriation be provided by transferring \$150,000 from the General Fund – Unreserved Fund Balance.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

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

I move you, sir:

**MOVED:** that the Town appropriate \$30,000 to update the 1995 Open Space and Recreation Plan; and provide for said appropriation by transferring \$30,000 from funds in the Community Preservation Fund reserved for open space.



*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

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

I move you, sir:

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

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 9: AMEND FY2016 BUDGET FUNDING SOURCES**

I move you, sir:

**MOVED:** that the Town amend its vote under Article 5 of the Warrant for the 2015 Annual Town Meeting relative to the Fiscal Year 2016 Omnibus Operating Budget by decreasing the amount to be raised by taxation by \$2,000,000 and increasing the amount to be transferred from the unreserved fund balance of the General Fund by \$2,000,000, without making any changes to the amounts appropriated under said Article.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

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

I move you, sir:

**MOVED:** that the Town appropriate \$29,403 to be expended under the direction of the Town Administrator for the purpose of providing at 10% match to a \$294,030 energy resiliency grant awarded by the Department of Energy Resources to the Metropolitan Area Planning Council on behalf of the Town in December, 2014; and that said appropriation be provided by transferring \$29,403 from the General Fund – Unreserved Fund Balance.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 11: AMENDMENT TO MINUTEMAN REGIONAL AGREEMENT**

I move you, sir:

**MOVED:** that the Town accept and approve the “Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District” which was approved by the Minuteman Regional School Committee on July 7, 2015, and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement reserving all of the Town’s rights regarding withdrawal from said Regional School District.

*MOVER:*

**MOTION – STM – NOVEMBER 9, 2015**

**ARTICLE 12: RESOLUTION REGARDING SURFACE OF RAIL-TRAIL IN WAYLAND**

I move you, sir:

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

## **(5) INTERVIEWS EDC**

DATE: October 30, 2015  
TO: Board of Selectmen  
FROM: MaryAnn DiNapoli, Executive Assistant  
RE: APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMITTEE

### **REQUESTED ACTION:**

#### **INTERVIEW AND CONSIDER TWO CANDIDATES FOR TWO POSITIONS ON THE ECONOMIC DEVELOPMENT COMMITTEE**

There are two opening on the Economic Development Committee. Both appointments are made by the Board of Selectmen. There are two applicants, John Pugh and Frank Panaccio. Résumés are attached.

Both terms are to fill vacancies that expire on June 30, 2018.

### **MOTION:**

**That the Board of Selectmen appoint \_\_\_\_\_ to the Economic Development Committee for a term to expire on June 30, 2018.**

Attached: Letters of Interest from John Pugh and Frank Panaccio

(508) 237-1330 cell



**From:** John Pugh [mailto:[john.pugh@gmail.com](mailto:john.pugh@gmail.com)]  
**Sent:** Thursday, October 08, 2015 3:32 PM  
**To:** Balmer, Nan  
**Cc:** Cherry Karlson; Becky Stanizzi  
**Subject:** Request for appointment to Wayland EDC

Good afternoon Nan,

My name is John Pugh and I am interested in becoming a member of the Wayland Economic Development Committee. I was introduced to the EDC by Bill Steinberg and have attended the monthly EDC meetings since June. Becky Stanizzi and Cherry Karlson suggested at today's meeting that I submit my resume to you for consideration. If you would be so kind as to review my attached resume and let me know what the next steps are I would greatly appreciate it.

Looking forward to speaking with you,

John

John T Pugh

280 Cochituate Rd

Wayland, MA 01778

mobile 914.843.1594

# John T. Pugh, A.I.A.

[johntpugh@alum.mit.edu](mailto:johntpugh@alum.mit.edu)  
(914) 843-1594  
280 Cochituate Rd.  
Wayland, MA 01778

## Professional Memberships:

The American Institute of Architects, NAIOF,  
Urban Land Institute, Congress for the New Urbanism

## EDUCATION + LICENSES:

Licensed Architect (MA #50738)  
2013//Boston University  
Real estate finance coursework  
2010//M.I.T.  
Master of Architecture  
2000//Fordham University  
Bachelor of Science in Finance

## EXPERIENCE:

### 2013 – 2015//Samuels & Associates//Boston, MA//Asst. Development Manager

- Managed base building and retail fitout design teams from initial plan to building permit submission
- Reviewed drawings with design & construction teams, tracked questions and responses
- Developed proformas for project feasibility analyses – residential, retail and mixed-use projects
- Created development project schedules with input from leasing, design and construction teams
- Updated monthly project draw reports for review by senior management and equity partners
- Oversaw permitting processes for development projects
- Coordinated with general contractor and in-house construction manager on construction activities, such as site visits, creation of schedules and budgets, completion of punch-list items
- Partnered with leasing, development and legal teams to develop proposals and lease documents
- Assisted on the creation of offering memos for potential lenders and equity partners

### 2011 – 2013//University of Massachusetts at Lowell//Lowell, MA//Real Estate Consultant

- Assisted executive team with capital budgeting by tracking total project costs, estimated construction costs, soft costs, contingencies, projected inflation; the University had \$600 million in new construction & renovation capital projects in planning, design, and construction
- Created departmental layout plans, managed stakeholder input and meeting coordination
- Assisted on consultant team management for master planning and building projects
- Partnered with Director of Planning and UMass Building Authority on acquisition/disposition planning and due diligence. Reviewed appraisals, proposals, environmental reports, historical filings, purchase and sale agreements, drafted/revised RFPs, coordinated with external consultants
- Worked with Director of Planning to define real estate priorities for the University; Tracked acquisition budget, reviewed proposed leases and supported lease negotiations

### 2011 – 2013//Corporate Portfolio Analytics//Cambridge, MA//Real Estate Consultant

- Partnered with Director of Analytics to create portfolio analysis and strategic planning based on business unit priorities and company initiatives
- Created Excel based financial models and charts utilizing Reis and broker submarket data
- Analyzed office and retail portfolios, individual leases, payback analysis, and recent deals



- Developed written reports and presentations for delivery to Fortune 500 and Federal executives

**2009-2011//ORG: Architects + Urban Designers//Somerville, MA, Brussels, BE//Associate**

- Created design drawings and proposal packages for multifamily residential, public buildings and plazas, and masterplans
- Managed drawing set for a regional safety and community center from conceptual design through design development
- Developed plans, sections, elevations, construction details and site plan drawings, for various projects through all project phases
- Partnered with the Founder to develop a NAIOP and MIT sponsored research grant proposal. The firm was awarded the grant
- Researched Inner Ring suburban real estate development and created 100 page report with diagrams, charts, and a written narrative

**2006-2009//Massachusetts Institute of Technology// Graduate Student**

**2007-2008//Summer Intern @ Architectonica International Corporation and EDennie Design**

- Created plans, sections and details for residential + office towers and retail projects

**2005-2006//Pivot Solutions//New York, NY//Account Manager**

- Managed the implementation of complex financial trading and communications software on trading floors at the NYSE, Bank of America, and mid-size brokerage firms
- Responsible for over \$1 million in revenue growth of 10 accounts in 1 year

**2003-2005//Cantor Fitzgerald//New York, NY// Analyst**

- Partnered with Managing Director to create the "AutoSpeed Basis Spreader" a novel high frequency trading software program responsible for over \$2 billion USD in trades per day
- Collaborated with high frequency traders and their software development teams to create trading algorithms in Excel, VBA, C++ and C#

**2002-2003//Reuters, PLC, Fixed Income + Futures//White Plains, NY//Market Researcher**

- Responsible for financial market research and the creation of data automation projects

**2000-2002//Australian Basketball Association//Melbourne, AU//Pro Basketball Player**

- Led team to 2001 Conference Championship Game

**AWARDS:**

**Massachusetts Institute of Technology:** Department Merit Scholarship 2008-2009, American Galvanizer's Association Scholarship

**Australian Basketball Association:** Team MVP, Professional Basketball Player

**Fordham University:** Varsity Men's Basketball; Team Captain; 4 yr Full Athletic Scholarship

6) MUNICIPAL PARCEL :  
COUNSEL OPINIONS

DATE: NOVEMBER 2, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: MUNICIPAL PARCEL: LEGAL OPINIONS ON MEANS OF ACQUISITION

**POTENTIAL ACTION:**

**NONE**

**BACKGROUND**

The Board requested the attached legal opinions for use in a public discussion of the best means to acquire the municipal parcel. Town Counsel prepared a memo discussing municipal law and Special Environmental Counsel Makarios wrote addressed environmental law. Town Counsel Lanza will be present to review both opinions with the Selectmen.



TOWN OF WAYLAND  
MASSACHUSETTS  
01778

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

October 30, 2015

VIA ELECTRONIC MAIL  
AND FIRST CLASS MAIL

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

RE: Wayland Town Center Municipal Parcel, Boston Post Road,  
Andrew Avenue and Lillian Drive, Wayland, Massachusetts

Dear Nan:

You have sought my opinion relative to several legal issues that have arisen in the context of the Town's contemplated acquisition of the above-referenced property (the "Parcel"). Specifically, you have asked me to address the issues of: (1) whether the Town may borrow money for the design and construction of a building on land which it leases on a long-term basis? (2) whether the Town may lease, as lessee, land for a term longer than 30 years? (3) whether the town meeting is required to specify the method of acquisition (purchase, lease, lease with option to purchase, etc.) and the substantive terms of the agreement? and (4) whether it would be more advantageous to the Town to acquire the land in fee, rather than to lease it on a long term basis. For the reasons discussed below, the short answer to questions (1), (2) and (4) is yes and to question (3) is no.

Borrowing for Building Design and Construction on Leased Land

M.G.L. c. 44, § 7 (21), which authorizes borrowing for design services for, among other things, additions to town-owned buildings, has been cited as the statutory provision under which the Town would borrow for the planning and construction of a building on the Parcel. No town official has ever stated that the Town would be borrowing under this law. Under M.G.L. c. 44, § 7 (22), the Town may borrow "for the cost of engineering or

architectural services for plans and specifications for any project not defined in Clause (21) for which a city, town or district is authorized to borrow". Clause (3) of § 7 authorizes the Town to borrow for, among other things, "the construction of buildings which cities or towns are or may hereafter be authorized to construct". These provisions of M.G.L. c. 44, § 7 do not require town ownership of the land upon which the project will be designed and constructed in order to borrow the funds. Further, if Town wished to borrow under Clause (21) to fund the design, it could do so if it were to lease the land for 99 years or more. Massachusetts appellate courts have ruled that a 99-year lease of real estate is the equivalent of fee ownership. Additionally, the Town could borrow under clause (21) if it acquired the land and existing building by the time that the loan is issued.

#### 99-Year Lease of Land by Town, as Lessee

M.G.L. c. 40, § 3 has been cited as a limitation the Town's authority to enter into leases for terms longer than 30 years. This statute places a limit on the Town's ability to lease space in town buildings, as lessee. It does not place any limit on the Town's ability to lease land or buildings, as lessor. Section 3 relates to dispositions of Town-owned land and buildings by lease or deed. M.G.L. c. 40, § 14 governs acquisitions of real property by the Town. It is referenced under Article 3 of the Warrant for the November 9, 2015 Special Town Meeting. Under Article 3, the Board of Selectmen is seeking town meeting authorization to acquire by purchase, gift, eminent domain or otherwise, or lease, as lessee, the fee or any lesser interest in the Parcel. As discussed above, a 99-year lease of real estate is the equivalent of fee ownership. Thus, M.G.L. c. 40, § 14 authorizes the Town to lease real estate, as lessee, for a term of 99 years or longer. Also, under M.G.L. c. 40, § 4, "a...town may make contracts for the exercise of its corporate powers, on such terms and conditions as are authorized by the town meeting in a town...". Leasing land, as lessee, is a corporate power of which the Town may exercise after it is authorized to so by town meeting vote under M.G.L. c. 40, § 14.

#### Specificity of Town Meeting Authorization to Acquire Real Estate

Town meeting may authorize the Board to acquire real property by several alternate methods (e.g., purchase, long term lease, lease with option to purchase, eminent domain, acceptance

of gift, etc.) or by a single method of acquisition. As a matter of long standing practice, Wayland town meeting votes to acquire real estate have not limited the Board's method of acquisition to only one option. Since the Town does not have an agreement with the landowner for the acquisition of the Parcel, limiting the method of acquisition is not advisable.

As cited and quoted above, M.G.L. c. 40, § 4 provides that a town meeting may specify terms and conditions of contracts that a town is authorized to make. However, this provision of the law does not require that a town meeting specify such terms and conditions for each contract that the Town makes. Since the terms and conditions of a contract to acquire the Parcel have not been negotiated or agreed to, specifying such terms and conditions by town meeting vote is not advisable.

#### Advantages of Fee Ownership of the Parcel

In my opinion, the advantages of fee ownership of the Parcel greatly outweigh the advantages, if any, of a long term lease. The primary advantage of fee ownership is control. Under a lease, the landowner retains some control of the use of the land. Another significant advantage of ownership is certainty as to the future of any buildings constructed by the Town on the land at expiration of the lease. In commercial leases, it is usual for the landowner to retain the tenant's improvements to the land or building at the termination of the lease. Of course, the lease could provide for Town ownership of any buildings or improvements constructed on the land at the expiration of the lease. However, moving such buildings and improvements to another location would not be practical.

Most, if not all of the advantages of leasing (landlord responsibility for repairs, liability, taxes, etc.) would not be disadvantages of Town ownership of the property. Under a typical 99-year lease, the lessee assumes virtually all of the landowner's responsibilities. Where the Town is exempt from property taxes, the Town would forgo some tax revenue if it were to own the Parcel.

I have reviewed Attorney Mina S. Makarios' letter to you concerning the Town's exposure to liability for pre-existing environmental contamination following its acquisition or lease of the Parcel and agree with his conclusions. Among other things, he opines that a town is exempt from liability as an

owner or operator under CERCLA if it takes real property by eminent domain, demonstrates that it did not cause the contamination on the property, and takes reasonable steps to avoid further release or exacerbation of the contamination on the property. Thus, acquisition of the property in fee by eminent domain provides an additional defense against CERCLA liability, which is another advantage of fee ownership.

Please contact me if additional clarification of these matters is needed.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark J. Lanza", with a long horizontal flourish extending to the right.

Mark J. Lanza  
Town Counsel

MJL/ms  
cc Mina S. Makarious, Esq.

**ANDERSON**  
**KREIGER**

MINA S. MAKARIOUS  
[mmakarious@andersonkreiger.com](mailto:mmakarious@andersonkreiger.com)  
T: 617-621-6525  
F: 617-621-6625

October 30, 2015

**By Email (nbalmer@wayland.ma.us)**  
Nan Balmer, Town Administrator  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

**Re: 2015 Special Town Meeting Article 3: Acquisition of Parcel in Town Center**

Dear Nan:

As you requested, this letter summarizes the Town's exposure to liability for pre-existing environmental contamination following its acquisition or lease from Twenty Wayland LLC of a parcel near the Town Center pursuant to Article 3 of the 2015 Special Town Meeting (the "Parcel"). In particular, you have asked us to compare leasing the Parcel and acquiring it through purchase or eminent domain. As discussed below, the Town will have certain ways to protect itself from liability with any of these options, but it will have the greatest ability to minimize its risk through negotiations with Twenty Wayland.

**I. Potential Liability Under Federal and State Law**

The Town's potential liability arises under both federal and state law. The federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") imposes strict liability on "owners and operators" of sites contaminated with hazardous materials above certain threshold levels, regardless of whether they owned or operated the contaminated property when the contamination occurred. 42 U.S.C. § 9607(a)(1). State law imposes similar liability, although often subject to different thresholds of contamination. G.L. c. 21E, § 5(a)(1). The state thresholds are often stricter in order to address hazardous waste sites not covered by CERCLA. The Town might also be able to shift liability onto the parties that caused the contamination, but that probably would require litigation. As discussed below, however, both CERCLA and Chapter 21E contain limited defenses and exceptions for municipalities and other purchasers that do not cause any of the contamination at contaminated properties.

**II. The Parcel**

The history and known environmental contamination of the Parcel are described in a Phase I Environmental Site Assessment by CMG Environmental, Inc. ("CMG") dated July 21, 2015 (the

“Phase I Report”).<sup>1</sup> According to the Phase I, the Parcel was used as farmland until the 1950s. From the 1950s until 1996, the Raytheon Company operated the Parcel and adjacent properties for prototype manufacturing and electronic testing and chemical process research. Raytheon’s operations involved volatile organic compounds (“VOCs”), metals, heating and lubrication oils (some of which reportedly contained polychlorinated biphenyls (“PCBs”)), and water treatment and cleaning chemicals. The Raytheon facility also had several underground storage tanks at the Parcel, all of which have been removed.

The Phase I Report summarizes the environmental investigations of the Parcel by Raytheon’s consultants, as well as other publicly available information regarding the use of chemical products at the Parcel. Based on these documents, CMG concluded that groundwater underlying the Parcel has been extensively investigated. As CMG notes, Raytheon’s environmental consultant also continue to conduct groundwater monitoring at the Parcel. The Phase I Report states that there are documented releases of VOCs at the Parcel that affect groundwater quality. Because these impacts have already been investigated, and are still being monitored and addressed as needed by Raytheon, CMG did not recommend any additional investigation into groundwater contamination at the Parcel.

CMG also noted that subsurface investigations at the Site in 1995 and 2000 identified low levels of petroleum contamination and trace levels of PCB contamination in shallow site soils. The petroleum contamination is believed to be associated with asphalt paving surrounding the former Raytheon buildings and does not present a condition requiring reporting or cleanup under federal or state law. The PCB contamination is less well understood, and may require further subsurface investigation or measures to avoid exposure to PCB by the Parcel’s users.

In addition, the Phase I Report notes that future uses of the Parcel are limited by a 1997 deed restriction and an Easement and Restriction Agreement that Raytheon placed on the Parcel and adjoining properties. The deed restriction includes a prohibition on the use of the Parcel for a daycare facility. The Easement and Restriction Agreement grants Raytheon access to the Parcel to continue environmental investigation and, as needed, remediation. It is our understanding that both restrictions are binding on future owners of the Parcel, but that Raytheon has negotiated modifications to similar restrictions on the adjoining properties.

### **III. Leasing and Acquisition Options**

#### **A. Lease**

The Town may be able to avoid any “owner or operator” liability under CERCLA or Chapter 21E if it acquires the use of the Parcel through a lease with Twenty Wayland. Although a lessee is an “operator” under both statutes, and although both statutes impose liability on a current

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<sup>1</sup> The Phase I is available on the Town’s website [http://www.wayland.ma.us/Pages/WaylandMA\\_bcomm/COA-CCAC/index](http://www.wayland.ma.us/Pages/WaylandMA_bcomm/COA-CCAC/index)



operator of contaminated property even if it has not contributed to the contamination, the Town can negotiate for indemnification from Twenty Wayland for any such liability in the lease. Indemnification is permitted under both statutes, and assignments of environmental liabilities in commercial leases are common. However, indemnification from Twenty Wayland is only worth the assets behind it, and we have no information on Twenty Wayland's assets. In any event, indemnification would protect the Town only from liability for preexisting contamination, not liability for contamination it causes or exacerbates during its tenancy (unless Twenty Wayland agreed otherwise).

The Town also may be eligible for protection from Chapter 21E (but not CERCLA) liability as an "eligible tenant." G.L. c. 21E, § 2. A tenant that occupies contaminated property but has not caused, contributed to or exacerbated the contamination is exempt from the definition of an "operator." To maintain that status, the Town would have to continue to cooperate with the Department of Environmental Protection ("DEP") to provide access to and information regarding the Parcel. It would have to take reasonable steps to avoid further migration of or exposure to the contamination, including, for instance, by placing a barrier on contaminated soils or agreeing not to use groundwater under the Parcel for landscaping.

#### **B. Purchase**

The Town could negotiate with Twenty Wayland for the same indemnification against liability for preexisting contamination if it purchases the Parcel. Its agreement with Twenty Wayland could include an assignment by Twenty Wayland of any indemnity it has received from Raytheon or prior property owners, assuming that Twenty Wayland's agreements with those parties do not bar such an assignment. Such an assignment would help ensure that a viable entity exists if the Town ever needs to enforce the indemnity. Alternatively, or in addition to such assignment of indemnities, the Town could require Twenty Wayland to provide financial assurance, such as a letter of credit.

The Town can supplement any protections it receives from Twenty Wayland by negotiating for additional indemnities directly with Raytheon. Raytheon, as the entity that operated and contaminated the Parcel, would also be liable to the Town (or any future owner of the Parcel), DEP and the EPA under CERCLA and Chapter 21E in any event. It may be willing to agree to an indemnity that more clearly defines its liabilities. Raytheon may also be willing to assign the Town its rights under insurance policies covering the Parcel (if such assignment is permissible under the policies), particularly policies predating 1986 that are less likely to exclude all environmental contamination from coverage.

In addition to negotiated protection from liability from Twenty Wayland, Raytheon or other prior property owners, the Town also would be eligible for protection from liability under CERCLA as a "bona fide prospective purchaser" ("BFPP"). Pursuant to 42 U.S.C. §§ 9601(40) and 9607(r)(1), the Town would be eligible for BFPP status if it:

- (1) conducts "all appropriate inquiries" regarding the nature and scope of the contamination;
- (2) demonstrates that all disposal of hazardous material on the Parcel occurred before its purchase; and
- (3) has no affiliation with any other liable or potentially liable party.

The Town can use CMG's Phase I Report as proof that it has met the "all appropriate inquiries" requirement, and can supplement that analysis by conducting additional testing if necessary. It can confirm with CMG that the report meets EPA's standards for conducting all appropriate inquiries, or even have it peer reviewed for that purpose. The Town will be able to meet the second and third prerequisites of BFPP status because it has never previously owned the Parcel or been affiliated with Raytheon, Twenty Wayland or any other past owner. If the Town is a BFPP, it would not be responsible for the costs of any cleanup required under CERCLA as long as it (1) complies with any existing land use restrictions intended to prevent migration or exposure to contaminants on the Parcel and (2) takes reasonable steps to prevent the migration or further release of that contamination. The Town also would have to continue to cooperate with EPA to provide access and information about the Parcel.

#### **C. Eminent Domain**

Taking the Parcel by eminent domain provides an additional defense against CERCLA liability. A town is exempt from liability as an owner or operator under CERCLA if it takes property by eminent domain, demonstrates that it did not cause the contamination on the property, and takes reasonable steps to avoid further release or exacerbation of the contamination on that property. 42 U.S.C. §§ 9601(35)(A)(ii); 9607(b)(3). Because Chapter 21E does not contain an equivalent defense, however, the Town may want to conduct a "friendly taking" in which it also negotiates for indemnification from Twenty Wayland or Raytheon as described above. In addition, if the Town pursues a taking, it should determine in advance what property rights it is or is not taking to allow Raytheon to continue its mandated assessment and remediation activities.

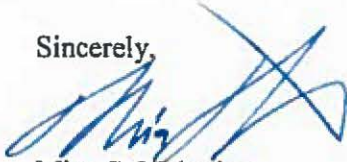
#### **IV. Conclusion**

The Phase I Report suggests that remaining contamination at the Parcel is either well-defined or exists in low levels not likely to require reporting or removal, though there is less certainty regarding PCBs. The Town also has several options for limiting or avoiding any liability that does remain for preexisting environmental contamination on the Parcel. It would be best served to try to negotiate with both Twenty Wayland and Raytheon for indemnification that protects it against future liability at least to the extent of their available assets.

Please contact us if you have any further questions. Thank you.

Nan Balmer, Town Administrator  
October 30, 2015  
Page 5

Sincerely,



Mina S. Makarios

cc: Mark J. Lanza, Town Counsel

8) Rt 27/30

DATE: NOVEMBER 2, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: RT. 27 / 30

**REQUESTED ACTION:**

**VOTE TO ADOPT ORDER OF TAKING AND ACCEPT GIFTS OF LAND FOR THE RT. 27 / 30 INTERSECTION IMPROVEMENT PROJECT**

**BACKGROUND**

In order to proceed with the Rt. 27 / 30 project the Board must take actions.

Town Counsel prepared the attached Order of Taking. Also included in the packet are project plans. Because of their length donation documentation is in your Dropbox and available for public review at the town offices.

Counsel will be present Monday night to advise.

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WAYLAND

MIDDLESEX, ss.

ORDER OF TAKING

LAND AND EASEMENTS - MAIN STREET (ROUTE 27) AND COMMONWEALTH ROAD  
(ROUTE 30) INTERSECTION IMPROVEMENT PROJECT

At a meeting of the Board of Selectmen of the Town of Wayland held this 2nd day of November, 2015, it is ordered:

The Board of Selectmen of the Town of Wayland, duly elected, qualified, and acting as such, on behalf of the Town, and by virtue of and in accordance with the authority of the vote under Article 16 of the Warrant of the 2015 Wayland Annual Town Meeting legally called and held on April 6, 2015, and of the provisions of Chapter 40, Section 14 of the Massachusetts General Laws, as amended, and of any and every other power and authority hereunto in any way enabling it, does hereby take in fee simple absolute on behalf of the Town of Wayland, to be managed and controlled by the Board of Public Works of the Town of Wayland, the following described land situated in said Town of Wayland:

the parcels of land on Main Street, Wayland, Massachusetts shown as Parcel No.'s 1-T-1, 1-T-2, 1-T-3 and 1-T-4 on a plan entitled "Layout, Alteration and Easement Plan of Land in Wayland, Massachusetts", (2 sheets) dated October 27, 2015, prepared by Hancock Associates,

Civil Engineers, Land Surveyors and Wetlands Scientists and recorded with the Middlesex County South District Registry of Deeds herewith (the "Plan"). Reference may be made to said plan for a more particular description of said parcels of land.

Subject to all utility easements of record.

Said land is taken for roadway purposes.

Any and all trees upon the land hereby taken are specifically included in this taking.

The Board of Selectmen does also hereby take on behalf of the Town of Wayland, to be managed and controlled by the Board of Public Works of the Town of Wayland, (1) permanent easements in, on, over, above, across and through the areas of land on and off Main Street and Commonwealth Road, Wayland, Massachusetts shown on the Plan as Parcel No.'s PUE-1, PUE-2, PUE-3, PUE-4, PUE-5, PUE-6, PUE-7, PUE-8, PUE-9 and PUE-10 for roadway, sidewalk, site grading, driveway reconstruction and utility purposes; and (2) temporary easements for a period of two years and one month from the date hereof in, on, over, above, across and through the areas of land on and off Main Street and Commonwealth Road, Wayland, Massachusetts shown on the Plan as Parcel No.'s TE-1, TE-2, TE-3, TE-4, TE-5, TE-6, TE-7, TE-8, TE-9, TE-10, TE-11, TE-12, TE-13, TE-14, TE-15, TE-19, TE-20, TE-21 and TE-22 for roadway, sidewalk, site grading, driveway reconstruction and utility purposes.

The Board of Selectmen hereby accepts, as a gift, for the purposes for which they are hereby taken, to be managed and controlled by the Board of Public Works of the Town of Wayland, the parcels of land and easements shown on the Plan as Parcel No.'s 1-T-1, 1-T-2, 1-T-4, PUE-1, PUE-2, PUE-3, PUE-4, PUE-5, PUE-6, PUE-9, PUE-10, TE-1, TE-2, TE-3, TE-4, TE-5, TE-6, TE-7, TE-8, TE-9, TE-10, TE-11, TE-12, TE-15, TE-19, TE-20, TE-21 and TE-22.

We determine that (1) no damages are sustained by the persons whose property is taken by this Order as shown on Schedule A; and (2) damages are sustained by the person whose property is taken by this Order as shown on Schedule B, both annexed hereto and made part hereof, and we accordingly award said damages. Further, we reserve the right to modify this order and award damages to any or all of said persons

based on a petition(s) for such damages and evidence of such damages.

The Town Treasurer and Finance Director are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after the right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Counsel, for and on behalf of the Board of Selectmen, to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.

IN WITNESS WHEREOF, we, the duly elected and qualified Selectmen of the Town of Wayland, have hereunto set our hands this 2nd day of November, 2015.

BOARD OF SELECTMEN OF THE TOWN OF WAYLAND

\_\_\_\_\_  
Cherry C. Karlson, Chair

\_\_\_\_\_  
Lea Anderson

\_\_\_\_\_  
Mary M. Antes, Vice Chair

\_\_\_\_\_  
Anthony V. Boschetto

\_\_\_\_\_  
Joseph F. Nolan

Approved as to Form:

---

Mark J. Lanza, Town Counsel

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 2nd day of November, 2015, before me, the undersigned notary public, personally appeared Cherry C. Karlson, Lea Anderson, Mary M. Antes, Anthony V. Boschetto and Joseph F. Nolan, proved to me through satisfactory evidence of identification, which was personal recognition, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as Selectmen of the Town of Wayland,

---

Mark J. Lanza, Notary Public  
My Commission Expires: 1/29/2021



SCHEDULE A

ORDER OF TAKING

LAND AND EASEMENTS - MAIN STREET (ROUTE 27) AND COMMONWEALTH ROAD  
(ROUTE 30) INTERSECTION IMPROVEMENT PROJECT

<u>PARCEL NO. ON THE PLAN</u>	<u>OWNER(S) AND PROP. INTEREST(S)</u>	<u>TITLE REFERENCE*</u>	<u>DAMAGES AWARDED</u>
1-T-1, PUE-1, PUE-2 and TE-4	Middlesex Saving Bank - Owner 120 Flanders Road Westborough, MA 01581	Book 14528, Page 402	\$0.00
1-T-2, TE-9 and TE-10	CMI Opportunities, LLC - Owner 30 Pearl Street Charlestown, MA 02129	Book 48964 Page 201	\$0.00
	a.) TD Bank, N.A. - Mortgagee 370 Main Street Worcester, MA 01608	Book 54674, Page 369	----
1-T-4, PUE-9, PUE-10, TE-20 and TE-21	Main Street Property, Inc. - Owner 75 Brenda Drive Northborough, MA 01534	Book 29100, Page 349	\$0.00
	a.) Belmont Savings Bank - Mortgagee 2 Leonard Street Belmont, MA 02478	Book 64765, Page 561	----
PUE-3	178 Commonwealth Road Limited Partnership - Owner 33 Upson Road Wellesley, MA 02482	Book 65442, Page 283	\$0.00
	a.) Wellesley Bank - Mortgagee 40 Central Street Wellesley, MA 02482	Book 65442, Page 288	----
	b.) New England Certified Development Corp. - Mortgagee 500 Edgewater Drive Wakefield, MA 01880	Book 66184, Page 401	----
PUE-4	Terry L. Purbaugh - Owner 9 Salem Road Wellesley, MA 02481	Book 25601, Page 141	\$0.00

\*All title references are to the Middlesex South Registry of Deeds.

SCHEDULE A, Cont'd

LAND AND EASEMENTS - MAIN STREET (ROUTE 27) AND COMMONWEALTH ROAD  
(ROUTE 30) INTERSECTION IMPROVEMENT PROJECT

<u>PARCEL NO. ON THE PLAN</u>	<u>OWNER(S) AND PROP. INTEREST(S)</u>	<u>TITLE REFERENCE*</u>	<u>DAMAGES AWARDED</u>
PUE-5 and TE-11	William S. Kenney, Jr. - Owner 156 Pelham Island Road Wayland, MA 01778	Book 62016, Page 221	\$0.00
PUE-6 and TE-12	Edward Perry - Owner 135 Commonwealth Road Wayland, MA 01778	Book 21772, Page 526	\$0.00
TE-1	Helga Dannheim Lewenberg and Adam S. Lewenberg - Owners 128 Commonwealth Road Wayland, MA 01778	Book 30362, Page 553	\$0.00
	a.) Mortgage Capital Assoc., Inc. - Mortgagee 11150 West Olympic Blvd. Suite 1160 West Los Angeles, CA 90064	Book 55139, Page 152	----
	b.) Middlesex Savings Bank - Mortgagee 6 Main Street Natick, MA 01760	Book 57112, Page 258	----
TE-2	Wayland Housing Authority-Owner 106 Main Street Wayland, MA 01778	Book 13993, Page 532	\$0.00
TE-3	Margaret R. Ferguson - Owner 136 Commonwealth Road Wayland, MA 01778	Book 30145, Page 264	\$0.00
TE-5	Alan Silberberg, Trustee, 72 Main Street Realty Trust II - Owner 29 Cimino Road Needham, MA 02494	Book 31114, Page 281	\$0.00
TE-6	Bruno Tracanna and Josephine Tracanna, Trustees, Main Street Realty Trust - Owners P.O. Box 627 Waltham, MA 02454	Book 29794, Page 281	\$0.00

\*All title references are to the Middlesex South Registry of Deeds.

SCHEDULE A, Cont'd

LAND AND EASEMENTS - MAIN STREET (ROUTE 27) AND COMMONWEALTH ROAD  
(ROUTE 30) INTERSECTION IMPROVEMENT PROJECT

<u>PARCEL NO. ON THE PLAN</u>	<u>OWNER(S) AND PROP. INTEREST(S)</u>	<u>TITLE REFERENCE*</u>	<u>DAMAGES AWARDED</u>
TE-7	Trustees of the Methodist Episcopal Church of Cochituate - Owner 5 Damon Street Wayland, MA 01778	Book 1661, Page 124	\$0.00
TE-15	Mary M. Alarie - Owner 9 Corman's Lane Wayland, MA 01778	Book 26899, Page 168	\$0.00
	a.) Bank of America, N.A - Mortgagee 101 South Tryon Street Charlotte, NC 28255	Book 63254, Page 271	----
TE-15	Randy Kilmon - Owner 11 Corman's Lane Wayland, MA 01778	Book 54926, Page 303	\$0.00
	a.) Wells Fargo Bank, N.A. - Mortgagee P.O. Box 11701 Newark, NJ 07101	Book 59426, Page 305	----
TE-19	Sunoco, Inc. - Owner Ten Penn Center 1801 Market Street Philadelphia, PA 19103	Book 15340, Page 154	\$0.00
TE-22	Wayland Property Holdings, Inc., - Owner 85 Main Street Hopkinton, MA 01748	Book 52197, Page 558	\$0.00
	a.) The Milford National Bank and Trust Co. - Mortgagee 300 Main Street Milford, MA 01757	Book 61515, Page 25	----

\*All title references are to the Middlesex South Registry of Deeds.

SCHEDULE B

LAND AND EASEMENTS - MAIN STREET (ROUTE 27) AND COMMONWEALTH ROAD  
(ROUTE 30) INTERSECTION IMPROVEMENT PROJECT

<u>OWNER(S) AND PROP. INTEREST(S)</u>	<u>TITLE REFERENCE*</u>	<u>PARCEL NO. ON THE PLAN</u>	<u>DAMAGES AWARDED</u>
Cochituate Commons, LLC - Owner 300 Third Avenue - Suite 2 c/o Crosspoint Assoc., Inc. Waltham, MA 02451	Book 27366, Page 35	1-T-3 PUE-7 PUE-8 TE-13 TE-14	\$12,500.00 \$11,500.00 \$12,000.00 \$ 4,725.00 \$ 3,265.00
		Total	<u>\$43,990.00</u>
a.) Middlesex Savings Bank- Mortgagee 6 Main Street Natick, MA 01760	Book 63284, Page 295		----

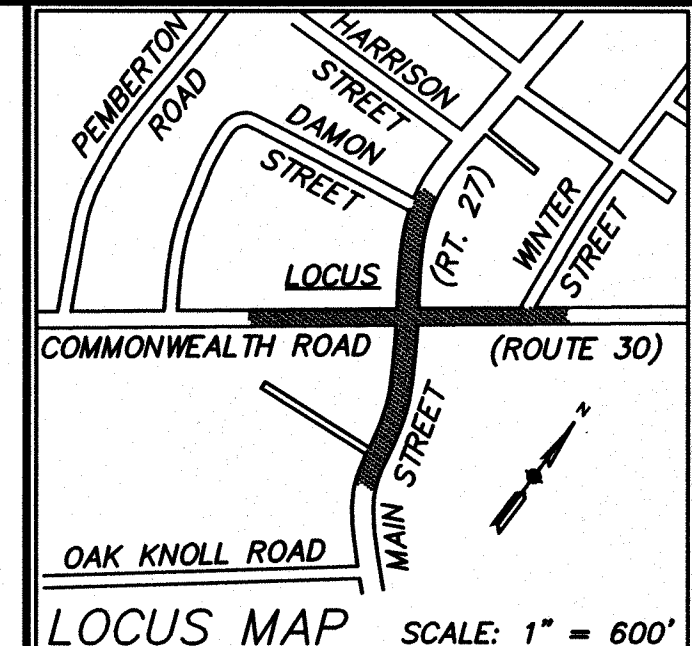
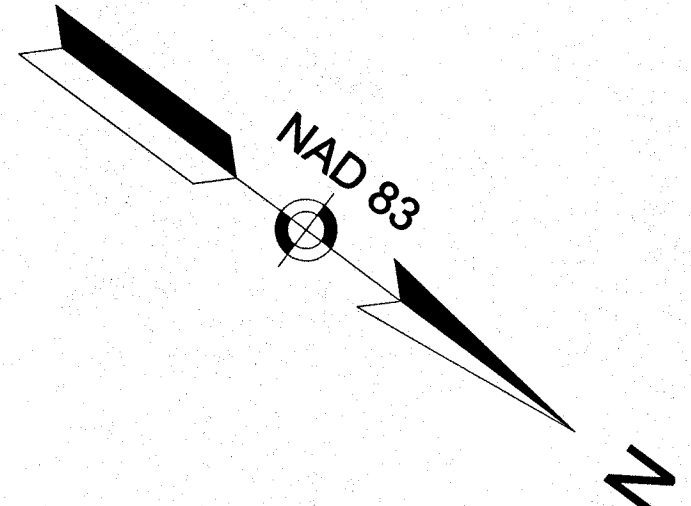
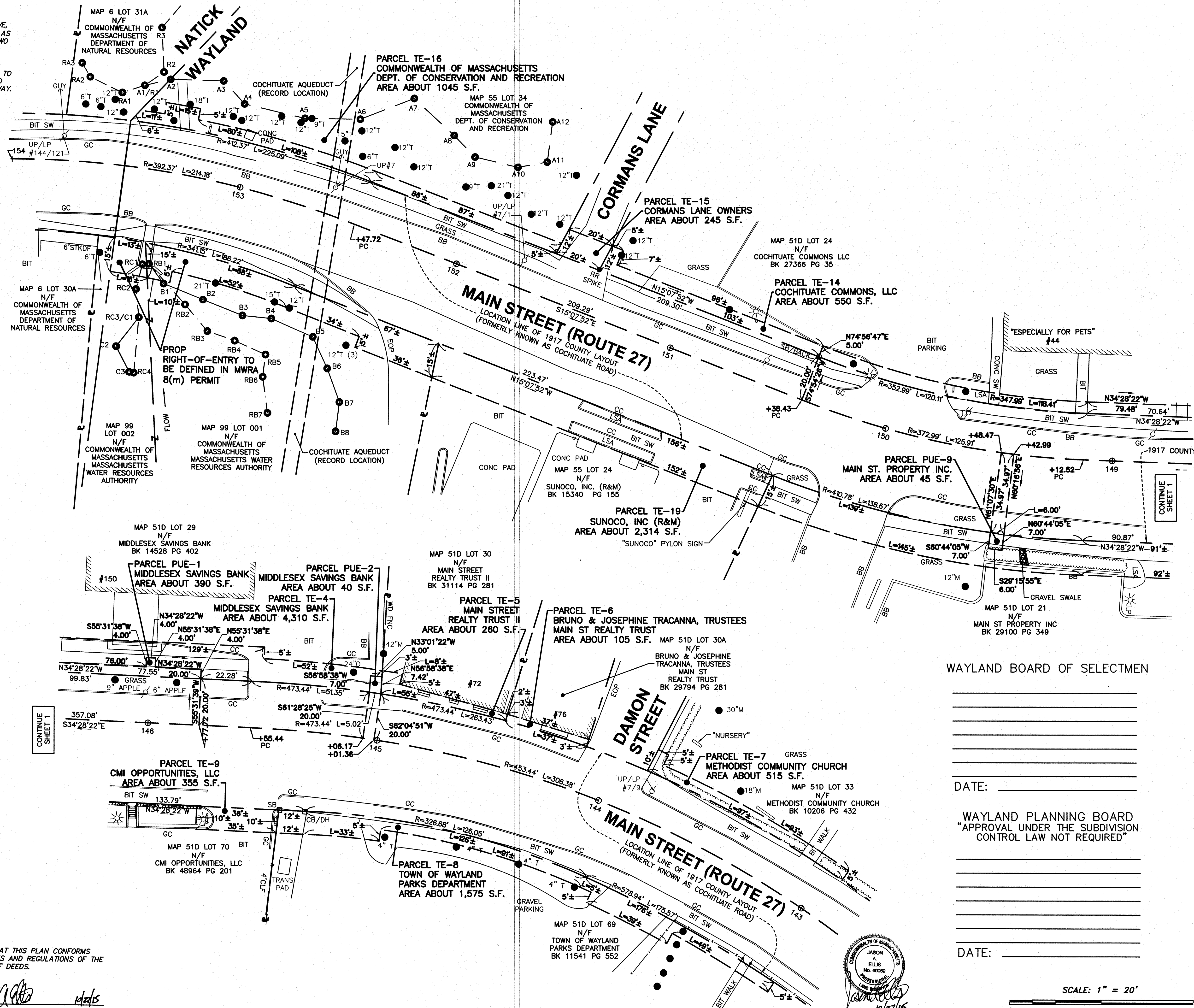
\*All title references are to the Middlesex South Registry of Deeds.

**NOTES:**

1) THE PURPOSE OF THIS PLAN IS TO CREATE FOUR (4) PARCELS TO BE TAKEN IN FEE IN BEHALF OF THE TOWN, SHOWN HEREON AS PARCELS 1-T-1 THRU 1-T-4 INCLUSIVE, TEN (10) PERMANENT UTILITY EASEMENTS, SHOWN HEREON AS PARCELS PUE-1 THRU PUE-10 INCLUSIVE, AND TWENTY-TWO (22) TEMPORARY EASEMENTS, SHOWN HEREON AS PARCEL TE-1 THRU PARCEL TE-22, INCLUSIVE.

2) PARCELS 1-T-1, 1-T-2, 1-T-3, AND 1-T-4 ARE NOT TO BE CONSIDERED LEGAL BUILDING LOTS BY THEMSELVES AND ARE TO BE CONVEYED TO BECOME PART OF THE PUBLIC WAY.

3) THE PROPERTY LINES AND ROADWAY DETAIL SHOWN ON THIS PLAN WERE SURVEYED BY CHAPPELLE ENGINEERING ASSOCIATES, LLC.



**SITE ADDRESS:**  
COMMONWEALTH ROAD (ROUTE 30)  
&  
MAIN STREET (ROUTE 27)  
Wayland, Massachusetts

**PREPARED FOR:**  
**TEC, INC.**  
65 Glenn Street  
Lawrence, MA 01843

**HANCOCK ASSOCIATES**  
Civil Engineers  
Land Surveyors  
Wetland Scientists

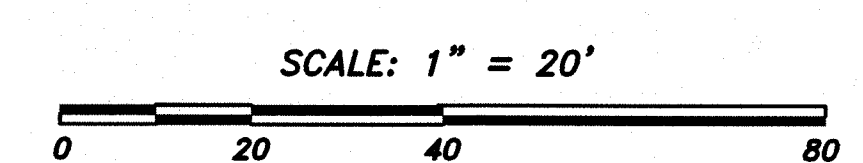
185 CENTRE STREET, DANVERS, MA 01923  
VOICE (978) 777-3050, FAX (978) 774-7816  
WWW.HANCOCKASSOCIATES.COM

**WAYLAND BOARD OF SELECTMEN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DATE: \_\_\_\_\_

WAYLAND PLANNING BOARD  
"APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED"

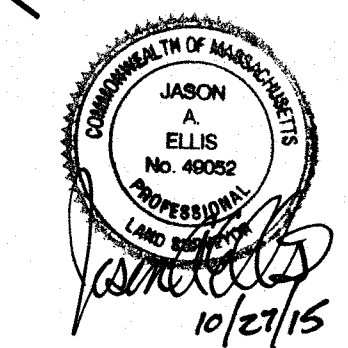
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\_\_\_\_\_  
DATE: \_\_\_\_\_



FOR REGISTRY USE

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

*[Signature]*  
PROFESSIONAL LAND SURVEYOR DATE



NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

DATE: 10/27/15 DRAWN BY: GGG/JAE  
SCALE: 1" = 20' CHECK BY: JAE

LAYOUT, ALTERATION,  
AND EASEMENT  
PLAN OF LAND  
IN  
WAYLAND,  
MASSACHUSETTS

PROJECT NO.: 19369

**NOTES:**

1) THE PURPOSE OF THIS PLAN IS TO CREATE FOUR (4) PARCELS TO BE TAKEN IN FEE IN BEHALF OF THE TOWN, SHOWN HEREON AS PARCELS 1-T-1 THRU 1-T-4 INCLUSIVE, TEN (10) PERMANENT UTILITY EASEMENTS, SHOWN HEREON AS PARCELS PUE-1 THRU PUE-10 INCLUSIVE, AND TWENTY-TWO (22) TEMPORARY EASEMENTS, SHOWN HEREON AS PARCEL TE-1 THRU PARCEL TE-22, INCLUSIVE.

2) PARCELS 1-T-1, 1-T-2, 1-T-3, AND 1-T-4 ARE NOT TO BE CONSIDERED LEGAL BUILDING LOTS BY THEMSELVES AND ARE TO BE CONVEYED TO BECOME PART OF THE PUBLIC WAY.

3) THE PROPERTY LINES AND ROADWAY DETAIL SHOWN ON THIS PLAN WERE SURVEYED BY CHAPPELLE ENGINEERING ASSOCIATES, LLC.

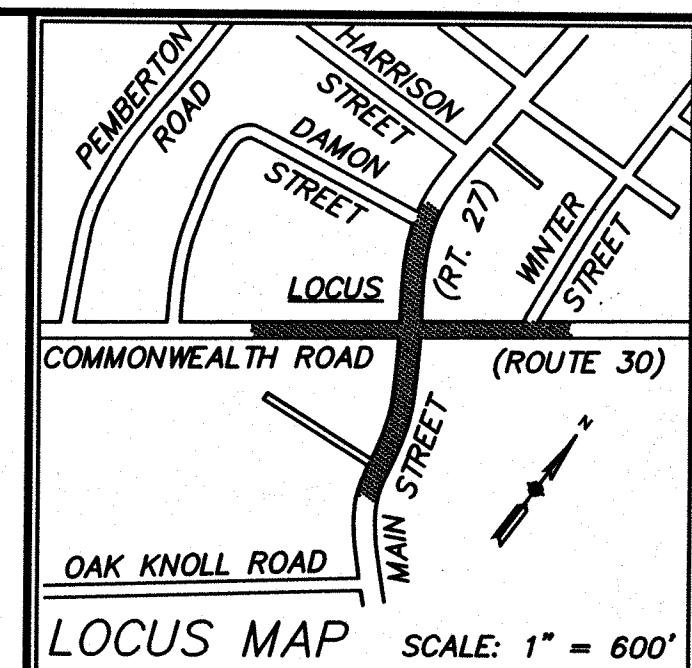
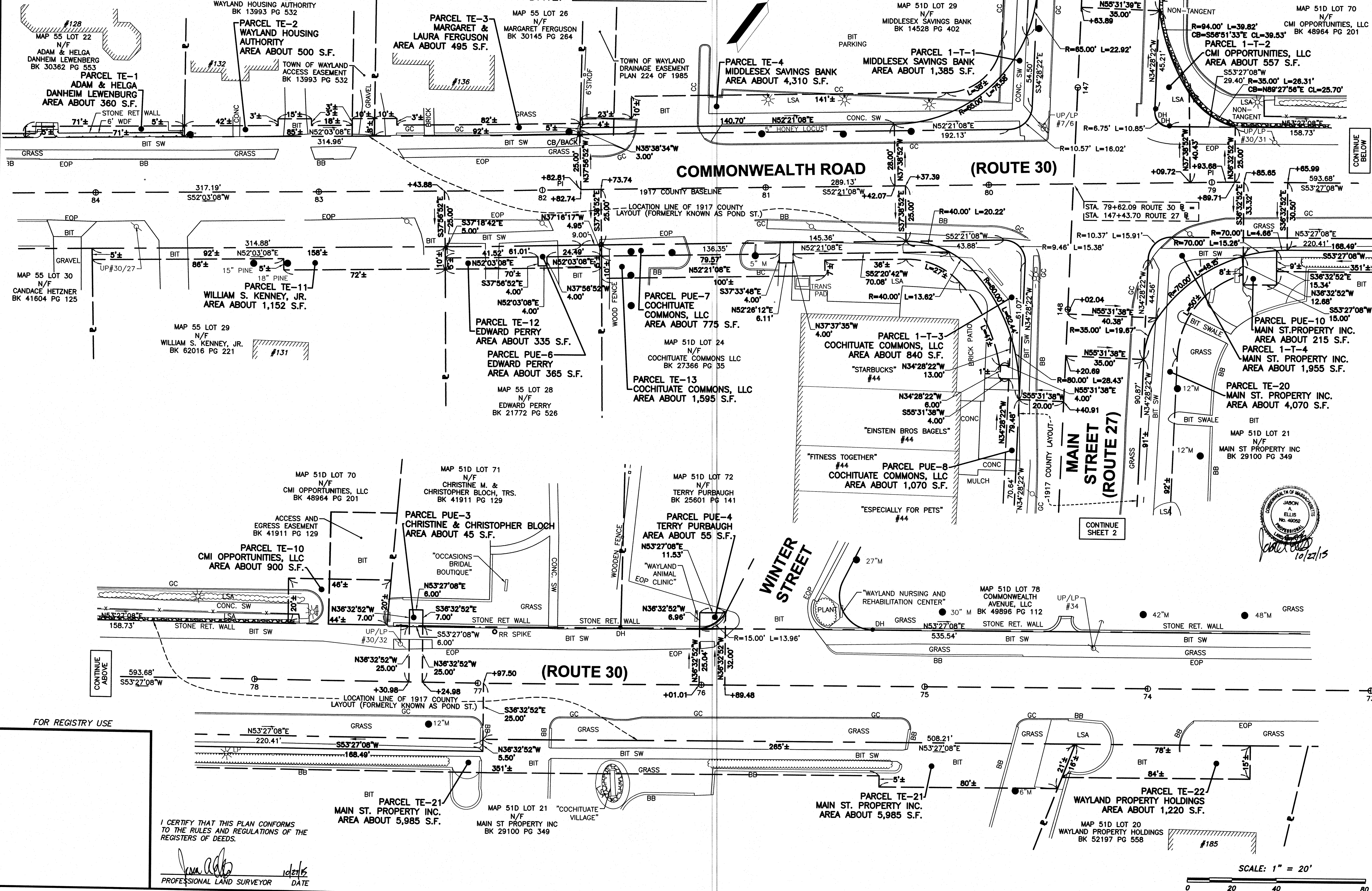
MAP 55 LOT 23  
WAYLAND HOUSING AUTHORITY  
BK 13993 PG 532

WAYLAND PLANNING BOARD  
"APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED"

WAYLAND BOARD OF SELECTMEN

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



**SITE ADDRESS:**  
COMMONWEALTH ROAD (ROUTE 30)  
&  
MAIN STREET (ROUTE 27)  
Wayland,  
Massachusetts

**PREPARED FOR:**  
TEC, INC.  
65 Glenn Street  
Lawrence, MA 01843

**HANCOCK ASSOCIATES**  
Civil Engineers  
Land Surveyors  
Wetland Scientists

185 CENTRE STREET, DANVERS, MA 01923  
VOICE (978) 777-3050, FAX (978) 774-7816  
WWW.HANCOCKASSOCIATES.COM

NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION

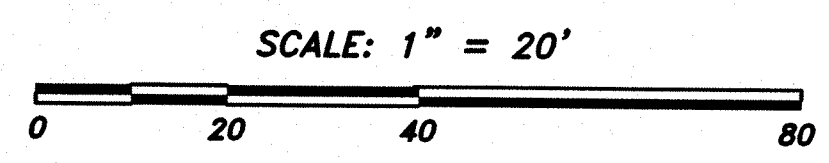
DATE: 10/27/15 DRAWN BY: GGG/JAE  
SCALE: 1" = 20' CHECK BY: JAE

**LAYOUT, ALTERATION,  
AND EASEMENT  
PLAN OF LAND  
IN  
WAYLAND,  
MASSACHUSETTS**

PLAT DATE: Oct 27, 2015 8:31 AM  
FILE: P:\2015 Proj\19369.dwg

DWG: 19369ea\_c3d14.dwg  
LAYOUT: SHEET 1  
SHEET: 1 OF 2  
PROJECT NO.: 19369

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
*Jason A. Ellis*  
PROFESSIONAL LAND SURVEYOR DATE: 10/27/15



DATE: NOVEMBER 2, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: INFORMATION TECHNOLOGY: NEXT STEPS

## (9) IT PROJECT

### POTENTIAL ACTION:

### VOTE TO INCREASE REQUEST FOR CURRENT YEAR TRANSFER

### BACKGROUND

The Town and Schools contracted with consultants for a thorough analysis and plan for IT services. Prior to the issuance of a report from the Town's consultant, RSM (formerly McGladrey Associates), the Board requested and the Finance Committee agreed to include \$70,000 in a request to Special Town Meeting for a Current Year Transfer for security related upgrades. (E-Mail Exchange server and Firewall). New storage hardware (SAN- \$80,000) and automated patch management software (\$40,000) were requested for FY 17. New operating expenses will be included in the FY 17 operating budget.

On October 26<sup>th</sup>, RSM presented to the Board its recommendations for a 3 year IT master plan. Significant staff time was spent this week to develop recommendations on next steps.

- A key consultant recommendation is that the Town / School hire an IT Executive Director and create 2 new IT staff positions and realign the duties of existing staff. Mr. Senchyshyn provides the attached recommendation on how to proceed in FY 16 with changes to the organization and staffing of town / school IT. The Personnel Board and Finance Committee will review and make recommendations on these requests.
- At the October 26<sup>th</sup> meeting, the Board decided to request the Finance Committee add funding of \$40,000 for automated patch management software to the STM Current Year Transfer (Now at \$70,000) and to research the costs of initiating and managing automated patch management now. Staff consulted with both of the Town's IT consultants and a volunteer IT advisor with whom the staff is working. RSM provides the attached recommendation related to Automated Patch Management. All would be happy to discuss the recommendation below at a future public meeting of the Board.
  - **RECOMMENDATION: REQUEST ADDITIONAL FUNDS THROUGH A CURRENT YEAR TRANSFER IN THE AMOUNT OF \$25,000 FOR:**
    - **1) CONSULTING FEES TO ANALYZE THE TOWN AND SCHOOL IT SYSTEMS TO IDENTIFY THE APPROPRIATE AUTOMATED PATCH MANAGEMENT SOFTWARE FOR TOWN / SCHOOL AND IDENTIFY ANY NETWORK AND INFRASTRUCTURE CHANGES NECESSARY TO ACCOMMODATE THE SELECTED SOFTWARE TOOLS,**
    - **2) CONSULTING FEES TO ANALYZE TOWN / SCHOOL DATA STORAGE TO PROVIDE INFORMATION TO PLAN FOR AND PROVIDE DOCUMENTATION FOR THIS PROJECT PRIOR TO INCLUSION IN THE ANNUAL TOWN MEETING WARRANT.**

The Town's consultants advise that manual patch management is ongoing and has been made more consistent and more comprehensive; the adoption of RSM recommendations will ensure compliance and reduce risks. All agree automated patch management will increase security but can only be undertaken after analysis, planning, and completion of technical steps, such as replacement of the firewall, and network and infrastructure changes identified during the analysis.

CC: Superintendent, Finance Committee, School IT Director, Craig Finley (RSM), Mike McCann (Advent), HR Director, Fiscal Assistant, Rajiv Shridhar (Volunteer IT Consultant)

DATE: October 29, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **Executive IT Director Search**

I have been asked to comment on a hiring plan for the Executive IT Director recommended in McGladrey Report, which was presented to the Selectmen on October 26, 2015. Following is the progress to date and immediate plans for proceeding with this recruitment.

#### Job Description

We have reached out to Craig Finley and asked him to provide the core essential functions and skill set required for the position recommended in his report. We have also reached out to our other consultant, Mike McCann and asked him to review the essential functions once the initial draft job description is prepared.

#### Wages

The McGladrey Report recommended a salary of \$100,000 to \$125,000. The Town currently has a pay grade on the non-union scale of N-13. The range of the grade is \$91,592 to \$119,843. With the anticipated FY 17 COLA, the maximum will increase to \$122,240 effective July 1, 2016. The N-13 would compensate the Executive IT Director at the same grade level as the Fire Chief, Finance Director/Town Accountant and Assistant Town Administrator/HR Director.

#### Personnel Board

The Personnel Board is meeting on November 18, 2015. I plan to have the draft job description prepared for presentation at that meeting. If the Board is satisfied with the draft and proposed wages, a funding recommendation could be made to the Finance Committee at the same meeting.

#### Timing

If the position is approved by the Personnel Board and funded by the Finance Committee for the current fiscal year, a search could begin by December 1<sup>st</sup>. I will rely heavily on Craig Finley and Mike McCann, as well as any other recommendations that may be submitted, on where to most appropriately search for candidates with the desired background and skill set. Given the technical expertise required for the position, the Town may want to consider the services of a search firm to expedite the hiring.

#### Funding

An optimistic forecast would be to have a candidate on board by February 1, 2016. An aggressive hire date would necessitate a request to the Finance Committee of approximately \$50,000 in additional salary for FY 16.

Cc: Personnel Board  
Finance Committee





October 30, 2015

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

RSM US LLP

80 City Sq  
Boston, MA, USA

O 617 912 9000

F: 617 912 9001

[www.rsmus.com](http://www.rsmus.com)

Re: Enterprise Patch Management

Dear Nan:

This letter is in response to questions regarding sequencing project prioritization of an automated patch management solution for the Town of Wayland computer infrastructure.

- Automated Patch Management solutions can be deployed in a variety of architectures (on-premises server, cloud-based, via VM linked clones, etc.) and is often a sub-component of a larger PC management solution. Examples of common solutions would be Microsoft SCCM, Microsoft Intune, or Symantec CMS
- Defining an overall PC Management strategy should be first, as the PC management needs may have influence in appropriate patch management system selection. There was no defined PC management solution or strategy evident in our previous analysis.
- Choosing a patch management solution now may require rework once a PC management solution is selected.
- A free tool like Windows Server Update Services "WSUS" may be advisable, however access to all PCs in the domain is required.
- A technical resource working on behalf of the Town should be responsible for maintaining the solution.

The current network architecture may not be configured to easily integrate an automated patch management solution. Without further detailed review, it is likely current network design may prevent required network traffic from reaching a central patch server to supported workstations.

At this phase we recommend:

- 1) Perform a detailed analysis of the current network infrastructure to determine if a re-architecture exercise may best suite long term future state needs
- 2) Develop a formal patch management policy with specific requirements on identification of risks, and routine audit reporting
- 3) Using data from the exercises above, determine the best fit automated solution to meet automated patch management needs

THE POWER OF BEING UNDERSTOOD  
AUDIT | TAX | CONSULTING

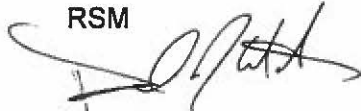
4) Procure and implement selected solution

In the interim, while labor intensive, using a manual patching process will ensure compliance and reduce risks. We would advise development of a documented manual patch management policy process to identify, select and log deployment of vendor released patches to specific workstations or VDI instances. This aligns with recommendations in our analysis report on having clear documented IT policies and process. This policy should identify specific staff members and their patch management responsibilities. There are tools that can report and audit on patch compliance.

The National Institute of Standards and Technology (NIST) Special Publication 800-40 Revision 3 "Guide to Enterprise Patch Management Technologies" would be a recommended resource to best understand the benefits and challenges of patch management systems. This document is freely available on the internet.

Regards,

RSM

A handwritten signature in black ink, appearing to read "D. Wheadon", written over a horizontal line.

Daniel J. Wheadon  
Partner

# **(10) TOWN ADMINISTRATOR EVALUATION**

**DATE:           OCTOBER 30, 2015**  
**TO:             BOARD OF SELECTMEN**  
**FROM:         MARYANN DINAPOLI, EXECUTIVE ASSISTANT**  
**RE:            TOWN ADMINSTRATOR EVALUATION**

Attached is a composite evaluation incorporating the information from all five board members.

Please review and bring suggestions/edits to the meeting. Changes will be made and the final evaluation will be delivered on November 16.

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

**Background:**

When Nan started in September 2014, Wayland had been without a full time Town Administrator (TA) for 13 months. The Board of Selectmen did not set goals with the TA for the first year and it was a time for learning Wayland ways, developing relationships with staff and carrying forward many ongoing projects. Four board members have worked with Nan for the full year and one joined in April 2014.

**1. PROFESSIONAL SKILLS AND STATUS**

- A. Maintains knowledge of current developments affecting the practice of local government management
- B. Demonstrates a capacity for innovation and creativity
- C. Anticipates and analyzes problems to develop effective approaches for solving them
- D. 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
- E. Represents the Town with good judgment and attitude appropriate for an executive position
- F. Helps the BoS address future needs and develop adequate plans to address long term trends

All felt that Nan had an acceptable learning curve and demonstrated her knowledge of local MA government management. It was noted that her skills are more analytical than creative – for example, she has researched and understands the Selectmen's policies and town bylaws and if she or the Board has a question, she is quick to seek answers from Town Counsel, state agencies, or her peers to determine best practices. She is conscious of the Wayland landscape and tailors her actions and responses to the scrutiny the town receives from members of the community and to meet requests by the Board.

Nan works to analyze problems, is willing to try new ideas proposed by the Board and identifies and employs internal and external resources to move issues forward. For example, she

- demonstrated the ability to work in a crisis mode in January 2014 when the Town Treasurer's computer systems were hacked and brought in outside expertise each step along the way, She has since overseen the consultant's work defining short and long term solutions.
- understood the 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 after confusing over the Thanksgiving weekend..
- started to put her signature on new processes such as bringing together departments for regular discussions on suggested projects, improving Wayland's efficiency and responsiveness to its citizens, and
- stepped forward to help coordinate work on the very complex issue of our request to withdraw from the Minuteman Voc. Tech. school district.

With the assistance of key staff in the TA's office, she

- managed making the Selectmen's packets 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, which has helped instill a greater transparency.
- coordinated with the Assistance TA on a comparative study of the town's health insurance provider

## DRAFT

- standardized the role of procurement officer and completed numerous requests for proposals and developed a list of on call engineering/design firms to facilitate the bid process.

Nan is professional with attention to detail, good judgment, and a kind nature. She represents the Town in a calm and professional manner, providing solutions whenever possible and researching answers and getting back to individuals or boards as appropriate. She listens well and responds to requests in the best manner possible.

Understandably, Nan has taken a cautious approach to making significant changes early in her tenure. The majority mentioned developing more confidence in offering solutions and making long term planning decisions. Similarly, it was agreed that as Nan becomes more experienced in understanding Wayland's strengths and weaknesses, she will grow in her ability to anticipate problems and to address any systemic problems impacting multiple areas of Town. Nan should work to further develop skills and comfort with making strategic recommendations to the Board regarding priority initiatives, in addition to providing information to make those decisions as is done now.

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

- A. Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- B. Carries out directives of the body as a whole
- C. Assists by facilitating decision making without usurping authority
- D. Responds well to requests, advice, and constructive criticism
- E. 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
- F. Responds in a timely manner to requests from the BOS for special reports
- G. Takes the initiative to provide information, advice, and recommendations to the BoS on matters that are non-routine and not administrative in nature
- H. Cooperates with neighboring communities, regional, state and federal government agencies and maintains working relationships with Wayland's legislative team

Overall, the Board was pleased with Nan's interactions and level of communication. It was agreed that Nan sets meeting agendas that are responsive to BoS requests and concerns, and she arranges for appropriate presenters on each topic and thorough information in Board packets. The summary/action memos clearly outlining the issues and action item(s) for each topic have kept Board discussions on track and are a good addition. It is the nature of the work that agendas are moving targets; however, she needs to work to finalize meetings topics as early as feasible.

Nan has been impartial in her presentation of materials to provide factual information, responds in a timely manner to requests for information, and provides them to the Board or to residents as requested. Similarly, when requested, items are added to future agendas to facilitate discussion. Areas for improvement included

- using the Consent Calendar more effectively
- managing the volume of information in packets with a suggestion of executive summaries on lengthy reports (hundreds of pages of reading makes meeting preparation difficult), and
- identifying requests that can be handled administratively without BoS input.

With time and experience, Nan should be able to construct agendas more independently and gain confidence in making recommendations and decisions without Board direction. The majority of the Board commented on Nan's reluctance to make decisions and offer advice to the Board. She provides

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all the information, but can also take the initiative to offer advice and recommendations. This is an area for growth.

Nan has managed many long-term projects during her year in Wayland and some of these projects need to be brought to closure. Nan needs to gain comfort proposing plans to resolve these issues (e.g. cash reconciliation, IT security, OPEB legislation, Rec revolving account, Minuteman, auto dealer licensing) and taking steps to complete the work.

Nan is developing working relationships with neighboring communities and Wayland's legislative team. These are good professional resources and the Board encourages Nan to maintain these strong relationships.

## 3. POLICY EXECUTION

- A. Implements BoS actions in accordance with its intent
- B. Supports the actions of the BoS after a decision has been reached, both inside and outside the organization
- C. Understands, supports, and enforces Wayland's by-laws, policies, and practices; good knowledge of Town by-laws and policies
- D. Reviews Board policies and procedures periodically to suggest improvements to their effectiveness
- E. Offers workable alternatives to the BoS for changes in by-law or policy when an existing policy is no longer practical

The Board was unanimous in its positive opinion of Nan's commitment to implementing Board decisions and supporting the work of the Board. 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.

Nan made a concerted effort to learn and understand the workings of Wayland – especially through the bylaws, BoS policies and historic practices. Wayland's structure is complex and in some ways unique which has made this learning curve steep. The Board has started a systemic review of all BoS Policies to suggest clarifications and address areas of confusion/concern, and Nan has managed this process well resulting in consistent progress. However, the work to improve the licensing policies and zoning regulations for auto dealers has not been completed despite multiple requests by the Board.

There was also consistency in requesting Nan to be more confident in requesting workable alternatives to the "Wayland way" of conducting town business. Nan's suggested changes to the policies have been good and reflect the feedback from the Board as well as best practices from other communities. She should gain comfort in suggesting a discussion of bylaw changes that could improve our processes.

## 4. CITIZEN RELATIONS

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

The Board recognizes Nan's efforts to improve Wayland's responsiveness to citizens both in goal and in practice. 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. Also, she

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made an effort to meet residents at community events and meetings, patronize Wayland businesses and to be a presence in Wayland.

Three examples were cited to demonstrate her responsiveness to citizens:

- Working with the utility company to move more quickly on pole installation and removal
- Responding promptly to requests for documents even though the gathering process can interrupt the ongoing work of Town staff.
- Installed holiday lights in response to resident requests and worked with town departments to implement, received positive feedback from the community

Nan is approachable, listens well, makes an effort to understand people's concerns and maintains collegial relationships with those who question the Town's actions. Nan is apolitical in her interactions with Wayland residents and brings all requests and concerns to the Board with equal import. Her interactions with the news media appear non-partisan; for example, Nan was the first interviewee on Wayland Buzz and made certain that the topics were informational as opposed to political in nature.

Nan should be more involved with communicating the Town's work to the local press. The Board has discussed and supports developing the use of social media and other communication tools to help make the public more aware of issues and ongoing work, and Nan has added this to her goals for the next year.

The Board and Nan are aligned in wanting to improve the customer service offered to Wayland's citizens. It seems that residents are often unclear on the division of Town functions and how to "get things done". Nan has included this in her goals for next year.

## 5. STAFFING AND SUPERVISION

- A. Recruits and retains competent personnel for staff positions
- B. Applies an appropriate level of supervision to improve any areas of substandard performance
- C. Stays accurately informed and appropriately concerned about employee relations
- D. 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
- E. 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
- F. Encourages teamwork, innovation, and effective problem-solving among the staff members

In the past year, Wayland has hired a number of new department heads (Fire Chief, Treasurer, DPW Director, Building Inspector, Public Buildings Director, Recreation Director). Nan oversaw many of those hires and has worked to develop good working relationships with staff, including those over whom she has no direct authority because of Wayland's reporting structure. She is also supported by a number of seasoned senior staff who perform their jobs very well. Other specific examples include:

- Met with all department heads to better understand department functions, roles, concerns and needs.
- Works closely with the Asst. Town Administrator/Personnel Director to stay apprised of employee relations and managed sensitive staff situations in a professional and effective manner.
- Holds regular staff and land use meetings and is determined to improve the team approach to solving problems by encouraging teamwork, innovation and problem solving through regular

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- meetings.
- Made a special effort to work effectively with the school-side of the town.

Members of the Board infrequently see Nan in her day-to-day interactions with staff and rely on her reports about staff activities. She is beginning a review process with senior staff as allowed under the TA job description. One member suggested that Nan needs to continue to find the right balance between delegating work and staying involved with daily operational concerns allowing for more effective use of staff time. Others suggested working toward smoother working relationships with all levels of staff.

## 6. FISCAL MANAGEMENT

- A. Prepares a budget to provide services at a level directed by the Finance Committee and BoS
- B. Makes the best possible use of available funds, conscious of the need to operate Wayland efficiently and effectively
- C. Prepares a budget and budgetary recommendations in an comprehensive and timely manner with an accessible format and in compliance with Wayland's by-laws
- D. Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- E. Appropriately monitors and manages fiscal activities of the organization

Nan started in September 2014 and the first draft of the capital budget was due later that same month. As such, the FY16 budget was a rough/uncertain process as Nan learned the bylaws and process of putting together a Wayland budget. The end product was a sound budget prepared with BoS review as required by bylaw and presented and passed at ATM. Suggestions for going forward include:

- Continue and improve the collaboration with the Finance Committee during the budget process.
- Make recommendations for a better budget process based on best practices and experience
- Clarify and better define the role of the TA in developing the whole town-side budget; this may involve a suggestion for a bylaw change.

The FY17 budget process is already underway and should be a smoother process.

Nan is clearly dedicated to operating efficiently and effectively within budget. She has worked with deliberate attention to improve staff skill levels, identify systemic problems, and seek staff training and technological remedies—all with the budget in mind. She is mindful of the tax burden on our residents.

The majority of members were looking for more leadership and responsibility for financial planning and accountability. For example,

- Budget – making specific recommendations to the Board
- Cash reconciliation – this issue has been going on for over a year and has not been brought to closure; the Board recognizes that various staff, auditors and consultants have been involved.
- OPEB – Nan has not taken a leadership role in addressing and implementing the investment role for OPEB funds and in helping to finalize the legal form of the trust. This year, Nan should develop a plan and timetable for implementing OPEB investment policy and clearly outline legal options for trust and/or special act legislation for an ATM vote.
- Recreation Revolving fund – Nan has not taken a leadership role in addressing and implementing a financial plan to address the fund balance (management letter comment) and business model. Many hours of staff and volunteer time have been spent on this effort without a comprehensive financial plan. This year, Nan should work with Finance Director, FinCom, BoS



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and Rec to implement a financial model that fits the program needs and provides appropriate financial controls.

- Warrants - develop better process/reports for BoS to review weekly warrants.

Items that supported the efficient fiscal management of the town include:

- Maintaining the Town's AAA Moody's rating
- Working with Finance Department (workflow) and Schools (owners) to understand and resolve issues related to revolving funds and their legal structure.
- A measured pace in "fixing" the town's IT problems has resulted in a smart spend of funds. With the help of key staff and consultants, Nan has developed a plan to first understand the many facets that make up the scope of the problem, the personalities and staffing issues, and the options available to remedy the problems and their costs before laying out a plan.
- The Board receives quarterly financial reports from the Finance Director and the TA provides a semi-annual review of legal expenses.
- The Board supports her goal of creating a cohesive financial management group and this should be a priority.

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

In September 2014, Wayland needed a town administrator. Nan was able to step into a difficult situation with grace—listening and assessing before acting; reassuring staff, yet picking up the reins with calm authority and bringing stability to the role. Nan cares very deeply about her responsibilities as TA and her open door policy with residents and staff is welcomed.

Specific strengths mentioned include:

- Made a concerted effort to understand and have a working knowledge of Wayland's structure and bylaws in order to perform the TA job responsibilities
- Worked with the Board to review and update policies
- Guided the Town through the IT and Treasurer's office issues
- Organized and prepared for meetings, particularly BoS meetings
- Responsiveness to residents
- Improving the openness of the Board through online packet access
- 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
- The role of TA involves managing many large projects simultaneously. Several projects took large amounts of time from the TAs office this past year - Settlement of judgment (20W/WWMD/Town) occurred in February 2015; ongoing executive session discussions about Glezen Lane traffic calming/restrictions; issuance of the River's Edge RFP in August 2015 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. What performance area(s) would you identify as most critical for improvement?**

The majority of members are looking for more direction from the TA. Our government is populated with many volunteers (elected and appointed), and it is important that the TA offer leadership and propose direction and policy to the BoS to aid in our decision making process. Nan relies heavily on the BoS for information and direction – more than should be required of a volunteer position. Basically, don't be afraid to offer suggestions. For example, the BoS would have benefited from stronger guidance and opinions on some topics (e.g. Minuteman). Similarly, Nan needs to develop comfort with impacting policies and programs that involve multiple areas of town government – working with all elected and appointed boards in the implementation, development and execution of programs. (Example, the TA should provide leadership and recommendations, e.g. Rec.) One member did note that Nan is likely very aware of the history of her predecessor and as a result has been more tentative and reactive with the Board.

Other performance areas noted for improvement include:

- Improving communication with the media outlets to promote the BoS activities and to develop better communication so residents understand Town policies and procedures.
- Anticipating problems
- Bringing projects to closure - for example, cash reconciliation, IT, zoning for auto dealers, OEPB and Rec financial model.
- After participating in one town meeting, 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.
- Continued enhancement to policies to reinforce treating all residents consistently and fairly.

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

The expected and substantive learning curve is behind us. We expect Nan to be leading with specific recommendations and vision to move the Board and the Town forward. Board members come and go but the TA is the long term face of the Town, its policies and its direction.

Nan needs to develop skills to manage the volume of information that comes into the TAs office in various forms (in person, phone, hard copy, electronically) and manage it appropriately. At times the volume overwhelms her. It was suggested that Nan pursue professional development opportunities for town administrator/manager roles – to lend support to new staff, develop stronger leadership skills and bring new knowledge of best practices to Wayland.

Additionally, 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 them.

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In the next year, the Board expects that Nan should also

- Pay particular attention to staff relations as we are all dependent on the staff team working well together
- Continue to improve the responsiveness of Town government
- Work with REAC to select a developer for River's Edge
- Continue planning for the Town Parcel at the new town center
- Work with the consultant's recommendations to revamp Wayland's IT
- Work with the WRAP committee on future development of the town

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

11) FY 17 CAPITAL  
PROJECTS

DATE: NOVEMBER 2, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: FY 17 CAPITAL PROJECTS

**POTENTIAL ACTION:**

**VOTE TO RECOMMEND FY 17 CAPITAL PROJECTS TO THE FINANCE COMMITTEE**

**BACKGROUND**

The Town Administrator and staff reviewed and presented to the Board of Selectmen FY 17 capital projects submitted by boards and departments reporting to the Board of Selectmen and Town Administrator. The requirements for Selectmen approval of budgets under their jurisdiction are included in section 19-4 of the Town Code.

(<http://www.ecode360.com/12284934>)

While sensitive to the volume of capital requests for FY 17, the Selectmen recommend the following capital requests for FY 17:

**Fire:** The items are listed in priority order. While recognizing the Finance Committee will make the funding decisions, the Selectmen support continuing use of Ambulance receipts as a funding source for the annual operating budget and for Fire capital requests. The board discussed minimizing tax impact on residents while providing necessary fire equipment:

PROJECT	RECOMMENDED BY BOS	COMMENTS
1. RESCUE PUMP	\$ 490,000	Essential – Deterioration of equipment
2. LADDER TRUCK	\$ 950,000	
3. FIRE VEHICLE		\$55,000 – Project can be delayed until future year

**Joint Communications Center**

PROJECT	RECOMMENDED BY BOS	COMMENTS
REPEATER	\$25,000	Essential to maintain services

**Conservation:**

PROJECT	RECOMMENDED BY BOS	COMMENTS
STORAGE SHED	\$30,000	Originally submission included \$5,000 for office repairs which can be addressed in Facilities operating budget.

Dam Repairs		\$50,000 – Conservation agreed to withdraw this request. BOS supports completion of already funded repairs.
Land Acquisition		\$486,900 - This project will be withdrawn by Conservation
<u>Mainstone Farm Acquisition</u>		Will consider project as details become available

**Facilities:**

PROJECT	RECOMMENDED BY BOS	COMMENTS
Library Rotunda Windows		\$85,000 Selectmen will reconsider after Special Town Meeting / Additional information needed from WRAP
COA /CC Construction		\$5.6 m – Selectmen will reconsider after Special Town Meeting / Additional information needed from WRAP
Transfer Station Building Improvement	\$48,000	Essential – Deterioration of facility
Demolition of old DPW Building	\$330,000	Recommended by Fire Chief based on new regulations for abandoned buildings / Estimate will be re-confirmed.

**Information Technology**

PROJECT	RECOMMENDED BY BOS	COMMENTS
Data Storage (SAN)	\$80,000	Based on IT Study - study of current and future data storage needs will be done before Town Meeting
Firewall	\$50,000	Based on IT Study – current firewall approaching capacity, Greater protection available. This project will be deleted if funded at Special Town meeting.
Automated Patch Management	\$40,000	Based on IT Study – Funds for planning and analysis are requested through STM Current Year Transfer. Additional funds will be needed to prepare network to accommodate patch management – The amount will be determined by further study.

CC: Fire Chief, Facilities Director, Conservation Administrator, Conservation Chair, Superintendent, School IT Director

# 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 Tracker 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 <i>REPEATER</i>	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
Claypit 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	Cochluate Apartments Fire Suppression	524,699.00
<b>Total General Fund</b>			<b>14,395,199.00</b>
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	-
<b>Total Water Fund</b>			<b>3,235,000.00</b>
<b>Total Fiscal 2016 requested budget</b>			<b>17,630,199.00</b>

\* DEPARTMENTS UNDER SELECTED HEADINGS

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING OCTOBER 31, 2015**

**LEGAL SERVICES**

The Board adopted a new policy on legal services in August, including the section below on the appointment or re-appointment of Town Counsel. It would take an estimated 90 days to conduct a process to procure competing proposals for legal services if the Board so chooses. The process is government only by local policy as illegal services are exempt from state procurement requirements.

*EXCERPT FROM BOS POLICY ON LEGAL COUNSEL:  
II. APPOINTMENT OF TOWN COUNSEL*

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

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

*The Board may, as it sees fit, seek proposals from attorneys and law firms to serve in the capacity of Town Counsel. The Board of Selectmen will approve the contract terms for the engagement of Town Counsel, which will include but not be limited to terms for evaluation, reappointment and removal.*

**RIVERS EDGE**

The deadline for submission of proposals for the Rivers Edge project is December 1<sup>st</sup>. The Board has appointed the Rivers Edge Advisory Committee to serve as the evaluation committee that will make a non-binding recommendation to the Board of Selectmen. Under State Law and Town Code, the Town Administrator is legally responsible for the integrity and compliance with law of this process. I have been certified by the state as a procurement officer and have the assistance of certified staff. Special Counsel Stephen Anderson agreed to meet with staff next week, without charge to plan the process from receipt of proposals through closing. We will also discuss the legal budget required to complete the project.

**ATTENDANCE OF LSP BEN GOULD AT ANNUAL TOWN MEETING**

Attached please find a change order to the contract with the town's LSP to attend Special Town Meeting. I will sign this on behalf of the Board.

# CMG ENVIRONMENTAL, INC.

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October 29, 2015

Wayland Board of Selectmen  
% Town Administrator Nanette F. Balmer  
Wayland Town Building  
41 Cochituate Road  
Wayland MA 01778

**Re: Attendance at 11/9/15 Special Town Meeting  
CMG ID 2014-055**

Dear Ms. Balmer and Selectmen:

CMG Environmental, Inc. (CMG) prepared this (third) Change Order to our proposal of June 19, 2015 (which you authorized on June 26, 2015). The original work was to prepare an ASTM Phase I Environmental Site Assessment (ESA) report regarding the above-referenced property (the Site), which CMG completed on July 21, 2015. We prepared a Change Order for soil sampling dated July 31, 2015 (authorized August 3), and completed that additional work on August 17, 2015 as an Addendum letter to our ESA report. (Note: the August 31, 2015 second Change Order, for additional soil sampling, has not been authorized.)

The original proposal also included a budget of \$1,000 to “attend one or more public meetings to discuss the Site and answer questions from Wayland officials or the public regarding recognized environmental conditions at the Site.” CMG expended this budget amount in preparation for and presentation at the October 22, 2015 public forum “What’s Your Vision” conducted by the Wayland Council on Aging/Community Center Advisory Committee (COA/CCAC).

Town Administrator Balmer has requested that CMG be present at the November 9, 2015 Special Town Meeting and be prepared to speak during discussions for Article 3 (Acquire Municipal Parcel in Town Center) to address questions or concerns raised by Town officials or the public regarding environmental issues at the Municipal Parcel and vicinity.

Ms. Balmer has also requested that CMG be available for one or more additional public meetings to further address questions or concerns regarding environmental issues at the Municipal Parcel and vicinity.

## SCOPE OF WORK

CMG has already prepared PowerPoint presentations at the request of the COA/CCAC to facilitate discussion of:

- Our 7/21/15 Phase I ESA Report and 8/17/15 Soil Sampling Addendum;
- The history of Deed Restrictions and Activity and Use Limitations (AULs) on the former Raytheon Company property and abutting ‘Hamlen Parcel; and
- The history of trichloroethene (TCE) assessment in groundwater at the Municipal Parcel.

---

67 HALL ROAD  
STURBRIDGE, MA 01566  
PHONE (774) 241-0901  
FAX (774) 241-0906

---

560 SOUTH MAIN STREET  
NEW BRITAIN, CT 06051  
PHONE (866) 304-7625  
FAX (860) 223-5454



CMG can expand any of these presentations or prepare others in anticipation of questions that might arise at the Special Town Meeting if the Selectmen so desire. We will provide electronic copies (in Adobe .pdf format) of all PowerPoint presentations prepared specifically for the Special Town Meeting. CMG can also provide printed copies upon your request.

CMG anticipates several hours of time communicating with Town Administrator Balmer and Wayland Public Buildings Director Ben Keefe (and possibly others) via email and telephone to prepare for the Special Town Meeting presentation. We expect to spend 4-6 hours on November 11 between attendance, presentation, and travel.

**ESTIMATED COSTS & SCHEDULE**

CMG proposes to conduct this project on a time and materials basis. We anticipate it will take 4-6 hours of preparation time and another 4-6 hours for attendance and presentation at the Special Town Meeting on November 9, 2015. At our usual rate of \$115/hour to the Town of Wayland for Licensed Site Professional services, this cost would be \$920-\$1,380.

CMG also recommends a budget of \$500-\$1,000 to attend each additional public meeting to discuss the Municipal Parcel and environmental issues associated with it. We have already received a request to attend the Wayland Board of Health meeting on November 4, 2015 for this purpose.

Therefore CMG recommends a budget amount of \$2,500 for this Change Order, with provision for more if you would like us to attend additional public meetings.

**ACCEPTANCE**

This letter is a Change Order to “the Proposal” of June 19, 2015 in accordance with Section 3 of our standard Terms & Conditions, which in total constitutes “the Agreement.” If the terms of this Agreement are acceptable to you, please sign one of the originals and return it to our office along with the retainer fee.

**Approval of Change Order:**

Name: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Printed)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

We at CMG look forward to continue working with you on this project. As always, please contact me at 774-241-0901 (office) or 508-320-0421 (cell) if you have questions or if CMG can be of any further assistance to you.

Sincerely,  
CMG ENVIRONMENTAL, INC.



Benson R. Gould, LSP, LEP  
Principal

2014-055\Change Order 3 for Special Town Meeting.doc



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, November 2, 2015**  
**Wayland Town Building**  
**Large Hearing Room**  
**CONSENT CALENDAR**

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Anderson & Krieger LLP for Legal Services through September 30, 2015, Reference #114384/5415-002, October 21, 2015: \$822.00
3. Vote the Question of Approving the Invoice of Murphy, Hesse, Toomey & Lehane, LLP for Legal Services Through September 30, 2015, Bill No. 61876: \$1,175.00
4. Vote the Question of Approving the Invoice of CMG Environmental Inc., Invoice 5063R, ID#2014-055, October 26, 2015: \$3,070.00

# ANDERSON KREIGER

Anderson & Kreiger LLP  
One Canal Park, Suite 200  
Cambridge, MA 02141  
(617)621-6500  
EIN: 04-2988950

October 21, 2015

Town of Wayland  
Attn: John Moynihan  
Public Buildings Director  
2nd Floor, Facilities Department  
41 Cochituate Road, Wayland, MA 01778

Reference # 114384 / 5415-002

In Reference To: Acquisition of 440 Boston Post Road

Total Current Billing:	822.00
Previous Balance Due:	0.00
<b>Total Now Due:</b>	<b>822.00</b>

**PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS**

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

TEL: (617) 479-5000

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

FAX: (617) 479-6469

**Billing Summary**

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

Bill date 10/16/15  
Bill number 61876  
Billing through 09/30/15

**00002 OPEB Issues**

Total fees for this matter	\$1,175.00
Total disbursements for this matter	\$0.00

**INVOICE SUMMARY:**

<b>TOTAL FEES FOR THIS BILL</b>	<b>4.70 hrs</b>	<b>\$1,175.00</b>
<b>TOTAL EXPENSES FOR THIS BILL</b>		<b>\$0.00</b>
<b>TOTAL DUE THIS BILL</b>		<b>\$1,175.00</b>

**RECEIVED**

**OCT 20 2015**

Board of Selectmen  
Town of Wayland

# CMG ENVIRONMENTAL, INC.

# INVOICE

67 Hall Road  
 Sturbridge, MA 01566  
 Phone 774.241.0901 Fax 774.241.0906

DATE: 10/26/15  
 INVOICE # 5063R  
 CMG ID # 2014-055

**Bill To:**  
 Wayland Board of Selectmen  
 % Ms. Nannette F. Balmer  
 Town Administrator  
 41 Cochituate Road  
 Wayland, MA 01778

**Site address**  
 Municipal Parcel at  
 Wayland Town Center  
 400-440 Boston Post Road  
 Wayland, Massachusetts

**Comments or Special Instructions:** Per proposal dated 6/19/15, authorized by Contract executed 6/26/15

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG ID	TERMS
BG	Verbal	10/22/15	SA	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	<b>Phase I Environmental Site Assessment (ESA)</b> Attend public forum (10/22/15) to discuss the Site and answer questions from Wayland officials and the public regarding recognized environmental conditions at the Site	\$ 1,000.00	\$ 1,000.00
Hours	<b>Additional Requests from Council on Aging</b>		
2.75	Prepare PowerPoint presentation to facilitate discussion of Site assessment activities conducted to date	\$ 115.00	\$ 316.25
8.50	Prepare PowerPoint presentations to illustrate Deed Restrictions and AULS on Site and larger WTC Property	\$ 115.00	\$ 977.50
6.75	Prepare PowerPoint presentation to facilitate discussion of chlorinated volatile organic compound concerns relative to Site	\$ 115.00	\$ 776.25

SUBTOTAL	\$ 3,070.00
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
<b>TOTAL</b>	<b>\$ 3,070.00</b>

Make all checks payable to **CMG Environmental, Inc.**  
 If you have any questions concerning this invoice, please contact us at 774-241-0901  
 Unpaid invoice balances beyond 30 days will accrue a 1.5% monthly fee.

**THANK YOU FOR YOUR BUSINESS!**



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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JOSEPH F. NOLAN

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

**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED  
TO THE BOARD OF SELECTMEN FROM OCTOBER 23,  
2015, THROUGH AND INCLUDING OCTOBER 29, 2015,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR NOVEMBER 2, 2015**

**Items Distributed To the Board of Selectmen – October 23-29, 2015**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the  
Meeting of October 26, 2015**

1. Letter from Richard Turner, Chair, Public Ceremonies Committee, to Board of Selectmen, re: Wayland Veterans Day Events
2. Memorandum of 10/21/2015 from Mary Hays to Board of Selectmen re: One Key Computer Security Problem that Puts Wayland at Risk, and SANS Top 20 Critical Security Controls
3. Promotional Literature, National Development

**Items Included as Part of Agenda Packet for Discussion During the November 2,  
2015 Board of Selectmen's Meeting**

1. Motions for November 2015 Special Town Meeting
2. Memorandum of 10/30/15 to Board of Selectmen re: Appointments to the Economic Development Committee with Letters of Interest, John Pugh and Frank Panaccio
3. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Municipal Parcel, Legal Opinions on Means of Acquisition, with Town Counsel Opinion and Environmental Counsel Opinion
4. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Order of Taking, Route 27 and Route 30 Intersection Improvement Project, with Maps of Easements
5. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Vote to Increase Request for Current Year Transfer,
6. Memorandum of 10/29/15 from John Senchyshyn, Asst Town Administrator/HR Director, to Board of Selectmen, re: Executive IT Director Search
7. Letter of 10/30/15 from RSM US LLP re: Enterprise Patch Management
8. Memorandum of 10/30/15 to Board of Selectmen re: Town Administrator Evaluation
9. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY17 Capital Projects
10. Town Administrator's Report for the Week Ending October 30, 2015



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

# TOWN OF WAYLAND

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JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, November 2, 2015**  
**Wayland Town Building**  
**Large Hearing Room**

## REVISED CORRESPONDENCE

### Selectmen

1. Public Comment, Computer Security
2. Public Comment, Municipal Parcel
3. Public Comment, Letter of 10/23/15 from U.S. House of Representatives to EPA re: Safety of Turf Fields, and Forbes Magazine Article, "Congress Sends Letter after EPA Ignores NBC Queries about Cancer and Artificial Turf"
4. Memorandum of 10/26/15 and email of 10/27/15 from Rachel Bratt, Chair, Housing Partnership, to Board of Selectmen, re: River's Edge RFP and Affordable Housing Needs
5. Email of 10/28/15 from Vince Amoroso, Boxborough, to Minuteman Member Communities, re: Tonight's Minuteman Meeting in Weston, and Protocol 2015
6. Press Release, October 29, 2014, re: Mainstone Farm Conservation Restriction

### Zoning Board of Appeals

7. Public Hearing, November 17, 2015, 16 Indian Road
8. Site Visit, November 3, 2015, 55 Lakeshore Drive
9. Site Visit, November 12, 2015, 140 Concord Road
10. Continued Hearing, November 24, 2015, 55 Lakeshore Drive, 140 Concord Road

### Minutes

11. Council on Aging/Community Center Advisory Committee, December 2, 2014, December 29, 2014, July 12, 2015, July 30, 2015
12. Finance Committee, September 21, 2015
13. Board of Library Trustees, October 5, 2015
14. Personnel Board, September 8, 2015, September 21, 2015, September 28, 2015
15. Board of Public Works, October 7, 2015



## DiNapoli, MaryAnn

---

**From:** Senchyshyn, John  
**Sent:** Wednesday, October 28, 2015 2:16 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: Urgent: IT transfer needs to be increased at STM  
**Attachments:** 10.27.2015 - Public letter to the BoS re McGladrey report and STM amendment.pdf

**From:** Mark Hays [mailto:markallenhays@gmail.com]  
**Sent:** Wednesday, October 28, 2015 12:37 PM  
**To:** Karlson, Cherry; Lea@Anderson.name; Nolan, Joseph F.; Boschetto, Anthony V.; Antes, Mary  
**Cc:** Balmer, Nan; Doucette, Elizabeth; Senchyshyn, John  
**Subject:** Urgent: IT transfer needs to be increased at STM

### **Dear members of the Wayland Board of Selectmen:**

The McGladrey / RSM presentation at Monday's BoS meeting was very informative. Hopefully it is now clear that a larger transfer to cover the cost of recommended IT upgrades is a good idea. As McGladrey noted, Wayland has been underfunding IT for years: just 1.3% of revenue last year, compared to an average of 3.6%. Now Wayland needs to play catch-up and urgent computer security upgrades cannot wait.

**I urge you to work with the Wayland Finance Committee and School Committee to propose an amendment at Special Town Meeting to boost the FY2015 transfer for "Town Information Technology" from \$70,000 to \$360,500 – to be funded out of the current free cash surplus.**

Attached is a letter with the details.

Please let me know if you have any questions.

Mark Hays

# The Data Breach Threat in Education

As reported by the Huffington Post:

“Identity theft in schools is more than theoretical.

- Last July, Sheyla Diaz, 44, a former Broward County, Florida high school teacher, was sentenced to six months of house arrest for [stealing the identities of former students](#).
- In 2009, Jonathan E. Kelly, who worked as a police officer for the Palm Beach County School District, was sentenced to eight years in prison for [stealing the identities of former students and teachers](#).

The thieves know that children have pristine credit and that school districts, hampered by substantial budget cuts, may not be doing all they could to safeguard this information. Parents and school districts need to take steps to address this growing risk.”

# Education Data Breaches: A Few Examples

- **Hinsdale Central High School:** Students accessed the Social Security numbers of students and staff.
- **Tarpon Springs High School:** A guidance counselor accidentally sent an email attachment to the senior class with the names, SSNs and student ID numbers of every senior.
- **Housatonic Community College:** Two campus computers were infected by malware, after a faculty or staff member opened an email that contained the virus payload. Faculty, staff, and students affiliated with the school between the early 1990's and the day of the breach may have had their names, Social Security numbers, dates of birth, and addresses exposed. Housatonic's president acknowledged that the cost of handling the breach could be as much as \$500,000.
- **Grimmer Middle School:** Hackers accessed faculty and staff usernames, email addresses, and passwords. This confidential information was posted online.
- **Lake Central Clark Middle School:** Hackers accessed faculty and staff usernames, email addresses, and passwords. This confidential information was posted online.
- **Palos Verdes High School:** Three students were caught selling quiz answers. Investigators found that they had installed keylogging software on the computers of four teachers. The keylogging data revealed passwords, which were used to access the central files of the school network.

# Education Data Breaches: A Few Examples

- **Blairsville High School:** Two students obtained login credentials for Blairsville High's online security system by repeatedly guessing. The breach was discovered when one of the students revealed his teacher's Social Security number in class. Teacher addresses, Social Security numbers, and salaries were exposed.
- **Virginia Commonwealth University:** Hackers accessed a Virginia Commonwealth University (VCU) computer server, which contained the personal information of current and former VCU and VCU Health System faculty, staff, students and affiliates. Data included either a name or eID, Social Security number, and in some cases, date of birth, etc.
- **College of the Holy Cross:** Seven Holy Cross employees were fooled by phishing emails. Their email accounts attacked and emails containing personal information for hundreds of people were exposed. Social Security numbers, driver's license numbers, dates of birth, financial information and other types of information are at risk.
- **Birdville School District:** Two students hacked into the Birdville School District's network server and accessed a file containing 14,500 student names and Social Security numbers.
- **El Paso Independent School District:** Hackers accessed the District's server and stole names, Social Security numbers, and addresses for approximately 63,000 students and 9,000 teachers.
- **University of Central Missouri:** Former students developed malware to capture passwords and gain access to the University's network. They installed the malware in a variety of ways, e.g. by inserting a thumb drive into public PCs and personal laptops.

# Education Data Breaches: A Few Examples

- **City College of San Francisco:** Viruses infected the College's network. Investigation revealed that servers and desktops were infected across administrative, instructional, and wireless networks. Officials believe that a flash drive was the vector. It appears that the viruses searched for and transmitted confidential data to sites in Russia, China, and at least eight other countries, including banking information.
- **Houston Independent School District:** Hackers compromised the HISD network. Staff payroll information workers and student academic information may have been compromised along with other personal information.
- **University of North Florida:** Hackers accessed applicant information, including ACT and SAT scores, dates of birth and Social Security numbers.
- **Corona-Norco Unified School District:** An information privacy watchdog notified administrators that teacher and administrator personal information was available online. Investigators could not determine how long this information was online.
- **Brooklyn Tech High School:** Hackers accessed student PSAT information and posted names, home addresses, citizenship status, and Social Security numbers.
- **Ridgefield High School:** Two students hacked into the school's computer system, and gained access to the grades and personal information of other students.
- **Ocean Lakes High School:** Because of an incorrect security setting, a student gained access to a temporary file on a server that contained the names, parent names, addresses, student ID numbers, birth dates and Social Security numbers of students at 22 schools.

# Education Data Breaches: A Few Examples

- **Roanoke City Public Schools:** Hard drives in eight computers were not removed before they were sold as surplus. These drives contained the names, school locations and Social Security numbers of the division's employees. The District purchased credit monitoring service for affected employees.
- **Lake Ridge Middle School:** A USB drive containing student names, identification numbers, phone numbers, and medical information was stolen from the car of a school administrator. Over 1,200 students were affected.
- **Tufts University:** Campus computers were infected by a virus. Over two thousand alumni may have had their Social Security numbers and other information exposed.
- **Evergreen Public Schools:** A former student breached the District's payroll system, compromising records for more than 5,000 past and current Vancouver district school employees.
- **Wickenburg Unified School District:** Auditors found that the District's network was accessible to unauthorized users. Names, Social Security numbers, addresses and birth dates of students were exposed.
- **Eugene School District:** Hackers breached a server containing the names, phone numbers and employee ID numbers of current and former Eugene School District employees, which contained the names, addresses, dates of birth, Social Security numbers, tax identification numbers and direct-deposit bank account information for current and former staff members.

## Data Breach Costs:

- The cost of breach notification can quickly exceed civil penalties
- In addition to notice, the purchase of a credit / identity protection plan may be required for every affected individual
- The average cost per record = \$210

For example:

State: Tennessee

Approx. # of individuals affected: 10,515

Date of breach: 3/20/10

Type of breach: Theft

Source of breached data: Laptop

Cost: **\$3,165,015**

# Expanded Regulatory Requirements and Standards

- **Enhanced FERPA requirements:** FERPA changes in 2011 strengthened a number of protections for private student data (PII), including investigation and enforcement.
- **US DOE Privacy Technology Assistance Center (PTAC) and Central Privacy Office:** These initiatives underscore the growing emphasis on digital security in education and reference NIST standards:
  - ✓ <http://ptac.ed.gov/>
  - ✓ [www2.ed.gov/policy/gen/guid/ptac/technical-briefs.html](http://www2.ed.gov/policy/gen/guid/ptac/technical-briefs.html)
- **Federal Information Security Management Act (FISMA):** FISMA governs the use of sensitive data within Federal agencies, and uses NIST at the source of key standards.
- **MA Executive Order 504 and 532:** Massachusetts also added regulations tightening digital security policies for Commonwealth agencies and contractors.
- **Massachusetts Data Protection Law:** Massachusetts 201 CMR 17.00 strengthened requirements for the protection of confidential information. Commonwealth entities, e.g. Wayland and WPS, are exempt – but contractors are not, e.g. for a hosted data warehouse.
- **Massachusetts Education Records Privacy Law:** Massachusetts 603 CMR 23.00 requires protection for education records.
- **MA General Law 93-H:** This law covers personal information that could be used for identity theft, including Social Security, driver's license and credit / financial account numbers, and would apply primarily to records linked to WPS teachers and employees.
- **HIPAA:** This national healthcare data privacy law applies to all health-related information collected by WPS, e.g. employee, school nurse, counseling and LRT / ALRT records.



## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Wednesday, October 28, 2015 2:01 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: The cost of a breach: How much would Wayland taxpayers have to pay?  
**Attachments:** 10.28.2015 - Public letter to the BoS re cost of a breach.pdf

correspondence

**From:** Mark Hays [mailto:markallenhays@gmail.com]  
**Sent:** Wednesday, October 28, 2015 1:28 PM  
**To:** Karlson, Cherry; Lea@Anderson.name; Nolan, Joseph F.; Boschetto, Anthony V.; Antes, Mary  
**Cc:** Balmer, Nan; Doucette, Elizabeth; Senchyshyn, John  
**Subject:** The cost of a breach: How much would Wayland taxpayers have to pay?

### **Dear members of the Wayland Board of Selectmen:**

As you weigh the option of amending and increasing the IT transfer at Special Town Meeting, one key factor is the potential cost of data breach. How much would Wayland taxpayers have to pay?

The Ponemon Institute recently released an updated study on breach costs by industry, including education and the public sector. Attached is a letter that estimates the costs for Wayland based on this new data.

Please let me know if you have any questions.

Mark Hays

## Breach Costs: How Much Would Wayland Taxpayers Pay?

28 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 members of the Wayland Board of Selectmen:

Paying for computer security upgrades is like buying insurance for your home. You need to compare the policy cost to the cost of a potential loss. So, how much would Wayland taxpayers have to pay if there was a breach? The Ponemon Institute recently published an updated study that spells out the details. Based on this new data, here is the probable cost of a breach in Wayland:

- Wayland Town and School networks hold records for current and former residents and students, plus teachers and staff. The total count of individual records probably exceeds 20,000.
- Assume that hackers breach the Wayland network and collect only 10,000 records, with 50% from the Town (\$73 each) and 50% from Wayland Public Schools (\$225 each):

$$5,000 \times \$73 = \$ 365,000$$

$$5,000 \times \$225 = \$1,125,000$$

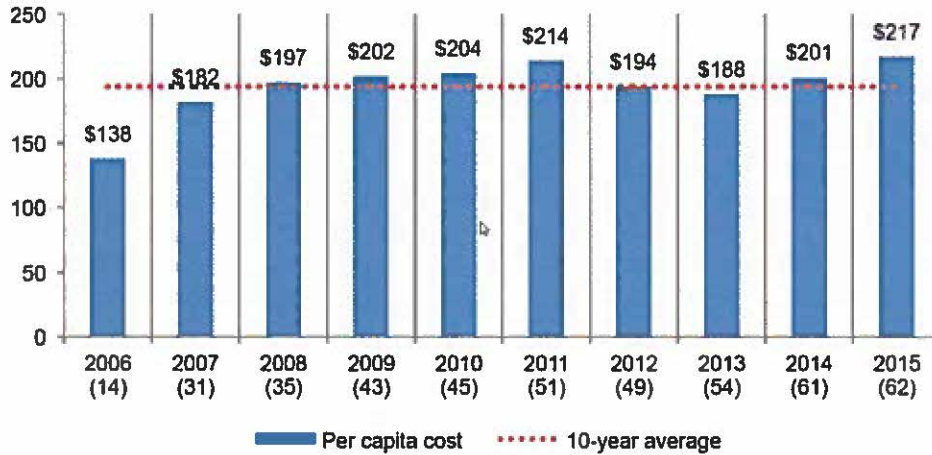
$$\text{Total breach cost} = \$1,490,000$$

- If hackers collected 10,000 WPS student records, the total breach cost would escalate to \$2,250,000 – from only one incident.

If your home was worth \$1,490,000, would you pay for home insurance? If you have a mortgage, the lender requires it. As members of the Wayland Board of Selectmen, you should take the same care with our community's private data and tax dollars, and invest in needed computer security solutions.

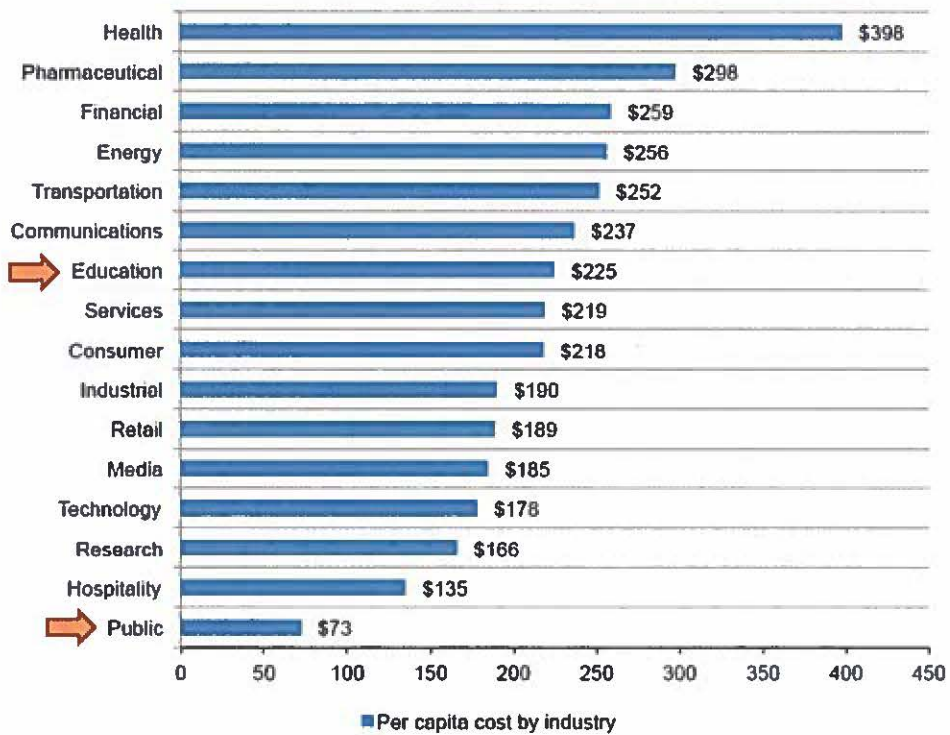
Here is a summary of key data from the Ponemon report:

**Figure 1. The average per capita cost of data breach over 10 years**  
 Bracketed number defines the benchmark sample size



These are average *per-capita* costs for all industries. The Town of Wayland and Wayland Public Schools are not-for-profit municipal organizations, however, so we should look at the cost by industry segment, as shown below:

**Figure 4. Per capita cost by industry classification of benchmarked companies**



Education, e.g. Wayland Public Schools, has a per-capita breach cost of \$225, higher than the mean. The public sector (Town of Wayland) has the lowest cost of \$73.

Please work with the Wayland Finance Committee and School Committee to increase the IT transfer at Special Town Meeting, to cover the high priority computer security upgrades recommended by Elysium, McCann and McGladrey. Think of this as basic "home insurance" for our Town.

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 have not already been made public. 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, and public media.

## DiNapoli, MaryAnn

---

**From:** Senchyshyn, John  
**Sent:** Wednesday, October 28, 2015 2:31 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: Data breach threat and cost: real world examples in education  
**Attachments:** The Data Breach Threat in Education - WPS v1c - 10.19.2012.pdf

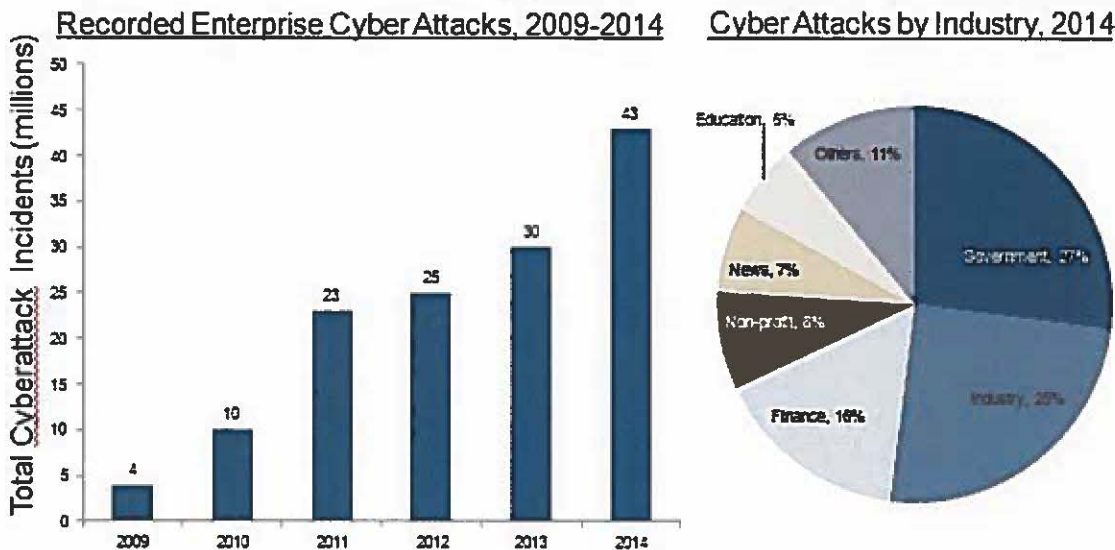
... and one more.

**From:** Mark Hays [mailto:markallenhays@gmail.com]  
**Sent:** Tuesday, October 27, 2015 12:56 PM  
**To:** Lea@Anderson.name  
**Cc:** Nolan, Joseph F.; Boschetto, Anthony V.; Karlson, Cherry; Antes, Mary; Balmer, Nan; Senchyshyn, John; Doucette, Elizabeth; Stein, Paul; Leisha Simon  
**Subject:** Data breach threat and cost: real world examples in education

**Dear Lea:**

You asked about examples of data breaches in other towns. In 2012, I put together a report for Leisha Simon and the TTF focused on schools. A copy is attached.

Since 2012 the level of threat and number of attacks increased significantly and data breach costs have gone up:



Note that public sector organizations are a prime target.

I hope this perspective is helpful.

Mark

## IT Transfer Needs to be Increased at the Special Town Meeting

28 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 members of the Wayland Board of Selectmen:

The McGladrey / RSM presentation at Monday's BoS meeting was very informative. Hopefully it is now clear that a larger transfer to cover the cost of recommended IT upgrades is a good idea. As McGladrey noted, Wayland has been underfunding IT: just 1.3% of revenue last year, compared to an average of 3.6%. Now Wayland needs to play catch-up and urgent computer security upgrades cannot wait.

**I urge you to work with the Wayland Finance Committee and School Committee to propose an amendment at Special Town Meeting to boost the FY2015 transfer for "Town Information Technology" from \$70,000 to \$360,500 – to be funded out of the current free cash surplus. This will cover the cost of high priority security upgrades, the new Wayland IT Director position, managed IT services and related changes noted in McGladrey's report, plus the upgrades included in the current transfer request:**

- |  |           |
|--|-----------|
| 1. <b>Hosted Exchange email service</b>  | \$ 20,000 |
| 2. <b>New firewalls plus onsite vendor installation and configuration services</b>   | \$ 50,000 |
| 3. <b>Network monitoring by an IT managed services company as shown on page 15, 1A, for 6 months</b>   | \$ 50,000 |
| 4. <b>New Change control process with oversight by the IT managed services company, as shown on page 15, 1D. There will be some cost as shown to the right, although this was not noted by McGladrey</b> | \$ 25,000 |
| 5. <b>New Wayland IT Director, six months at \$125,000 / year as shown on page 15, 1G</b>  | \$ 62,500 |

6. **Endpoint security system** with onsite vendor installation and configuration services – which will cost more than McGladrey’s estimate of \$25K to \$40K on page 15, 1H. \$80,000 is the average based on my review of leading vendors. Note: “endpoint security” is the current term for this type of product, which includes patch and vulnerability management. \$ 80,000
7. **Penetration testing** by a recognized third party, which is included on pages 7, 12 and 29 of the McGladrey report. This cannot be done in-house and will probably cost a bit more than McGladrey’s estimate. Penetration testing should also be scheduled *after* the new firewalls and endpoint security systems are installed – roughly in late March of 2016. If this test is run first, as shown in the timeline on page 12, 1B, it will simply need to be repeated after the firewalls and endpoint security systems are installed, which would double the cost. \$ 40,000

**Total: \$327,500**

10% fudge factor: \$ 33,000

**New IT transfer budget: \$360,500**

I hope you will take quick action to protect confidential information that belongs to Wayland residents and reduce the risk to our tax dollars.

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 have not already been made public. 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, and public media

Linda Segal

To: Board of Selectmen

From: Linda Segal

CORRESPONDENCE

public comment: municipal  
parcel

---

(for Nov. 2 BOS agenda packet)  
per comments made 10/26/15



# CMG ENVIRONMENTAL, INC.

---

August 31, 2015

Wayland Board of Selectmen  
% Town Administrator Nanette F. Balmer  
Wayland Town Building  
41 Cochituate Road  
Wayland MA 01778

RECEIVED

OCT 28 2015

Board of Selectmen  
Town of Wayland

**Re: Potential Toxic Substance Control Act (TSCA)  
Soil Sampling for Polychlorinated Biphenyls (PCBs)  
"Municipal Parcel" Portion of Wayland Town Center  
400-440 Boston Post Road, Wayland, Massachusetts  
CMG ID 2014-055**

Dear Ms. Balmer:

CMG Environmental, Inc. (CMG) prepared this letter to address concerns raised by Mr. J. Andrew Irwin, P.E., LSP (President of Irwin Engineers, Inc. and formerly a member of the Wayland Conservation Commission). Mr. Irwin reviewed CMG's August 17, 2015 "Soil Sampling Addendum" letter and provided the following as part of an email sent on August 27, 2015:

Unless someone can establish clearly that the materials with greater than 1 mg/Kg PCBs ... were placed prior to 1978 the concentration requires notification to EPA and implementation of the spill cleanup policy under TSCA regulations (40 CFR Part 761).

The other factor is the appropriateness of the sampling by H&A and CMG in evaluating the presence/absence of PCBs around that point [i.e., Haley & Aldrich, Inc. sample location "HA-6"] to demonstrate the absence of higher concentrations. There you should be referring to 40 CFR 761 Subpart O where the collection of samples on a grid of specified frequency is required with analysis of samples using required extraction and test methods.

Mr. Irwin also had questions regarding the depth of samples collected, the extraction and analytical methods utilized, and the quality control data generated by laboratory PCB analysis. CMG answered those questions in our reply email to Mr. Irwin on August 27.

The question of TSCA arises primarily because the wetlands remediation conducted in the 'Western Area' of the former Raytheon Property in 2003-2004 was subject to EPA approval as a risk-based 'disposal' location. (Wherever greater than 1 mg/Kg of PCBs remains in place following remediation of a TSCA source, EPA consider that location to be a PCB disposal facility.) Explicit EPA approval is necessary in such cases. In other cases, following the EPA rules for self-implementing cleanup allows cleanup of a TSCA release without direct EPA involvement (EPA has promulgated these rules at 40 CFR Part 761 subpart O, which is §§761.280 through 761.298).

Determining whether a property is subject to the TSCA rules hinges on the definition of "PCB remediation waste." EPA defines this term at 40 CFR 761.3 as follows:

---

67 HALL ROAD  
STURBRIDGE, MA 01566  
PHONE (774) 241-0901  
FAX (774) 241-0906

560 SOUTH MAIN STREET  
NEW BRITAIN, CT 06051  
PHONE (866) 304-7625  
FAX (860) 223-5454

*PCB remediation waste* means waste containing PCBs as a result of a spill, release, or other unauthorized disposal, at the following concentrations: Materials disposed of prior to April 18, 1978, that are currently at concentrations  $\geq 50$  ppm PCBs, regardless of the concentration of the original spill; materials which are currently at any volume or concentration where the original source was  $\geq 500$  ppm PCBs beginning on April 18, 1978, or  $\geq 50$  ppm PCBs beginning on July 2, 1979; and materials which are currently at any concentration if the PCBs are spilled or released from a source not authorized for use under this part. PCB remediation waste means soil, rags, and other debris generated as a result of any PCB spill cleanup, including, but not limited to:

(1) Environmental media containing PCBs, such as soil and gravel; dredged materials, such as sediments, settled sediment fines, and aqueous decantate from sediment.

(2) Sewage sludge containing  $< 50$  ppm PCBs and not in use according to §761.20(a)(4); PCB sewage sludge; commercial or industrial sludge contaminated as the result of a spill of PCBs including sludges located in or removed from any pollution control device; aqueous decantate from an industrial sludge.

(3) Buildings and other man-made structures (such as concrete floors, wood floors, or walls contaminated from a leaking PCB or PCB-contaminated transformer), porous surfaces, and non-porous surfaces.

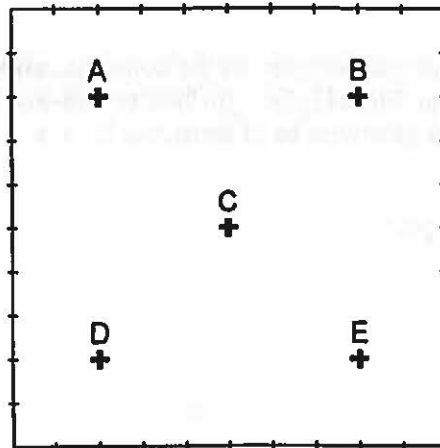
None of the soil samples collected from the municipal parcel to date exhibit PCBs at concentrations approaching the TSCA threshold of 50 mg/Kg. Thus it becomes important to know whether the source of the identified PCBs was  $\geq 50$  ppm (mg/Kg or mg/L) or  $\geq 500$  ppm, and the date of the release that impacted soil samples.

In 1978 and 1979 Raytheon Company was using the former Buildings 12 & 21 at the Site as a radar testing complex according to the May 1996 Phase I – Initial Site Investigation Report prepared by Environmental Resources Management, Inc. (ERM) for release tracking number (RTN) 3-13302. This report does not provide sufficient detail to definitively conclude whether any of the equipment that Raytheon Company used for radar testing at Buildings 12 & 21 contained PCBs. However, it is reasonable to assume that this testing required sufficient electricity to require one or more liquid-cooled transformers (Table 1 of the May 1996 ERM report assumes that Raytheon Company used transformers and capacitors at Buildings 12 & 21). Furthermore, Raytheon had constructed Building 12 circa 1957 and the original Building 21 circa 1961, well before the restrictions on PCBs in new transformers that EPA implemented in 1978. Therefore CMG concludes it is certainly possible that PCBs identified in soil samples collected from the Site might have originated from a TSCA source.

As noted previously, CMG has been unable to acquire a copy of the November 10, 2000 “Soil and Ground Water Sampling Results, Planned Daycare Facility” report prepared by H&A on the subject Site. It is possible that this report could shed further light on possible PCB releases at the Site (for example, H&A may have selected sample location HA-6 because of observed soil staining adjacent to an existing electrical transformer). Therefore, we again urge the Town of Wayland Board of Selectmen to obtain a copy of this report for review, which may require the efforts of Town Counsel.

Absent any further information regarding PCB releases from a TSCA source, CMG opines it may be prudent to collect additional soil samples from the Site for PCB analysis using the systematic random sampling method, a statistical methodology designed to eliminate any bias from sample selection. This method involves laying out a 10×10' grid over the entire Site, eliminating inaccessible grid squares (those located underneath the Site building or the concrete monolith that sits immediately west of it), assigning individual numbers to the approximately

1,700 grid squares, and using a random number generator function to select a set number of grid squares to sample. The number of grid samples must be high enough to provide a representative sampling of the Site as a whole. However, increasing the number of sampling locations will increase the overall time and cost to conduct the sampling, and there is a diminishing return for each additional sample added to the overall data set. The EPA "Field Manual for Grid Sampling of PCB Sites to Verify Cleanup" recommends a maximum of 37 samples for locations with a 'sampling radius' of over 11' (the 'sampling radius' for the subject Site would be 460'). However CMG notes that at the 95% confidence interval, increasing the sample size from 30 to 37 improves the precision of measurement of the average concentration by less than 1% (in contrast, increasing the sample size from 10 to 17 improves the precision of measurement by nearly 7% at the 95% confidence interval). Therefore we opine that 30 grid sampling locations should be sufficient to determine if PCB concentrations are randomly distributed across the Site or if there is a pattern to the PCB distribution. Within each randomly-selected grid square CMG would collect a total of ten sub-samples; five from 0-6" in depth and five from 6-12" in depth as illustrated below.



CMG would then composite an aliquot from each of the five 0-6" sub-samples into a 0-6" composite from that grid location, and composite an aliquot from each of five 6-12" sub-samples into a 6-12" composite sample. (We would retain the remainder of each sub-sample pending analytical results.) CMG would then submit the 60 composite samples (30 from 0-6" and 30 from 6-12") for laboratory PCB analysis via EPA Method 8082 with Soxhlet extraction. If any of the composite samples exhibits greater than 10 mg/Kg of total PCBs, CMG would have each of the five sub-samples from that composite separately analyzed for PCBs. In this way we can be sure that no sample location that exhibits greater than the TSCA threshold of 50 mg/Kg total PCBs goes undetected.

A discrete release of PCBs from a TSCA source should exhibit a pattern of contamination that is greatest near the release location and drops off rapidly with distance from that location. Conversely, if there is no discrete release location at the Site, the concentration of PCBs in the composite samples should be approximately normally distributed. CMG will conduct standard statistical tests to determine how closely the observed distribution of PCBs in the composite soil samples approaches the theoretical normal (and random) distribution.

CMG notes that even with the significant amount of analytical testing discussed herein, the 30 10x10' grid squares represent less than 2% of the total Site area. This should be sufficient to verify whether or not PCB concentrations are normally-distributed across the entire Site, but may

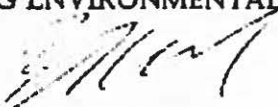
not be adequate to identify a small discrete release from a TSCA source. Fully characterizing the Site as described by 40 CFR 761 Subpart O would require a prohibitive amount of soil sampling, which we opine is not warranted by the fairly low concentration of PCBs identified in Site soils to date.

CMG has prepared a separate cost proposal for conducting the sampling outlined in this letter, and we have also approximated the cost for sampling the entire Site as prescribed by 40 CFR 761 Subpart O for comparison purposes. However, in our opinion the likelihood of identifying a TSCA source of >50 mg/Kg total PCBs at the Site (which might warrant such sampling) is very low.

CMG believes the possibility of identifying at least one soil sampling location with total PCBs >1 mg/Kg is significantly higher; nonetheless, such a finding would not necessarily warrant any action by the current Site owner or the Town of Wayland because Raytheon Company notified the Massachusetts Department of Environmental Protection of PCB releases at the larger Property on April 26, 2000 (540 mg/Kg Aroclor 1260) and has addressed PCB issues at the Site under RTN 3-13302.

I trust that this provides a sufficient response to the concerns raised by Mr. Irwin. As always, please feel free to contact me at 774-241-0901 (office) or 508-320-0421 (cell) if you have any further questions or if CMG can otherwise be of assistance to you.

Sincerely,  
CMG ENVIRONMENTAL, INC.



Benson R. Gould, LSP, LEP  
Principal

2014-055\Potential Additional Soil Sampling.doc

# CMG ENVIRONMENTAL, INC.

---

August 31, 2015

Wayland Board of Selectmen  
% Town Administrator Nanette F. Balmer  
Wayland Town Building  
41 Cochituate Road  
Wayland MA 01778

**Re: Additional Soil Sampling for Polychlorinated Biphenyls (PCBs)  
"Municipal Parcel" Portion of Wayland Town Center  
400-440 Boston Post Road, Wayland MA  
CMG ID 2014-055**

Dear Ms. Balmer:

CMG Environmental, Inc. (CMG) prepared this second Change Order to our proposal of June 19, 2015 (which you authorized on June 26, 2015). The original work was to prepare an ASTM Phase I Environmental Site Assessment (ESA) report regarding the above-referenced property (the Site), which CMG completed on July 21, 2015. We prepared a Change Order for additional soil sampling dated July 31, 2015 (authorized August 3), and completed that additional work on August 17, 2015.

CMG prepared an information letter concurrent with this second Change Order, re: "Potential Toxic Substance Control Act (TSCA) Soil Sampling for PCBs." We prepared this letter in response to comments raised by Mr. J. Andrew Irwin upon review of our August 17 "Soil Sampling Addendum" letter. The purpose of this second Change Order is to provide the Wayland Board of Selectmen with the means to authorize additional soil sampling for PCBs at the Site should they so choose.

## SCOPE OF WORK

CMG proposes to collect an additional 60 samples from 30 locations at the Site for PCB analysis. We will select the 30 locations using systematic random sampling methods as outlined in our "Potential TSCA Soil Sampling for PCBs" letter. At each grid sampling location we will use a soil auger to collect 0-6" and 6-12" soil samples from five predetermined sub-sample locations in the grid. CMG will decontaminate the sampling equipment prior to use and between each sub-sample location. We will then composite an aliquot of each 0-6" sub-sample to make a 0-6" composite sample from that grid location, and do the same for the 6-12" sub-samples from that grid location. We will retain the remainder of each sub-sample pending analytical results.

CMG will submit each of the 60 composite soil samples we collect from the Site to a certified laboratory for Soxhlet extraction and analysis of PCBs via EPA Method 8082. Should any of the composite samples exhibit >10 mg/Kg total PCBs, CMG will submit the five sub-samples from that composite for individual analysis by Soxhlet extraction and EPA Method 8082.

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67 HALL ROAD  
STURBRIDGE, MA 01566  
PHONE (774) 241-0901  
FAX (774) 241-0906

560 SOUTH MAIN STREET  
NEW BRITAIN, CT 06051  
PHONE (866) 304-7625  
FAX (860) 223-5454

Upon receipt of the laboratory results, we will prepare a Soil Sampling Report including the following:

- Narrative describing completed activities, findings, and conclusions,
- Tables summarizing laboratory results and applicable DEP reporting standards,
- Figure showing sampling locations, and
- Laboratory reports.

CMG will provide documentation in electronic (Adobe .pdf) format via email unless you specifically request bound printed copies.

**ESTIMATED COSTS & SCHEDULE**

CMG proposes to conduct this project on a time and materials basis. We anticipate it will take five days to complete the soil sampling and compositing as specified above, and the total cost will be approximately \$23,000.

CMG is prepared to complete the soil sampling within two weeks (10 business days) from your authorization. Laboratory analysis will take another 7-10 business days, and it may be necessary to submit sub-samples for additional analysis upon receipt of the initial results. Therefore we anticipate it will take 4-6 weeks (20-30 business days) to complete the scope of work outlined in this Change Order.

If CMG were to conduct rigorous grid sampling as specified by 40 CFR 761 Subpart O for the entire subject Site (6,893 grid locations on a 1.5x1.5m grid at two depths per location, compositing every 9 sequential samples at each depth), CMG estimates this would cost \$1,150,000. Of course we do not expect there would be any reason to conduct such rigorous sampling; CMG provides this information for information and discussion purposes only.

**ACCEPTANCE**

This letter is a Change Order to "the Proposal" of June 19, 2015 in accordance with Section 3 of our standard Terms & Conditions, which in total constitutes "the Agreement." If the terms of this Agreement are acceptable to you, please sign one of the originals and return it to our office along with the retainer fee.

**Approval of Change Order:**

Name: \_\_\_\_\_  
(Signature)

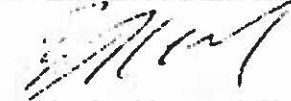
Name: \_\_\_\_\_  
(Printed)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

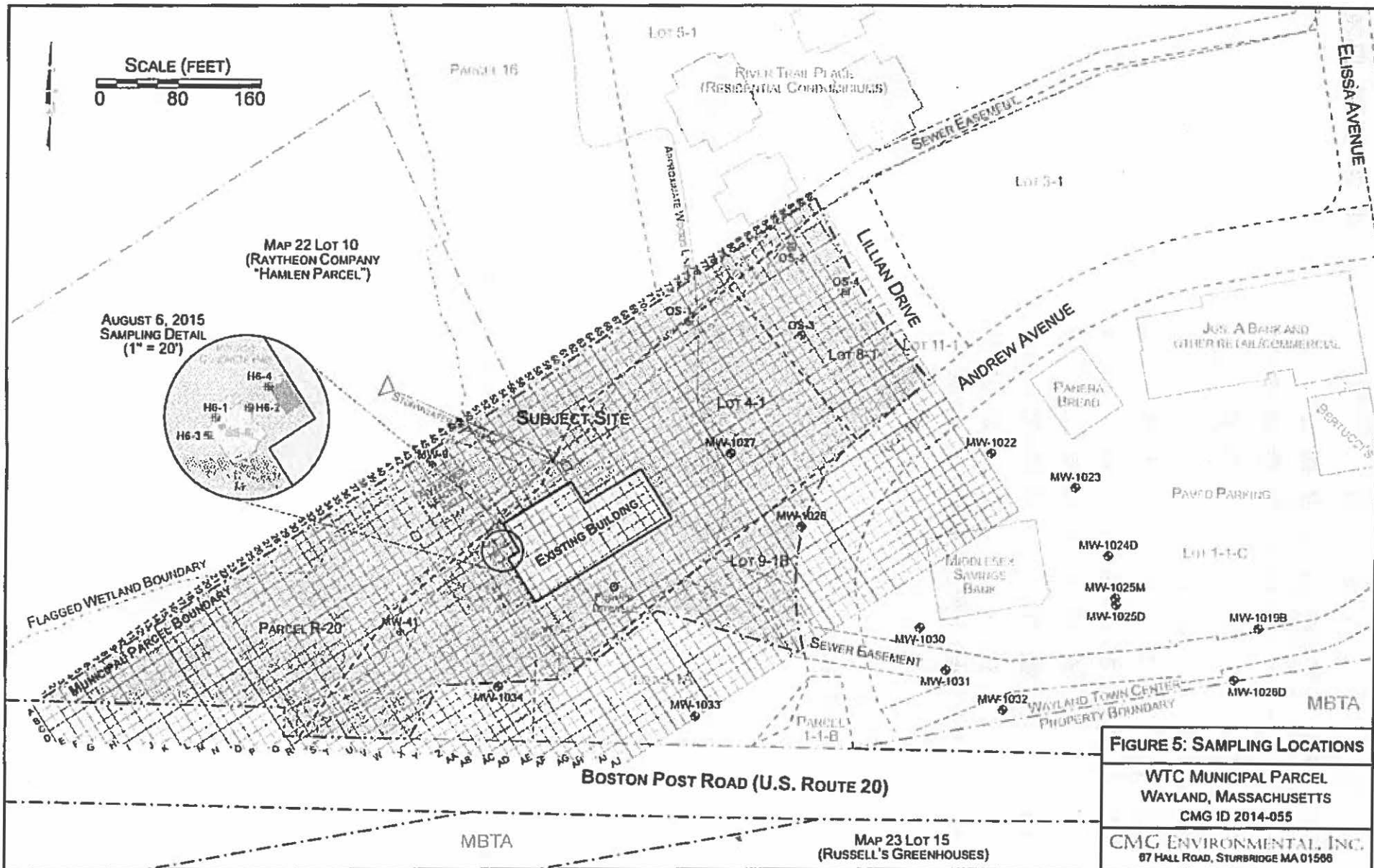
We at CMG look forward to continue working with you on this project. As always, please contact me at 774-241-0901 (office) or 508-320-0421 (cell) if you have questions or if CMG can be of any further assistance to you.

Sincerely,  
CMG ENVIRONMENTAL, INC.



Benson R. Gould, LSP, LEP  
Principal

2014-055\Change Order 2 for Additional PCB Sampling.doc



**FIGURE 5: SAMPLING LOCATIONS**

WTC MUNICIPAL PARCEL  
WAYLAND, MASSACHUSETTS  
CMG ID 2014-055

CMG ENVIRONMENTAL, INC.  
87 HALL ROAD, STURBRIDGE MA 01566



## Balmer, Nan

---

**From:** Ben Gould <BGould@CMGenv.com>  
**Sent:** Monday, August 31, 2015 6:28 PM  
**To:** Bill@SterlingArchitects.com; Balmer, Nan  
**Cc:** Keefe, Ben; Mark.H.Foreman@Gmail.com; Alrwin@IrwinEngineers.Com  
**Subject:** FW: Forwarding comments from Andy Irwin on the Municipal Parcel soil sampling

Bill, Nan et al:

For completeness, here is my email responding directly to the additional quality control questions raised by Andy Irwin (whom I have also cc'd on this email).

Thanks,

Ben Gould

CMG Environmental, Inc.

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**From:** Ben Gould [mailto:BGould@CMGenv.com]  
**Sent:** Thursday, August 27, 2015 3:23 PM  
**To:** 'Andy Irwin'  
**Subject:** FW: Forwarding comments from Andy Irwin on the Municipal Parcel soil sampling

Hi Andy,

To keep you in the loop, this is the email that I just sent to Nan Balmer and others directly involved with acquisition of the 'Municipal Parcel.'

Checked the surrogate recoveries as you suggested. In the samples, 4,4-DB-octafluorobiphenyl recoveries ranged from 75%-145% (except at sample H6-1, flagged as "S02" for inaccurate quantification due to coelution), and decachlorobiphenyl recoveries ranged from 85%-120%. For the LCS, the recoveries were 95% & 100% with 4,4-DB-octafluorobiphenyl and 130% & 125% with decachlorobiphenyl. For the LCS dup, recoveries were again 95% & 100% with 4,4-DB-octafluorobiphenyl and 120% & 125% with decachlorobiphenyl. Thus all surrogate recoveries (except at the flagged sample) were within the acceptable range of 30-150%. While there might be some positive bias with the decachlorobiphenyl surrogate, it does not appear statistically significant. Further, Spectrum Analytical does report Aroclor 1268 concentration as part of their 8082A analytical results (and all 8 of the soil samples CMG submitted had detections of Aroclor 1260 only).

The contractors for Twenty Wayland certainly reworked soils to a major degree in the redevelopment part of the Property. However, it does not appear that the area I sampled near the 'daycare building' has been disturbed since 2000, and it appears that most of the former Raytheon Buildings 12 & 20 foundation remains. Still, contractors for Congress Group Ventures must have done some grading circa 2000, at least for landscaping purposes.

As always, thanks for sharing your wealth of TSCA knowledge (and your courteous manner in pointing out my omissions).  
Ben Gould  
CMG Environmental, Inc.

---

**From:** Ben Gould [mailto:BGould@CMGenv.com]  
**Sent:** Thursday, August 27, 2015 2:47 PM  
**To:** NBalmer@Wayland.MA.US; BKeefe@Wayland.MA.US  
**Cc:** Bill@SterlingArchitects.com; Mark.H.Foreman@Gmail.com  
**Subject:** Forwarding comments from Andy Irwin on the Municipal Parcel soil sampling

Nan, et al:

Wanted to share the following email from Andy Irwin, whom I am sure you are all well aware of. He is more knowledgeable in TSCA matters than I and offered his comments on the soil sampling and PCB testing that CMG recently conducted. (TSCA = the federal Toxic Substance Control Act administered by EPA, the primary federal statute that addresses PCBs.) I can assure you that CMG did request the appropriate TSCA analytical methodology (extraction via

Soxhlet and testing by EPA Method 8082) but was not attempting to follow the 'Subpart O' TSCA sampling protocol (which requires comprehensive grid sampling on 10' centers). Raytheon did conduct TSCA remediation of PCBs in the 'Western Area' (wellands portion) of the larger Property, but to my knowledge their assessment and remediation was satisfactory to EPA at the time (2003/2004) and thus the Municipal Parcel would not be directly subject to TSCA regulations. Nonetheless, Mr. Irwin makes a valid point that reworking the site during redevelopment would likely dilute PCB concentrations in shallow soil as well as spread them across a much larger area of the Property.

Also FYI, CMG prepared the 'Commentary on Vertex RAM Completion' referenced in the forwarded message header in my other capacity as LSP for the town keeping tabs on the former Raytheon site. I solicited review by Andy Irwin and Linda Segal on that topic since they have both been integral to the associated Public Involvement Program for many years. (I also cut out the intermediary email chain as extraneous to this message.)

Ben Gould  
CMG Environmental, Inc.

---

**From:** Andy Irwin [<mailto:AIrwin@irwinengineers.com>]  
**Sent:** Thursday, August 27, 2015 1:59 PM  
**To:** Linda Segal; [BGould@CMGenv.com](mailto:BGould@CMGenv.com)  
**Cc:** [JJunghanns@wayland.ma.us](mailto:JJunghanns@wayland.ma.us); Monahan, Brian  
**Subject:** RE: Commentary on Vertex RAM Completion

Ben,

I looked at the letter you prepared August 17, 2015 and I have an important point to make that you missed commenting upon the implications of TSCA when you limited your discussion to reporting under the MCP.

Unless someone can establish clearly that the materials with greater than 1 mg/kg PCBs ( and TSCA works on the aggregate of PCBs present – not distinguishing between Arochlors or even that the PCBs appear as any particular Arochlor mixture ) were placed prior to 1978 the concentration requires notification to EPA and implementation of the spill cleanup policy under TSCA regulations (40 CFR Part 761).

The other factor is the appropriateness of the sampling by H&A and CMG in evaluating the presence/absence of PCBs around that point to demonstrate the absence of higher concentrations. There you should be referring to 40 CFR 761 Subpart O where the collection of samples on a grid of specified frequency is required with analysis of samples using required extraction and test methods. Did you check that H&A/CMG used the required extraction method along with quantification analysis? Did you check the surrogate recoveries on the PCB analysis? For example, there is a problem that appears with higher than expected decachloro-biphenyl recovery values. Decachloro-biphenyl is used as a "surrogate spike" but it itself is a PCB congener and part of Arochlor 1268, one that is not reported by EPA Method 8082.

I would also note that the collection of samples from only the top 4 inches depth of soil at a site that has been worked for construction of the existing building may entirely miss the materials sampled by H&A and would, in my opinion, be insufficient to rule out the presence of PCBs at the site.

J. Andrew Irwin, PE, LSP  
President



33 West Central Street  
Natick, MA 01760

Phone (508) 653-8007 ext. 12  
Fax (508) 653-8194

<http://www.irwinengineers.com/>

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**From:** Ben Gould [<mailto:BGould@CMGenv.com>]  
**Sent:** Tuesday, August 25, 2015 1:53 PM  
**To:** Andy Irwin; Linda Segal  
**Subject:** Commentary on Vertex RAM Completion

Hello Andy, Linda:

It has been quite a while since I prepared a formal 'Public Commentary' letter for the former Raytheon site (the last one was in September 2011 for the Vertex RAM Plan; before that was December 2008 for ERM's draft Phase IV Completion Report). Would either (or both) of you be able to review the attached 2½-page commentary letter? Would prefer to have another knowledgeable set of eyes take a look at what I wrote before it goes to Vertex and beyond.

Thanks for your help,  
Benson R. Gould, LSP, LEP  
Principal  
CMG Environmental, Inc.  
67 Hall Road  
Sturbridge, MA 01566  
Phone 774-241-0901  
Fax 774-241-0906  
Cell 508-320-0421  
Reply to: [BGould@CMGenv.com](mailto:BGould@CMGenv.com)

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This transmittal may be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately and delete this message and all its attachments.

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## DiNapoli, MaryAnn

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**From:** Balmer, Nan  
**Sent:** Wednesday, October 28, 2015 10:14 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: for BoS Correspondence  
**Attachments:** CongressionalLettertoEPA23Oct2015crumbrubber.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Correspondence

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**From:** Linda Segal [mailto:lmsegal@comcast.net]  
**Sent:** Wednesday, October 28, 2015 9:56 AM  
**To:** Karlson, Cherry; Antes, Mary; Boschetto, Anthony V.; Nolan, Joseph F.; Anderson, Lea  
**Cc:** Balmer, Nan; Senchyshyn, John; Doucette, Elizabeth; DiNapoli, MaryAnn; Linda L. Segal  
**Subject:** for BoS Correspondence

<http://www.forbes.com/sites/mikeozanian/2015/10/26/epa-ignores-congress-and-nbc-queries-about-cancer-and-artificial-turf/>

Good morning, Wayland Board of Selectmen.

FYI: attached is Congress' Oct. 23, 2015 letter to the EPA, in case you have not seen it yet.

Regards,  
Linda

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**

**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

October 23, 2015

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to you today out of concern about the safety of recycled rubber tire crumbs used in synthetic turf fields in the United States. On October 8, 2014 NBC News ran a story entitled "How Safe is the Artificial Turf Field Your Child Plays On?", and on October 1, 2015 NBC News ran another story entitled, "Mom of Goalie Who Died of Cancer Wants Answers on Artificial Turf." These stories and others raise questions among athletes and parents that crumb rubber on artificial turf athletic fields may present a pathway to exposure to one or more carcinogens.

Accordingly, we respectfully request responses to the following questions:

1. In 2009, EPA issued a study entitled "A Scoping-Level Field Monitoring Study of Synthetic Turf Fields and Playgrounds." The study did not find contaminants being released from the turf above levels of concern but noted that additional study was needed to fully characterize the risks. Has EPA conducted the additional testing needed to fully assess the hazards and exposures associated with crumb rubber on artificial turf athletic fields?
2. Other federal agencies, such as the Consumer Product Safety Commission and the Centers for Disease Control and Prevention, have also done work to evaluate the potential risks that exist from synthetic turf and recycled rubber tire crumbs. What interactions has EPA had with other federal agencies on this matter? Do those studies provide EPA with additional relevant information to assess the hazards and exposures associated with crumb rubber on artificial turf athletic fields?

3. Are you aware of other scientific studies on the hazards and/or exposures associated with crumb rubber on artificial turf athletic fields? Do you have access to such studies? Do such studies provide EPA with sufficient information to adequately assess the hazards and exposures associated with crumb rubber on artificial turf athletic fields?
4. To the best of your knowledge, do chemical substances, or a chemical substance, in crumb rubber present a hazard to human health? If so, has the Agency determined whether exposure to such a chemical from crumb rubber presents an unreasonable risk to human health? If so, please explain in detail and describe what other uses are made of crumb rubber that could lead to human exposure.
5. Are you aware of any studies about carcinogens present in field sports generally? Do data indicate that risk is greater for female athletes than for male athletes, for soccer players than for lacrosse, field hockey, or football players, and for one position in soccer more than for others?
6. What does the Agency know about the incidence (percentage of population by sex and age level) of cancers in the general population? To the best of your knowledge, is the incidence for persons who play on fields treated with crumb rubber higher than in the general population?
7. If data indicate a higher incidence of cancer for female athletes, particularly soccer goalies, are you aware of any studies on other potential sources of exposure to carcinogens, for example, chemicals used in equipment distinct to goalies such as gloves, jerseys, or in the goal itself such as paint, piping, or synthetic goal netting? Do any such studies meet EPA's guidance criteria for assessing risk?
8. If there is a distinct correlation linking soccer-play to cancer, are there data indicating a minimum threshold for risk? For example, does the cancer appear in persons who have played at any age or any degree of frequency, or is concern focused on a particular age cohort, or only after a certain level of exposure?
9. Has EPA identified a specific pathway of exposure to hazardous materials in crumb rubber, e.g., inhalation, ingestion, or skin absorption?
10. Are you aware of any industry standards that set limits for exposure to crumb rubber based on potential health hazards? What analysis supports those standards?

Thank you for your attention to this matter. We respectfully request your response to this letter no later than Friday, November 6.

Sincerely,



Fred Upton  
Chairman



Frank Pallone, Jr.  
Ranking Member



John Shimkus  
Chairman  
Subcommittee on Environment  
and the Economy



Paul Tonko  
Ranking Member  
Subcommittee on Environment  
and the Economy

**EFFICIENCY**  
TO GO THE DISTANCE



Mike Ozanian Forbes Staff

*Traffic cop at the intersection of money and sports*

SPORTSMONEY 10/26/2015 @ 2:33PM 3,032 views

## Congress Sends Letter After EPA Ignores NBC Queries About Cancer And Artificial Turf

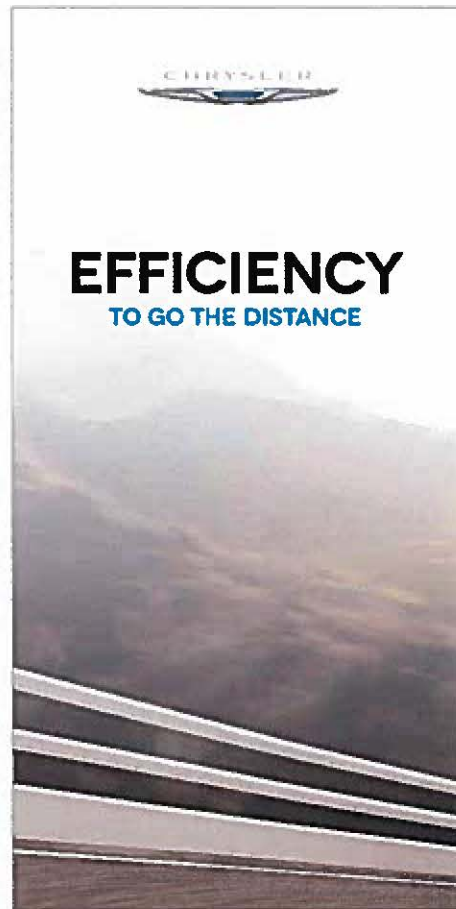


*Jaco Peyper, the referee replaces the loose turf on the pitch during the International match between France and England at Stade de France on August 22, 2015 in Paris, France. (Photo by David Rogers/Getty Images)*

NBC has been all over the possible link between artificial turf and cancer. The network first dove into the subject over a year ago with the lead question: [How safe is the artificial turf your child plays on?](#)

Last Friday, in response to a NBC News investigation, the House [Energy](#) and Commerce Committee [sent a letter](#) to the EPA Administrator looking for more information about the safety of crumb rubber fields.

During NBC News' investigation—despite repeated requests for interviews—the EPA has remained largely silent. Earlier this fall, NBC News Correspondent Stephanie Gosk caught up with EPA Administrator Gina McCarthy in a Capitol Hill hallway. Administrator McCarthy





wouldn't answer a direct on-camera question about the safety of the surface found on playgrounds and athletic fields, she said, "I have nothing to say about that right now."

Meanwhile, at [Yale University](#), which is considering replacing the grass field at the Yale Bowl with synthetic turf, a group of ten doctors (some of whom are from the university) and other public health professionals who studied synthetic fields for ten years, say [synthetic fields are not safe](#).

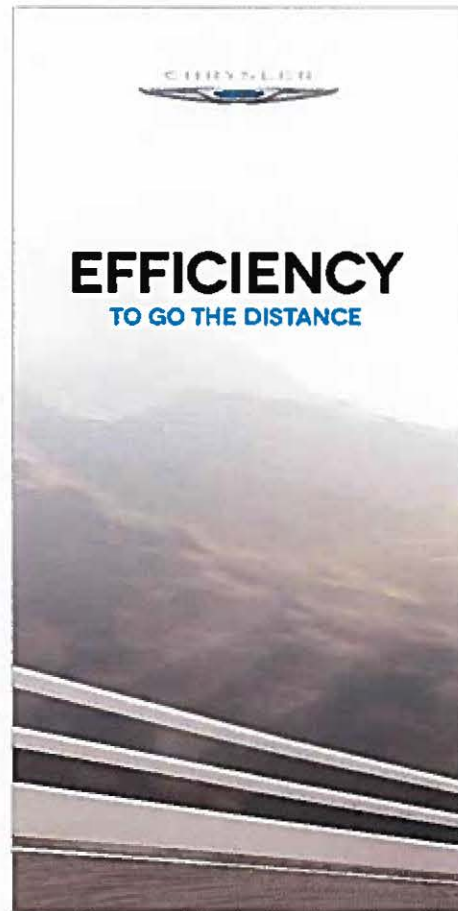
NBC keeps digging, but the [Feds Still Won't Say If Artificial Turf On Your Kid's Soccer Field is Safe](#). Why not? Congress has given the EPA until Nov. 6.

Good job by NBC for pressing the issue.

#### **RECOMMENDED BY FORBES**

[Top-Earning Dead Celebrities 2015](#)

[REI Shocks Retail World By Closing For Black Friday, Paying 12,000 Employees...](#)



## MEMO

**To:** Board of Selectmen  
**From:** Rachel G. Bratt, Chair, Wayland Housing Partnership  
**Re:** River's Edge RFP and affordable housing needs in Wayland  
**Date:** October 26, 2015

This is a follow-up to a conversation that I had with members of the River's Edge Advisory Committee, at their meeting on October 8.

My concern is that the River's Edge RFP is not consistent with the Town's statements about affordable housing. To create more consistency, the RFP would need to give additional points or credit to RFPs that would provide more than the minimum number of affordable housing units --25%-- and/or that would provide affordable housing opportunities to those earning less than 80% AMI.

The Town of Wayland, through various official documents, including the Master Plan Advisory Committee Report and the Housing Production Plan, has repeatedly stated that a key goal is to provide a diverse array of housing opportunities, for the full range of household incomes. This includes the most financially vulnerable residents.

The new Housing Production Plan, which Sarki is currently finalizing, includes the stipulation that any town-owned land should: To the greatest extent possible, strive for at least fifty percent (50%) of the units developed being affordable to households earning at or below 80% of AMI. An additional 10% of the units should be affordable to those at 120% AMI. Further, rental projects will also target some households earning at or below 60% of AMI.

Is it possible for an amendment to the RFP to be sent to all developers who have downloaded it, to specify a preference for more affordable units and more units affordable to households earning less than 80% AMI?

Specifically, the language in the RFP in "Range of Housing Opportunities," p. 33, talks about the rental units needing to count on the SHI. While it looks like, among the examples given, the largest project (with 190 units) would score higher than projects with 150 units, because it provides more affordable housing units, this is only because it is a larger development. One could envision giving higher rankings to projects that, overall, have more affordable housing units, given the most appropriate size of the development, or more deeply affordable units, or more 3-bedroom units, for example.

**Master Plan Advisory Committee, August 2010**

"The Master Plan housing goals focus on providing a variety of housing options to meet the needs of Wayland's different demographic groups... While the Town has taken some steps toward addressing its housing needs... these gains are modest compared to the overall trends toward more expensive, less diverse housing... The most pressing task is to address the housing needs of its seniors and low and moderate-income households."

**Statements in new Draft Housing Production Plan  
(currently being finalized by Sarki)**

p. 16: "Housing choice" is not a euphemism for low- and moderate-income housing, elderly or "over-55" housing, starter homes, rooming houses or manufactured housing developments. It means variety in housing types, a range of prices and access to ownership and rental opportunities, including special needs housing, so that people have meaningful choices about where they will live and will not be spending too much to do so. Wayland embraced the central principles of housing choice when the Town adopted its Master Plan in 2001, followed by the Comprehensive Housing Plan in 2005 that articulated the following major housing objectives:

Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families, etc.

p. 18 Wait lists and unit turnover rates for Wayland Housing Authority units suggest waits of at least two (2) years for Bent Park and three (3) to five (5) years for Cochituate Village and scattered family units."

**[NOTE FROM Rachel Bratt – households eligible for housing at either Cochituate Village or Bent Park typically have incomes below 50% AMI.]**

p. 19: Based on the information contained in Section 3, housing for young professionals, for ages 55 plus (empty nesters) and 85% (senior citizens) will be in demand. This translates into small housing units suitable for smaller household size as the greatest housing need in Wayland. Such housing must include rental housing targeted to the most financially vulnerable residents in the community.

p. 30: Poverty rates in Wayland tend to be lower than the surrounding communities, but the percentage of families living at or below the poverty line in the Town more than doubled from 2000 to 2010 to 1.7%. The majority of these households are single parent households and headed by a female with a child.

p. 69: The production goals are based largely on the following criteria:  
To the greatest extent possible, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income – the **affordable units** – and at least another 10% affordable to those earning up to 120% of area median income – **moderate-income "workforce" units** – depending on project feasibility. The rental projects will also target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements.

## DiNapoli, MaryAnn

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**From:** Balmer, Nan  
**Sent:** Tuesday, October 27, 2015 9:12 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: River's Edge RFP

correspondence

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**From:** Karlson, Cherry  
**Sent:** Tuesday, October 27, 2015 8:21 AM  
**To:** Balmer, Nan  
**Subject:** Fwd: River's Edge RFP

For correspondence

Sent from my iPad

Begin forwarded message:

**From:** "Bratt, Rachel G." <[Rachel.Bratt@tufts.edu](mailto:Rachel.Bratt@tufts.edu)>  
**Date:** October 27, 2015 at 8:01:05 AM EDT  
**To:** "Karlson, Cherry" <[ckarlson@wayland.ma.us](mailto:ckarlson@wayland.ma.us)>, "Antes, Mary" <[mantes@wayland.ma.us](mailto:mantes@wayland.ma.us)>, "Anderson, Lea" <[landerson@wayland.ma.us](mailto:landerson@wayland.ma.us)>, "Nolan, Joseph F." <[jnolan@wayland.ma.us](mailto:jnolan@wayland.ma.us)>  
**Subject:** River's Edge RFP

Dear Selectmen,

Thanks again for hearing my public comment last night concerning my request that the Town issue an addendum to the River's Edge RFP alerting developers to the language in the new Housing Production Plan concerning at least 50% of town-owned land being used for affordable housing. At the same time that such a notice is sent out, the Town could also provide a 1-month extension in the date that proposals are required — til after the first of the year. As Mary knows, I discussed this issue with her several weeks ago, in the hope that it could be placed on your agenda either last week or this week, but since the issue had been passed over, I chose to raise the issue directly through public comment. Asking developers to create only the minimum number of affordable units, and for those units to be targeted to those at the upper income range of those who are eligible for such housing, would result in a major lost opportunity for the Town to truly expand housing options for our residents and other citizens who would like to join our community.

Please let me know if you have any questions.

Thank you for your consideration.

Rachel Bratt

## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Wednesday, October 28, 2015 10:16 AM  
**To:** Tony Boschetto; Mary Ellen Castagno (mecastagno@aol.com); Anderson, Lea  
**Cc:** DiNapoli, MaryAnn  
**Subject:** FW: Tonight's Minuteman Meeting in Weston  
**Attachments:** Protocol 2015.10.28.docx

Minuteman Correspondence

**From:** Vince Amoroso [mailto:amorosovm@gmail.com]  
**Sent:** Wednesday, October 28, 2015 9:46 AM  
**To:** Gillespie, Doug  
**Cc:** Christopher E. Houston; Dan Matthews; Harrity, Michael; selectmen@doverma.org; Selectmens Mailbox; sshaw@boxborough-ma.gov; tgoddard@carlisle.mec.edu; Cleary, Susan; amorosova@gmail.com; AChapdelaine@town.arlington.ma.us; Carl Valente (cvalente@lexingtonma.gov); cwhelan@concordma.gov; higginst@lincolntown.org; KFitzpatrick@needhamma.gov; manager@acton-ma.gov; Balmer, Nan; Town Manager; townadministrator@stow-ma.gov; VanderClock, Donna; Leonard Simon; Mark.Paolillo@ryan.com  
**Subject:** Tonight's Minuteman Meeting in Weston

Doug,

I write to respond to the following comments in your email of 9/30/15:

*I DID NOT envision the subject of revising the regional agreement being on the agenda, but if Belmont insists, we can have some discussion. In my mind, revisions to the regional agreement failed, and the timeline for the construction project requires that we focus on getting all communities to a "Yes" vote before next June.*

I have serious doubts that it will be possible to "get to yes" before June unless and until we address the issues that led to the proposed 2014 amended agreement. I join Belmont in its concerns, and I believe you will find that others do as well.

I believe that a major factor in the failure of the original proposal to amend was that it required an unacceptable leap of faith on the part of both the towns that wished to withdraw and those that did not. All were asked to approve the amendments without knowing how the district would be composed going forward.

I reject the idea that it is too late to do anything about this. Attached is a protocol that will allow us to amend the agreement, approve bonding, and allow those towns that wish to withdraw to do so at the single round of town meetings next spring. It will simultaneously provide the relief envisioned in the original proposal while also providing certainty as to the district's future makeup. I have conferred with our town counsel who advised me that this procedure would be lawful.

I intend to propose this solution at tonight's meeting, and so have copied all those to whom you sent your invitation.

Sincerely,

Vince

**Vincent M. Amoroso, Esq.**  
**351 Liberty Square Road**  
**Boxborough, MA 01719**  
**h-978-263-7522**  
**w-617-877-8076**

## Protocol for Adopting Amended Agreement, Bonding, and Withdrawing

1) Each Town that will have an article in its 2016 ATM Warrant asking if voters wish to withdraw from Minuteman Regional School District (**MM**) shall declare its intention to **MM's School Committee (SC)** by **(TBD)** and request that it be named in the **Initial Procedure for Withdrawal** Section of the 2016 Proposed Amended Agreement (**PA16**) as discussed below.

2) By **(TBD) SC** shall draft **PA16** and circulate it to each of the member towns for inclusion in the Warrants for their respective ATM's for 2016. **PA16** shall include all provisions of the Proposed Amended Agreement dated March 11, 2014 (**PA14**), plus a new section entitled "**Initial Procedure for Withdrawal**" which shall include the following provisions:

- a) A provision naming each declaring member town ("**Declarant**") that has given notice pursuant to paragraph 1 above;
- b) A provision: (i) setting the date on which the **Initial Procedure for Withdrawal** shall expire and by which the Town Clerk of any **Declarant** may certify to **MM** that, at Town Meeting, the voters of that Town voted by a simple majority to withdraw from **MM**; and (ii) stipulating that any certification received after the **Initial Procedure for Withdrawal** expires shall be treated as a notice of desire to withdraw under the procedure set forth in **PA14, Section IX**;
- c) A provision stipulating that a vote by any member town to adopt **PA16** constitutes approval by that member town of the withdrawal of any **Declarant** that has complied with the provisions of the **Initial Procedure for Withdrawal**;
- d) A provision stipulating that approval of **PA16** by the Commissioner of Education shall constitute approval by the Commissioner, in accordance with 603 CMR 41.03(2), of the withdrawal of any **Declarant** that has complied with the provisions of the **Initial Procedure for Withdrawal**;
- e) A provision stipulating that withdrawal of a **Declarant** shall become effective on July 1 of the year following approval by the Commissioner of **PA16**;
- f) A provision stipulating that a **Declarant** withdrawing pursuant to the provisions of the **Initial Procedure for Withdrawal** shall be subject to the *Continuing Obligations After Withdrawal* set forth in **PA14, Section IX (B)**, but only with respect to obligations incurred by the **Declarant** prior to its vote to approve **PA16**.

3) Each member town shall include in its 2016 ATM Warrant an article asking if voters approve:

- a) **PA16**, and
- b) A **Bonding Article** for borrowing to construct a new school building.

4) Each **Declarant** shall include in its 2016 ATM Warrant an article asking if voters approve:

- a) **PA16**,
- b) **Declaring** its desire to withdraw pursuant to the **Initial Procedure for Withdrawal**, and
- c) A **Bonding Article** for borrowing to construct a new school building.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
[www.wayland.ma.us](http://www.wayland.ma.us)

## BOARD OF SELECTMEN

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

## PRESS RELEASE

For Immediate Release

October 29, 2015

Nan Balmer, Wayland Town Administrator, and Lisa Vernegaard, Executive Director of Sudbury Valley Trustees (SVT), are pleased to announce that they have received a letter from the owners of Mainstone Farm expressing interest in working with the Town and with SVT to preserve the fields and woods that are Mainstone Farm on Old Connecticut Path and Rice Road. The Hamlen family anticipates selling the development rights of about 210 acres of land in the form of a Conservation Restriction to the Town and SVT. This means that the land would be permanently preserved from development while the family would retain ownership and stewardship responsibilities if this exciting opportunity can be brought to fruition.

The Hamlens realize that this will depend upon successful votes at Town Meeting for much of the funding, and an aggressive fundraising effort on the part of SVT. This collaboration is a wonderful opportunity for the Town of Wayland and SVT to work together with two generations of Mainstone Farm owners to preserve this unique landscape.

Visits to the property will be planned in November for interested residents.

### Contact:

Town of Wayland: Town Administrator Nan Balmer, (508) 358-3620  
Sudbury Valley Trustees: Christa Collins, (978) 443-5588 x115

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**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

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

A public hearing will be held on November 17, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following application at the time indicated:

7:00 p.m. Application of JOSEPH and JESSICA POLIZZOTTI for any necessary approvals, special permits, and/or variances as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (demolish left portion of house and reconstruct with two-story addition ) within required front and side yard setback under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 702.1,703.2 and 801 – Table of Dimensional Requirements (front and side yard). The property is located at 16 INDIAN ROAD which is in a SINGLE RESIDENCE DISTRICT and within the overlay of the AQUIFER PROTECTION DISTRICT, Article 16 of the Town of Wayland Zoning By-Law. (15-26)

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

**BOARD OF APPEALS**

Eric Goldberg  
Aida Gennis  
Thomas White  
Michael Connors

**RECEIVED**

**OCT 29 2015**

Board of Selectmen  
Town of Wayland

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**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

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

**October 29, 2015**

**POSTED**

**There will be a Site Visit by the Zoning Board of Appeals**

**on NOVEMBER 3, 2015**

**for**

**JOHN DARACK  
55 LAKESHORE DRIVE**

**(15-24)**

**at 8:00 A.M**

**on the site located at**

**55 LAKESHORE DRIVE**

**WAYLAND, MA**

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TOWN CLERK  
2015 OCT 29 AM 10: 25

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**OCT 29 2015**

Board of Selectmen  
Town of Wayland

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**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

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

**October 29, 2015**

**POSTED**

**There will be a Site Visit by the Zoning Board of Appeals**

**on NOVEMBER 12, 2015**

**for**

**SHEKHAR IYER  
SUCHITRA VASANTHAKUMAR  
140 CONCORD ROAD**

**(15-23)**

**at 8:00 A.M**

**on the site located at**

**140 CONCORD ROAD**

**WAYLAND, MA**

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TOWN OF WAYLAND  
TOWN CLERK  
2015 OCT 29 AM 10: 26

**RECEIVED**

**OCT 29 2015**

Board of Selectmen  
Town of Wayland

9



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

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

**OCTOBER 29, 2015**

**POSTED**

**There will be a Zoning Board of Appeals**

**continued hearing on**

**NOVEMBER 24, 2015**

**at**

**7:00 p.m.**

**for the applicant**

**JOHN DARACK  
(15-24)**

**55 LAKESHORE DRIVE**

**to be held in the Town Building**

RECEIVED  
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TOWN CLERK  
2015 OCT 29 AM 9:42

**RECEIVED**

**OCT 29 2015**

Board of Selectmen  
Town of Wayland

(10)



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BOARD OF APPEALS**

*Selectmen*

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

**OCTOBER 29, 2015**

**POSTED**

**There will be a Zoning Board of Appeals**

**continued hearing on**

**NOVEMBER 24, 2015**

**at**

**7:15 p.m.**

**for the applicant**

**SHEKHAR IYER  
SUCHITRA VASANTHAKUMAR  
(15-23)**

**140 CONCORD ROAD**

**to be held in the Town Building**

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TOWN OF WAYLAND  
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2015 OCT 29 AM 9:42

**RECEIVED**

**OCT 29 2015**

Board of Selectmen  
Town of Wayland

Minutes

Council on Aging/Community Center Advisory Committee

Town of Wayland

December 02, 2014

Present: Ken Isaccson, Andrew Reck, Frank Krasin, Bill Sterling, Steve Correia, Jean Milburn, Carol Martin, Julie Secord and Ben Keefe ex officio

Public present: None

7:02: the meeting was called to order by the co-chair Bill Sterling. There was no public comment and it was noted by Bill that the meeting was being recorded.

Bill noted that the first item on the agenda was to review the charge from the Board of Selectmen (BoS) to our committee. He noted that there were six categories or items that the BoS wanted us to consider.

1) Draft a Warrant article based on our findings and at the direction of the BoS.

2) Program the CoA/CCAC requirements. Frank noted that a requirement should also be to review income potential. Bill noted that it is one of the requirements we might not have time to review in such a short timeframe. The requirements should be sufficient enough so that we can vote to show there is a need.

3) Define project goals

4) Evaluate costs. Bill noted he did a high level conservative cost estimate that we could review later in the report. It was roughly \$3.5 million to renovate the present building.

5) Report on any income potential

6) Look at any options for add-ons or expansion of the building. Bill noted that this is typically done on any project. Steve mentioned that this is where we should consider all the input from groups like Recreation. Consider all the needs and wants but also look at the issues associated with them. A good example would be the environmental issues associated with the project.

Carol clarified that our real mission is to evaluate the existing building and everyone agreed. However, we also needed to consider all the wants we heard from the public and can they be included in the existing building. There was discussion on the depth of our data collected and it was felt to be enough for our purpose to establish a need. Both Ken and Frank talked about the needs within various organizations. There was discussion on other spaces around town. It was mentioned that we should be evaluating these needs compared to all available space. Steve mentioned that he felt that we weren't to do the work of Recreation and CoA but to use the studies they have already completed.

Bill moved us onto the review of the draft CoA/CCAC (12/02) report to the BoS. Andrew noted that we have to be consistent with the title in our communication. He also suggested we should include some place in the report that this project would make improvements to the overall experience within the Town Center. Bill mentioned that it is discussed in the economic development section of the report. We all agreed that the term should be a central gathering

location. Andrew suggested and we agreed to include an addendum of all the points of interest expressed to us from the public

Carol then started discussion on how we should present the space requirements based on our needs assessment. We all agreed it should be a range based on the various options available.

Andrew leaves meeting at 7:35

There was lots of discussion on what range should be presented. Should it be just the CoA or should it include all the other activities we have heard from community? We agreed it should be more than just CoA space needs.

Jean mentioned that we need to consider demographic changes and present that in the report. We need to make sure folks don't think we are proposing a huge bloated project. Maybe it should take place in phases in order to consider every ones needs. We agreed that it seemed appropriate to state a range between 18,000-20,000 sq ft as needed based on State guidelines'.

We clarified the criteria we used in our report that came from the Long Range Planning Working group was a good guideline. Each section or criteria is then broken down into CoA, recreation and other. We all agreed it was appropriate in what we were trying to communicate. We then went through the draft in detail.

Some of the general details that we added were around CoA and Recreation needs and requirements. We discussed benchmarks from other towns, private recreational vendor use, gymnasium usage, energy projects and renovations on the capital plan.

Andrew rejoins meeting at 8:28

Ben Keefe joins meeting at 8:34

We continued our discussion around meeting rooms and central gathering spaces including green areas. Environmental and ConCom impact was noted areas that needed further study. We discussed setbacks, river frontage issues, parking surfaces and drainage impact.

We discussed other committee and specifically the Historical Commissions role in looking for artifacts. Frank also confirmed that the Recreation Commission did discuss their needs and would be interested in this site.

The financials were then addressed. Carol gave an update on debt and our capital assets. She explained the Moody standards and keeping our long-term debt below 10%. We agreed that further information was needed on the debt impact. We discussed the cost benefits of moving CoA out of the building as it related to the facilities review report and the energy audits. We then discussed the immediate financial needs for the article. We agreed that we would need between \$250,000 to \$300,000 to do design and testing of the site.

Finally, we discussed meeting with the Historical Commission to walk the site and give them an update of the project. We tentatively agreed to schedule the walk on 12/12.

We agreed to meet again on Wednesday 12/10 at 7 p.m. and to meet with the BoS on Monday 12/15 to present our final report.

Carol made the Motion to Adjourn. Bill seconded the motion. The vote was 7-0 in favor at 10:10 p.m.



# Town of Wayland Massachusetts

RECEIVED

OCT 26 2015

Board of Selectmen  
Town of Wayland

Members:	Steve Correia	Jean Milburn
	Ken Isaacson	Andrew Reck
	Frank Krasin, Co chair	Julie Secord, ex officio
	Carol Martin	William Sterling, Co chair

## Community Center Advisory Committee ("CCAC") Meeting Minutes for Meeting of December 29, 2014

In attendance: Steve Correia, Ken Isaacson, Carol Martin, Jean Milburn, Andrew Reck, Julie Secord and William Sterling

Absent: Frank Krasin, Ben Keefe

The meeting was called to order at 7:00 PM, as a quorum was present in the Selectmen's Meeting Room of the Wayland Town Building. The meeting was being recorded and possibly broadcast live.

1.a Public Comment: None.

b. Members' Response: N/A

### c. Meeting Notes

Meeting dated 12.10.14- There was a motion by Steve Correia to approve the meeting notes as further amended at this meeting, seconded by Ken Isaacson. Six voted in favor.

Meeting dated 12.15.14- Bill Sterling moved to approve as amended at this meeting. Andrew Reck seconded the motion. Five voted in favor, one abstention.

d. Charge of the committee, as extended by the BOS. We are charged to amend the financial request to \$150,000 for a study alone. We are also charged to assist the BOS by preparing a draft warrant article following the model of the River's Edge warrant from last year. Both should be ready for the BOS meeting dated 1/12/15.

e. Review of the Draft Capital Improvement Report- Bill Sterling presented an updated site plan concept, including a revised floor plan as an example of how the municipal pad may be developed as a community center. The revised plan eliminates using the west driveway off route 20 and related parking and the service yard to the west of the existing building. By making this change, the area of proposed alteration within the 200' setback is now reduced to 12,126 SF where the maximum allowed by state guidelines is about 28,000 SF.

The committee reviewed the amended text of the report and agreed that it should be submitted to the BOS and posted on line as soon as the amended attachments are ready.

f. Historical Commission Interest- The committee reviewed the letter from the Historical Commission supporting the proposed community center and stating that they have no objection to the location of the proposed community boat house as shown on the current site plan. The letter also mentions that Sherre Greenbaum and Betty Salzberg joined our walk of the site with them. Bill Sterling added that Sherre and Betty stated at the walk through that they had no objection to the proposed siting of the building. In fact Sherre offered that it would be a lovely place to gather for bird watching and for conducting school outings to study the environment. Betty, who was in attendance at this meeting at the request of Sherre, confirmed they did not object to the boat house siting as long as it was not within 100' of the river.



g. ConCom update- The committee was pleased to have the list of concerns issued by the ConCom. They requested the list be put on ConCom letterhead and dated for formal inclusion in the report.

h. Draft Warrant Article- Carol Martin explained that the FinCom will actually write the final text of the warrant article, but that our submission will help if we follow their outline. Jean Milburn and Steve Correia both offered to help draft the article in the next few days to have it ready for review at the next CCAC meeting.

i. Other topics not reasonably anticipated- Voter's Network article dated 12.28.14 contained many editorial implications that need to be addressed. Steve Correia suggested that such an article actually helps us to prepare for the kinds of questions we need to address before town meeting. Our mission is to answer all public concerns in the drafting of the warrant article.

j. January 5, 2015 7PM is the next meeting date and time.

#### VI. Adjournment

At 8:18 PM, Ken Isaacson moved to adjourn. Steve Correia seconded the motion. The vote in favor was 6 – 0.

Respectfully Submitted,

William A. Sterling



# Town of Wayland Massachusetts

Members:     Steve Correia                     Jean Milburn  
                   Ken Isaacson                             Andrew Reck  
                   Frank Krasin, Co chair                 Julie Secord, ex officio  
                   Carol Martin                                 William Sterling, Co chair

Handouts:

Agenda of tonight's meeting  
Updated Capital Improvement Report  
Schematic layout of Community Center site plan revised by Sterling Associates  
Letter of environmental concerns from ConCom  
Letter of support from Historical Commission dated 12.15.14  
Draft Warrant article from Cherry Karlson dated 12.8.14  
Meeting Notes: Wayland COA/CCAC- dated 12.10.14 & 12.15.14.  
Wayland Voters Network article dated 12.28.14



# Town of Wayland Massachusetts

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

Council on Aging /Community Center Advisory Committee ("CoA/CCAC")  
Minutes: July 12, 2015 6:30 PM

In attendance: Frank Krasin, Jean Milburn, Mark Foreman, Marylynn Gentry and William Sterling  
Absent: Steve Correia. Also in attendance were Chair of the Board of Selectman Cherry Karlson, Selectman, Lea Anderson, Town Administrator, Nan Balmer, Public Buildings Director, Ben Keefe and CoA Director, Julie Secord, Director of the Recreation Department, Jessica Brodie and member of the Finance Committee, Gordon Cliff, Members of the Historical Commission, Tonya Lary and Sheila Carel, Chair of Wayland Historical Society, Molly Faulkner and resident Alynda Foreman.

The meeting was called to order, as a quorum was present at 6:30 PM at 400 Boston Post Road, the Wayland Town Center.

I. A Review of the limits of the property under consideration to be acquired was done.

II. Walk the inside of the abandoned building was done.

III. Answer any questions about the site and building.

- a. The committee discussed the 4.16 acre limits of the proposed site plan prepared by William Sterling, entitled "Wayland Community Center Concept Plan." A second site plan by William Sterling entitled "Wayland Community Center, Option b" showing marked up areas of prior disturbance of the land in addition to the current building footprint was reviewed.
- b. The potential areas available for outdoor recreation were discussed, including the connection to the River Trail to existing community gardens to the north and a proposed community boat house to the west. The nearby Rail Trail adjacent to the town center was also pointed out.
- c. Due to its inaccessibility, the limits of the proposed property to be acquired will be walked with members of the Historical Commission after Alf Berry returns from vacation and the property lines marked for clear identification. They will examine the property to evaluate whether there is a need for an archeological study of any of the 4.16 acre parcel. The town surveyor can prepare a plan of the site with overlays of all areas of previous site disturbance, including former buildings, former leaching fields, areas of significant re-grading and former paved areas.
- d. Bill Sterling showed the inside of the building and explained a proposed layout of the existing building that would adapt the use from day care to a CoA wing of the proposed Community Center. He also showed how it would connect to an added wing for the Recreation Department.

- e. The members of the Historical Commission discussed various ways the inside and the outside of the building could serve the needs of the Historical Commission by means of educational self guided displays and interactive stations as well as rooms for workshops and demonstrations and storage space for teaching materials. They were particularly interested in using the central meeting hall for a public gathering space as well as a display space for historical articles.
- f. The members of the Recreation Department discussed the potential for multi-purpose activity rooms in both the renovated existing building and the proposed addition. The capacity of such rooms needs to be further explored and compared with program needs.

IV. Date and time of next meeting was set to follow immediately at the town building at 7:30 PM.

V. Adjournment

At 7:15 PM, Ms. Milburn moved to adjourn. Mr. Sterling seconded the motion. The vote in favor was 5 – 0.

Handouts:

Site plan of “Wayland Community Center Concept Plan”  
Wayland Community Center Site Plan-Option b

Respectfully submitted  
William A. Sterling, Co-Chair



# Town of Wayland Massachusetts

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

Council on Aging /Community Center Advisory Committee ("CoA/CCAC")  
Minutes: July 12, 2015 7:30 PM

In attendance: Frank Krasin, Jean Milburn, Mark Foreman, Marylynn Gentry and William Sterling  
Absent: Steve Correia. Also in attendance were Ben Keefe and CoA Director, Julie Secord, Director of the Recreation Department, Jessica Brodie.

The meeting was called to order, as a quorum was present at 7:38 PM at the Selectmen's Office in the Wayland Town Building.

## I. Public Comment-no comments.

II. Review of meeting notes- Minutes from July 6 meeting were reviewed and amended to change any reference to "Park and Recreation" to "The Recreation Department." Mr. Krasin moved to approve as amended. Ms. Gentry seconded the motion. The minutes were approved with 3-0 with two abstentions.

## III. Review of Environmental Assessment RFP

- a. The title of the document was agreed to change from "RFP" to "Contract Guidelines."
- b. In RFP-General Conditions, item 1.c.1., third line, change "than" to "then."
- c. The second part of item 1.d. that starts, "Timeliness of response..." was changed to become a separate topic, item e. and the present item e changed to f.
- d. The third paragraph of History, in the second line, change "about 4.0 acres," to "4.16 acres."
- e. The fourth paragraph of History, insert at the end after, "taking ownership..." insert "and the timeline for this work reflects this schedule."
- f. The fifth paragraph, in the first line after, "Sudbury River," insert, "and possibly within a priority habitat of endangered species."
- g. In section IV, Scope of work, item 4, after "deemed," insert, "that."
- h. Ms. Gentry will make these changes for further review at the next meeting.

## IV. Possible Archeological Study

Ms. Milburn has offered to help the Wayland Historical Commission (WHC) draft a request to the CPC for funding of an archeological study if the WHC determines the site has any areas that may be threatened by further development. Members of the WHC intend to tour the property with Alf Berry when he gets back from vacation to determine what may be required. There is reason to get on this right away because such a study may take as much as a year to complete. The sooner it is

authorized, the better, ideally right after Town Meeting votes to acquire the property from the Town Center developer. The fees for such a study could be financed by the Community Preservation Committee (CPC). However, such funding needs to be voted at Town Meeting. The next Town Meeting (November) warrant articles are due at the end of August.

#### V. Review Other Community Center Initiatives

Ms. Milburn presented handouts of materials from Marlborough and Sudbury. In addition a report by the Town of Lincoln has been copied and is available to view at the offices of the Wayland Senior Center.

#### VI. Discuss Preprogramming of Recreation, WCoA and WHC

Ms. Milburn discussed some of the major efforts made to date to better understand the various program needs of the three groups listed above regardless of whether they go forward with the municipal pad site or some other location, including staying where they are right now. Mr. Keefe concurred that this preprogramming is useful regardless of the outcome of the due diligence results on the Town Center site.

Ms. Brodie spoke positively about the potential uses of the Town Center site, particularly the idea of multipurpose rooms for dance and fitness classes for example. She added that it would be good to locate a classroom adjacent to a kitchen so that cooking classes could be conducted there.

Ms. Milburn suggested the need for a financial model to show the potential sources and uses of funding of programs. At the present time there are three groups in town that offer similar programs and thus potentially compete for users, the Recreation Department, the Council on Aging and the library. The Recreation Department is required by the FinCom to charge full cost for all of its programs whereas the library offers similar programs for free. The CoA is somewhere between the two. This pricing inconsistency creates a bias in usership that favors the library and negatively impacts the success of the other programs.

#### V. Date and time of next meetings

Ms. Milburn will report to the CPC on July 22 the possibility of the Historical Commission requesting money for archeological study of the 4.16 acre municipal pad.

Mr. Keefe will report to the BoS on July 23 regarding the progress of the Phase I environmental impact report.

The CoA/CCAC will attend the Recreation Committee meeting and the Historical Commission meeting (if it is scheduled), then reconvene for its own meeting after that if necessary.

The CoA/CCAC will schedule its next regular meeting on July 30, 2015 at 7 PM.

The CoA/CCAC has tentatively been scheduled to attend a BoS meeting on August 24 to make a progress report.

#### VI. Adjournment

At 8:22 PM, Mr. Sterling moved to adjourn. Mr. Foreman seconded the motion. The vote in favor was 4– 0. One member had already left.



# Town of Wayland Massachusetts

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

Handouts:  
Agendas of tonight's two meetings  
Minutes of July 6, 2015 meeting  
CoA/CCAC RFP-DRAFT 7-5-15  
Sudbury Initiative, Town Hall Forum Presentation 03.29.15  
Marlborough Senior Center Schematic Design October 2013

Respectfully submitted  
William A. Sterling, Co-Chair



# Town of Wayland Massachusetts

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

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Council on Aging /Community Center Advisory Committee ("CoA/CCAC")  
Minutes: July 30, 2015 7:00 PM  
Selectmen's Meeting Room, Wayland Town Building

## ATTENDEES

- Bill Sterling, co-chair
- Jean Milburn, co-chair
- Steve Correia, voting committee member
- Mark Foreman, voting committee member
- Marylynn Gentry, voting committee member
- Frank Krasin, voting committee member
- Ben Keefe, non-voting committee member, Wayland Public Building Director

## MINUTES

The meeting was called to order at 7:03PM by Bill Sterling

### 1. Public Comment

None

### 2. Member's Response to Public Comment

None

### 3. Review meeting notes with motion to accept

#### a. 7/12/2015, 6:30PM site visit

- Correction of spelling of resident's name to "Alynda Foreman"
- No other changes to meeting minutes as presented
- Motion to accept with correction by Marylynn Gentry, 2<sup>nd</sup> by Bill Sterling
- Motion passed 5-0 with Steve Correia abstaining since he was not at the 7/12/2015 meeting

#### b. 7/12/2015, 7:30PM committee meeting





# Town of Wayland Massachusetts

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

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- No changes to meeting minutes as presented
- Motion to accept with correction by Marylynn Gentry, 2<sup>nd</sup> by Bill Sterling
- Motion passed 5-0 with Steve Correia abstaining since he was not at the 7/12/2015 meeting

#### **4. Review draft of proposals for site engineering, alternative site analysis, and building conditions reporting services**

- No changes to contracting guidelines as presented
- Motion to accept by Mark Foreman, 2<sup>nd</sup> by Marylynn Gentry
- Motion passed 6-0
- Further discussion regarding town-wide RFQ process:
  - 15 companies applied to the town; submittals not yet reviewed
  - Applicants include a few large generalists as well as specialty firms
  - Initial glance showed several have recreation and related qualifications for this project
  - Ben Keefe and rest of evaluation committee meeting 2015-08-05 to review RFQs
  - List of applicants to be posted on town website
  - Reminder that the CoA/CC can pick from any firm accepted in the qualified list

#### **5. Review the Phase I report by CMG and additional testing recommended**

##### **a. Phase 1 report review**

- Report received positive reviews by most committee members
- Frank Krasin noted that the report didn't clearly differentiate between the project site and the entire development, and that the acronyms needed clarification
- Mark Foreman thought that the conclusions were buried in Section 6, and that it wasn't entirely clear without an in-depth read
- Ben Keefe noted that the overall purpose of the report was to address whether the deed restriction on the site can be reduced or eliminated
- It was noted that the Figure numbers referenced in the text appeared to be off by a count of 1 (should be one higher in the text than currently presented)
- Committee decided to request the follow edits to the report:
  - Add a glossary of terms and abbreviations
  - Check/change figure numbers in the text to correspond to the presented figures
  - Add a summary conclusions paragraph to Section 3



# Town of Wayland Massachusetts

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

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- Motion to accept the report and request the three edits in parallel made by Bill Sterling, 2<sup>nd</sup> by Marylynn Gentry
- Motion passed 6-0

**b. Additional testing discussion**

- Ben Keefe noted that CMG had submitted a proposal for the collection and testing of four soil samples for \$2,000
- Ben Keefe also noted that CMG informed him that they could get within 1-2 feet of the original sampling sites by triangulating off of map data and current building positions. CMG does not have the original sampling plan that would allow them to get to the exact positions
- CMG also submitted a proposal to Ben Keefe for collecting and testing four soil samples in the open area to the right of the proposed building addition
- Frank Krasin noted that based on his experience, the price and proposal for this work is reasonable
- Marylynn Gentry made a motion to authorize CMG to perform testing of all eight soil samples (four at the original sampling sites and four to the right of the proposed building addition), 2<sup>nd</sup> by Steve Correia
- Motion passed 6-0

**6. Consider voting to approve CMG's invoice**

- Some discussion whether to approve invoice after revisions submitted, but it was decided that the substance of the report is fine and thus payment is due
- Motion to pay invoice by Mark Foreman, 2<sup>nd</sup> by Jean Milburn
- Motion passed 6-0

**7. Report on Recreation Department meeting**

- Jean Milburn reported that the Recreation Committee is interested in the Phase 1 report results
- Recreation Committee staff was also encouraged to put time into pre-planning, including a survey of school-aged families. This committee will mention to the Recreation Committee that a survey should include Wayland families throughout the community

**8. Report on River Stewardship Council meeting**



# Town of Wayland Massachusetts

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

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- Bill Sterling reported that he shared the current draft site plan with them, emphasizing the trails and boathouse. The council expressed positive interest in the concept, with some initial concern about parking – especially boat trailer parking
  - The River Stewardship committee also mentioned an interest in connecting the site and its proposed trails to the Bay Circuit Trail and the Rail Trail
  - The committee will invite the River Stewardship Council to a formal meeting to view the site and building
- 9. Topics not reasonably anticipated by the co-chairs 48 hours in advance of the meeting, if any**
- Ben Keefe mentioned that he would reach out to the Historical Commission on whether an archeological study will be required, and will report back to this committee on the outcome of that discussion
  - The Committee discussed that the sale of the Town Center may still happen in the fall, but that the committee has no new formal information on its sale and the effect (if any) on this project
  - Bill Sterling proposed that we draft an article for the Town Crier and other local publications on the status of the committee's work. Bill will draft an article for the committee's review
- 10. Establish date/time schedule for subsequent meetings**
- Committee decided on Tuesday, August 11<sup>th</sup>, 7PM for next meeting
- 11. Adjourn**
- At 8:15PM Bill Sterling motioned to adjourn, 2<sup>nd</sup> by Frank Krasin
  - Motion passed 6-0

Respectfully submitted,  
Mark H. Foreman, Committee Member



# Town of Wayland Massachusetts

## Finance Committee

Tom Abdella  
Carol Martin

Gordon Cliff  
Bill Steinberg

Nancy Funkhouser (Chair)  
David Watkins (Vice Chair)

Gil Wolin

### Meeting Minutes of September 21, 2015

Attendance: T. Abdella, G.Cliff, N. Funkhouser, C. Martin (remotely), B.Steinberg, D. Watkins, G. Wolin and Finance Director Brian Keveny.

#### I. Call to Order

The meeting was called to order at 7:00 PM in the Senior Center of the Wayland Town building. Notification was given that the meeting was being audio and video taped. C.Martin was participating remotely due to geographic distance.

#### II. Public Comment

- Mark Hays, Sylvan Way – presented opinion and handouts (Exhibits B & C) on Town wide IT Security Upgrades. Believes more than the three items currently requested for 2015 STM are needed and should be added to the warrant article. Extended discussion with D.Watkins on background issues and viability of implementation. Additional discussion and handout (Exhibit D) on upgrading the Towns' email software and estimated cost of \$21k. Additional discussion between B.Steinberg and D.Watkins re: who on the Town staff is involved with IT management.
- Anette Lewis, Claypit Hill Rd – commented on 2015 STM article concerning acquisition of the "Municipal Pad". Asked FinCom to be clear in the article write-up as many depend on the warrant for an understanding of the issues. Asked for clarification on: lease vs purchase; which parcels are included; and the exact signatory to the "Development Agreement" (Board of Selectmen, not Town Meeting).

#### III. Review of Final Drafts of Articles Discussed Previously

**Article "D" Amendment to Minuteman Regional Agreement.** Discussion deferred to a later meeting.

**Article "E" Acquire Municipal Parcel in Town Center.** Discussion lead by B.Steinberg. Questions on: Does option expire? A:No; Is there a loss of tax revenue? A: No – revenue neutral; Status of Raytheon deed restriction? A: There is a restriction on daycare and housing uses. There are ongoing discussions with Raytheon to lift the restrictions; Why lease vs. buy – could we end up with a building we don't want to use? A: Some discussion – will provide clarification in revised write-up. Further discussion on text edits and word usage, pro/con

arguments, potentially controversial text, and use of LSP name. There were public comments from Frank Krasin, Edgewood Rd, member of the Community Center Advisory Committee, who spoke on 1) not stating the exact land use proposed – this is to be the subject of a future warrant article, and 2) the actual motion is still being developed. Linda Segal, Aqueduct Rd – suggests replacing “clean” and “safe” with “suitable”. No vote taken.

**Article “H” Acceptance of Chapter 71 Section 71E.** C.Martin led discussion. No vote yet by School Committee. Discussion deferred to a later meeting.

**Article “I” Appropriate Funds for Library Planning and Design.** Discussion led by B/Steinberg on history and background of article. Presentation by Aida Gennis, Wayland Hills Rd, Chair of the Board of Library Trustees, and Ann Knight, Library Director, on history of the Library Planning Committee, interrelationships with the Massachusetts Board of Library Commissioners, and process to develop the estimate cost for the warrant article. There were questions and answers from FinCom. Further FinCom discussion on text edits and word usage, pro/con arguments. Moved, seconded, and voted 7-0-0: Abdella - Yes, Cliff - Yes, Funkhouser - Yes, Martin (remotely) - Yes, Steinberg - Yes, Watkins - Yes, Wolin – Yes.

**Article “K” Resolution Regarding Surface of Rail-Trail in Wayland.** T.Abdella led discussion on revised write-up with new information regarding adequacy of currently authorized funding to complete the proposed surface layer. Moved, seconded, and voted (Roll Call) approval 7-0-0.

**Article “M” Permanent Municipal Building Committee Involvement in Stone’s Bridge Restoration** G.Cliff led discussion. Handout (Exhibit E) provided. Conversations with petitioner, and members of the PMBC and Historical Commission provide a general agreement that the article is a generally good idea. There is some uncertainty about the wording, especially regarding item “b” concerning the quantum needed to approve invoices. Vote deferred to a later meeting.

**Article “N” Amend Chapter 36 of Current Bylaws (36-1).** G.Cliff led discussion. Awaiting Petitioner comments. Vote deferred to a later meeting.

**Article “L” Appropriate Funds to Update the Open Space and Recreation Plan.** T.Abdella stated the write-up had been revised as requested at the previous FinCom meeting.

N.Funkhouser stated that other articles voted on last week will be re-reviewed and voted again at the next meeting to allow additional public comment. Next week will be the final week for FinCom votes on the 2015 STM articles.

#### **IV. Liaison & Members’ Reports, Concerns, and Topics**

- a. G.Cliff – requested a discussion at a future meeting on warrant article write-up process and format.

## **V. Chair's Update**

- a. Review of Draft Meeting Minutes from August 31, 2015 – comments provided to B.Steinberg by G.Cliff and C.Martin. Moved and seconded to accept the Aug 31 minutes as amended, voted 5-0-1: Abdella - Abstained, Cliff - Yes, Funkhouser - Yes, Martin (remotely) - Yes, Steinberg - Yes, Watkins - Absent, Wolin – Yes.
- b. Meeting Schedule – next meeting Sept 28; the Oct 5 meeting is cancelled.

## **VI. Adjourn**

The Committee moved, seconded and voted 7-0-0 to adjourn (9:30pm): Abdella - Yes, Cliff - Yes, Funkhouser - Yes, Martin (remotely) - Yes, Steinberg - Yes, Watkins - Yes, Wolin – Yes.

Respectfully submitted,  
/s/ Tom Abdella

### **Exhibits:**

- A. Agenda
- B. M.Hays Handout – Letter of September 21, 2015
- C. M. Hays Handout – Letter of April 8, 2015
- D. M. Hays Handout – “Exchange” SW Comparison
- E. G.Cliff Handout – Article “M”

**Wayland Free Public Library  
Board of Library Trustees  
Minutes of Meeting Monday, October 5, 2015  
Raytheon Room, Wayland Free Public Library**

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

**Call to Order:** 7:40 a.m.

**Visitors and Public Comment**

Former Trustee Nan Jahnke attended as note taker. There were no other visitors and no public comment.

**Minutes of Previous Meeting(s)**

The minutes of the meetings of September 9, September 16, and September 21, 2015 were approved unanimously (4-0)

**Financial and Statistical Reports**

Trustees rectified an error from the meeting of September 21, when they voted to accept donations to the Library in honor of Dee West. That vote was in error because the agenda did not include an item for financial reports. On a motion by Mrs. Lipcon, seconded by Mr. Thompson, Trustees again voted unanimously (4-0) to accept four gifts to the Millennium Fund totaling \$235 in honor of Eleanora "Dee" de Antonia West, a longtime friend of the Library, who passed away in June.

On a second motion by Mrs. Lipcon, also seconded by Mr. Thompson, the Trustees also voted unanimously (4-0) to accept \$775 in donations to the Janet Tucker Swain Memorial Fund in honor of Janet's mother, Rosamund (Ronnie) Swain, a longtime Trustee and friend of the Library who passed away in September.

Budget and circulation reports will not be available until the next, regularly scheduled, meeting.

**Warrant Article for Library Planning and Design Funds and Special Town Meeting**

Following a Communications Plan developed by Mrs. Heller and others, Trustees discussed ways to advocate for the Board's warrant article for a Library Planning and Design Study at the Special Town Meeting scheduled to begin November 9, 2015.

Trustees signed up to appear before various Town committees and boards in the next month to present the Library's case and answer questions. Among the boards to be approached are the Council on Aging, the Conservation Commission, the Historic District Commission, the Historical Commission, the Parks and Recreation Commission, the Planning Board, and the Board of Public Works. Mrs. Gennis and Mrs. Knight have already appeared before the Finance Committee and the Board of Selectmen.

Mrs. Gennis will prepare and deliver the proponents' presentation at Town Meeting, perhaps ceding some of her time to a representative from the Library Planning Committee. Trustees also settled on a "word cloud" for projection during that presentation. Mrs. Lipcon will see about having it done in the best format for the large venue.

### **Other Advocacy and Public Information Efforts for the Warrant Article**

Mrs. Gennis reported that Town Counsel Mark Lanza has confirmed that Trustees may also advocate for the warrant article through such measures as displaying a banner on the Library, distributing lawn signs, and staffing information tables at public events such as the Farmers' Market and an upcoming "Pop-Up Park" event at Town Center. Those efforts were also assigned. Mrs. Lipcon asked that the Board get Mr. Lanza's opinion in writing, and Mrs. Gennis said she will see to it.

Trustees reviewed recent drafts of their "Talking Points" in support of the article (long form and short form) and discussed ways to edit them into a list of Frequently Asked Questions (FAQs) for distribution at Town Meeting, at the Library and in its publications, in the press, and through other outlets. Members of the Library Planning Committee will also help with this effort. Trustees agreed that the key message is that the recent availability of state library construction funds presents an opportunity to address longstanding challenges at the Library in a financially prudent way; planning and design work now would make the Town eligible for such a grant.

Trustees confirmed the dates for two Library Open Houses: Saturday, October 24, from 1-3 p.m., and Thursday, November 5, from 7-9 p.m. The Open Houses will each begin with a short presentation of the warrant article and FAQs; Trustees will then lead tours through the Library building to show residents some of the current Library's highlights and challenges and to give a behind-the-scenes look at Library operations. Tours will begin and end in the Raytheon Room, and refreshments will be served. Mrs. Gennis and Mrs. Knight will develop the itinerary for the tour, and Mrs. Knight will look for pictures of the Library to display. Members of the Library Planning Committee may also serve as tour guides. Mrs. Knight will post the two open houses.

Mrs. Heller, Mrs. Knight, and Mrs. Gennis will help develop an article for the Library newsletter and other electronic communications.

Mrs. Gennis reported that some members of the Library Planning Committee have agreed to help with an email and letter-writing campaign before the vote, and others have agreed to speak at Town Meeting. Trustees were urged to help recruit others for these roles as well.

### **Massachusetts Public Library Construction Program Tasks Ahead**

Mrs. Gennis noted that Trustees and the Town should have certain documents and paperwork ready to go in the event the Planning and Design Study is approved at Town Meeting. Town Administrator Nan Balmer will begin work soon on procurement documents for hiring an Owner's Project Manager and Architect, and Ben Keefe, the Town's Public Buildings Director, will continue his discussions with colleagues in other towns who have been through a Massachusetts Public Library Construction Program application. Mrs. Gennis will check back in with the Town Surveyor, Alf Berry, to get a copy of the deed for the current Library building at 5 Concord Road. Mrs. Woodruff continues her investigation of what



other towns have done with historical library buildings when they have built new libraries at different sites.

### **Key Trustees' Tasks for the Next Two Years**

Discussion of long-range tasks for the Board, including implementing the Planning and Design Study, if passed, and planning in advance of hiring a new Director when Mrs. Knight retires, was postponed to another meeting for lack of time for full discussion.

### **The Meeting Was Adjourned at 10:08 a.m.**

### **Documents for This Meeting**

1. Agenda of Meeting Monday, October 5, 2015
2. Minutes of Board of Trustees meetings for September 9, September 16 and September 21, 2015
3. Untitled chart [Communications Plan for Warrant Article, headings read "Activity," "Completion Date," Assignment, "Notes"]
4. "Wayland Free Public Library Planning for the Future of Our Library" [Draft Talking Points for warrant article, short form]
5. "Wayland Free Public Library Talking Points" [Draft Talking Points for warrant article, long form]
6. Sample "word clouds"

### **Next Meeting(s)**

- Thursday, October 22, 7:45 a.m., Raytheon Room, Wayland Free Public Library: regular monthly Board meeting
- Saturday, October 24, 1-3 p.m., Library Open House and Tour, Raytheon Room, Wayland Free Public Library
- Wednesday, November 4, 7:45-9:15 a.m., Raytheon Room, Wayland Free Public Library: extra Board meeting in advance of Town Meeting
- Thursday, November 5, 7-9 p.m., Library Open House and Tour, Raytheon Room, Wayland Free Public Library
- Monday, November 9, 7:30 p.m., Special Town Meeting, Wayland High School Field House

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

Personnel Board Meeting  
Wayland Town Building – School Committee Room  
Meeting Minutes  
September 8, 2015 7:44 pm

Members Present:

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

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:44 pm.

Health Insurance – Cook and Co. Presentation on a Potential Move to the Group Insurance Commission (GIC)

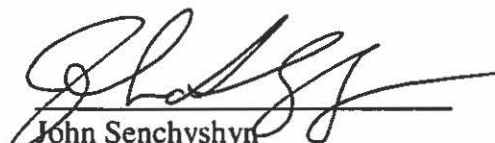
The Board joined the School Committee Meeting along with the Board of Selectmen. Present for the School Committee: Ellen Grieco (EG), Barbara Fletcher (BF), Donna Bouchard (DB), Jeanne Downs (JD) and Kathie Steinberg (KS). Present for the Selectmen: Cherry Karlson (CK), Mary Antes (MA), Lea Anderson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

Sue Shillue (SS), President of Cook and Company presented for the Boards. She noted that her company has been involved with numerous communities who moved health insurance to the GIC. SS reviewed background and steps required to entry into the GIC. SS reviewed different options which included changing to new WSHG benchmark plans along with various GIC migration patterns. Savings appeared to cap at \$1.3M combined town and employee savings dependent upon plans chosen. SS touched upon utilization patterns of employees and potential changes through premium savings and co-pay increases.

Discussion and potential questions were opened to Board members. Questions included the availability of hospitals for children, out-of-pocket maximum expenses and experience ratings. CK inquired if data was available should a town want to pull out. SS responded that the data was required to be produced, but not all health plans accepted the format of the data. A question was posed on the GIC's previous year's deficit. SS responded that there were 2 issues: premiums were not accurately set and the Commonwealth did not fully fund the GIC. DB inquired if the decision was shared by the boards. JS responded that the authority was vested in the Board of Selectmen.

The meeting concluded. The Personnel Board continued its GIC related discussion independently of the other boards.

PS moved to adjourn. MP seconded the motion. Three members having voted in the affirmative, the motion passed.

  
John Senchyshyn  
ATA/HRD

RECEIVED

OCT 26 2015

Board of Selectmen  
Town of Wayland

RECEIVED

OCT 26 2015

Board of Selectmen  
Town of Wayland

(14)

**Documents From Personnel Board Meeting**

**Regular Session**

**September 8, 2015**

Document:

Cook & Co. Health Insurance Presentation

Personnel Board Meeting  
Wayland Town Building – Large Hearing Room/Selectmen’s Meeting Room  
Meeting Minutes  
September 21, 2015 7:10 pm

Members Present:

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

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:15 pm.

Public Comment

None

RECEIVED

OCT 26 2015

Board of Selectmen  
Town of Wayland

Review of the 8/3/15 Minutes

The minutes were amended as follows:

... GIC would not solve ...

... past February, **ED, given that she has an IT background**, has been ~~servng as the unofficial project manager for IT security~~, working with ...

... ~~P. Schneider (PS) joined the executive session at 8:15 pm~~ ...

MJ moved to approve the minutes of 8/3/15 as amended. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

Release of Minutes

JS stated that at the 8/3/2015 meeting, the Board had released a number of executive session minutes in executive session, but had not taken an open session vote to release the minutes.

MP moved to release the executive minutes of 6/22/09, 2/28/11, 3/21/11, 9/19/11 and 3/23/15 with no redactions and to release the executive session minutes of 10/17/11, 1/23/12, and 5/4/15 with redactions. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Annual Report

JS presented a draft FY 15 Annual Report for the Board. Members suggested several edits.

MP moved to approve the Personnel Board’s FY 15 Annual Report as amended. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

Health Insurance – GIC Recommendation

JS reviewed the background leading to the BOS' scheduled vote on Sections 21-23 later in the evening, as well as the 9/8/15 presentation from Sue Shillue/Cook and Company. JS stated that he hoped the Board could make a recommendation to the Selectmen on a potential GIC migration. JG inquired if a vote is necessary. JS stated that he believed a consensus of the Board would suffice.

MP inquired about the mention of M.G.L. Ch. 32A contained in Section 23 referencing contribution rates for retirees should a municipality leave the GIC. JS stated he was not familiar with 32A, but believed all Wayland retirees received benefits under Ch. 32B.

Members discussed several of the saving scenarios contained in the Cook and Company report. They also discussed a number of the plan design differences between the WSHG and the GIC. The issue of lack of control within the GIC was a concern. Members considered the effect a GIC move would have on future collective bargaining negotiations.

The consensus of the Board was that the advantages of a move to the GIC outweighed the disadvantages. The recommendation to the Board of Selectmen would be to support a move to the GIC.

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations and strategy with the Police, Fire, and AFSCME Clerical unions, to Review and Discuss a Newly Proposed DPW Job Description; to Review and Discuss Newly Proposed AFSCME Job Descriptions as an open discussion might have a detrimental effect on the Town's negotiating position.

MJ seconded the motion.

JG took a roll call vote:

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

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 40 minutes for the stated purpose. The Board would be returning to Open Session.

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

The Board returned to Open Session at approximately 9:10 pm.

The Personnel Board joined the Board of Selectmen. Present for the Selectmen: Cherry Karlson (CK), Joe Nolan (JN), Mary Antes (MA)

JS gave a brief overview of the agenda item. D. Watkins represented the Finance Committee (FC). The FC wanted to see the Town maximize its health care dollars. While not actually taking a vote, the FC supported a move to the GIC. Barb Fletcher (BF) spoke for the School Committee (SC). The SC did not take a vote but had discussed the potential move. While there was not a strong opinion from the SC, they did believe the advantages outweighed the disadvantages. The SC heard from the Wayland Teachers Association. There is concern on the part of the teachers. The SC requests that if the Board moves forward that time is taken to educate employees. BF inquired if mitigation funds could help support that effort. Jessica Green (JG) spoke on behalf of the Personnel Board. They also discussed the pros and cons. A major concern was giving up control and having a voice. On the other hand the uncertain status of the WSHG and probable WSHG plan design changes would support the GIC option. Under the GIC, plan design changes would no longer need to be negotiated. JS stated that the WSHG would be meeting later in the week and addressing its plan designs.

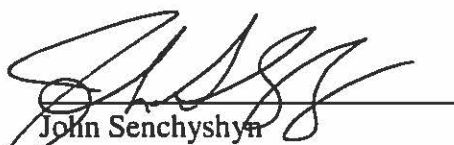
JN stated that he was not at the previous week's presentation and that he has his health insurance through the GIC. JN then inquired into the status of WSHG. The Selectmen discussed a number of the facts pertinent to the GIC as presented by Cook and Company at the previous meeting. Questions were posed on contribution rates. JS noted that contribution rates remained negotiable with the unions, but plan design would not be. A question was posed on the reference in Section 23 to Ch. 32A. JS stated that he was not familiar with the specifics of 32A. CK asked for an opinion from labor counsel.

CK opened the discussion to employees in attendance. Employees expressed concerns about such a move and inquired if other alternatives were an option.

JN indicated that the he believed the question of a GIC move needed further discussion. He questioned why the vote needed to be taken now. He preferred to wait until the results of the upcoming WSHG meeting were known. CK noted that health insurance is considerable expense to the Town. JN stated that he was not comfortable with making the decision at the current time. MA asked if waiting for additional information would jeopardize the 12/1/15 notice date required by the GIC. JS replied that Sue Shillue from Cook and Company noted the previous week that the schedule was very tight for a 12/1/15 notification. CK stated that the Board will not be taking action tonight, but there is a financial implication to the decision. JN suggested that the other boards involved might want to take a vote on a recommendation other than just having just a sense of the board.

The discussion concluded.

PS moved to adjourn. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

  
John Senchyshyn  
ATA/HRD

**Documents From Personnel Board Meeting**

**Regular Session**

**September 21, 2015**

**Document:**

Draft FY 15 Annual Report

Draft Minutes - 08/3/15

9/8/15 Cook and Company Report

Personnel Board Meeting  
Wayland Town Building – Selectmen’s Office  
Meeting Minutes  
September 28, 2015 7:10 pm

Members Present:

M. Peabody (MP), P. Schneider (PS); D. Cohen (DC)

Also Present: J. Senchyshyn (JS)

MP called the meeting to order at 7:15 pm.

RECEIVED

OCT 26 2015

Board of Selectmen  
Town of Wayland

Review and Discussion of Draft Job Description – Asst. Fire Chief

JS reviewed a draft job description for the position of Asst. Fire Chief. The position is intended to serve as second in command of the Fire Department and work the same daily schedule as worked by the Fire Chief. Members reviewed the draft and made suggested edits. DC inquired about funding. JS stated that a position had been funded by Finance Committee the previous year, but it has not been filled due to the current contract negotiations with the fire union.

The grade for the position was discussed. Given that it will be a non-union, non-overtime eligible position, JS suggested the same pay grade as the Police Lieutenant. The Board agreed that would be a logical approach to wages.

JS stated that the position would come back before the Board. This evening was intended to be an initial review. No vote is required at this time.

Executive Session

MP moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations and strategy with the Police, Fire, and AFSCME Clerical unions, and to Review and Discuss a Newly Proposed AFSCME Job Description as an open discussion might have a detrimental effect on the Town’s negotiating position.

DC seconded the motion.

MP took a roll call vote:

Member Cohen      Aye  
Member Schneider    Aye  
Vice Chair Peabody   Aye

The Board having voted 3-0 to move into Executive Session, the motion carried. MP announced that the Board would be going into Executive Session for approximately 40 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:55 pm.

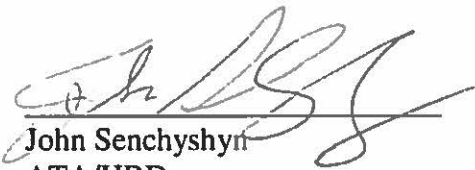


The Board returned to Open Session at approximately 9:45 pm.

**Next Meeting**

The Board scheduled its next meeting for 10/19/15.

PS moved to adjourn. DC seconded the motion. Three members having voted in the affirmative, the motion passed.



John Senchyshyn  
ATA/HRD

**Documents From Personnel Board Meeting**

**Regular Session**

**September 28, 2015**

**Document:**

**Draft Job Description - Asst. Fire Chief**

# WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

October 7, 2015

7:00 PM

MEETING MINUTES

Present: C. Brown (Chair), M. Lowery (Vice Chair), W. Baston, J. Mishara (left at 8:59), M. Wegerbauer, S. Kadlik (Director)

Meeting opened at 7:00 PM

(Brown announced that the meeting is being recorded)

Brown opened the meeting with a review of the agenda.

## Public Comment

Stephen Curtin of 27 Snake Brook Road and President of the Wayland Baseball and Softball Association appeared before the Board to discuss the condition of Art King Field.

Curtin noted that they are looking for the dragging and lining of fields to be done on a more consistent basis.

Brown noted that the overall condition of the fields have been impacted by the water ban presently in effect.

Brown asked Kadlik if a better communication system can be developed to ensure that the fields are lined and raked.

Kadlik noted that the DPW gets the schedule from the Recreation Department, and that he has worked with Recreation Department Director Jessica Brodie to ensure the DPW receives a schedule that clearly indicates what the DPW need to address.

Frank Krasin of the Recreation Commission asked when a schedule is needed to ensure that field preparation is completed.

Kadlik noted that the schedule encompassing all scheduled sporting events needs to be given to the DPW by Friday 6:30AM.

Stephen Sadler of 22 Michael Road asked Kadlik if the schedule should be provided further in advance.

Brown asked DPW Park and Highway Superintendent Michael Lindeman about the status of Riverview Field.

Lindeman replied that Riverview Field was re-cut today and a DPW crew will be working on King Field tomorrow.

Brown asked whether Art King or Riverview Field is in better condition.

Lindeman noted that Riverview Field is in better overall condition than Art King Field.

Lindeman noted that field preparation is coordinated through the Recreation Department, and the DPW needs to receive one master list with a complete game schedule to ensure that all fields are lined.

Brown noted that the DPW had received an email from a field user alerting the department to a potential safety issue at Art King Field.

Kadlik noted that the Town's response to a concern over the safety of an athletic field is to close the field to prevent any liability for potential injury.

Brown requested Lindeman assess the condition of the fields, and requested that the user who emailed their safety concerns look at the field again to determine if they feel their concerns have been adequately addressed.

Lindeman noted that crews will attempt to remove as many lips on the field as possible and mitigate any that remain to the best of their ability.

Kadlik noted that the baseball schedule runs until November and then begins again in March, leaving a very small amount of time to rejuvenate the fields.

Kadlik cautioned that due to present conditions, some fields may not be playable next year.

Brown noted that twice this summer the Town's wells have run dry, necessitating the need for the current water use restrictions.

Wegerbauer asked if any maintenance to fields has been done this fall.

Lindeman noted that any maintenance done this time of year is limited, as it must be completed around athletic schedules.

Lindeman noted that two DPW crews are deployed every day, and fields should be dragged and lined prior to every game.

### **Public Comment**

Thaddeus Thompson of 77 West Plain Street and member of the Library Trustees appeared before the Board to discuss a Special Town Meeting Article to apply for a grant that would potentially cover up to 45% of the cost of the construction of a new library.

Thompson noted that the grant requires that two potential sites be studied – one being 5 Concord Road and the other to be determined.

Brown noted that if the former DPW Facility at 195 Main Street were to be declared surplus, it is then relinquished to the Board of Selectmen for them to determine options for its future use.

Baston noted that at last Wednesday's WRAP meeting, he got the impression that they are exploring opportunities to share space for various community activity centers and suggested that Thompson address them.

### **Public Comment**

Richard Turner of 7 Nob hill Road appeared before the Board to express his concern for the dissolution of the Beautification Committee and the status of the Veteran's Memorial.

Turner noted that the meorial needs to be prepared for Veteran's Day, as a ceremony is planned to mark the 40<sup>th</sup> Anniversary of the Vietnam War.

Turner requested that the Veteran's Memorial be maintained by the DPW in the future.

Turner noted that it needs to be weeded and the flagpole sockets are clogged with dirt.

Lowery noted that he feels this is an operational concern that should best be brought to the DPW Director.

Lowery added that the Park Division is currently understaffed and is in need of two additional employees, and encouraged Turner to support the DPW's request for additional staffing.

#### ***Items Distributed for Information and Use by the Board of Public Works***

*- 9-21-2015 Letter from Wayland Beautification re: Dissolution of Beautification Committee*

*- 9-28-2015 Letter from Richard Turner to Board of Public Works re: Disbandment of Beautification Committee*

### **Irrigation Application Review – 344 Commonwealth Road**

Chip Ely from Lynch Landscaping appeared before the Board to discuss the Irrigation Application for 344 Commonwealth Road.

Kadlik noted that he has reviewed the plan and the proposed installation is in compliance.

Baston asked if any water runoff will be recycled into the irrigation system.

Ely replied that it is not, and that the cost of such a system would be approximately \$80,000.

Mishara made a motion to approve the irrigation permit of 344 Commonwealth Road.

Wegerbauer 2<sup>nd</sup>.

Lowery noted that, in his opinion, Town drinking water should not be used to irrigate lawns, and pending state regulations may change how irrigation systems are permitted in the future.

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

*Items Included as Part of Agenda Packet for Discussion*

- 344 Commonwealth Irrigation Application
- 344 Commonwealth Irrigation System Specifications
- 344 Commonwealth Irrigation Plan

**Water Abatement Request – 12 Park Lane**

The Board discussed the status of the abatement request of 12 Park Lane.

The Board discussed the usage history of 12 Park Lane.

Brown made a motion to abate the 11/7/2014 water bill from 13,700 cubic feet down to 2100 cubic feet, waiving all interest and penalties.

Wegerbauer 2<sup>nd</sup>, all in favor.

*Items Included as Part of Agenda Packet for Discussion*

- 11-7-2014 12 Park Lane Water Bill
- 11-29-2014 Fire Right Irrigation repair invoice
- 12-2-2014 Email from Neha Gandhi requesting abatement
- 9-29-2015 12 Park Lane Water Bill
- 2-5-2015 BOPW Meeting Minutes Excerpt
- 12 Park Lane Water Usage History Report
- 12 Park Lane Water Account Financial History

**Discussion of Wayland Community Pool Water Bill**

Brown noted that the bill now appears current, and asked that the adoption of a modified rate structure for the pool be considered.

Mishara noted that since they are a non-profit, they could be billed only at the lowest tier rate.

Lowery noted that the Board is preparing to discuss municipal water rates with the Town, and is willing to potentially consider the Wayland Community Pool for municipal rates as well.

Wegerbauer asked what the financial implications for other rate payers would be if a municipal structure were applied.

Wegerbauer added that he believes a flat rate would go against the message of encouraging conservation.

Lowery noted that DPW Water Superintendent Don Millette's input should be received prior to implementing any potential municipal rate structure.

Baston noted that Chris Woodcock is scheduled to advise the Board on rate structure and suggested that his advice be considered prior to changing the rate structure.

Brown requested that he be provided the usage and billing data of municipal water accounts for further analysis.

Mishara asked about other non-profits that might fall into the same category as the Community Pool.

Kadlik asked the Board if interest and penalties should be waived on the Community Pool's water bill.

Lowery made a motion to waive any penalties and fees incurred on the Community Pool to date.

Brown 2<sup>nd</sup>, all in favor.

*Items Included as Part of Agenda Packet for Discussion*

- Wayland Community Pool Water Usage History Report
- Wayland Community Pool Water Account Financial History
- 8-11-2015 Water Rate Structure

**Discussion of School / East Plain / Rt 30 & Five Paths Intersection Redesign Funding Services**

Brown noted that per discussion with the Finance Committee, they would like the Board to consider submitting funding for these projects as Capital items for Annual Town Meeting.

Lowery noted that formal cost estimates on the projects have not yet been attained.

Lowery noted that in the past the Board has voted not to reconstruct the 5 Paths intersection, but upgrade the lights and crosswalks.

Brown asked the Board if CIPs should be submitted to Finance Committee with cost estimates.

The Board discussed the potential costs to upgrade the Five Paths Intersection; estimating costs could reach \$550,000.

Kadlik noted that new signals, new crosswalks, new signal loops, and the incorporation of the aqueduct trail will all add to the cost of upgrading 5 Paths Intersection.

Lowery noted that in his opinion it should be placed as an article due to its \$550,000 estimated cost.

Kadlik noted that School / East Plain / Route 30 intersection could potentially cost \$275,000.

Brown asked if 5 Paths could be redone without upgrading the crosswalk signals.

Kadlik noted that any changes would need to incorporate updated crosswalk signals.

Brown noted that he will readdress the status of funding of the intersection improvements with the Finance Committee.

Kadlik noted that the CIP for tree work can be eliminated, as funding is included in the operating budget.

**Discussion of BoPW Positions on Fall Town Meeting Articles**

Brown noted that there is a mid-year transfer of approximately \$300,000 from the Water Fund to the General Fund to cover the costs the Town incurs relating to the Water Fund.

The Board noted that they have asked for justification for the number but have not yet received a response.

Mishara asked what position the Board should take at Town Meeting.

Lowery suggested that the Board inform the Town that they have asked for how this number was determined but have not yet received it.

Lowery suggested that the Board should have to vote to accept that transfer, as the Board is responsible for the fund.

Wegerbauer asked about the status of the balance of the Transfer Station revolving fund.

Kadlik replied that funds in the account are from the Transfer Station balance left over at the end of each fiscal year when operating expenses are subtracted from income.

**Discussion of Status of Landfill Access Road**

Kadlik noted that a water main would need to be run under the access road to create a loop to provide water to the potential River's Edge Development.

Mishara asked if the River's Edge Development would contribute money to the construction of the water main and road.

Kadlik noted that it is the hope that the River's Edge Development would partially pay for the construction.

Lowery noted that the tear-down of the old salt shed and removal of the composting area also need to occur.

Lowery added that he feels the Board has a responsibility to consider conducting part of the work outlined in the Order of Conditions.

The Board discussed when the current Order of Conditions expire, which Lowery agreed to investigate.

### **DPW Director's Financial Report**

Kadlik discussed the current status of the DPW Budget.

Brown noted that the operating budget should be discussed at the next meeting following the tree hearing.

Kadlik noted that the funding for the additional two DPW employees would not be included in the budget until approved by the Personnel Board.

*Items Included as Part of Agenda Packet for Discussion  
- 10-01-2015 DPW Financial Report*

### **Board Members' Reports, Concerns, and Updates**

#### **Status of Happy Hollow Well Cutover**

Kadlik noted that EverSource was on site this morning to connect power to the Happy Hollow Wells.

Kadlik noted that the Town's water usage is still high and the wells cannot be shut off.

Lowery expressed his concern with the Board's continued approval of irrigation permits.

Mishara noted that he believes the Board is obligated to approve systems that are in compliance with Town bylaws.

Lowery noted that, in his opinion, the Board could deny permits.

Baston suggested that the Board consider changing policy to give the Board increased say over the approval process.

Mishara suggested that the reduction of the permitted square footage of irrigation systems be considered.

#### **Status of 20-Year Water Permit Renewal**

Kadlik noted the application was submitted and the DEP has not yet contacted the Town.

#### **Discuss WHC Event – North Cemetery October 4**

Lowery noted that he did not attend the 10/4/2015 meeting.

Lowery noted that the Board received a number of recommendations in the past concerning North Cemetery, but many of the recommendations were prohibitively expensive.



**Discuss WRAP Committee Kickoff Meeting**

Baston discussed the recent WRAP meeting, noting that he expressed his concern at the meeting that the maintenance requirements of additional municipal-use land and facilities be considered in future plans.

Kadlik noted that a number of the small lots controlled by the BoPW are held for the potential creation of shared septic fields.

Wegerbauer requested that info concerning the status of the Transfer Station Revolving Fund be provided to him.

Wegerbauer requested that a discussion of the Transfer Station Revolving Fund, the desired fund reserve level, and ideas for fund spending options be placed on a future agenda.

Baston suggested that if the composting area is lost, an alternative should be explored.

Brown added that the expenses for the removal of materials from the DPW material storage area be placed in the FY17 expense budget.

Wegerbauer updated the Board on the status of the River's Edge proposal.

Baston discussed an alternative speed bump design that could potentially satisfy the concerns of fire departments.

Brown noted that Mary Antes has requested that Board members elect a representative to participate in an upcoming meeting with the families moving into the Habitat for Humanity development to provide information pertaining to the DPW.

Lowery requested that DPW employee Dan Cabral attend.

Kadlik noted that multiple entities are looking at potential usage of 195 Main Street, and that the Board must first declare the land surplus.

Brown noted that in his opinion the Board is not prepared to declare the land surplus.

Kadlik discussed the upcoming Pop-Up Park Event at Town Center, and noted that he cannot utilize DPW services for the event, as it is being held on private property.

**Executive Session for the Purpose of Approving the Executive Session Minutes of the 9/8/2015 Joint Meeting with the Board of Selectmen**

Brown made a motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purposes of reviewing and approving the executive session minutes of the 9/8/2015 Joint Meeting with the Board of Selectmen.

Lowery 2<sup>nd</sup>.

Baston aye, Lowery aye, Brown aye, Wegerbauer aye.

Brown noted the Board will reconvene in open session in approximately 5 minutes for the purpose of approving minutes and adjourning.

Brown invited the attendance of DPW Director Stephen Kadlik, DPW Park & Highway Superintendent Michael Lindeman, and DPW employee Daniel Cabral.

The Board entered into executive session at 9:07PM.

The Board returned to open session at 9:10PM.

*Items Included as Part of Agenda Packet for Discussion  
- Printed motion to enter executive session*

**Review & Approve Minutes of the 9/8/2015 Joint Meeting with the Board of Selectmen and the 9/15/2015 Meeting**

Lowery made a motion to accept the minutes of the 9/8/2015 Joint Meeting with the Board of Selectmen.

Baston 2<sup>nd</sup>, all in favor.

Baston noted a typographical error on page three of the 9/15/2015 minutes.

Brown made motion to approve the minutes of the 9/15/2015 meeting as amended.

Baston 2<sup>nd</sup>, all in favor.

Brown made motion to adjourn

Baston 2<sup>nd</sup>, all in favor.

Meeting adjourned at 9:14PM