

**PACKET**

**NOV 30**

**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  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, November 30, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**Proposed Agenda**

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

- |          |      |  |
|----------|------|--|
| 6:00 pm  | 1.)  | Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(5) to Investigate Charges of Criminal Misconduct; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Collective Bargaining; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel |
| 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.)  | Tax Classification Hearing – Presentation by the Board of Assessors of Tax Classification Options; Potential Vote of the Board of Selectmen on Tax Classification; Review of Tax Recapitulation Sheets and Supporting Documents  |
| 7:45 pm  | 5.)  | Minuteman: Discuss Buxborough Proposal and Town Position on Minuteman Issues   |
| 8:00 pm  | 6.)  | Consider and Vote Recommendation of Facilities Director to Request Assignment of Library Project and Council on Aging/Community Center Project to Permanent Municipal Building Committee   |
| 8:15 pm  | 7.)  | Discuss and Potential Vote to Approve Concept Plan and Authorize Modification to Depot Parking Lot Required by Rail Trail Project  |
| 8:30 pm  | 8.)  | Meet New Building Commissioner Geoffrey Larsen and Discuss Approach to Class II Auto License Zoning with Building Commissioner and Town Planner  |
| 8:45 pm  | 9.)  | FY17 Budget: Review IT and Facilities Budgets  |
| 9:30 pm  | 10.) | Review Final Response to Wayland Real Asset Planning (WRAP) Committee Questionnaire  |
| 9:45 pm  | 11.) | Discuss Sign Policy  |
| 10:00 pm | 12.) | Review and Approve Consent Calendar (See Separate Sheet)   |
| 10:05 pm | 13.) | Review Correspondence (See Separate Index Sheet)   |
| 10:15 pm | 14.) | Report of the Town Administrator   |



**BOARD OF SELECTMEN  
Monday, November 30, 2015  
Wayland Town Building  
Selectmen's Meeting Room**

**Proposed Agenda Page Two**

- 10:25 pm 15.) Selectmen's Reports and Concerns
- 10:35 pm 16.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:40 pm 17.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(6), to consider the Disposition of the Wayland/Sudbury Septage Facility, and to Consider the Purchase, Exchange, Lease or Value of Real Property Relative to the Town Center Municipal Parcel; and Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission and Potential Litigation by a Group of Wastewater Users; and to Discuss Strategy with Respect to Pending Litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding "Crown Path," and to Consider Potential Litigation regarding Bernstein et al v. Wayland Planning Board, and to Discuss Potential Litigation regarding Affordable Housing Restrictions, and to Discuss the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, and to Conduct a Grievance Hearing with Representatives of SEIU Local #888, and to Discuss Strategy with Respect to Collective Bargaining in Regard to Contract Negotiations with the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) 7, to Review and Consider for Approval the Potential Release of the Following Minutes Pertaining to these Subjects, because a Public Discussion of Pending Litigation and Collective Bargaining will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town:

**VOTE TO APPROVE AND RELEASE THE EXECUTIVE SESSION MINUTES OF March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, September 8, 2015**

**VOTE TO APPROVE AND RELEASE WITH REDACTIONS THE EXECUTIVE SESSION MINUTES OF September 14, 2011, March 5, 2012, November 5, 2012, May 6, 2013, August 26, 2013, January 27, 2014, June 23, 2014, November 24, 2014, March 30, 2015, May 18 2015, June 24, 2015, July 13, 2015, July 27, 2015, September 21, 2015**

**VOTE TO APPROVE AND HOLD THE EXECUTIVE SESSION MINUTES OF September 8, 2015, September 11, 2015, October 5, 2015, October 19, 2015**

- 11:00 pm 18.) Adjourn

# (4) TAX CLASSIFICATION HEARING

The Tax Classification Hearing requires three actions by the Board of Selectmen

1) To establish the residential tax factor of \_\_\_\_\_.

If the Town is to maintain a single tax rate for all classes, the tax factor would be 1. A factor of other than 1 will result in a shift of the tax burden from the Residential Class to the CIP Classes.

In the past the Board of Selectmen has voted to maintain a single tax rate.

Motion: I move that the Board of Selectmen vote to establish the residential tax factor of 1.

2) Vote to adopt/not adopt a Small Commercial Exemption

Under MGL Chapter 59, Section 51, the Board of Selectmen may decide to annually exempt up to ten percent of the value of Commercial Class parcels that are occupied by businesses with an average annual employment of no more than ten people and an assessed value of less than \$1,000,000.

In the past the Board of Selectmen has voted not to adopt a Small Commercial Exemption.

Motion: I move that the Board of Selectmen vote not to adopt a Small Commercial Exemption.

3) Vote to adopt/not adopt a Residential Exemption.

The residential exemption is a mechanism for the redistribution of the tax levy among residential property owners, solely within the Residential Class.

In the past the Board of Selectmen has voted not to adopt a Residential Exemption.

Motion: I move that the Board of Selectmen vote not to adopt a Residential Exemption.

**COMPLETE PACKET, INCLUDING BOARD OF ASSESSORS' STEPS TO DETERMINE FY16 OVERLAY, AND DRAFT TAX RATE RECAPITULATION FOR FISCAL 2016, ARE POSTED IN SEPARATE DOCUMENT. ALL DOCUMENTS ARE ALSO AVAILABLE ON THE WAYLAND WEBSITE.**





# Town of Wayland Fiscal Year 2016 Tax Classification Hearing



**BOARD OF SELECTMEN  
NOVEMBER 30<sup>TH</sup> 2015**

**PREPARED BY:  
BOARD OF ASSESSORS  
SUSAN RUFO, CHAIR  
JAYSON BRODIE, VICE CHAIR  
ZACHARIAH VENTRESS  
DAVID HILL  
CHERYL KANE**

**ELLEN BRIDEAU, DIRECTOR OF ASSESSING**

## Purpose of this Hearing

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- To adopt the Town's Tax Policy by allocating or classifying the tax levy among the property types



## Action Required by Board of Selectmen

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- **The Board of Selectmen will vote tonight on how to adopt the Tax Rate Policy;**
  - As a single or uniform tax rate
  - As a multiple or split tax rate
  - To implement a Small Commercial Exemption
  - To implement a Residential Exemption

# Property Assessment Review

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- Fiscal Year 2016 was an Interim Adjustment Year for the Assessing Department with the Department of Revenue certifying assessed values on September 10<sup>th</sup>.
- The average residential single family assessment rose from \$655,200 to \$676,500, an increase of 3.25% from the Fiscal Year 2015 assessments.
- This increase was based on sale prices for homes selling in 2014. During 2014, Wayland experienced a strong real estate market



## Property Assessment Review (continued)

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- Commercial, Industrial and Personal Property (CIP) values have not increased at the same rate.
- The average commercial assessment increased from \$965,700 to \$992,200; an increase of 2.70%.
- Personal Property continues to experience growth with new accounts at Town Center and with utility companies updating their equipment.
- Personal Property total valuation increased by 7.4%

# Property Assessment Review (continued)

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- Due to Residential values rising more than Commercial, Industrial and Personal Property, Fiscal Year 2016 values shifted to Residential by .01% from Fiscal Year 2015

	Residential	CIP
Fiscal Year 2015	94.90%	5.10%
Fiscal Year 2016	94.91%	5.09%
Shift	0.01%	-0.01%



# Classification Percentages

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- Residential (RES)
- Commercial (CIP)
- Industrial (CIP)
- Personal Property (CIP)

Class	Value	Percentage by Property Type	Total Percentage by Property Class
Residential (RES)	3,195,245,423	94.9134%	94.9134% (RES)
Open Space	0	0.0000%	
Commercial (CIP)	123,391,777	3.6653%	5.0866% (CIP)
Industrial (CIP)	4,573,000	0.1358%	
Personal Property (CIP)	43,276,500	1.2855%	
<b>Total</b>	<b>3,336,486,700</b>	<b>100.0000%</b>	<b>100.0000%</b>

# New Growth



- New Growth was certified at \$ 52,959,200 in Assessed Value, or \$ 973,920 in Tax Levy Growth on October 21<sup>st</sup>
- Wayland is a Chapter 653 community, which means that construction activity is valued up to June 30<sup>th</sup>
- As of June 30<sup>th</sup>, 2015 Wayland Town Center still had portions of the medical office building and portions of the original retail space under construction . The new site pad for Ace Hardware was also incomplete as of June 30<sup>th</sup>
- It is anticipated that the residential category will continue to see the majority of growth in the next few years with the construction of condominiums at River Trail Place (adjacent to Town Center) and Village Lane (off Old Connecticut Path) as well as new homes in the subdivisions at Covered Bridge Lane (off Rice Rd) and Michael Road



# How the Tax Rate is Calculated



<b>FY 2016 Property Tax Levy</b>	<b>\$58,374,879</b>	
<hr/>	<hr/>	<b>= 0.01734</b>
<b>FY 2016 Town Taxable Valuation</b>	<b>\$3,366,486,700</b>	

**or**

**\$17.34 per thousand dollars of assessed value  
if a uniform rate is selected tonight**

# Classification Alternatives

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- The options presented for consideration are:
  - Selection of a Minimum Residential Factor
  - Granting of a Residential and/or Small Commercial Exemption



# Selection of Minimum Residential Factor

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- A residential factor of 1 will result in the taxation of all property at the same rate (single tax rate)
- A residential factor of less than 1 increases the share of the levy raised by commercial, industrial and personal property (CIP) owners and reduces the share paid by residential property owners (split tax rate)
- Since 94.9% of Wayland tax revenue comes from Residential, a slight reduction for the residential properties would put a large increase on CIP properties
- The minimum residential factor for the Town of Wayland for Fiscal Year 2016 is 97.3204, as defined by the Department of Revenue

SOURCE: MA DOR - LA7 – Exhibit A: Minimum Residential Factor

# Potential Impact of Shifting the Residential Factor

CIP SHIFT	Residential Factor	Residential Share Percentage	CIP Share Percentage	Residential Tax Rate per Thousand	CIP Tax Rate Per Thousand
1.00	100.000	94.9134%	5.0866%	\$17.34	\$17.34
1.10	99.4641	94.4047%	5.5953%	\$17.25	\$19.07
1.20	98.9281	93.8960%	6.1040%	\$17.15	\$20.81
1.30	98.3922	93.3874%	6.6127%	\$17.06	\$22.54
1.40	97.8563	92.8787%	7.1213%	\$16.97	\$24.28
1.50	97.3204	92.3701%	7.6300%	\$16.88	\$26.01

Please see Exhibit B What if...Scenario Worksheet for shift options in 1% increments.

SOURCE: Exhibit B = MA DOR – SCENARIO WORKSHEETS



# Fiscal Year 2016 Residential Tax Rate Options

CIP Shift	CIP Tax Rate	Res Factor	Residential Tax Rate	Example Single Family Assessment \$400,000	Median Single Family Assessment \$588,400	Average Single Family Assessment \$676,500	Example Single Family Assessment \$1,500,000
1.0	17.34	100	17.34	\$6,936.00	\$10,202.86	\$11,730.51	\$17,595.77
1.1	19.07	99.46	17.25	\$6,900.00	\$10,149.90	\$11,669.63	\$17,504.44
	<u>1.73</u>	\$Diff	<u>-0.09</u>	<u>(\$36.00)</u>	<u>(\$52.96)</u>	<u>(\$60.89)</u>	<u>(\$91.33)</u>
1.2	20.81	98.93	17.15	\$6,860.00	\$10,091.06	\$11,601.98	\$17,402.96
	<u>3.47</u>	\$Diff	<u>-0.19</u>	<u>(\$76.00)</u>	<u>(\$111.80)</u>	<u>(\$128.54)</u>	<u>(\$192.80)</u>
1.3	22.54	98.39	17.06	\$6,824.00	\$10,038.10	\$11,541.09	\$17,311.64
	<u>5.20</u>	\$Diff	<u>-0.28</u>	<u>(\$112.00)</u>	<u>(\$164.75)</u>	<u>(\$189.42)</u>	<u>(\$284.13)</u>
1.4	24.28	97.86	16.97	\$6,788.00	\$9,985.15	\$11,480.21	\$17,220.31
	<u>6.94</u>	\$Diff	<u>-0.37</u>	<u>(\$148.00)</u>	<u>(\$217.71)</u>	<u>(\$250.31)</u>	<u>(\$375.46)</u>
1.5	26.01	97.32	16.88	\$6,752.00	\$9,932.19	\$11,419.32	\$17,128.98
	<u>8.67</u>	\$Diff	<u>-0.46</u>	<u>(\$184.00)</u>	<u>(\$270.66)</u>	<u>(\$311.19)</u>	<u>(\$466.79)</u>

# Fiscal Year 2016 CIP Tax Rate Options



CIP Shift	Residential Tax Rate	CIP Tax Rate	Median Commercial Assessment \$493,500	Example Commercial Assessment \$600,000	Average Commercial Assessment \$992,200	Example Commercial Assessment \$1,500,000
1	17.34	17.34	\$8,557.29	\$10,404.00	\$17,204.75	\$26,010.00
1.1	17.25	19.07	\$9,411.05	\$11,442.00	\$18,921.25	\$28,605.00
\$ Difference	<u>-0.09</u>	<u>1.73</u>	<u>\$853.76</u>	<u>\$1,038.00</u>	<u>\$1,716.51</u>	<u>\$2,595.00</u>
1.2	17.15	20.81	\$10,269.74	\$12,486.00	\$20,647.68	\$31,215.00
\$ Difference	<u>-0.19</u>	<u>3.47</u>	<u>\$1,712.45</u>	<u>\$2,082.00</u>	<u>\$3,442.93</u>	<u>\$5,205.00</u>
1.3	17.06	22.54	\$11,123.49	\$13,524.00	\$22,364.19	\$33,810.00
\$ Difference	<u>-0.28</u>	<u>5.20</u>	<u>\$2,566.20</u>	<u>\$3,120.00</u>	<u>\$5,159.44</u>	<u>\$7,800.00</u>
1.4	16.97	24.28	\$11,982.18	\$14,568.00	\$24,090.62	\$36,420.00
\$ Difference	<u>-0.37</u>	<u>6.94</u>	<u>\$3,424.89</u>	<u>\$4,164.00</u>	<u>\$6,885.87</u>	<u>\$10,410.00</u>
1.5	16.88	26.01	\$12,835.94	\$15,606.00	\$25,807.12	\$39,015.00
\$ Difference	<u>-0.46</u>	<u>8.67</u>	<u>\$4,278.65</u>	<u>\$5,202.00</u>	<u>\$8,602.37</u>	<u>\$13,005.00</u>



# Selection of Open Space Discount

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- There are no parcels in Wayland currently classified as open space
- Open Space is defined in Massachusetts General Law as:  
MGL Chapter 59 Sec 2A(b) "Class two, open-space", Land which is not otherwise classified and which is not taxable under the provisions of chapters sixty-one, sixty-one A or sixty-one B, or taxable under a permanent conservation restriction, and land not held for the production of income but is maintained in an open or natural condition, which contributes significantly to the benefit and enjoyment of the public"
- In Wayland, most large land owners participate in the Chapter Land Program under MGL Chapters 61, 61A and 61B which results in more savings than if they were designated as Open Space
- Currently, 38 parcels for a total of 750 acres are in the Chapter Land program
- Under the Chapter Land program the discount ranges from 75% to 98%
- The open space discount has a maximum discount of 25%



# Granting a Residential Exemption

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- The Board of Selectmen may adopt a maximum residential exemption of 20%
- It would apply to owner occupied residential properties
- A Residential Exemption is a redistribution of the tax levy among residential property owners
- “Exemption” is a misnomer because it is actually a tax shift among residential properties (upper portion have higher tax bill, lower portion have lesser tax bill)
- Typically the intent of the Residential Exemption is to shift the tax burden to rental and vacation properties. Only 13 out of 351 communities in Massachusetts have adopted this exemption



# Granting a Small Commercial Exemption



- The Board of Selectmen may adopt a small commercial exemption
- This exemption is for commercial parcels (property class three) occupied by businesses with an average annual employment of not more than ten people during the previous calendar year and with assessed values of less than one million dollars
- The intent of the exemption is to give a tax reduction to small commercial property owners at the expense of the larger commercial and industrial parcels.
- Selectmen can choose an exemption that reduces the taxable valuation of each eligible parcel by a percentage of up to 10%

**DEPARTMENT OF REVENUE  
MINIMUM RESIDENTIAL FACTOR COMPUTATION  
FOR FY 2016**

**WAYLAND**  
City / Town / District

A	B	C	
Class	Full and Fair Cash Valuation	Percentage Share	
1. Residential	3,195,245,423	94.9134%	94.9134%
2. Open Space	0	0.0000%	
3. Commercial	123,391,777	3.6653%	5.0866%
4. Industrial	4,573,000	0.1358%	
5. Personal Property	43,276,500	1.2855%	
<b>TOTALS</b>	<b>3,366,486,700</b>	<b>100.0000%</b>	

Maximum Share of Levy for Classes Three, Four and Personal Property :      150%      X      5.0866%      =      7.6299%

Lines 3C + 4C + 5C      Max % Share

Minimum Share of Levy for Classes One and Two :      100%      -      7.6299%      =      92.3701%

Max % Share      Min % Share

Minimum Residential Factor (MRF)      92.3701%      /      94.9134%      =      97.3204%

Min % Share      Lines 1C + 2C

Minimum Residential Factor

**MINIMUM RESIDENTIAL FACTOR**      97.3204%  
LA7 (6-96)

Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent.



Classification Shift Options in 1% Increments

What If ... Scenario Worksheet

Note: This table should be used for planning purposes only. Actual calculations may differ slightly due to rounding. For actual calculations, complete Recap.

CLASS	VALUE	PERCENTAGE	
Residential	3,195,245,423	94.9134%	R & O %
Open Space	0	0.0000%	94.9134%
Commercial	123,391,777	3.6653%	
Industrial	4,573,000	0.1358%	CIP %
Personal Prop	43,276,500	1.2855%	5.0866%
Total	3,366,486,700	100.0000%	

CLASSIFICATION OPTIONS

- Residential Exempt
- Small Commercial Exemption

LEVY

58,374,879 Estimated Levy  
 17.34 Single Tax Rate

CIP Shift	Res Factor	Share Percentages						Levy Amounts					Estimated Tax Rates					
		Res	O S	Com	Ind	PP	Total	Res	O S	Com	Ind	PP	Total	Res	O S	Com	Ind	PP
1.00	100	94.9134	0	3.6653	0.1358	1.2855	100	55,405,555	0	2,139,613	79,296	750,415	58,374,879	17.34	0	17.34	17.34	17.34
1.01	99.9464	94.8625	0	3.702	0.1372	1.2984	100	55,375,862	0	2,161,010	80,089	757,919	58,374,879	17.33	0	17.51	17.51	17.51
1.02	99.8928	94.8116	0	3.7386	0.1386	1.3112	100	55,346,169	0	2,182,406	80,882	765,423	58,374,879	17.32	0	17.69	17.69	17.69
1.03	99.8392	94.7608	0	3.7753	0.1399	1.3241	100	55,316,476	0	2,203,802	81,675	772,927	58,374,879	17.31	0	17.86	17.86	17.86
1.04	99.7856	94.7099	0	3.8119	0.1413	1.3369	100	55,286,782	0	2,225,198	82,468	780,431	58,374,879	17.30	0	18.03	18.03	18.03
1.05	99.732	94.659	0	3.8486	0.1426	1.3498	100	55,257,089	0	2,246,594	83,261	787,935	58,374,879	17.29	0	18.21	18.21	18.21
1.06	99.6784	94.6082	0	3.8852	0.144	1.3626	100	55,227,396	0	2,267,990	84,054	795,439	58,374,879	17.28	0	18.38	18.38	18.38
1.07	99.6249	94.5573	0	3.9219	0.1453	1.3755	100	55,197,703	0	2,289,386	84,847	802,944	58,374,879	17.27	0	18.55	18.55	18.55
1.08	99.5713	94.5064	0	3.9585	0.1467	1.3884	100	55,168,009	0	2,310,782	85,639	810,448	58,374,879	17.27	0	18.73	18.73	18.73
1.09	99.5177	94.4556	0	3.9952	0.1481	1.4012	100	55,138,316	0	2,332,179	86,432	817,952	58,374,879	17.26	0	18.90	18.90	18.90
1.10	99.4641	94.4047	0	4.0318	0.1494	1.4141	100	55,108,623	0	2,353,575	87,225	825,456	58,374,879	17.25	0	19.07	19.07	19.07
1.11	99.4105	94.3538	0	4.0685	0.1508	1.4269	100	55,078,930	0	2,374,971	88,018	832,960	58,374,879	17.24	0	19.25	19.25	19.25
1.12	99.3569	94.303	0	4.1051	0.1521	1.4398	100	55,049,236	0	2,396,367	88,811	840,464	58,374,879	17.23	0	19.42	19.42	19.42
1.13	99.3033	94.2521	0	4.1418	0.1535	1.4526	100	55,019,543	0	2,417,763	89,604	847,968	58,374,879	17.22	0	19.59	19.59	19.59
1.14	99.2497	94.2012	0	4.1784	0.1549	1.4655	100	54,989,850	0	2,439,159	90,397	855,473	58,374,879	17.21	0	19.77	19.77	19.77
1.15	99.1961	94.1504	0	4.2151	0.1562	1.4783	100	54,960,157	0	2,460,555	91,190	862,977	58,374,879	17.20	0	19.94	19.94	19.94

Classification Shift Options in 1% Increments

CIP Shift	Res Factor	Share Percentages						Levy Amounts						Estimated Tax Rates				
		Res	O S	Com	Ind	PP	Total	Res	O S	Com	Ind	PP	Total	Res	O S	Com	Ind	PP
1.16	99.1425	94.0995	0	4.2517	0.1576	1.4912	100	54,930,463	0	2,481,952	91,983	870,481	58,374,879	17.19	0	20.11	20.11	20.11
1.17	99.0889	94.0486	0	4.2884	0.1589	1.504	100	54,900,770	0	2,503,348	92,776	877,985	58,374,879	17.18	0	20.29	20.29	20.29
1.18	99.0353	93.9978	0	4.3251	0.1603	1.5169	100	54,871,077	0	2,524,744	93,569	885,489	58,374,879	17.17	0	20.46	20.46	20.46
1.19	98.9817	93.9469	0	4.3617	0.1616	1.5298	100	54,841,384	0	2,546,140	94,362	892,993	58,374,879	17.16	0	20.63	20.63	20.63
1.20	98.9281	93.896	0	4.3984	0.163	1.5426	100	54,811,691	0	2,567,536	95,155	900,497	58,374,879	17.15	0	20.81	20.81	20.81
1.21	98.8746	93.8452	0	4.435	0.1644	1.5555	100	54,781,997	0	2,588,932	95,948	908,002	58,374,879	17.14	0	20.98	20.98	20.98
1.22	98.821	93.7943	0	4.4717	0.1657	1.5683	100	54,752,304	0	2,610,328	96,741	915,506	58,374,879	17.14	0	21.15	21.15	21.15
1.23	98.7674	93.7434	0	4.5083	0.1671	1.5812	100	54,722,611	0	2,631,724	97,534	923,010	58,374,879	17.13	0	21.33	21.33	21.33
1.24	98.7138	93.6926	0	4.545	0.1684	1.594	100	54,692,918	0	2,653,121	98,327	930,514	58,374,879	17.12	0	21.50	21.50	21.50
1.25	98.6602	93.6417	0	4.5816	0.1698	1.6069	100	54,663,224	0	2,674,517	99,120	938,018	58,374,879	17.11	0	21.67	21.67	21.67
1.26	98.6066	93.5908	0	4.6183	0.1712	1.6197	100	54,633,531	0	2,695,913	99,913	945,522	58,374,879	17.10	0	21.85	21.85	21.85
1.27	98.553	93.54	0	4.6549	0.1725	1.6326	100	54,603,838	0	2,717,309	100,706	953,026	58,374,879	17.09	0	22.02	22.02	22.02
1.28	98.4994	93.4891	0	4.6916	0.1739	1.6455	100	54,574,145	0	2,738,705	101,499	960,531	58,374,879	17.08	0	22.20	22.20	22.20
1.29	98.4458	93.4382	0	4.7282	0.1752	1.6583	100	54,544,451	0	2,760,101	102,292	968,035	58,374,879	17.07	0	22.37	22.37	22.37
1.30	98.3922	93.3874	0	4.7649	0.1766	1.6712	100	54,514,758	0	2,781,497	103,085	975,539	58,374,879	17.06	0	22.54	22.54	22.54
1.31	98.3386	93.3365	0	4.8015	0.1779	1.684	100	54,485,065	0	2,802,894	103,878	983,043	58,374,879	17.05	0	22.72	22.72	22.72
1.32	98.285	93.2856	0	4.8382	0.1793	1.6969	100	54,455,372	0	2,824,290	104,670	990,547	58,374,879	17.04	0	22.89	22.89	22.89
1.33	98.2314	93.2348	0	4.8748	0.1807	1.7097	100	54,425,678	0	2,845,686	105,463	998,051	58,374,879	17.03	0	23.06	23.06	23.06
1.34	98.1779	93.1839	0	4.9115	0.182	1.7226	100	54,395,985	0	2,867,082	106,256	1,005,555	58,374,879	17.02	0	23.24	23.24	23.24
1.35	98.1243	93.133	0	4.9482	0.1834	1.7354	100	54,366,292	0	2,888,478	107,049	1,013,060	58,374,879	17.01	0	23.41	23.41	23.41
1.36	98.0707	93.0822	0	4.9848	0.1847	1.7483	100	54,336,599	0	2,909,874	107,842	1,020,564	58,374,879	17.01	0	23.58	23.58	23.58
1.37	98.0171	93.0313	0	5.0215	0.1861	1.7611	100	54,306,905	0	2,931,270	108,635	1,028,068	58,374,879	17.00	0	23.76	23.76	23.76
1.38	97.9635	92.9804	0	5.0581	0.1875	1.774	100	54,277,212	0	2,952,666	109,428	1,035,572	58,374,879	16.99	0	23.93	23.93	23.93
1.39	97.9099	92.9296	0	5.0948	0.1888	1.7869	100	54,247,519	0	2,974,063	110,221	1,043,076	58,374,879	16.98	0	24.10	24.10	24.10
1.40	97.8563	92.8787	0	5.1314	0.1902	1.7997	100	54,217,826	0	2,995,459	111,014	1,050,580	58,374,879	16.97	0	24.28	24.28	24.28
1.41	97.8027	92.8278	0	5.1681	0.1915	1.8126	100	54,188,133	0	3,016,855	111,807	1,058,084	58,374,879	16.96	0	24.45	24.45	24.45
1.42	97.7491	92.777	0	5.2047	0.1929	1.8254	100	54,158,439	0	3,038,251	112,600	1,065,589	58,374,879	16.95	0	24.62	24.62	24.62
1.43	97.6955	92.7261	0	5.2414	0.1942	1.8383	100	54,128,746	0	3,059,647	113,393	1,073,093	58,374,879	16.94	0	24.80	24.80	24.80
1.44	97.6419	92.6752	0	5.278	0.1956	1.8511	100	54,099,053	0	3,081,043	114,186	1,080,597	58,374,879	16.93	0	24.97	24.97	24.97
1.45	97.5883	92.6244	0	5.3147	0.197	1.864	100	54,069,360	0	3,102,439	114,979	1,088,101	58,374,879	16.92	0	25.14	25.14	25.14
1.46	97.5347	92.5735	0	5.3513	0.1983	1.8768	100	54,039,666	0	3,123,836	115,772	1,095,605	58,374,879	16.91	0	25.32	25.32	25.32
1.47	97.4812	92.5226	0	5.388	0.1997	1.8897	100	54,009,973	0	3,145,232	116,565	1,103,109	58,374,879	16.90	0	25.49	25.49	25.49
1.48	97.4276	92.4718	0	5.4246	0.201	1.9026	100	53,980,280	0	3,166,628	117,358	1,110,613	58,374,879	16.89	0	25.66	25.66	25.66
1.49	97.374	92.4209	0	5.4613	0.2024	1.9154	100	53,950,587	0	3,188,024	118,151	1,118,118	58,374,879	16.88	0	25.84	25.84	25.84
1.50	97.3204	92.37	0	5.4979	0.2038	1.9283	100	53,920,893	0	3,209,420	118,944	1,125,622	58,374,879	16.88	0	26.01	26.01	26.01



# (5) MINUTEMAN

Notes on Minuteman  
Lea Anderson

Updated on Nov. 20, 2015

## Situation last year when we voted to withdraw

- Very low Wayland enrollment in Minuteman
- Uncertainty about capital project to build a new school
  - Size and scope
  - Cost
  - MSBA support
  - Capital charge to out-of-district students
- Failed attempt to approve a new agreement
  - Unfavorable to Wayland regarding financials and representation
  - Favorable in terms of allowing withdrawal with simple majority of member communities and no capital cost liability if withdrawal request occurs before capital commitment

## Situation today

- Very low Wayland enrollment in Minuteman (2 students?)
- MSBA has approved MM going forward with new school
  - Deadline of June 30, 2016 to get approval from member communities for project debt
    - 16 individual town meeting votes or District-wide vote at the polls with aggregate numbers determining outcome
    - Wayland's assessment for debt would be \$42,234 per year for 30 years
    - Non-member students assessed a capital fee of \$7,527 per student per year
  - School designed for 628 students (MSBA will not participate if school is designed for fewer than 600 students)
  - Project budget is \$144.9 million as approved by MSBA
- MM School Committee has asked Selectmen from member communities to take another look at revised agreement resulting in "Boxborough Protocol"
- Wayland obligated under current agreement to participate in capital debt repayment if withdrawal occurs after debt is incurred (expected in 2016)
- Earliest possible withdrawal date for Wayland is July 2017
- Member towns voted at STMs on Wayland's withdrawal (requires unanimity)
  - Wayland voted 137 to 13 in favor
  - Lexington voted against
  - Acton "took no action"
  - Stow "took no action"
  - Lincoln did not include in warrant
- Sudbury has now expressed desire to withdraw
- Six member towns (Arlington, Belmont, Boxborough, Lincoln, Sudbury, Wayland) holding firm on not wanting district wide vote
- Wayland's special counsel assessing "Boxborough Protocol"

## **Some of the future uncertainties**

- Remaining member towns voting at STM or ATM on Wayland's withdrawal request (non consequential)
- Member towns voting on capital project before June 2016
- Selectmen from all member towns meeting monthly to discuss "Boxborough Protocol"
- Financial argument for Wayland's withdrawal less clear cut if capital project goes forward under old agreement
- Financial argument strong if withdrawal goes forward under revised agreement with "Boxborough Protocol"
- Unsure what happens if non-member towns don't participate because of capital fee. Who picks up this cost?
- Unknowns?



## **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.

## Memorandum

To: Selectmen of Minuteman Voc & Tech Communities

From: Concord Select Board

Re: **Boxborough's Proposed Protocol for Adopting Regional Amendment; Bonding, and Withdrawing of October, 2015**

Date: November 10, 2015

The Concord Select Board discussed the Protocol proposed by Boxborough at its meeting on November 2, 2015 and this memorandum will summarize the consensus of the Board.

The Concord Select Board is not opposed in principle to the proposal for each District member town to vote in its 2016 annual town meeting on (1) amendment of the Minuteman Regional Agreement, (2) withdrawal of certain towns from the District, and (3) bonding of the new school building project. However, there are several important questions to which the Board would want authoritative and satisfactory answers before it could support the proposed Protocol.

These questions include:

1. On what date would the "Initial Procedure for Withdrawal" expire? How would district towns that wish to withdraw from MMRHS demonstrate their intentions to the other towns in time for the 2016 Annual Town Meeting cycles of the other towns, assuming that intention is codified in a certified copy of its own Town Meeting vote?
2. Could the timing result in District towns with ATMs earlier in the year having to vote on PA16 and debt authorization without knowing how many towns are left in the District and thus what its share of operating costs and debt would be? If so, would this be legally permissible?
3. Has the Commissioner of Education provided written endorsement of the proposal that approval of PA16 would also constitute approval of the withdrawal of Towns declaring their desire to withdraw pursuant to the Initial Procedure for Withdrawal? We understand that 603 CMR 41.03 discusses regional agreement amendments and withdrawals by towns from a district as separate, distinct decisions.
4. If withdrawal of town(s) from the District is not effective until July 1 of the year following approval by the Commissioner of PA16, but the unanimous vote by all District towns (including those withdrawing) approving bonding of the school building project is taken prior to that date, would that create uncertainty in the bond authorization? We understand that once bonding is



authorized under Mass General Laws Chapter 71 (d) or (n), the debt is then binding for member towns.

5. If there is uncertainty or confusion regarding the bond authorization, would that impact the District's efforts to commence bonding timely to take advantage of historic low interest rates? Is the market likely be concerned about potential uncertainty in the bond authorization and would that increase the cost of borrowing?
6. Would it be consistent with Chapter 71 (d) or (n) to have a provision in PA16 providing that any town withdrawing from the District pursuant to the Initial Procedure for Withdrawal would not be subject to continuing obligation for debt obligations on which it voted in the affirmative after voting for PA16, but prior to the effective date of its withdrawal?
7. Would the vote of a town to authorize borrowing made AFTER its vote to withdraw from the District be a vote with legal effect? How would this question impact bond authorization?
8. If one or more of the towns electing to withdraw from the District pursuant to the Initial Procedure for Withdrawal were to vote at its ATM (1) to approve PA16, (2) to withdraw from the District, and (3) NOT to approve the borrowing to build a new school, how would that impact the vote on the construction project? Could the District have a situation in which it has approved PA16, permitted several towns to withdraw from the District, AND does not have approval of a new building project?

These are the questions identified by the Concord Select Board after a brief review and discussion, and a brief consultation with legal counsel. There may well be more questions identified upon further reflection.

2015-2016

Oct 2015    Nov 2015    Dec 2015    Jan 2016    Feb 2016    Mar 2016    Apr 2016    May 2016    Jun 2016    Jul 2016    Aug 2016    Sept 2016

**Special Town Meeting  
to DISAPPROVE**

Nov 17, 2015  
MM SC Votes  
to send  
Module 4 to  
the MSBA  
based upon  
Certification  
by OPM that  
the District is  
within the  
MSBA  
Approved  
Budget of  
\$144.9M

Dec 1 2015  
Contingent on MSBA  
Approval Module 4  
(not to exceed  
\$144.9M) MM SC votes  
Bonding Project. REF:  
MGL Chap 71 16 (d).

Feb 1, 2016  
Project Approved

Module 6 accelerated Save \$5M  
Secure Lower Interest Rate \$

June 30, 2016  
MSBA Deadline

Jan 27, 2016  
MSBA Approval

**IF TOWN DISAPPROVES:** MM SC Vote:  
Bond Project REF: MGL Chap 71 16 (n)  
Hold a District Wide Ballot  
ON OR BEFORE April 2, 2016

April 2, 2016  
Project Approved

Module 6 accelerated Save \$2M  
Secure Lower Interest Rate \$7777





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

(6) PMBC PROJECT ASSIGNMENTS

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

DATE: November 24, 2015  
TO: Nan Balmer, Town Administrator  
FROM: Kenneth "Ben" Keefe, Public Buildings Director  
RE: Permanent Municipal Building Committee (PMBC) Project Assignment

**REQUESTED ACTION:**

**Vote to assign Library Feasibility Study to PMBC**

**Vote to assign Council on Aging/Community Center (COA CC) Feasibility Study to PMBC**

**BACKGROUND:**

In accordance with the Policies and Procedures of the PMBC the Town's Public Building Director is responsible for identifying all projects required to come before the PMBC for review. In addition the Town's Public Building Director will inform the Board of Selectman or the School Committee that a project must be assigned to the PMBC.

Therefore as Public Buildings Director I would like to inform the Board of Selectman that 2 projects recently authorized by Annual Town Meeting (ATM) 2015 and Special Town Meeting (STM) 2015 are required to come before the PMBC.

ATM 2015 authorized the COA CC feasibility study and STM 2015 authorized the Library feasibility study. Both of these projects meet all the criteria requiring assignment to the PMBC.

I have attached a copy of the PMBC Policies and procedures for reference.

I respectfully request that the Board of Selectman assign both aforementioned projects to the PMBC.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

Kenneth Keefe  
PUBLIC BUILDINGS DIRECTOR  
TEL. (508) 358-3786  
[www.wayland.ma.us](http://www.wayland.ma.us)

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

## **Project Reporting:**

The PMBC will communicate and interact with the project sponsors (board, committee and/or department) through the two members assigned to the PMBC for that project. Further, these two project specific members, along with the Public Buildings Director will have the responsibility to provide project reporting to the Board of Selectmen and/or School Committee, to the project sponsor's department, board or committee, and, if needed, to Town Meeting and other public forums. The permanent members of the PMBC will provide technical support for project reporting.

The two project specific members, along with the Public Buildings Director will have the responsibility of representing the project to approving town boards with the technical support of the permanent members of the PMBC.

The PMBC will report annually to the Town.

## **Staff Support:**

The Public Buildings Director and/or staff of the Public Buildings Department will provide all needed administrative support, including, but not limited to scheduling meetings and preparing agendas and meeting minutes.

## **Project Advocacy:**

The PMBC does not advise on the need for a Town construction project nor the amount of funding the Town should allocate to a project other than to provide technical information needed to make those decisions. The PMBC will not advocate for or against a project, and will not be involved in the public approval process for project funding, other than to provide technical information, related to project scope, budget, schedule, and/or the condition of current buildings and other relevant technical questions.

Also, the PMBC will not advise or make recommendations regarding the following phases and/or elements of a project or the Town's capital maintenance plan:

- Need for the project by the Town
- Impact of the project on the Town
- Level of funding allocated or approved by the Town, unless the funding is substantially underfunded or overfunded based upon the project's design, or unless the funding results from a PMBC recommended change order
- Operating analysis or changes to operating budgets or Town staffing
- Financial analysis of project on the Town's finances
- Procurement of funding





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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BOARD OF SELECTMEN  
LEA ANDERSON  
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CHERRY C. KARLSON  
JOSEPH F. NOLAN

- Horizontal construction projects (such as athletic fields, roadway or infrastructure projects, solar projects, etc.)
- Vertical construction projects not subject to the mandatory criteria or assigned to the PMBC by the Board of Selectmen or School Committee

## **PMBC Product:**

The PMBC will advise and make recommendations to the Board of Selectmen or the School Committee, and to the project sponsor and the Public Buildings Director regarding the following phases and/or elements of a project:

- Feasibility Studies
- Condition of existing building(s) related to the proposed project
- Programming
- Scope
- Plan for maintaining Town services during construction
- Award and execution of Contracts (to either Board of Selectmen or School Committee)
- Approval of payment of consultant and contractor invoices (to either Board of Selectmen or School Committee)

The PMBC will have decision-making authority over the following phases and/or elements of projects under its oversight, but may delegate some of this authority to project sponsors or the Public Buildings Director on a project-by-project basis:

- Bidding and procurement process
- Selection of all project consultants and contractors, e.g. programmer, architect, OPM, CMs, GC, etc.
- Supervision and direction of all project consultants and contractors, e.g. programmers, architects, OPMs, CMs, GCs, etc., unless the Public Buildings serves as the projects OPM
- Management of the approved project budget
- Management of the project schedule
- Design of the project consistent with the approved program and budget
- Design Review and value engineering
- De facto approval of expenditures and invoices consistent with the approved project budget
- Provide input to changes in scope and budget consistent with the approved project program and budget
- Exercise such other powers as are necessary with respect to the project to ensure the project meets the approved program, budget and schedule requirements
- With the Public Buildings Director may establish general criteria for projects and may establish general design review criteria for projects

(7) RAIL TRAIL



Sarkis Sarkisian  
Wayland Town Planner

TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
PLANNING DEPARTMENT

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3615  
FAX: (508) 358-4036

DATE: November 23, 2015  
TO: Nan Balmer, Town Administrator  
FROM: SARKIS SARKISIAN, TOWN PLANNER  
RE: Rail Depot – Bike Path and Layout

**BOARD ACTION REQUESTED:**

**APPROVE THE RAIL DEPOT CONCEPT PLAN**

On behalf of the Planning Board, I am happy to report that the Wayland Historic District Commission has approved the Concept Plan for the Rail-Trail to pass through the Depot Parking Lot at 1 Cochituate Road. I have enclosed a copy of the plan and the Wayland Historic District decision dated November 19, 2015. The Depot Parking Lot is under the Board of Selectmen's control. The Planning Board commissioned a study in October of 2013 and developed several layouts to identify a preferred alternative (enclosed 3 options dated October 2013).

The following factors and key attributes were considered before making a decision:

- Preservation of existing rail tracks and plat form in close proximity to the historic depot building;
- Retain existing rail corridor;
- Preservation of large trees along the southerly property line-this site is likely to act as a resting area and refuge spot along the trail;
- Integration of uses on the site-many trail users will likely want to visit the depot site;
- Provision of highly defined trail crossing at the gateway to the parking lot;
- Efficient route to the Old Sudbury Road/Cochituate Road signal crossing;
- Preserve as many parking spaces as possible. There are 28 parking spaces with



the current parking lot configuration. The spaces are not marked or delineated in anyway. The Depot parking lot is used throughout the day by the businesses' of Wayland Town Center and Library patrons.

The final concept plan includes the following modifications:

1. Eliminate the two head-in parking stalls on the south side of the depot building to provide additional operating width for the mix of pedestrians and bicyclists in the area.
2. Increase the greenspace in the proposed median island between the entrance and exit lanes.
3. Increase the width of the parking aisle to 24 feet (proper design width).
4. Provide a flush granite edge crosswalk within gravel parking lot for a defined crossing route.
5. Eliminate parking directly in front of Depot entrance to provide additional width for pedestrian and bike route. This will eliminate 5 parking spaces in front of the Depot.
6. Provide two handicapped parking spaces. Currently there is no handicapped parking at this location.
7. The final plan provides 20 safer parking spaces and has been approved by Chief Irving.

The total cost to construct the final plan is estimated at \$60,000. In closing, we have worked collectively to minimize and mitigate the impact of the proposed rail trail. Larry Kiernan and I will be present at the Board of Selectmen's meeting on November 30, 2015 to answer any questions. Thank you for your consideration.



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778

**WAYLAND HISTORIC DISTRICT COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
(508) 358-3621  
WWW.WAYLAND.MA.US

GRETCHEN SCHULER, CHAIR  
MARGERY BASTON  
ALICE BOELTER  
KEVIN CROWLEY  
DESMOND MCAULEY  
KATHIE STEINBERG  
MARJI FORD  
KATE FINLAYSON, ALTERNATE  
SHERYL SIMON, ALTERNATE

**Approval of Concept Plan**

*Rail-Trail Plan at Depot*  
1 Cochituate Road

Decision Date: 11/19/15 Filing Date: 11/23/15

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The Wayland Historic District Commission hereby approves a *Concept Plan* for the Rail-Trail to pass through the Depot Parking Lot at 1 Cochituate Road. This is not the Certificate of Appropriateness; it is only acknowledgement of the Plan dated October 13, 2015 that has been discussed at Public Hearings on September 17, 2015 and November 19, 2015.

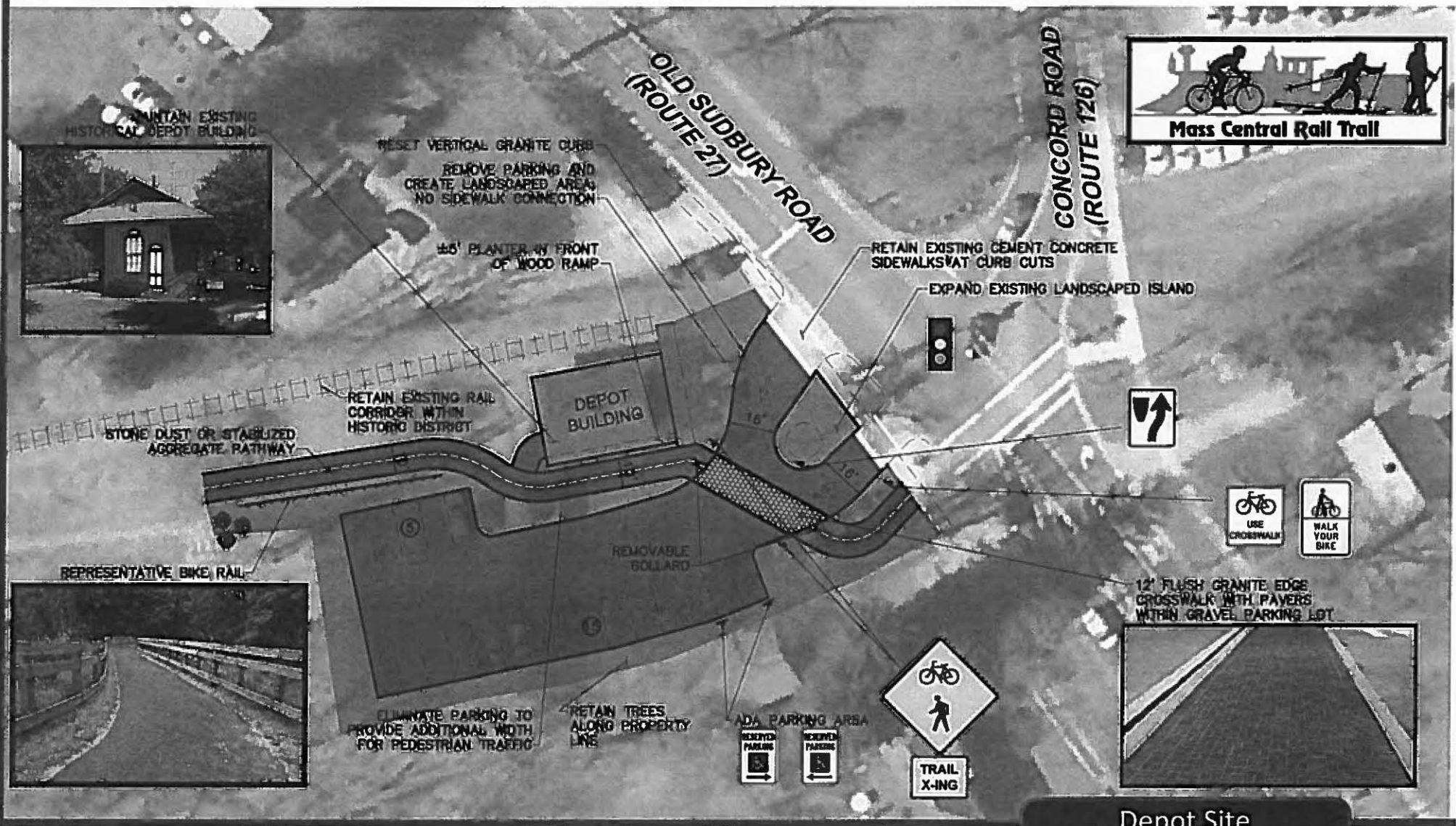
The vote was 4-0-2.

Members voting in the affirmative included: Margery Baston, Alice Boelter, Gretchen Schuler, and Sheryl Simon.

Members abstaining from voting included: Desmond McAuley and Marji Ford.

  
Gretchen G. Schuler, Chair





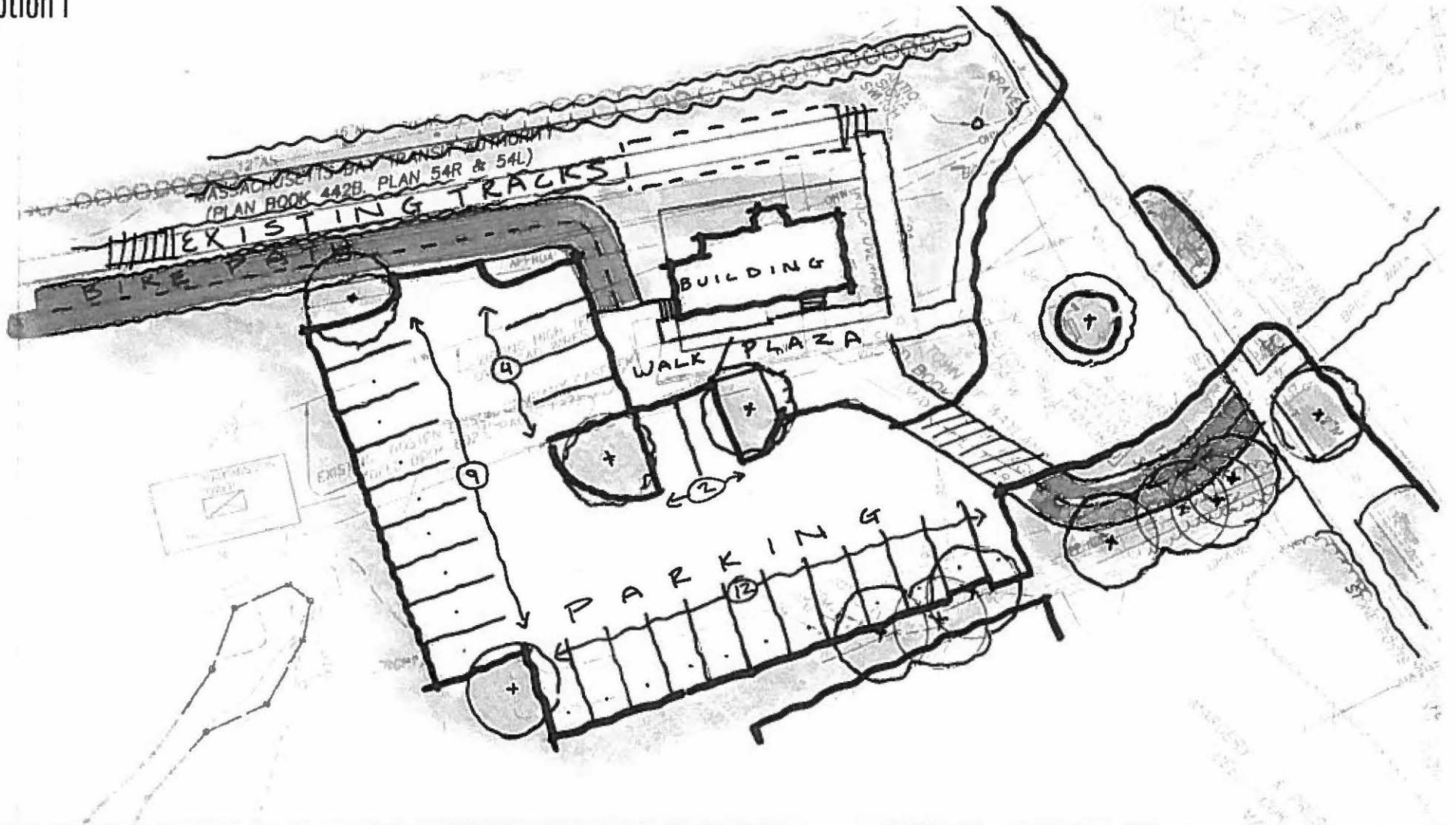
**Depot Site**

**Rail Trail Modifications  
Mass Central Rail Trail  
Wayland, MA**

*FINAL PLAN  
11-23-2015*

Scale: 1" = 30'  
October 13, 2015

# Option 1



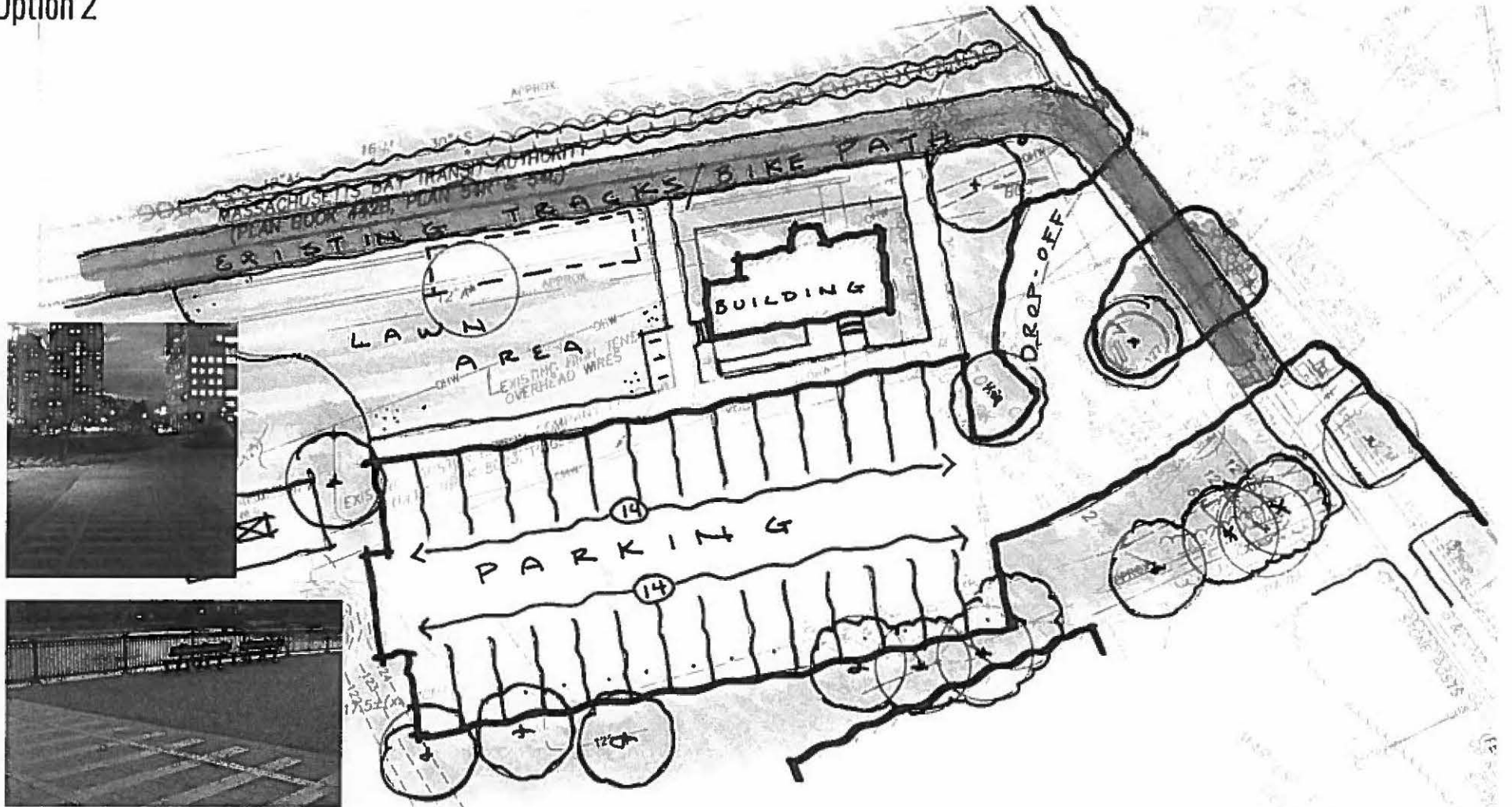
Town of Wayland

Rail Depot - Bike Path

October 2013

**BETA** Group, Inc.  
Engineers • Planners • Landscape Architects • Scientists

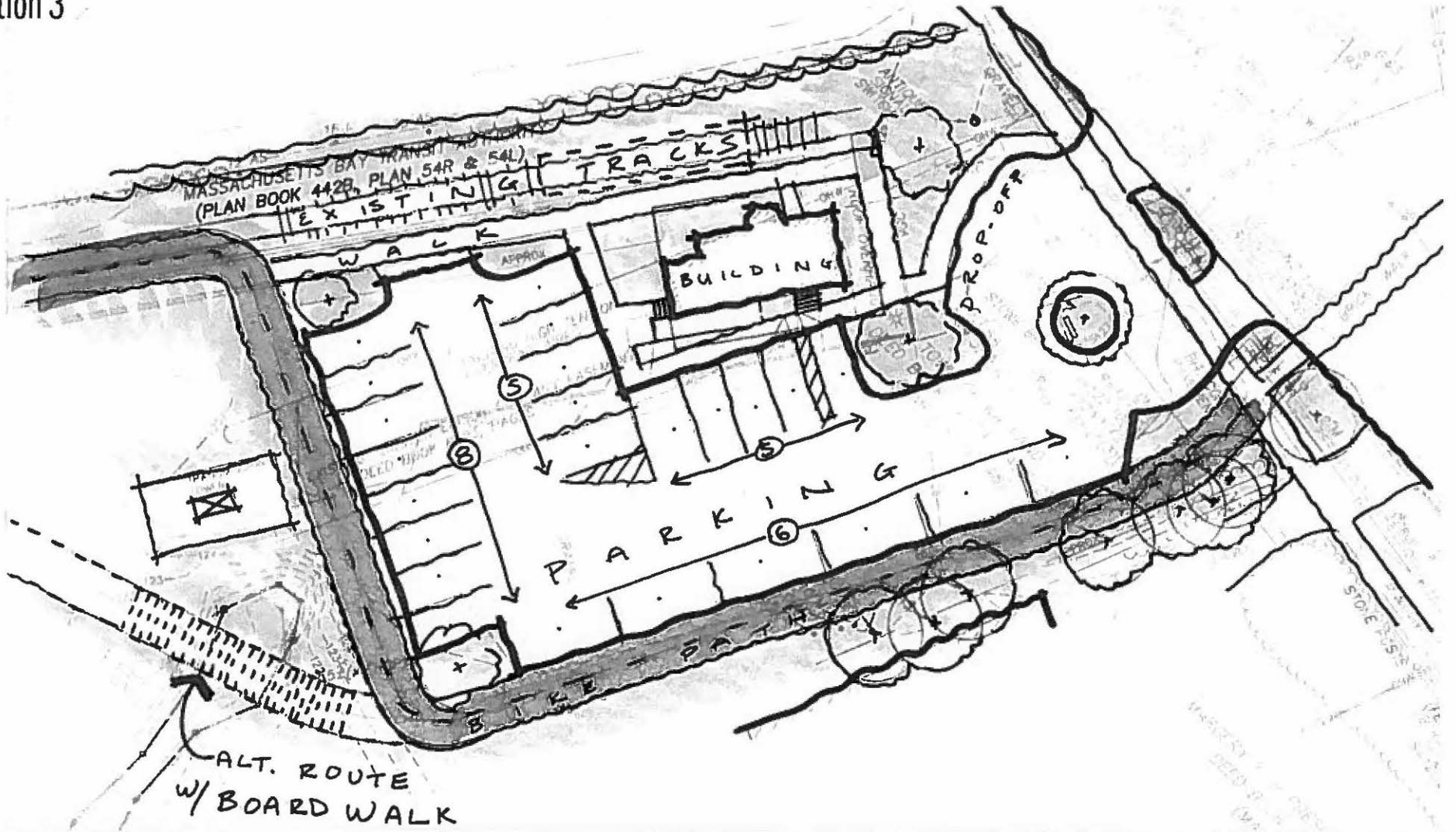
# Option 2



Interpretive Track Pavers where Bike Path Overlays Tracks



Option 3



(8) BUILDING COMMISSIONER  
USED CARS

**Balmer, Nan**

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**Subject:** FW: Used Car Dealer's License Class II zoning review status update  
**Attachments:** Used Car Dealer's RFI 11.23.2015.doc

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**From:** Larsen, Geoffrey  
**Sent:** Monday, November 23, 2015 6:33 PM  
**To:** Balmer, Nan  
**Cc:** Sarkisian, Sarkis; mlanza@comcast.net  
**Subject:** Used Car Dealer's License Class II zoning review status update

Good afternoon Nan,

It was brought to the attention of the Building Department last week that an earlier zoning review of the auto sales use Town wide (specifically as controlled by the Class II used car dealer's license) was underway this year. Upon my review of this earlier Department effort I offer the following:

- Please see attached RFI letter sent 1<sup>st</sup> class mail today to a total of 8 current businesses understood to be currently holding the Town's Class II used car dealer's license.
- My research of the public record at hand related to these 8 properties indicates that past zoning reviews have not fixed in a definitive way the question of compliance with current Town zoning of an auto sales use as licensed under a Class II in a BUS-A district. As I discussed with Town Counsel on 11.19.2015 it appears that at one point a previous zoning official offered an opinion that "...the sale of 5 used cars was determined to be incidental to service station use." Such a determination may very well resolve the question of zoning compliance for some of these 8 businesses.
- I also note that it does not appear that the Building Department currently has a written request for a specific zoning enforcement action related to one or more of these same 8 properties, i.e. an enforcement request alleging a violation of the conditions of the auto sales use as limited by a Class II license condition(s).
- My intention is to allow input from the 8 Class II license holders and then make an informed determination as to zoning compliance for each Class II licensed business. Then if a party in interest is aggrieved by this zoning determination then the same will be afforded a process of appeal pursuant to MGL 40A §58,15 and Town zoning.

Similar to last year when all 8 licenses were renewed as conditioned the current license renewal process for these 8 licenses does not appear to include an active enforcement action .

Respectfully,

Geoff Larsen

Geoffrey S. Larsen, CFM  
Building Commissioner  
Town of Wayland, MA  
[glarsen@wayland.ma.us](mailto:glarsen@wayland.ma.us)



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**BUILDING DEPARTMENT**

Geoffrey S. Larsen, CFM  
Building Commissioner

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

November 23, 2015

Re: License to Buy and Sell Second-Hand Motor Vehicles, Class II; BUS-A

Dear Business Owner,

As part of the Class II license renewal process again this year the Building Department is reviewing the zoning file for your place of business that is licensed for the sale of used cars. After reviewing the zoning file relative to your licensed use it appears that Zoning Board of Appeals approval for the sale of used cars; a use that does not appear to be permitted by right, was never granted prior to the first issuance of your Class II License by the Board of Selectmen.

Prior to making a zoning determination as to the possible existence of a zoning violation regarding this specific use at your place of business please provide any input you believe is relevant to this Department review within 60 days. You may also decide to apply for zoning relief within 60 days for this specific use. The zoning relief application fee is \$225.00 and the advertising fee is \$40.00. As offered before if you do not wish to increase the number of cars that you are allowed to sell pursuant to your Class II license, you may request a waiver of the \$225.00 zoning application fee by the Zoning Board of Appeals.

If you have any questions, please call 508 358-3602.

Respectfully,

Geoffrey S. Larsen, CFM  
Building Commissioner

Cc: Town Administrator  
Town Planner



(8) TOWN PLANNER  
USED CARS



Sarkis Sarkisian  
Wayland Town Planner

TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
PLANNING DEPARTMENT

TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3615  
FAX: (508) 358-4036

DATE: November 24, 2015  
TO: Nan Balmer, Town Administrator  
FROM: SARKIS SARKISIAN, TOWN PLANNER  
RE: Used Car dealer's

The Wayland Planning Board will be holding a public hear on Tuesday, December 8, 2015 to discuss proposed amendments to the Wayland Zoning Bylaws. Article 9, which addresses the Sales of used motor vehicles by owners of service stations as an accessory use will be discussed. I have enclosed a copy of the amendment which will be made to the accessory use table by inserting a new section 75 Auto Sales.

Thank you..

ZONING

**Article 9 insert new section 75 Auto Sales below**

198 Attachment 5

**Town of Wayland  
Table of Permitted Accessory Uses by Districts  
[Added 5-14-1998 ATM by Art. 55; amended 5-5-1999 STM by Art. 10;  
4-30-2001 ATM by Art. 25; 4-30-2001 ATM by Art. 26]**

Key to symbols: Yes = Allowed as of right  
No = Not allowed  
SP = Allowed by special permit  
R = Required  
NR = Not required  
NA = Not applicable

Accessory Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
58. Accessory dwelling unit (§ 198-901.1.3)	SP	SP	No	NA	NA	NA	NR
59. Accessory dwelling unit - WHA (§ 198-901.1.4)	SP	SP	No	NA	NA	NA	NR
60. Barn, toolshed	Yes	Yes	Yes	Yes	Yes	Yes	NR
61. Cafeterias, banks, day-care or recreational facilities for employees	No	No	No	No	No	Yes	R
62. Home occupation (§ 198-901.1.2)	SP	SP	Yes	Yes	Yes	Yes	R
63. Family day care	Yes	Yes	Yes	Yes	Yes	Yes	R
64. Garage, carport: 3 vehicles or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
65. Greenhouse, noncommercial	Yes	Yes	Yes	Yes	Yes	Yes	NR
66. Home occupation (§ 198-901.1.1)	Yes	Yes	Yes	Yes	Yes	Yes	NR
67. Kennel: 3 dogs or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
68. Kennel: 4 dogs or more	SP	SP	Yes	Yes	Yes	Yes	R
69. Letting/renting of rooms	SP	SP	No	No	No	No	NR
70. (Reserved)	--	--	--	--	--	--	--
71. Residence in accessory dwelling	Yes	Yes	No	No	No	No	NR
72. Roadside stand	SP	SP	Yes	Yes	Yes	Yes	R
73. Swimming pool	Yes	Yes	No	No	No	No	NR
74. Tennis court	Yes	Yes	No	No	No	No	NR
75. Auto Sales – Used Second Hand Motor Vehicles not to Exceed Five (5) Vehicles on Site of Service Stations	No	No	Yes	No	No	No	R if Exceeds More than Five (5) Vehicles

# (9) FY 17 BUDGET

**DATE: NOVEMBER 30, 2015**  
**TO: BOARD OF SELECTMEN**  
**FROM: NAN BALMER, TOWN ADMINISTRATOR**  
**RE: FY 17 BUDGET VARIANCES: DEPARTMENTS UNDER THE BOARD OF SELECTMEN**

The Board of Selectmen will be asked on 12/14/15 to approve FY 17 budget requests for departments under the Board's jurisdiction.

- Attached is an FY 17 budget summary prepared by the Finance Director which includes, by departments under the jurisdiction of the Board of Selectmen, the FY 14 and FY 15 actual costs, FY 16 approved budget, FY 16 expense through 10/31/15, FY 17 Request, and the FY 17 \$ variance and % variance over FY 16.
- To date, FY 17 Budget requests for all town departments (also including debt, retirement and unclassified) are increased by 2.24% over FY 16. When adjusted by the increased expense of over \$400,000 for Information Technology recommended by the new 3 year IT plan, the increase is 1.12%.
- The Information Technology budget (before the addition of new positions, estimated at an additional \$220,000) is increased by \$406,900 or 127% over FY 16. Elizabeth Doucette, Budget Analyst will review the IT budget with the Board and provides the attached analysis.
- The utilities portion of the Facilities budget is increased and Ben Keefe, Facilities Director will review those increases with the Board.

On December 7<sup>th</sup>, the Human Resources Director will review with the Board, the current assumptions in the "unclassified" budget (Employee Health insurance, retirement, unemployment, property and casualty insurance) and will review the new positions proposed for the Police Department and the Information Technology Department. On December 7<sup>th</sup>, the Treasurer will update the Board on debt and make recommendations for managing town debt.

On December 14<sup>th</sup>, the Board will be asked to vote on the budgets under its jurisdiction and the Finance Director will present the overall FY 17 revenue and expense budget.

Attached:

1. Finance Director's Summary of FY 17 town budget requests and variance over FY 16.
2. FY 17 Budget Summary 11/30/15: Departments under the Board of Selectmen
3. FY 17 Information Technology Budget and Analysis
4. FY 17 Facilities Budget detail



(9)(1) SUMMARY AND VARIANCE

Total all Town Budgets- ( No school )				Removal of IT
	2017 Budget	\$ Increase 17 / 16	% Increase 17 / 16	% Increase 17 / 16
Payroll	\$11,262,683	\$220,212	2%	2%
Expenses	\$4,419,339	\$421,992	10.56%	0.51%
Total	\$15,682,022	\$642,304	4.27%	1.60%
Debt	\$7,502,831	(\$248,789)	-3.32%	-3.32%
Retirement	\$4,235,414	\$263,426	6.22%	6.22%
Unclassified	\$9,307,976	\$147,758	1.61%	1.61%
Net total	\$36,728,243	\$804,699	2.24%	1.12%

1) Payroll does not include any proposed new employees or additional personnel costs for unsettled contracts.

2) Budgets that are still under review are:

Retirement

Health Insurance

Debt

Salary Reserve for Salaries Adjustment

Reserve Fund

## (9) (2) SELECTMEN DEPARTMENTS

## Board of Selectmen Departments

	2014 ACTUAL	2015 ACTUAL	2016 APPROVED	2016 Actual-4-Months	2017 REQUEST	\$ Variance FY 17 / FY 16	% Variance FY 17 / FY 16
<b>SELECTMAN</b>							
TOTAL PURCHASE SERVICE	18,262	20,760	24,000	11,611	24,000	0	0.00%
TOTAL SUPPLIES	6,757	3,015	6,000	5,227	6,000	0	0.00%
<b>TOTAL SELECTMEN</b>	<b>25,019</b>	<b>23,775</b>	<b>30,000</b>	<b>16,838</b>	<b>30,000</b>	<b>0</b>	<b>0.00%</b>
<b>TOWN OFFICE</b>							
TOTAL PERSONNEL SERVICES	489,230	468,323	435,000	154,767	435,000	0	0.00%
TOTAL PURCHASE SERVICE	13,618	14,843	10,000	3,755	10,000	0	0.00%
TOTAL SUPPLIES	67,094	66,139	71,500	11,086	71,500	0	0.00%
<b>TOTAL TOWN OFFICE</b>	<b>569,942</b>	<b>549,305</b>	<b>516,500</b>	<b>169,608</b>	<b>516,500</b>	<b>0</b>	<b>0.00%</b>
<b>PERSONNEL BOARD</b>							
TOTAL PERSONNEL SERVICES	0	2,100	5,000	0	5,000	0	0.00%
TOTAL PURCHASE SERVICE	4,095	8,540	10,000	2,023	10,000	0	0.00%
<b>TOTAL PERSONNEL BOARD</b>	<b>4,095</b>	<b>10,640</b>	<b>15,000</b>	<b>2,023</b>	<b>15,000</b>	<b>0</b>	<b>0.00%</b>
<b>FINANCE OFFICE</b>							
TOTAL PERSONNEL SERVICES	274,089	296,257	318,300	97,239	330,318	12,018	3.78%
TOTAL PURCHASE SERVICE	64,946	60,910	48,700	31,781	53,700	5,000	10.27%
TOTAL SUPPLIES	991	1,563	3,000	3,000	3,000	0	0.00%
<b>TOTAL FINANCE OFFICE</b>	<b>340,026</b>	<b>358,731</b>	<b>370,000</b>	<b>129,020</b>	<b>387,018</b>	<b>17,018</b>	<b>4.60%</b>
<b>TREASURER</b>							
TOTAL PERSONNEL SERVICES	196,076	208,555	199,000	53,142	183,625	-15,375	-7.73%
TOTAL PURCHASE SERVICE	36,461	72,609	115,700	37,814	99,900	-15,800	-13.66%
TOTAL SUPPLIES	0	0	200	200	200	0	0.00%
<b>TOTAL TREASURER</b>	<b>232,537</b>	<b>281,164</b>	<b>314,900</b>	<b>90,955</b>	<b>283,725</b>	<b>-31,175</b>	<b>-9.90%</b>
<b>LEGAL</b>							
TOTAL PURCHASE SERVICE	173,227	142,089	175,000	40,775	175,000	0	0.00%
<b>TOTAL LEGAL</b>	<b>173,227</b>	<b>142,089</b>	<b>175,000</b>	<b>40,775</b>	<b>175,000</b>	<b>0</b>	
<b>INFORMATION TECHNOLOGY</b>							
TOTAL PERSONNEL SERVICES	84,085	84,694	83,842	28,808	87,699	3,857	4.60%
TOTAL PURCHASE SERVICE	205,868	250,015	238,190	62,376	639,777	401,587	168.60%
<b>TOTAL INFORMATION TECHNOLOGY</b>	<b>289,953</b>	<b>334,709</b>	<b>322,032</b>	<b>91,183</b>	<b>727,476</b>	<b>405,444</b>	<b>125.90%</b>

## Board of Selectmen Departments

	2014 ACTUAL	2015 ACTUAL	2016 APPROVED	2016 Actual-4-Months	2017 REQUEST	\$ Variance FY 17 / FY 16	% Variance FY 17 / FY 16
<b>CONSERVATION</b>							
TOTAL PERSONNEL SERVICES	135,051	132,862	169,457	50,458	174,734	5,277	3.11%
TOTAL PURCHASE SERVICE	10,038	7,942	23,000	0	23,000	0	0.00%
TOTAL SUPPLIES	6,233	6,767	14,400	2,540	18,200	3,800	26.39%
<b>TOTAL CONSERVATION</b>	<b>151,322</b>	<b>147,571</b>	<b>206,857</b>	<b>52,997</b>	<b>215,934</b>	<b>9,077</b>	<b>4.39%</b>
<b>SURVEYOR</b>							
TOTAL PERSONNEL SERVICES	160,604	162,411	160,778	55,242	168,118	7,340	4.57%
TOTAL PURCHASE SERVICE	12,519	21,521	22,800	2,682	23,000	200	0.88%
TOTAL SUPPLIES	2,578	1,137	4,150	57	4,150	0	0.00%
<b>TOTAL SURVEYOR</b>	<b>175,701</b>	<b>185,069</b>	<b>187,728</b>	<b>57,981</b>	<b>195,268</b>	<b>7,540</b>	<b>4.02%</b>
<b>FACILITIES</b>							
TOTAL PERSONNEL SERVICES	270,837	263,107	279,722	95,397	277,932	(1,790)	-0.64%
TOTAL PURCHASE SERVICE	668,996	669,866	792,450	180,679	814,000	21,550	2.72%
TOTAL SUPPLIES	25,253	31,415	39,500	7,009	43,000	3,500	8.86%
<b>TOTAL FACILITIES</b>	<b>965,086</b>	<b>964,388</b>	<b>1,111,672</b>	<b>283,085</b>	<b>1,134,932</b>	<b>23,260</b>	<b>2.09%</b>
<b>POLICE</b>							
TOTAL PERSONNEL SERVICES	2,105,444	2,192,172	2,231,344	734,737	2,275,760	44,416	1.99%
TOTAL PURCHASE SERVICE	132,758	138,689	138,890	33,320	140,710	1,820	1.31%
TOTAL SUPPLIES	187,608	167,962	181,400	77,475	169,400	(12,000)	-6.62%
<b>TOTAL POLICE</b>	<b>2,425,810</b>	<b>2,498,823</b>	<b>2,551,634</b>	<b>845,532</b>	<b>2,585,870</b>	<b>34,236</b>	<b>1.34%</b>
<b>JCC COMMUNICATION</b>							
TOTAL PERSONNEL SERVICES	462,550	449,984	475,400	150,697	475,400	0	0.00%
TOTAL PURCHASE SERVICE	16,185	11,775	11,600	10,717	11,600	0	0.00%
TOTAL SUPPLIES	6,004	4,363	5,500	1,080	5,500	0	0.00%
<b>TOTAL JCC COMMUNICATIONS</b>	<b>498,507</b>	<b>477,141</b>	<b>502,500</b>	<b>162,494</b>	<b>502,500</b>	<b>0</b>	<b>0.00%</b>
<b>EMERGENCY MANAGEMENT</b>							
TOTAL PURCHASE SERVICE	13,447	15,203	16,000	915	16,000	0	0.00%
TOTAL SUPPLIES	11,216	7,002	7,000	0	7,000	0	0.00%
<b>TOTAL EMERGENCY MANAGEMENT</b>	<b>24,663</b>	<b>22,204</b>	<b>23,000</b>	<b>915</b>	<b>23,000</b>	<b>0</b>	



## Board of Selectmen Departments

	2014 ACTUAL	2015 ACTUAL	2016 APPROVED	2016 Actual-4-Months	2017 REQUEST	\$ Variance FY 17 / FY 16	% Variance FY 17 / FY 16
<b>DOG OFFICER</b>							
TOTAL PURCHASE SERVICE	22,962	21,228	21,500	7,218	21,500	0	0.00%
<b>TOTAL DOG OFFICER</b>	<b>22,962</b>	<b>21,228</b>	<b>21,500</b>	<b>7,218</b>	<b>21,500</b>	<b>0</b>	<b>0.00%</b>
<b>FIRE</b>							
TOTAL PERSONNEL SERVICES	2,204,981	2,122,359	2,305,349	700,497	2,325,349	20,000	0.87%
TOTAL PURCHASE SERVICE	34,527	39,073	77,500	20,593	74,500	(3,000)	-3.87%
TOTAL SUPPLIES	150,851	188,058	175,608	55,904	181,500	5,892	3.36%
<b>TOTAL FIRE</b>	<b>2,390,359</b>	<b>2,349,490</b>	<b>2,558,457</b>	<b>776,994</b>	<b>2,581,349</b>	<b>22,892</b>	<b>0.89%</b>
<b>BUILDING &amp; ZONING</b>							
TOTAL PERSONNEL SERVICES	271,998	278,200	293,767	94,386	293,767	0	0.00%
TOTAL PURCHASE SERVICE	12,537	7,875	12,000	2,310	12,000	0	0.00%
TOTAL SUPPLIES	907	1,367	2,501	0	2,501	0	0.00%
<b>TOTAL BUILDING &amp; ZONING</b>	<b>285,442</b>	<b>287,442</b>	<b>308,268</b>	<b>96,696</b>	<b>308,268</b>	<b>0</b>	<b>0.00%</b>
<b>VETERANS SERVICES</b>							
TOTAL PURCHASE SERVICE	26,400	37,004	41,600	36,919	44,000	2,400	5.77%
TOTAL SUPPLIES	2,826	4,939	3,000	0	4,000	1,000	33.33%
<b>TOTAL VETERANS SERVICES</b>	<b>29,226</b>	<b>41,943</b>	<b>44,600</b>	<b>36,919</b>	<b>48,000</b>	<b>3,400</b>	<b>7.62%</b>
<b>COUNCIL ON AGING</b>							
TOTAL PERSONNEL SERVICES	166,009	172,253	195,776	66,128	203,490	7,714	3.94%
TOTAL PURCHASE SERVICE	44,758	43,753	46,700	3,020	46,700	0	0.00%
TOTAL SUPPLIES	9,026	7,763	8,800	0	9,300	500	5.68%
<b>TOTAL COUNCIL ON AGING</b>	<b>219,793</b>	<b>223,768</b>	<b>251,276</b>	<b>69,148</b>	<b>259,490</b>	<b>8,214</b>	<b>3.27%</b>
<b>YOUTH SERVICES</b>							
TOTAL PERSONNEL SERVICES	157,401	167,101	205,053	77,009	222,400	17,347	8.46%
TOTAL PURCHASE SERVICE	2,733	2,808	2,850	658	2,850	0	0.00%
TOTAL SUPPLIES	907	789	1,225	134	1,225	0	0.00%
<b>TOTAL YOUTH SERVICES</b>	<b>161,041</b>	<b>170,698</b>	<b>209,128</b>	<b>77,802</b>	<b>226,475</b>	<b>17,347</b>	<b>8.29%</b>

## Board of Selectmen Departments

	2014 ACTUAL	2015 ACTUAL	2016 APPROVED	0 0	2017 REQUEST	\$ Variance FY 17 / FY 16	% Variance FY 17 / FY 16
<b>DEBT SERVICE</b>							
<b>TOTAL DEBT SERVICE</b>	<b>7,308,512</b>	<b>7,692,911</b>	<b>7,751,620</b>	<b>1,339,771</b>	<b>7,502,831</b>	<b>-248,789</b>	<b>-3.21%</b>
<b>RETIREMENT</b>							
<b>TOTAL RETIREMENT</b>	<b>3,507,480</b>	<b>3,740,468</b>	<b>3,971,988</b>	<b>3,971,988</b>	<b>4,235,414</b>	<b>263,426</b>	<b>6.63%</b>
<b>UNCLASSIFIED</b>							
INSURANCE GENERAL	480,146	573,611	615,000	565,865	615,000	0	0.00%
INSURANCE 32B	5,905,967	6,057,649	6,925,218	2,180,167	7,080,976	155,758	2.25%
MEDICARE	557,986	561,962	570,000	156,186	580,000	10,000	1.75%
UNEMPLOYMENT	47,214	32,465	75,000	3,889	75,000	0	0.00%
NON-CONTRIBUTORY RETIREMENT	16,772	17,537	18,000	150	0	-18,000	-100.00%
POLICE/FIRE DISABILITY	6,536	3,083	15,000	113	15,000	0	0.00%
RESERVE FOR SAL ADJUSTMENTS		0	374,000	0	374,000	0	0.00%
OCCUPATIONAL HEALTH	5,108	1,919	8,000	474	8,000	0	0.00%
RETIREMENT/BUYBACK	7,500	7,500	40,000	0	40,000	0	0.00%
TOWN MEETING	89,999	65,289	90,000	865	90,000	0	0.00%
STREET LIGHTING	106,417	122,538	130,000	22,809	130,000	0	0.00%
RESERVE FUND		0	300,000	0	300,000	0	0.00%
<b>TOTAL UNCLASSIFIED</b>	<b>7,223,645</b>	<b>7,443,554</b>	<b>9,160,218</b>	<b>2,930,517</b>	<b>9,307,976</b>	<b>147,758</b>	<b>1.61%</b>

# (9)(3) IT BUDGET AND ANALYSIS

DATE: NOVEMBER 25, 2015  
TO: NAN BALMER  
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST  
RE: INFORMATION TECHNOLOGY TOWN FY17 OPERATING BUDGET

## **ACTION REQUESTED:**

FY17 Town IT Operating Budget review and discussion

## **BACKGROUND:**

The FY17 Town IT Operating budget reflects two major changes. One is an enhanced general ledger account number structure to provide a more detailed accounting of expenses. The second change is the addition of a new general ledger account number for Town/School shared expenses; the consolidation of Town/School shared expenses required to support the Town/School IT organization and shared services is included as part of the Town budget and aligned with the new Executive IT Director function.

The budget provides categories for "Town Requests" for requests aligned with Approved FY16 expense line items; "New Requests" for requests either for shared Town/School expenses or those recommended through IT consultants and the IT Master Plan; "Total Requested" for the total Town and Town/School shared requests.

## **NEW REQUEST BUDGET DETAIL:**

### 10155001

- 51001 Salaries

Includes the Town IT employee salary prior to approval of new positions. An estimated \$220,000 in new salary expense will be added to the IT budget or salary reserve after positions are considered by the Personnel Board and Finance Committee.

### 10155003 Data Center Town and School Shared Expenses (*New account number*)

- 54126 DC Hardware Warranty/Maintenance

\$13,750 Includes total cost of service previously shared by Town and School

- 55536 DC Software Licenses/Agreements

\$36,850 Includes additional cost for hosted Munis and total cost of software licenses and agreements previously shared by Town and School

- 52100 DC Contractual Services

\$110,000	Outsourced Managed Services
35,000	Network Penetration Testing
40,000	Virtual Desktop Infrastructure reconfiguration
<u>5,000</u>	Document and test IT Policies and Procedures
\$190,000	

- 54124 DC Software

\$12,000 Service Management Tool

- 54125 DC Hardware

\$90,000 Network and System Hardware replacement



10155002 Town Only Expenses

- 55536 Software Licenses/Agreements
  - \$ 17,000 Hosted Exchange email
  - 15,000 Business System Upgrades
  - 10,000 New Anti-virus software
  - \$ 42,000
  
- 52112 Training
  - \$25,000 Town Staff Munis training for new business system upgrades; IT staff training.

**Fiscal Impact:** FY17 Total Requested: \$717,446  
Total Town and Shared Town/School Data Center Infrastructure expenses represent an increase of \$395,414, 123%, from the approved FY16 Town Operating Budget.

New FY17 Requests total \$409,600; \$216,600 is for recurring annual expenses.

cc: Board of Selectmen  
Finance Committee  
Brian Keveny, Finance Director  
Paul Stein, Superintendent of Schools  
Leisha Simon, School IT Director

**Town of Wayland  
Official Budget Request  
Fiscal Year 2017**

DEPARTMENT			INFORMATION TECHNOLOGY						
BUDGET SUMMARY									
			EXPENDED	EXPENDED	APPROVED	TOWN	NEW *	<u>Explanation of new requests</u>	TOTAL REQUESTED
			FY 14	FY 15	FY 16	REQUESTS	REQUESTS		FY 17
						FY 17	FY17		
10155001	<b>Town Only Salaries</b>								
10155001	51001	SALARIES	83842	83842	83842	87,669	-		*** 87,669
10155003	<b>Town / School Shared Expenses</b>								
	54126	DC HARDWARE WARR/MAINT				8,250	13,750	Includes School portion	22,000
	55536	DC SOFTWARE LIC/AGREE				82,650	36,850	Includes School portion & hosted Munis	119,500
	52100	DC CONTRACTUAL SERVICES				3,000	190,000	Sys reconfig, pen test, managed srvc, policies	193,000
	54124	DC SOFTWARE				0	12,000	Service Management Tool	12,000
	54125	DC HARDWARE				0	90,000	Network & System Hardware Replacement	90,000
		<b>Shared Expenses Subtotal</b>				<b>93,900</b>	<b>342,600</b>		<b>436,500</b>
10155002	<b>Town Only Expenses</b>								
	54125	HARDWARE				35,000			35,000
	54126	HARDWARE WARR/MAINT				7,487			7,487
	54124	SOFTWARE			111,300	0			-
	55536	SOFTWARE LIC/AGREE				45,000	42,000	Bus Sys upgrades, hosted Exchange, anti-virus	87,000
	52100	CONTRACTUAL SERVICES	139,883	171,484	84,890	2,510			2,510
	52101	PROFESSIONAL SERVICES	3,000			10,000			10,000
	52102	ENGINEERING SERVICES				0			-
	52112	TRAINING	7,000	7,000	7,000	5,780	25,000	Munis and IT staff training	30,780
	52113	TRAVEL				500			500
	52114	DUES				3,000			3,000
	54100	SUPPLIES	1		1,000	500			500
	54102	COMPUTER SUPPLIES	12,000	5,000	4,000	1,000			1,000
	55535	COMPUTER ACCESSORIES				500			500
	54500	SMALL EQUIPMENT	50,000	38,000	30,000	15,000	-		15,000
		<b>Town Only Expenses Subtotal</b>				<b>126,277</b>	<b>67,000</b>		<b>193,277</b>
		<b>TOTAL</b>	<b>295,726</b>	<b>305,326</b>	<b>322,032</b>	<b>307,846</b>	<b>409,600</b>		<b>** \$ 717,446</b>

\* FY17 New Requests include School portions of shared expenses, recommendations from IT Master Plan and consultants.

\*\* TOTAL REQUESTED FY17 of \$717,446 represents an increase of 123% from Approved FY16 budget of \$322,032.

\*\*\* An estimated \$220,000 in new salary expense will be added to the IT budget or salary reserve after positions are considered by Personnel Board and Finance Committee.

**NOTE:** FY17 budget breaks out Town/School shared expenses from Town only expenses creating new account number 10155003 for shared expenses.

FY17 budget breaks out Town expenses that previously were summarized in Software and Contractual Services into more detail.

# (9)(4) FY17 FACILITIES BUDGET

## Explanatory Statement of Changes in Expenses Template Department/Committee/etc. (name of your entity): FACILITIES

Item description	Salary or Expense type	FY 16 Appropriated	FY 17 Proposed	Change	%	Detailed explanation/supporting rationale
<b>FACILITIES UTILITIES</b>						
Heating Oil		\$ -	\$ -			
Natural gas		\$ 125,000.00	\$ 125,000.00	\$ -	0.00%	
Electricity		\$ 260,000.00	\$ 271,000.00	\$ 11,000.00	4.23%	Expect commodity prices to remain level, possible 30% increase in delivery. Therefore 15% increase overall less 50% of expected solar benefit.
Telephone		\$ 90,000.00	\$ 92,000.00	\$ 2,000.00	2.22%	2% escalation rounded up
Water Charges		\$ 18,000.00	\$ 18,000.00	\$ -	0.00%	
Wastewater Charges		\$ 36,000.00	\$ 41,000.00	\$ 5,000.00	13.89%	pump out all tanks next summer, scheduled maintenance
sub total		\$ 529,000.00	\$ 547,000.00	\$ 18,000.00	3.40%	
<b>FACILITIES SUPPLIES</b>						
Supplies Custodial		\$ 21,500.00	\$ 25,000.00	\$ 3,500.00	16.28%	over budget last year level tracking this year
Vehicle Gasoline		\$ 8,000.00	\$ 8,000.00	\$ -	0.00%	
Small Equipment		\$ 10,000.00	\$ 10,000.00	\$ -	0.00%	
sub total		\$ 39,500.00	\$ 43,000.00	\$ 3,500.00	8.86%	
<b>FACILITIES P S</b>						
Salaries		\$ 267,722.00	\$ 270,932.00	\$ 3,210.00	1.20%	2% expected increase by custodian contract, PBD level
Overtime		\$ 12,000.00	\$ 7,000.00	\$ (5,000.00)	-41.67%	consistant under budget last 3 years
sub total		\$ 279,722.00	\$ 277,932.00	\$ (1,790.00)	-0.64%	
<b>FACILITIES EXPENSES</b>						
Contractual Services		\$ 63,450.00	\$ 70,000.00	\$ 6,550.00	10.32%	over budget last year and tracking high this year.
Training & Education		\$ 2,000.00	\$ 3,000.00	\$ 1,000.00	50.00%	anticipate more use MCPPO and peer organizations
Travel		\$ 2,000.00	\$ 2,000.00	\$ -	0.00%	
Building Repairs/Improvements		\$ 80,000.00	\$ 75,000.00	\$ (5,000.00)	-6.25%	added 10K last year for office moves only need 5K this year for Conservation
Vehicle Repairs		\$ 4,500.00	\$ 4,500.00	\$ -	0.00%	
Disposal		\$ 17,500.00	\$ 18,500.00	\$ 1,000.00	5.71%	over budget last year and tracking high this year.
Elevator Repair/Service		\$ 12,000.00	\$ 10,000.00	\$ (2,000.00)	-16.67%	consistant under budget last 3 years
Electrical Repair/Service		\$ 42,000.00	\$ 42,000.00	\$ -	0.00%	
HVAC Repair/Service		\$ 40,000.00	\$ 42,000.00	\$ 2,000.00	5.00%	anticipate increase as WHS ages
sub total		\$ 263,450.00	\$ 267,000.00	\$ 3,550.00	1.35%	
<b>Total</b>		<b>\$1,111,672.00</b>	<b>\$1,134,932.00</b>	<b>\$23,260.00</b>	<b>2.09%</b>	



# (10) WRAP QUESTIONNAIRE

**DATE:** NOVEMBER 30, 2015

**TO:** WRAP COMMITTEE

**FROM:** BOARD OF SELECTMEN

**RE:** RESPONSE TO REQUEST REGARDING FACILITIES UNDER SELECTMEN JURISDICTION

The Board of Selectmen considered your questions on Monday November 16<sup>th</sup> and November 30<sup>th</sup> and offer the following response:

## **PRIORITIES:**

The four planning priorities of the Board of Selectmen for municipal facilities and land are:

1. Review Disposition of Land Held under Board of Selectmen: Establish periodic process to review the purpose for which parcels are held by the Selectmen and, if in the judgment of the Selectmen the land should be declared surplus after considering needs of the whole town, identify other municipal or private parties which have a potential use for the land and take the required steps to transfer.
2. Community Space: Creation and improvement of community gathering spaces.
3. Municipal Parcel: Complete acquisition and consider future use.
4. Affordable Housing: Support the work of town bodies charged with the responsibility to identify public and private locations conducive to affordable housing development, to develop strategies for development of affordable housing opportunities and to quantify the need for specific types of affordable housing in Wayland.

## **WRAP COMMITTEE DISCUSSION POINTS:**

1. Current Condition of Facilities:
  - The Facilities Director will provide a separate summary assessing the condition of buildings under the Board of Selectmen.
  - Buildings include: 1) Town Building (Includes town offices, school administration, COA, Children's Way), 2) Public Safety Building, 3) Miscellaneous Historic Structures (Depot, Lawyer's Office, Freight Office at Library), and 4) Cochituate Fire Station #2.
  - Summary will include:
    - Condition, highlighting priorities for correction of deferred maintenance.
    - Building uses, capacity, storage and alternatives.

- Specific regulatory requirements/consent agreements with governmental agencies that require major changes to existing facilities or construction of new facilities.
2. Relationship of Population Growth / Geographic Distribution to Facilities Needs:
    - Population growth will continue to drive the demand and need for space for Council on Aging programs as well as the need for public spaces for recreation, arts, and use by community groups.
    - Population growth is not expected to drive the need for new buildings to house the services of government. A reconfiguration of Town Building may be needed to optimize work flow, serve residents better, add meeting space, accommodate new technology and increase aesthetic appeal.
  3. What constituency do you serve most directly? (e.g., entire population of Town, seniors, school-age population):
    - Government programs and services under the Board of Selectmen are for the benefit of the entire town.
  4. Is the facility required to be in a certain proximity to the end users?
    - The Town Building is located appropriately in a central geographic location.
    - For public safety facilities, proximity to end users is essential to maintain acceptable response times.
  5. Are there cost implications related to geographic distance between facility and end users?
    - Buildings under the Board of Selectmen are appropriately located and no additional cost is expected to improve geographic proximity to end users.
  6. Are there convenience implications related to geographic distance between facility and end users?
    - Yes - Central and accessible location is desirable for all buildings under Board of Selectmen, except historic structures.
  7. What are your current and projected needs for additional storage space for equipment, materials, records, etc. (do you require immediate access or can storage be off-site)?
    - The prior Fire Chief strongly recommended that equipment and document storage be studied and should be a high priority. (The Chief's report will be provided upon request)
    - Public Records law requires storage of most original documents, some in perpetuity. It is recommended there be a town wide policy and plan for maintaining documents covered by the state document retention schedule.
      - The Town Clerk needs more space (possibly climate controlled) to archive and protect important documents of the town including minutes.
      - Document management project will be implemented to digitize documents.
    - Off-site general storage space is likely to be a desirable, low - cost option.

8. What are you currently using for meeting space and what are the hours during which the space is available for use by others?

- There are six spaces on the first and second floors of Town Building used for meetings by public bodies of town and school. Open time is only Friday afternoon and weekends.

9. What are your current and projected needs for additional meeting space?

- Meeting spaces are outdated and some are inappropriate for purpose. The available meeting space is often full to capacity requiring juggling of various meetings to accommodate everyone. More space is needed.
- Parking is often limited at Town Building on business days.
- The capacity / projected needs for meeting spaces will be provided in a separate report by the Facilities Director.

10. Are your current facilities meeting the needs of your constituents?

- The need for Council on Aging and Community Center space is documented.
- The Town Building office, storage, meeting and customer service facilities should be reconfigured for optimal work flow, aesthetic appeal to residents and accommodation of new technology.

11. Looking at the land parcels under your board's control:

- Do you have an overall policy concerning potential future use for each parcel?  
Yes. See attached policy. The Selectmen will review this policy in 2016.
- Do you have specific plans for any of the parcels?  
Not at this time. Subject to additional study.
- Thoughts on relinquishing control of any of the parcels?  
Not at this time. Subject to additional study.



## **DISPOSITION OF TOWN-OWNED LAND**

Town-owned land under the jurisdiction of the Board of Selectmen may be considered for disposition or lease including, but not limited to, when it is no longer needed by the town, and/or when there is a request from an abutter or other interested resident or party to purchase the land. However, nothing requires the Board to take such action.

### **PROCESS FOR DISPOSAL**

1. The Board of Selectmen's office will maintain an up-to-date inventory, including a map and pictures, of Town-owned land under the Board's jurisdiction. Disposition of such land may be initiated by the board having jurisdiction, care, custody and control or by written request of an abutter or other interested resident or party.
2. Town boards will be asked in writing to indicate their interest in, need of, or use for the parcel(s) of land being considered for disposal. The Town may choose to request in writing an opinion as to the impact of the sale from the Planning Board, Conservation Commission, Board of Health, Town Surveyor, Assessors, and/or Building Commissioner.
3. Two weeks prior legal notice will be given in accordance with Town Bylaw Section 6-2 and a public hearing will be held on the matter of the disposition of the Town-owned land. Legal notice will also be posted in the Wayland Town Building, in the Wayland Public Library, and on the Wayland website. The Town shall mail written notification to abutters of land under consideration for disposal, including a location map where practicable, and to others who might have an interest in such land. Abutters shall be considered as any landowner within 300 feet of any edge of the property.
4. The Board shall obtain a written appraisal when appropriate or required by law, such as when land has more than a nominal value or is being sold for more than a nominal value.
5. Legal review of title documents (i.e., deeds, plans, tax taking documents, etc.), bids (i.e., sealed bids or proposals submitted pursuant to a formal invitation to bid or request for proposals), purchase and sale agreements, easements, and a majority vote of the Board of Selectmen to insert a land disposition article in the Town Meeting warrant, and a two-thirds Town Meeting vote, shall be required before any such disposition of Town-owned land is consummated.
6. The Town may choose to have the purchaser pay the costs incurred by the Town (i.e., appraisals, legal review, etc.).
7. All land will be sold as is and the buyer is responsible for compliance with all applicable laws, regulations, and statutes.
8. The Board may impose restrictions of the use of the land so disposed of.

## **GUIDELINES FOR DISPOSAL**

1. The land is not needed or anticipated to be needed for any Town or public purpose (e.g., conservation, housing, park or recreation, waste water treatment, road, school, etc.). The Town retains the right to keep or require easements for the public good.
2. The land is not being maintained by the Town.
3. The land may serve a useful or public purpose for one or more town residents, such as:
  - Septic or other public health or safety purpose
  - Strategic purpose such as an exchange for land that is more beneficial to the Town or allowing a Town project to go forward
  - Financial purpose such as for maximizing sale proceeds to the Town
  - Zoning compliance purposes, such as reducing non-conformity of a property
  - Individual resident's purpose
4. Sale of the land will generally not
  - Make possible the subdivision of an enlarged parcel by combining the Town-owned land with abutting land
  - [Make possible demolition of an existing residence and its replacement with a residence that is substantially larger in scale than others in the vicinity]
  - Adversely impact abutters to the parcel to an unreasonable extent (e.g., the Board will balance the concerns of abutters with the general benefits to the Town.)
5. The purchaser or transferee of such Town-owned land shall be current with all taxes and municipal charges, if any, owned to the Town of Wayland.

*Approved February 9, 2004; revised and restated on October 13, 2010*

# (11) SIGN POLICY

## SIGNS – PUBLIC DISPLAY AND USE OF TOWN SIGN BOARDS

The Town has made available frames to display four, 4 feet by 8 feet sign boards to publicize events benefiting or open to the general public. The frames are located on Route 20 at the Weston town line, Route 20 at the intersection of Routes 27 and 126, the intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the corner of East Plain and Main Streets. The following procedures govern the use of these sign board.

EXISTING LANGUAGE	SUGGESTED CHANGES	QUESTIONS
1. Sign boards may be reserved by calling or writing the Department of Public Works.	Add "emailing" or change to contacting	
2. Due to the demand for these signboards, priority is given as follows: *Town Meeting and all elections, Special Town Meeting, and Candidates' Night take precedence over all organizations. *Requests from Town departments *Wayland civic, nonprofit, and Town-wide organizations *Church groups	Delete Candidates Night (town bylaw usually precludes Candidates Night)  Add businesses	
3. Signs must be painted attractively with waterproof paint on 4 x 8 wood boards or an aluminum composite panel no thicker than 3/8 inch.	Signs must be 4 x 8 feet wood or aluminum-composite panel (?) no thicker than 3/8 inch *Painted attractively with waterproof paint *Banner secured to the board	Has aluminum-composite ever been used? Should it be eliminated?  Most signs are now banners rather than painted. Could banners be tied to the frame rather than attached to a board? No mention of holes on the boards. Should that be added?
4. Signs must be delivered to the Wayland DPW garage prior to 6:30am on the Monday on which	"no later than" 6:30am	



they are to be displayed.		
5. The usual period of display will be one week, from Monday to Monday. Signs must be picked up at the Wayland DPW garage as soon as possible after they have been taken down.	Replace “garage” with “building”	Election/TM signs are up for two weeks by bylaw. Is it necessary to state that?
6. The Town is not responsible for loss or damage to the signs.		

When the Town signboards have already been reserved, town-wide civic and non-profit organizations may request in writing permission from the Board of Selectmen to display sandwich board signs adjacent to the Town signboards. Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of one week and must be removed promptly after the advertised event.

... town-wide civic and non-profit organizations		Should out-of-town organizations be allowed to post signs? Meadowbrook and other private schools have posted signs in Wayland.
... sandwich board signs		Should “A-frames” and stick-in-the-ground signs be added?
... adjacent to the Town signboards ... secured in such a way that they are not displaced by wind ... displayed for a period of one week and must be removed promptly		Most of these signs do not follow any of these rules. The intersection at Five Paths, the entrance to the town building and the high school, and nearer the street at the Cochituate Fire Station and across from Coach Grill are all used for these signs. Most are displayed longer than a week and are not removed promptly. Should there be a limit to the number of sandwich boards displayed at one

		time. I've seen as many as five signs. Should the limit of one week be raised to two weeks?
	At least one organization ties its sign below the town signboards. DPW seemed to be unaware of this and said they were afraid such a sign would come untied and blow away. I've talked with CAPA about this; they have never had a problem with these signs. They attach them to the signboards themselves. Should such signs be allowed? Who should tie the signs to the boards? It might eliminate a sandwich board and would allow two events occurring during the same time period to be advertised.	
	Do all the organizations using sandwich boards get permission? Should there be blanket permission for all school plays, for example? Should there be a penalty for not following the rules?	
	What about campaign signs? Farmers Market signs?	
	Should there be a hearing related to this policy? I was asked if there would be public input.	

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING NOVEMBER 27, 2015**

**RECREATION**

I am working with the Recreation Director and Finance Director on:

FY 16 \$595,000 cap on program expenses: The department has instituted a registration cap. Programs may need to be cut in the winter and spring to reduce expenses \$45,000. As an alternative I am working with Town Counsel to see if the transfer to cover indirect costs can occur in a future year.

FY 17 Budget: To provide for additional spending capacity, the Selectmen may be asked to support the creation of an additional revolving fund for the Beach program for FY 17.

Accounting: There is continuing work on properly matching receipts and expenses through new account codes to get a true picture of account activity.

Turf Field Fund: Journal entries will be made for FY 15 and 16 to transfer receipts from the Revolving fund to the turf replacement fund and to make deposits to the fund going forward. For FY 15, there is an estimated \$30,000 adjustment.

**BOPW: COMMON DRIVEWAYS**

Last year, a claim was made against the town after a plow damaged a fence on private property. BOPW examined the incident and learned that it was illegally plowing "common driveways". These are distinct from the plowing that can occur on certain "laid out" private ways open to the public. Residents were informed that the town can no longer plow their private property. The BOPW and Town Counsel will provide an opportunity for education on the change and answer questions at the Board's meeting on December 1<sup>st</sup>.

**RIVER'S EDGE**

River's Edge proposals are due December 1<sup>st</sup>. Attached is the process that will be used to work toward a target date of February 8<sup>th</sup> for REAC's recommendation to the Selectmen.

**PERMITS / LICENSES – DELINQUENT TAXES**

The Treasurer will be working with departments issuing permits and licenses to develop a process to be sure taxes are paid before issuance.



**RIVERS EDGE PROJECT: PROPOSAL EVALUATION AND CONTRACT AWARD PROCESS\***

<b>STEP</b>	<b>DATE</b>	<b>TASK</b>
1	Dec. 1, 2015	Public opening of Non-Price Proposals in large hearing room at 4:00 PM <i>(STAFF FUNCTION)</i> <i>(NON-PRICE PROPOSAL IS PUBLIC DOCUMENT)</i>
2	Dec. 2, 2015	Preliminary evaluation of submission requirements (RFP Section F) and compliance with minimum threshold criteria (RFP Section G 1). This is a preliminary check off to ensure each proposal meets all criteria, documenting reasons for any preliminary disqualification of proposers. Certain things can be waived, others are disqualifying by law. All responders deemed responsive, responsible and meet minimum criteria at this step must be interviewed if interviews are granted at step 12. <i>(STAFF PREPARES MORNING – COMMITTEE DELEGATE REVIEWS AFTERNOON)</i>
3	Dec. 2, 2015	<b>REAC MEETING: (OPEN MEETING)</b> Committee receives proposals, individual evaluation sheets and instructions for completion from staff. Discuss / disclose individual response to any conflicts of interest. **
4	Dec. 3 <sup>rd</sup> - Dec. 14, 2015	Individual evaluation of non-price proposals by REAC members at home. <i>(EVALUATIONS ARE NOT PUBLIC DOCUMENTS AT THIS TIME UNDER PUBLIC RECORDS LAW EXEMPTION H)</i>
5	Dec. 9, 2015	<b>REAC MEETING: (OPEN MEETING)</b> Meeting to request clarification of procedures if required.
6	Dec. 14, 2015	Each member delivers individual evaluation to Town Administrator at Town Building by 9:00 am. (May be electronic or hand delivered)
7	Dec. 14 <sup>th</sup> – Dec. 16, 2015	Staff compiles individual responses into composite summary with numerical average and range of numerical scores and for each category. <i>(COMPILATION NOT PUBLIC RECORD AT THIS TIME - PUBLIC RECORDS LAW EXEMPTION H)</i>
8	Dec. 16, 2015	<b>REAC MEETINGS: (EXECUTIVE SESSION – OML EXEMPTION 6)</b> Committee receives compilation. Deliberation on recommendation on non-price proposal.
9	Jan. 6, 2016	<b>REAC MEETING: (EXECUTIVE SESSION -OML EXEMPTION 6)</b> REAC votes on recommendation based on non-price proposal.
10	Jan. 8, 2016	Opening of Price Proposals at 4:00 pm in large hearing room. <i>(STAFF FUNCTION)</i> <i>(PRICE PROPOSALS ARE PUBLIC DOCUMENTS)</i>
11	Jan. 11, 2016	Staff reviews of price proposals and preparation of composite summary in morning. Committee delegate reviews in afternoon.
12	Jan. 12 <sup>th</sup> , and Jan 19 <sup>th</sup> , 2016	<b>REAC MEETINGS: OPEN SESSION-</b> Committee receives Price Proposals, Project Pro Forma, and Statement of Estimated Tax Revenues. <b>EXECUTIVE SESSION (OML EXEMPTION 6):</b> Committee deliberates considering price and non-price proposals.
13	Jan 19 <sup>th</sup> – Feb. 2, 2016	<b>REAC MEETINGS: EXECUTIVE SESSION (OML EXEMPTION 6)</b> - Interviews, as determined, of all proposers meeting preliminary requirements at Step 2.
14	Feb. 2, 2016	<b>REAC MEETING: EXECUTIVE SESSION</b> Committee finalizes evaluation, considering both price and non-price proposals and votes final recommendation for preparation by staff. For Selectmen to consider committee recommendation on February 8 <sup>th</sup> , all work must be completed by Thursday February 4 <sup>th</sup> .
15	Feb. 8, 2016	<b>BOS MEETING: OPEN SESSION</b> –Discussion of conflict of interest** <b>BOS MEETING – EXECUTIVE SESSION(OML EXEMPTION 6)</b> Review of RFP responses and REAC evaluation and recommendations. <i>(RECOMMENDATION IS NOT A PUBLIC DOCUMENT)</i> <b>OPEN SESSION(S):</b> BOS awards project. <b>BOARD OF SELECTMEN PROCESS MAY BE EXTENDED IF NECESSARY</b>
16	Feb. 9, 2016	Town Administrator Issues Notice of Award – Earliest date
17	Feb. 9 – Mar. 9, 2016	Land Disposition Agreement Executed (30 days)
18	May 9, 2016	Due Diligence Period Ends (60 days)
19	Feb. 9, 2017	Local and State Permitting Completed (9 months)
20	Feb. 9, 2017	Closing

*\*This process is a guide only and may be modified by the Town Administrator as requested by REAC or the Board of Selectmen or advised by Town Counsel.*

*\*\* Conflict of Interest: As stated in Massachusetts Chapter 30B Manual, "A potential conflict of interest exists whenever an evaluator has a past or current financial or personal relationship with a potential proposer. If a potential conflict of interest exists, staff will be asked to verify with the State Ethics Commission whether the evaluator needs to be removed from the process or other action should be taken". (See Summary of the Conflict of Interest Law for Municipal Employees, [www.mass.gov/ethics](http://www.mass.gov/ethics).)*



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  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, November 30, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**CONSENT CALENDAR**

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through October 31, 2015, Invoice 170, Account 5673-01M: \$380.98
3. Vote the Question of Approving the Invoice from CMG Environmental, Inc., Invoice #5098, CMG ID#2014-055, November 16, 2015: \$776.25
4. Vote the Question of Approving the Invoice from CMG Environmental, Inc., Invoice #5099, CMG ID#2015-102, November 16, 2015: \$9,000.00
5. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs, for the Wayland Children and Parents Association Annual Holiday Cookie Decorating Party and Bake Sale, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Routes 27 and 126, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, from December 9-16, 2015
6. Vote the Question of Approving the Appointment of Jennifer Steel to the Municipal Affordable Housing Trust Fund Board as the Representative of the Housing Partnership for a Term to Expire on June 30, 2017
7. Vote the Question of Approving the Appointment of Carolyn Bargoot to the Audit Committee as the Representative of the Finance Committee for a Term to Expire on June 30, 2017
8. Vote the Question of Approving the Minutes of October 5, 2015, October 19, 2015, and October 26, 2015

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

RECEIVED

NOV 19 2015

\*\*\*\*\* Board of Selectmen  
Town of Wayland  
INVOICE FOR LEGAL SERVICES  
\*\*\*\*\*

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

Page 1  
11/17/2015  
Account No. 5673-01M  
Invoice No. 170

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	380.98
BALANCE DUE	<u>\$380.98</u>



# CMG ENVIRONMENTAL, INC.

# INVOICE

67 Hall Road  
 Sturbridge, MA 01566  
 Phone 774.241.0901 Fax 774.241.0906

DATE: 11/16/15  
 INVOICE # 5098  
 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 10/29/15 Change Order to 6/19/15 proposal, authorized 11/5/15

SALESPERSON	P.O. NUMBER	SHIP DATE	CMG ID	TERMS
BG	Town Contract	11/11/15	SA	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Phase I Environmental Site Assessment (ESA),	\$ 2,200.00	Paid (#4971)
	Public forum preparation & presentation	\$ 3,070.00	(Invoice #5063R)
1	Change Order 1 (soil sampling for PCBs)	\$ 2,300.00	Paid (#4990)
0	Change Order 2 (additional soil sampling for PCBs)		Not yet authorized
Hours	Change Order 3 (attend Special Town Meeting)		
6.75	Discussions regarding and attendance at November 9, 2015 Special Town Meeting with regards to Warrant Article #3 (Acquire Municipal Parcel in Town Center)	\$ 115.00	\$ 776.25

SUBTOTAL	\$ 776.25
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
<b>TOTAL</b>	<b>\$ 776.25</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!**

# CMG ENVIRONMENTAL, INC.

# INVOICE

67 Hall Road  
 Sturbridge, MA 01566  
 Phone 774.241.0901 Fax 774.241.0906

**DATE:** 11/16/15  
**INVOICE #** 5099  
**CMG ID #** 2015-102

**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 September 10, 2015, authorized September 22

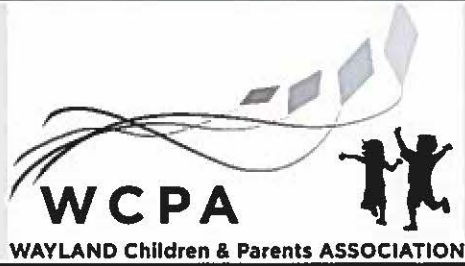
SALESPERSON	P.O. NUMBER	SHIP DATE	CMG ID	TERMS
BG	Town Contract	10/30/15	SA	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	<b>Engineering Services for Site Redevelopment</b> Engineering services to Town of Wayland through its Council on Aging, provided by David T. Faist, P.E. of McClure Engineering, Inc.	\$ 8,987.61	\$ 8,987.61
2.25	Project management (Benson R. Gould, LSP)	\$ 115.00	\$ 258.75
-1	Adjustment to accommodate agreed-upon Not To Exceed pricing	\$ 246.36	\$ (246.36)

SUBTOTAL	\$ 9,000.00
TAX RATE	0.00%
SALES TAX	-
SHIPPING & HANDLING	-
<b>TOTAL</b>	<b>\$ 9,000.00</b>

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**THANK YOU FOR YOUR BUSINESS!**



November 17<sup>th</sup>, 2015

Via Email ([mdinapoli@wayland.ma.us](mailto:mdinapoli@wayland.ma.us))

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

**Re: Signboard Request**

Dear Ms. DiNapoli:

The Wayland Children and Parents Association is hosting the annual Holiday Cookie Decorating Party and Bake Sale on Wednesday December 16, 2015 at the Wayland Town Building (Large Hearing Room). This event invites Wayland parents to bring their children for cookie decorating while adults enjoy coffee, conversation and cookies from the sale. The WCPA also invites participants to bring an unwrapped present to benefit Toys for Tots.

We are requesting permission to post our sandwich boards to promote this event starting December 9<sup>th</sup>, 2015 at the following locations:

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

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

Sincerely,  
Laura Jacques  
WCPA External Marketing/Public Relations





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes October 5, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 6:38 p.m.) Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al** At 6:31 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the exchange, purchase, lease or value of real estate in regard to the municipal parcel at Town Center, and the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al, because a public discussion of the matter may have a detrimental effect on the bargaining, negotiating or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Council on Aging Director Julie Secord, Council on Aging /Community Center Advisory Committee members Steve Correia, Jean Milburn, Bill Sterling, and Bill Steinberg, Facilities Director Ben Keefe, Administrator/ Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:04 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:05 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. L. Anderson reminded the public that community flu clinics will be conducted through October.

**A3. Public Comment** Ken Isaacson, 228 Lakeshore Drive, and former WayCAM Director, described a new public access program, "The Buzz," on WayCAM television beginning Sunday, October 11, and said the first episode will be an interview with the Town Administrator.

**A13. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A14. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. Board members highlighted the town's receipt of the 2014 Water Fluoridation Quality Award from the U.S. Center for Disease Control and Prevention, the disapproval by the State Attorney General of the 2015 Annual Town Meeting petitioners' proposed bylaw regarding the distribution of advertising due to freedom of speech, and the invitation from the Town of Weston to meet on October 28 to discuss resolving differences regarding the funding of a new Minuteman High School.

**A4. Continued Hearing on Application for Alteration of Premises, China Rose LLC, 15 East Plain Street** C. Karlson re-opened the hearing from September 8, 2015, on the application for an alteration of premises at China Rose LLC. She noted that the two Board members who were not present at the September 8 hearing have reviewed the meeting on videotape. The Board was joined by the owner, Jeff Mei, his attorney Michael Guagenty, and Town Counsel Mark Lanza. N. Balmer reviewed the steps taken by J. Mei and the town staff to respond to the concerns of the neighbors. M. Guagenty distributed a schematic of the proposed design, and said the lounge area will be 1/6 of the floor plan. T. Boschetto noted that alcohol can be served anywhere in the restaurant. J. Nolan said the Police Chief had no concerns regarding the renovation, and that food would continue to be served.

Gretchen Dresens, 155 Main Street, expressed concern that the business will be dominated by the bar, and that traffic will increase. George Bernard, 103 East Plain Street, brought empty beer bottles and cans he had found near the restaurant. Jeff Horan, 15 Center Street, said dumpsters are being emptied in the early morning hours, and the expansion of the bar area was excessive. Michael Coons, 7 Stanton Street, commended J. Mei on the appearance of the property, and noted that traffic is also generated by Dunkin Donuts and the fitness club. Bruce Kennedy, 33 Pleasant Street, said the expansion is reasonable, and thanked J. Mei for his support of local sports teams. Andrew Ferguson, 22 Parkland Drive, supported the expansion and said he prefers to be able to patronize local businesses. David Pearlman 34 Pequot Road, said the expansion of the lounge was reasonable, and he supports local businesses.

The hearing was closed at 7:49 p.m. J. Nolan said he recognizes the concerns of neighbors but the Board should support local business. T. Boschetto said he supports the alteration, saying the restaurant would be more successful with a new layout. L. Anderson said she is sensitive to the needs of the neighbors, but felt that the expansion was a reasonable request. J. Nolan moved, seconded by L. Anderson, to approve the application of China Rose LLC for an alteration of premises under its common victualler pouring license. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A5. Hearing on Liquor License Violation, Bertucci's Restaurant, 14 Elissa Avenue** C. Karlson opened the hearing at 7:55 p.m. for the liquor license violation at Bertucci's Restaurant at 14 Elissa Avenue. The Board was joined by Police Chief Robert Irving, Police Detective Sergeant Jamie Burger, Bertucci's Regional Vice President John Testa, Bertucci's Attorney Timothy Perry, Wayland Manager Derrick Plante, and Assistant Manager Michael Bunnell. R. Irving explained the process for conducting compliance checks. J. Berger reviewed the events of August 20, 2015, in which an underage couple was served an alcoholic beverage. He said it was subsequently found there was no designated manager on duty, and no notice of TIPS Certification. Attorney T. Perry said that this is the first violation. He said Bertucci's wants to do the right thing, and the employee was terminated. He reviewed the steps Bertucci's has taken to ensure compliance. L. Anderson asked if Wayland's rules are different from other towns; T. Perry said the notification to the Police Chief of any change in assistant managers is unique. J. Nolan said he appreciates the acknowledgment of the incident by the principals of the company. C. Karlson said the town is grateful for the restaurant's fundraisers and community support. Board members discussed the turnover of staff and

the breakdown of the process. R. Irving said that while he is concerned that the incident occurred so soon after meeting with the manager, it is offset by the tremendous cooperation of the parties, and he recommended a one-day suspension and one-year probation. C. Karlson closed the hearing at 8:25 p.m.

J. Nolan moved, seconded by M. Antes, that, for allowing the sale of alcohol to an underage person, for not having a designated manager on duty, and for failure to maintain TIPS Certification on August 20, 2015, the liquor license for Bertucci's Restaurant, 14 Elissa Avenue, Wayland, is hereby suspended for a period of one day, on Monday, October 19, 2015, or, if there is a fundraiser that day, an alternate date at the discretion of the Town Administrator or the Chief of Police. The liquor license of Bertucci's Restaurant is also placed on probation for a period of one year, commencing on October 5, 2015, and ending on October 5, 2016. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages" will result in an automatic penalty of three days suspension of the liquor license for each separate violation. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A7. Potential Vote regarding "No Parking" Restrictions on Bradford Street** The Board was joined by Police Chief Robert Irving and Housing Authority Director Brian Boggia. B. Boggia said the parking on Bradford Street poses a danger to pedestrians, and he requested that the Board designate a part of the street as a "No Parking – Loading Zone." The Board discussed the criteria for a loading zone, and suggested a grace period before enforcement. J. Nolan moved, seconded by M. Antes, to designate the area on Bradford Street, on the south side from Main Street to the Wayland Housing Authority driveway, as "No Parking," with some area to be designated as a commercial loading zone, to go into effect for six months, at which time it may be reviewed upon the recommendation of the Chief of Police. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A6. Consideration and Potential Approval of One-Day Liquor License for Family Promise MetroWest, November 7, 2015** M. Antes moved, seconded by J. Nolan, to approve the one-day liquor license for Family Promise MetroWest on November 7, 2015, at Temple Shir Tikva from 7:00 p.m. to 11:00 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A9. Discuss and Potentially Approve an Intermunicipal Agreement with the Town of Sudbury for Septage Disposal Facility Disposition** The Board discussed the Intermunicipal Agreement with the Town of Sudbury for the disposition of the septage disposal facility, and the letter from resident Werner Gossels, and the opinion from Special Counsel. John Dyer, 30 Cochituate Road, and a member of the former Septage Committee, said he agreed with W. Gossels. He noted that he never saw the final management report, and he felt the final decision should be made at a town meeting. C. Karlson requested that the last financial statement of February 28, 2010, be sent to John Dyer. She noted the opinion of Special Counsel that the IMA does not need to be approved by town meeting, although any appropriations will require approval by town meeting. J. Nolan moved, seconded by L. Anderson, to approve the Intermunicipal Agreement with the Town of Sudbury for the septage disposal facility disposition. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: T. Boschetto. Adopted 4-0-1. T. Boschetto expressed concern that the terms were not made public after the vote in executive session.

**A8. Discussion and Potential Vote on Positions, Withdrawal, and Order of Special Town Meeting Warrant Articles** The Board discussed the article on the acquisition of the municipal parcel in town center. It was noted that liability issues are executive session material. M. Antes moved, seconded by J. Nolan, to



recommend to Special Town Meeting the approval of the article, "Acquire Municipal Parcel in Town Center." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.

The Board was joined by the Recreation Commission (Asa Foster, Heidi Seaborg, Frank Krasin, Anna Meliones, and Brud Wright) and Recreation Director Jessica Brodie, to discuss the article, "Seek Special Legislation for Chapter 44 Section 53 E½ Municipal Revolving Fund." C. Karlson expressed concern about the effectiveness of the article, and suggested removing the article from Special Town Meeting in order to continue discussions regarding a financial plan. She said topics for review include a potential stabilization fund, an enterprise fund, and a possible targeted enterprise fund, citing the town beach as an example. J. Nolan said there is concern regarding the current balance in the revolving fund. T. Boschetto said the goal is to be well-prepared for town meeting, and it's possible the public may not have sufficient time to comment. B. Wright said Special Town Counsel has advised there are no limits on the 53 E½ balance, and the Recreation Commission envisions using the excess funds for capital improvements. A. Meliones said the article simply supports sending a request to the state level. B. Wright said there are irrelevant issues being raised. He said the Recreation Commission has a five-year capital plan to show the use of the funds. C. Karlson said the town made a promise to its auditors to match revolving fund expenses to income. The Board discussed removing the article from Special Town Meeting, citing the conflicting financial plans. T. Boschetto said he has never seen the Board remove an article proposed by another board, and felt there is merit to bringing it to town meeting. B. Wright expressed confidence in the article going forward. J. Brodie said the Recreation budget is an ongoing process, and there was never a model created after the formation of the DPW to pay salaries from the revolving fund; she said the current fee structure does not support salaries. J. Nolan moved, seconded by L. Anderson, to recommend to Special Town Meeting the approval of the article, "Seek Special Legislation for Chapter 44 Section 53 E ½ Municipal Revolving Fund." YEA: none. NAY: M. Antes, C. Karlson, J. Nolan. ABSTAIN: L. Anderson, T. Boschetto. The motion failed, 0-3-2.

**A10. Town Administrator Evaluation: Discuss Process and Review Draft Evaluation Form** The Board reviewed the process for the Town Administrator evaluation. N. Balmer said she supports a public evaluation process. C. Karlson asked the Board to send their individual evaluations to her by October 19, and she will prepare a final evaluation for November 2. T. Boschetto said he would like to have a 360 evaluation, which includes feedback from many sources. C. Karlson agreed, although she noted it may be better suited to the discussion of goals.

**A11. Town Administrator Goals: Discussion and Potential Vote to Accept** N. Balmer reviewed the Town Administrator Goals. The Board asked for more specific goals, and suggested an IT implementation plan, improved interaction with the public regarding permitting, and staff training and support.

**A12. Discussion and Potential Vote on Policies** T. Boschetto moved, seconded by J. Nolan, to approve the Board policies, "Provision and Consumption of Alcoholic Beverages," "Appointments to Town Boards and Committees," and "Proclamations and Certificates of Recognition." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: T. Boschetto. Adopted 5-0.

**A15. Report of the Town Administrator** N. Balmer said the Board is invited to tour Mainstone Farms on October 28. She said Sherman's Bridge was closed last week to replace planks. She said staff is still working on the application to invest OPEB funds in PRIT. She reported on a presentation on the Minuteman School Building project, and provided a response from Fire Chief Houghton regarding natural gas leaks.

**A16. Selectmen's Reports and Concerns** T. Boschetto said his resignation from the Board will be effective on November 10, 2015, and he will work to make it a smooth transition. The Board thanked him for his

contributions. M. Antes said the Lobster Fest on October 4 to support the Friends of the Council on Aging was a great success. She reported on the October 3 Massachusetts Selectmen's Association meeting. J. Nolan reported on the 495 Partnership meeting; he said he spoke to Lieutenant Governor Karyn Polito about regional transportation priorities. L. Anderson reported on the Massachusetts Municipal Association legislative breakfast on October 16. C. Karlson provided an update on the last meeting of the OPEB Advisory Committee, on September 29 and said she has prepared a list of follow-up items. She also reported on the Wayland Real Asset Planning (WRAP) Committee meeting on September 30.

**A17. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center and the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al** At 10:45 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, because a public discussion of the matter may have a detrimental effect on the bargaining or negotiating position of the Town. The discussion of the municipal parcel at Town Center and the pending action regarding Bernstein et al v. Planning Board et al was discussed at an earlier executive session. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session for the purpose of adjourning in approximately five minutes.

The Board returned to open session at 10:55 p.m.

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

**A19. Adjourn** There being no further business before the Board, T. Boschetto moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:56 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of October 5, 2015**

1. Recommendation of Police Chief Robert Irving for Decision of the Board of Selectmen regarding the Liquor License Violation of Bertucci's on August 20, 2015
2. Proposed Interior Remodeling Plan of China Rose LLC
3. Draft Town Administrator Evaluation Form, September 2014-September 2015
4. Two Versions of Article 3 for Special Town Meeting, "Acquire Municipal Parcel in Town Center"
5. Memorandum of 10/5/15 from Werner Gossels, Elaine Gossels, and Bonnie Gossels, to Board of Selectmen and Town Administrator re: Proposed Intermunicipal Agreement, Request for Town Meeting Approval
6. Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition

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

1. Memorandum of 10/2/15 from Office of the Town Administrator, re: Application of China Rose for an Alteration of Premises
2. Notice of Hearing, 9/23/15, to Derrick A. Plante, Bertucci's Restaurant, re: Liquor License Violation, with Incident Report from Police Department, August 20, 2015
3. Application for a One-Day Liquor License for Family Promise MetroWest, November 7, 2015, at the Temple Shir Tikva
4. Memorandum of 7/27/15 from Police Chief Robert Irving to Nan Balmer, Town Administrator, re: No Parking Zones, Bradford Street
5. Chart of Special Town Meeting Articles with Assignees and Positions
6. Memorandum of 10/5/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Sudbury/Wayland Septage Intermunicipal Agreement
7. Guidelines for Town Administrator Evaluation, 10/5/15, prepared by Cherry Karlson, Chair, Board of Selectmen
8. Memorandum of 10/1/15 from Office of the Town Administrator, re: Revised Policies on Liquor Licenses, Appointments to Town Boards and Committees, and Proclamations and Certificates of Recognition
9. Memorandum of 10/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Town Administrator Goals
10. Town Administrator's Report for the Week Ending October 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 Meeting Minutes October 19, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 6:53 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to Pending Litigation Between Moss and Borner v. Lingleys and the Town of Wayland Regarding "Crown Path;" and, 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 Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone** At 6:35 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to pending litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding "Crown Path;" and, 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 property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, because a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Director of Public Works Stephen Kadlik, Conservation Administrator Brian Monahan, Board of Public Works Chair Chris Brown, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately twenty-five minutes.

The Board returned to open session at 7:13 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:14 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes announced a League of Women Voters forum on October 20 regarding the Town Center, and a Council on Aging/Community Center Advisory Committee forum on October 22 regarding the environmental issues at the municipal pad.

**A3. Public Comment** Richard Turner, 7 Nob Hill Road, expressed concerns about the maintenance of the Veterans' Memorial and the condition of the U.S. flags being flown at the town buildings. He said he spent four hours cleaning the Veteran's Memorial himself, and the town needs to take responsibility.

**A4. Vote to Sign Special Town Meeting Warrant** M Antes, moved, seconded by L. Anderson, to sign the warrants for the November 2015 Special Town Meeting. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Discuss Resignation of Selectman with Town Counsel and Transition of Board Portfolio Assignments** The Board was joined by Town Counsel Mark Lanza to discuss filling the Board position left vacant by the resignation of T. Boschetto. M. Lanza said the Board of Selectmen can call for a special election to fill the interim position, or wait until the annual town election in April 2016. Alternatively, two

hundred registered voters can call a special town election to fill the remainder of the term. It was the sense of the Board that the cost of a special town election was not justified for the limited time involved. The Board revised the portfolio assignments.

**A6. Discussion about Minuteman** The Board was joined by Mary Ellen Castagno, Wayland's representative to Minuteman. L. Anderson reported on a meeting in Lexington on October 15 with a representative of the Wayland School Committee, Wayland Town Administrator, Wayland's representative to Minuteman, and Lexington Town Officials. She said Lexington was looking for input while considering their comments for their November Special Town Meeting article. L. Anderson said she explained Wayland's rationale for leaving the district, and the financial implications. She said Lexington felt it was time to focus on building a new Minuteman school, and not on Wayland. M. Castagno said they discussed the impact on tuition and the ability of the students to attend the school. L. Anderson said the Town of Dover has expressed a desire to withdraw as well, but the timing is not good. The Town of Stow has an article at its Special Town Meeting on November 16, and has invited someone from Wayland to speak. Board members discussed the costs of withdrawal and the timing of the final decision. T. Boschetto said he would speak in Stow, and L. Anderson said she will attend a meeting of Selectmen from the Minuteman School District in Weston.

**A7. Interview and Potential Committee Appointment** Randall Moore joined the meeting via telephone to interview for a position on the Audit Committee. He reviewed his background in management consulting and his interest in the position. T. Boschetto moved, seconded by J. Nolan, to appoint Randall Moore to the Audit Committee for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Enter into Executive Session with Personnel Board Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Collective Bargaining Pertaining to the Police and Fire Unions** At 8:05 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to collective bargaining pertaining to the Police and Fire unions, because a public discussion of these matters may have a detrimental effect on the bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Personnel Board members Maryanne Peabody, Jessica Green, Melissa Jones, Phil Schneider, and Deborah Cohen, Police Chief Robert Irving, and Fire Chief David Houghton. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 8:38 p.m.

**A9. Presentation and Potential Vote on FY17 Capital Projects** Fire Chief David Houghton appeared before the Board to review the Fire Department capital requests. He said he is requesting three vehicles: a ladder and fire truck, a rescue pump truck, and a fire vehicle. He said his first priority is a ladder truck, which will provide greater reach; he also noted that the current truck cannot ventilate roofs with solar panels. He said the rescue pump truck will replace engine two, which has rot and may be deemed unsafe. Finally, he requested a new fire vehicle which can accommodate a command console in the back, and he said the current fire vehicle could be repurposed as a fleet car. Board members discussed the advisability of using ambulance receipts for funding; C. Karlson said it is a Finance Committee decision. In regard to the JCC request,

D. Houghton explained the need for repeaters for the radio system.

The Board was joined by Ben Keefe, Facilities Director. He reviewed the need to replace the Library rotunda windows, the roof and door repairs at the transfer station building, and the demolition of the old DPW building. He said he included the new Council on Aging facility as a placeholder, but expects it will become a town meeting article. He said the demolition cost of \$330,000 for the old DPW building is an estimate. The Board discussed the potential mitigation needs on the site, and the advisability of postponing the demolition with an expectation that there will be redevelopment on the site. Similarly, in regard to the library windows, that a library project will receive reimbursement funds from the state. B. Keefe said there may be safety issues. C. Karlson said the Board is anticipating more information from the Wayland Real Asset Planning (WRAP) Committee. M. Antes asked about renovations to Station Two and the Town Building. B. Keefe said there is funding in the current budget for a Station Two tight tank and electrical work, and window repairs and exterior painting at the Town Building.

**A14. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

**A10. Review Draft Motions for Special Town Meeting Warrant Articles** The Board reviewed the draft motions for the Special Town Meeting. C. Karlson asked that any comments on the motions be forwarded to her for discussion at the next meeting.

**A9. Presentation and Potential Vote on FY17 Capital Projects (Continued)** The Board discussed the sustainability of the debt service cost and reviewed the town policy. T. Boschetto said he would prefer to create a policy of debt neutrality, then prioritize capital requests accordingly; he suggested that the Board be proactive in its recommendations. C. Karlson said the Finance Committee controls the budget. J. Nolan said that while it is the responsibility of the Finance Committee to make budget decisions, it would be helpful for the Board to have an understanding of the debt service.

**A11. Town Administrator Evaluation: Receive Individual Draft Comments** C. Karlson said she has received the individual comments from the Board, and will combine them into a final document for discussion on November 2.

**A9. Presentation and Potential Vote on FY17 Capital Projects (Continued)** The Board was joined by Brian Monahan, Conservation Administrator. He said the request for Snake Brook Dam repairs has been withdrawn for further study. He said work needs to be done on the shed and office upgrades, and the request for land acquisition is a placeholder. The Board agreed to review the open capital balance at the next meeting.

**A12. Town Administrator Goals: Discussion and Potential Vote to Accept** The Board reviewed the revised goals of the Town Administrator. It was suggested that the timelines for the goals be staggered and extended through September 2016. J. Nolan said he would advocate for a stronger administrator. N. Balmer said she agreed, but noted the volume of work and communication, and the lack of control over elected boards. J. Nolan moved, seconded by M. Antes, to accept the goals as drafted by the Town Administrator dated October 19, 2015, with the caveat that the Town Administrator be empowered to make minor revisions in the language of bullet two on page one. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.



**A13. Discussion and Potential Vote on Policies** The Board reviewed the current Board policy on signs. There was discussion regarding the approval of signs on library and school property, the potential use of LED signs, and the input of resident Michael Lowery. M. Antes agreed to review and revise the policy for future Board consideration.

**A15. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. J. Nolan highlighted the need for better maintenance of the Veterans' Memorial and the U.S. flags on town property. L. Anderson noted the designation of Wayland as one of the safest towns in Massachusetts. The Board thanked T. Boschetto for his service.

**A16. Report of the Town Administrator** N. Balmer said there will be a tour of Mainstone Farm for the Board on October 28. It was the sense of the Board to request a written legal opinion regarding the option of pursuing a long-term lease or a purchase of the municipal parcel. The Board asked that correspondence from resident Mark Hayes be directed to the town office.

**A17. Selectmen's Reports and Concerns** J. Nolan said the Board of Public Works may present certain capital requests as town meeting articles. C. Karlson reported on the Massachusetts Municipal Association legislative breakfast on October 16.

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

**A19. Adjourn** There being no further business before the Board, T. Boschetto moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:42 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 5-0.

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

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

**Items Included as Part of Agenda Packet for Discussion During the October 19, 2015 Board of Selectmen's Meeting**

1. Board of Selectmen Portfolio Assignments
2. Memorandum of 10/19/15 from Nan Balmer, Town Administrator to Board of Selectmen re: FY 17 Capital Project
3. Draft Motions for Special Town Meeting, November 9, 2015
4. Memorandum of 10/19/15 from Nan Balmer, Town Administrator to Board of Selectmen re: Town Goals, Objectives and Town Administrator's Priority Actions
5. Board of Selectmen Policy, "Signs – Public Display and Use of Town Sign Boards," and email of 10/5/15 from Mike Lowery, Board of Public Works, re: Sign Policy
6. Town Administrator's Report for the Week Ending October 16, 2015



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

## Board of Selectmen Meeting Minutes October 26, 2015

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

**Absent:** Tony V. Boschetto

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. L. Anderson reminded residents of the ongoing flu clinics, and said she will speak at a meeting of Selectmen from the Minuteman School District in Weston on October 28. C. Karlson noted the Moderator's Forum on October 28.

**A2. Public Comment** Rachel Bratt, 26 Charena Road and Chair, Wayland Housing Partnership, distributed a memo urging the Board to add an addendum to the River's Edge RFP to conform with a statement in the Wayland housing production plan that fifty percent of housing built on town-owned land should be affordable to those with incomes at fifty percent of the area median income (rather than twenty-five percent affordable for those at eighty percent of the area median income), and to inform developers of the new Wayland housing production plan. She said the Housing Partnership did not vote that she represent them in this matter. Town Planner Sarkis Sarkisian said the new housing production plan has not yet been approved. Mark Hayes, 1 Sylvan Way, expressed concern that the computer security of the town has not been properly addressed. Linda Segal, 9 Aqueduct Road, said she received, through a public records request, a sampling proposal by LSP Ben Gould dated August 31 regarding the municipal parcel. She noted the proposal was not in the Selectmen's packet, and it recommended a sampling plan over more land. She also said that the environmental issues at the municipal parcel are not comparable to previous town land purchases.

**A3. Meet with Andrew Gallinaro, Senior Vice President, Director of Asset Management for National Development for the Town Center Project** The Board was joined by Andrew Gallinaro, Senior Vice President, and Scott Turner, Property Manager, for National Development. A. Gallinaro said they are a local firm based in Newton, and they manage mixed-use developments within the 495 belt. He said they manage the business property, not the housing, with the exception of the apartments above the storefronts. The Board discussed the occupancy rates and the foot traffic. M Antes asked about concerts on the green, and C. Karlson asked about the potential for an ice skating rink. A. Gallinaro said he would be happy to support community functions. J. Nolan noted the development of the municipal pad would increase the traffic to the retail center.

**A4. Presentation and Recommendations Regarding Information Technology Analysis by Craig Finley, McGladrey Associates, with Representatives of the Finance Committee and the Personnel Board** Craig Finley of McGladrey Associates, now known as RSM, appeared before the Board to discuss information technology. He reviewed strategy, organization and applications, and a roadmap for development. He discussed meeting with the staff and looking at the current policies and procedures; he said the current model in Wayland does not provide the necessary support. He said the shared service environment between the town and the schools has stressed the current staff; that Munis is not being used to capacity, and that the help desk tool has limited use. In regard to infrastructure, he noted end of life

equipment and unsupported operating systems. In regard to risks and controls, he said there is a need to document policies and procedures and assign responsibilities. He said Wayland allocated 1.3% of revenue to IT, and the industry average is 3.6%. He advised proceeding in three phases: address immediate existing technology needs, then enhance strategy and support, and thirdly, leverage technology as a strategic enabler. The Board discussed state grants, outsourcing a firewall management service, determining storage needs, migrating the email platform, and educating the staff about risk. He said having an Executive IT Director is key, and should be addressed at the April Annual Town Meeting. Long-term goals include document management, patch management, upgraded network equipment, improved management of Munis, and an actively updated town website.

C. Karlson asked about school services, the comparison to peer towns, and the need to mitigate risks on a faster timetable. C. Finley said the focus of the study was town services, although the school is involved in the Munis discussion. He said most towns allocate approximately 2% of revenue to IT, and he cited Foxborough and North Andover as having successfully integrated the school and town IT functions. He emphasized the importance of assigning an Executive IT Director to guide the project in a timely manner. J. Nolan noted the key issue is security, and asked what could be done in the near term. C. Finley said awareness, training, and having a key staff member to take responsibility is most important. L. Anderson said residents are questioning the order of events, and asked if patch management should be a priority. C. Finley said the funding for the software, as well as additional staff to manage it correctly, needs to be approved at town meeting. Nancy Funkhouser, Chair, Finance Committee, said if any modifications to the current year transfer were being considered for Special Town Meeting, it should be done quickly. Gordon Cliff, 2 Highfields Road, asked for more peer town examples. C. Finley cited Hanson/Whitman, Plymouth, Abington and Weston. Mark Hayes, 1 Sylvan Way, said the town should move forward quickly with a new hire or outsource the job if necessary. Leisha Simon, IT Director, agreed that the town needed more staff for a consolidated effort. Rajiv Shridhar, 17 Snakebrook Road, discussed patch management in regard to security, and suggested that the review extend to the schools. The Board thanked everyone for their work on this project.

**A6. Energy Initiatives Advisory Committee Update** The Board was joined by Ben Keefe, Facilities Director, and Ellen Tohn, Energy Initiatives Advisory Committee, to provide an update on the solar project. He said Ameresco has offered two construction schedule options, and recommended Option Two, noting that although it will postpone the project until the summer of 2016, it is more economical and will not interfere with the school schedule. He also advised the Board that the net metering allocation caps have been assigned for the high school, the middle school, and the DPW building. It was the sense of the Board to confirm the choice of Option Two.

**A5. FY17 Capital** The Board was joined by Financial Analyst Beth Doucette and IT Director Leisha Simon to discuss the IT capital requests, including firewall upgrades, patch management, and Munis upgrades. C. Karlson asked if patch management could be done sooner by outsourcing. E. Doucette said staffing is essential for implementation and support. The Board discussed whether it was advisable to expand the current year transfer request. L. Simon said from a security standpoint, it would be advisable, but from a staffing standpoint, it would be very difficult. L. Anderson suggested putting the patch management in place with a consultant to oversee it, and C. Karlson asked B. Doucette to get an estimate of the cost. It was the sense of the Board to proceed with the development of a job description for an Executive IT Director. Nancy Funkhouser, Chair, Finance Committee, asked the Board to prepare a budget request for Special Town Meeting as soon as possible; J. Nolan said the Board will need to justify the increase from the printed warrant. In regard to the long-term plans, L. Simon discussed the need to replace end of life equipment, the High School core network, and secure storage capacity.



The Board was joined by Fire Chief David Houghton. He said he considers both the ladder truck and the rescue pump truck to be essential. In regard to the former DPW building, he advised the Board that Massachusetts passed new fire prevention codes in January, which will increase the cost of securing and monitoring the vacant building. He said that without heat, the roof is subject to collapse under the snow, and he advised the Board that it may not be in the best interest of the town to delay the demolition. C. Karlson asked for an actual cost of demolition without site cleanup or removal of the slab.

It was the sense of the Board to support the JCC repeaters, the ladder truck and rescue pump truck for the Fire Department, the SAN, and the transfer station improvements. C. Karlson said she would prefer to wait until after Special Town Meeting to vote on the Library windows or the Council on Aging facility. The Board asked N. Balmer to prepare a memo to the Finance Committee for review at a future meeting.

**A7. Continued Discussion of Combined Draft of Town Administrator Evaluation** C. Karlson distributed a revised draft of the Town Administrator evaluation, and noted that the individual Board comments are in the packet. She said she will have a final version after Special Town Meeting.

**A8. Review and Approve Consent Calendar (See Separate Sheet)** J. Nolan moved, seconded by M. Antes, to approve the consent calendar with edits to the minutes. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**A9. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. L. Anderson noted Lexington's 3-2 vote not to approve Wayland's request to withdraw from Minuteman.

**A10. Report of the Town Administrator** N. Balmer said she has requested a legal opinion from environmental counsel on the advisability of going forward as a lease, purchase, or eminent domain taking of the municipal parcel in regard to mitigating the risk when acquiring contaminated property. In regard to OPEB, she said the town is preparing an application to join PRIT. She reminded the Board of the Mainstone Farm tour on October 28, and noted the request from the Public Ceremonies Committee to attend the Veterans' Day services on November 11.

**A11. Selectmen's Reports and Concerns** M. Antes reported on a Habitat for Humanity meeting with town staff to talk to families about town services. J. Nolan suggested that the town consider improving the ability to accept credit cards when updating IT, and he asked that the interface with staff in the building department be improved. L. Anderson reported on the meeting in Weston on October 21 regarding Minuteman. J. Nolan said he will attend the Department of Transportation conference on October 28. C. Karlson reported on the League of Women Voters forum on Town Center on October 20, and the Council on Aging/Community Center Advisory Committee forum on October 22 regarding the environmental issues at the municipal pad. She asked that the Board consider removing the discussion of environmental issues from executive session. She reminded Board members to complete the Conflict of Interest test, and said the Board discussion about Town Counsel policy will be scheduled after Special Town Meeting.

**A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A13. Adjourn** There being no further business before the Board, M. Antes moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:07 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of 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
4. Thing from Rachel Bratt

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

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





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO  
THE BOARD OF SELECTMEN FROM NOVEMBER 13, 2015,  
THROUGH AND INCLUDING NOVEMBER 24, 2015,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR NOVEMBER 30, 2015**

**Items Distributed To the Board of Selectmen –November 13-24, 2015**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the  
Meetings of November 16, 2015**

1. Fiscal 2015 Budget Chart
2. Town Administrator Evaluation Form, September 2014-September 2015
3. Résumés of Jennifer Steel and Nicole W. Riley
4. Memorandum of 11/16/15 from Board of Selectmen to Wayland Real Asset Planning (WRAP) Committee re: Points for Discussion with Board, Commissions and Departments

**Items Included as Part of Agenda Packet for Discussion During the November 30,  
2015 Board of Selectmen's Meeting**

1. Tax Classification Hearing Presentation from Board of Assessors
2. Notes on Minuteman, 11/20/2015, from Selectman Lea Anderson, and Protocol for Adopting Amended Agreement, Bonding, and Withdrawal
3. Memorandum of 11/24/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Permanent Municipal Building Committee Project Assignment
4. Memorandum of 11/23/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Rail Depot –Bike Path and Layout
5. Email of 11/23/15 from Geoff Larsen, Building Commissioner, to Nan Balmer, Town Administrator, re: Used Care Dealer's License Class II Zoning Review Status Update
6. Memorandum of 11/24/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Used Car Dealers
7. Memorandum of 11/30/15 from Nan Balmer, Town Administrator to Board of Selectmen re: FY17 Budget Variances: Departments Under the Board of Selectmen
8. Memorandum of 11/30/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Response to Request Regarding Facilities Under Selectmen Jurisdiction
9. Board of Selectmen Sign Policy with Suggested Changes and Questions prepared by Selectman Mary Antes
10. Town Administrator's Report for the Week Ending November 25, 2015





# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN**  
**Monday, November 30, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CORRESPONDENCE

### Selectmen

1. Memorandum of 11/16/15 from Nan Balmer, Town Administrator to Finance Committee re: FY 17 Capital Projects
2. Memorandum of 11/17/15 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Linwood Bradford from the Surface Water Quality Committee
3. Email of 11/19/15 from David Manjarrez, Sudbury Representative to the Minuteman School Committee, re: Series of Articles Describing the Conditions at Minuteman Technical High School
4. Notice of 11/23/15 from Historic District Commission re: Approval of Concept Plan for the Rail-Trail Plan at Depot, 1 Cochituate Road
5. Director of Public Health Report, November 18, 2015

### Conservation Commission

6. Determination of Applicability, 11/17/15, from Brian Monahan, Conservation Administrator, re: 1 Winthrop Terrace
7. Determination of Applicability, 11/23/15, from Brian Monahan, Conservation Administrator, re: 10 Green Way

### Zoning Board of Appeals

8. Decision No. 15-25, 180 Oxbow Road
9. 150 Main Street, LLC Administrative Appeal Decision, 10/27/15, Case #15-20

### Minutes

10. Finance Committee, October 19, 2015, November 9, 2015, November 10, 2015
11. Housing Partnership, September 29, 2015
12. Personnel Board, October 19, 2015
13. Board of Public Works, October 20, 2015
14. Wayland Real Asset Planning (WRAP) Committee, October 28, 2015

### State

15. Letter of 11/16/15 from Division of Local Services, Department of Revenue, re: Notice of Assessor Disqualification

**DATE: NOVEMBER 16, 2015**

**TO: FINANCE COMMITTEE**

**FROM: NAN BALMER, TOWN ADMINISTRATOR**

**RE: FY 17 CAPITAL PROJECTS**

The Board of Selectmen considered FY 17 capital projects submitted by departments reporting to the Board of Selectmen through the 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 for departments under the Selectmen's jurisdiction:

<b>PROJECT</b>	<b>RECOMMENDED FUNDING</b>
<b>FIRE*</b>	
1.RESCUE PUMP	\$ 490,000
2.LADDER TRUCK	\$ 900,000
<b>JOINT COMMUNICATION CENTER</b>	
REPEATER	\$25,000
<b>CONSERVATION</b>	
STORAGE SHED	\$ 30,000
MAINSTONE FARM	UNDER CONSIDERATION
<b>FACILITIES</b>	
COA – CC CONSTRUCTION	UNDER CONSIDERATION
TRANSFER STATION IMPROVEMENTS	\$ 48,000
DEMOLITION OF OLD DPW BUILDING	\$ 330,000**
<b>INFORMATION TECHNOLOGY</b>	
DATA STORAGE (SAN)	\$ 80,000
AUTOMATED PATCH MANAGEMENT	\$ 40,000

*\*Fire: The requests 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.*

*\*\* Facilities: Demo – DPW: Facilities Director will provide an updated estimate.*

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





# TOWN OF WAYLAND

MASSACHUSETTS

01778

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

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

TOWN BUILDING  
41 COCHITUATE ROAD

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

Date: November 17, 2015  
To: Board of Selectmen ✓  
From: Beth R. Klein, Town Clerk  
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective November 17, 2015:

Linwood Bradford  
Term Expires:

Surface Water Quality Committee  
6/30/18

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

cc: Nan Balmer, Town Administrator  
Toni Moores, Co-chair  
Linford Bradford

RECEIVED

NOV 18 2015

Board of Selectmen  
Town of Wayland



Linwood E. Bradford  
73 Edgewood Road  
Wayland, MA 01778

November 17, 2015

Selectmen  
Wayland Town Hall  
Wayland, MA

Dear Selectmen:

I, Linwood Bradford am resigning from the Surface Water Quality Committee effective November 1, 2015. It has been a pleasure serving this board.

Thank you,

  
Linwood Bradford

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2015 NOV 17 AM 11:19

## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Sunday, November 22, 2015 12:41 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Fwd: Minuteman  
**Attachments:** MINUTEMAN TECH Part 1 of 3.TUITION.blogs.OneSudbury.doc; ATT00001.htm; MINUTEMAN TECH Part 2 of 3.Education.doc; ATT00002.htm; MINUTEMAN TECH Part 3 of 3.628Building.doc; ATT00003.htm; 09.18.2013 Letter to Commissioner from Minuteman.pdf; ATT00004.htm

Correspondence Please include attachments

Nan Balmer  
(508) 237-1330

Begin forwarded message:

**From:** Waylandschoolcommitteemember <[waylandschoolcommitteemember@gmail.com](mailto:waylandschoolcommitteemember@gmail.com)>  
**Date:** November 21, 2015 at 12:29:25 PM EST  
**To:** "Balmer, Nan" <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>  
**Cc:** "[WaylandSchoolCommitteeMember@gmail.com](mailto:WaylandSchoolCommitteeMember@gmail.com)" <[WaylandSchoolCommitteeMember@gmail.com](mailto:WaylandSchoolCommitteeMember@gmail.com)>, "[mecastgno@aol.com](mailto:mecastgno@aol.com)" <[mecastgno@aol.com](mailto:mecastgno@aol.com)>  
**Subject:** Fwd: Minuteman Technical High School

Hi Nan,

Kindly provide copies of the attached to the members of the BOS for inclusion in the packet for the November 30, 2015, BOS Meeting.

Thank you,  
Mary Ellen

**To:** [WaylandSchoolCommitteeMember@gmail.com](mailto:WaylandSchoolCommitteeMember@gmail.com)  
**From:** Manjo <[manjo1111@gmail.com](mailto:manjo1111@gmail.com)>  
**Date:** November 19, 2015 at 12:16:32 AM EST

Attached are all 3 parts of a series of articles describing the conditions at Minuteman Technical High School. These same three articles have been posted to the Sudbury Patch and to One Sudbury.

Part 1 describes how Minuteman member towns have been misled and deceived into subsidizing the over enrollment of underfunded out-of-district tuition students to inflate the school's enrollment to obfuscate accountability for declining student enrollment from our 16 member towns. This school year, where there are 24 fewer member town students and overall enrollment has declined by 75 students.

The tuition deficit subsidy totals verified the Minuteman administration's own statements as described to Department of Elementary and Secondary Education Commissioner Mitchell Chester (see letter below) and Department of Elementary and Secondary (DESE) tuition rate decreases are confirmed and cross check with the revenue deficits evident in Minuteman's annual budgets. All these millions of dollars in subsidies are made up and paid for by our 16 member towns through undisclosed over assessments.

These deficit subsidies have been reviewed and identified by CPA's and forensic accountants who state that these deficits demand further investigation.

The facts and numbers used in Part 1 are those provided by the Minuteman administration and information from annual reports the Minuteman administration is required to provide to the Department of Elementary and Secondary Education (DESE) which is compiled on the DESE web site.

Part 2 describes the last minute efforts to boost MCAS scores that have been trending downward for the previous 5 years. At the same time, Minuteman students are underperforming in vocational skills competitions that they once excelled in before the current administration took control of the school and school committee 9 years ago. These vocational competitions are where both academic and vocational training come together to demonstrate the quality and depth of what our students have been taught. The decline in performance is not a student problem. It is evident that the Minuteman administration and school committee officers past and present have spent all their time and taxpayer money in their efforts to justify over capacity schools while ignoring the decline of academic standards and vocational performance.

Part 3 identifies the baseless enrollment projections and personal facts used to justify a 628 student new school building when there are only 371 secondary member students enrolled at Minuteman today and enrollment is trending down. A 628 student new school is nothing more than a monument to excess and personal priorities. The needless spending on an other overcapacity new school building puts the educational future of all Sudbury children at risk by forcing member towns to make a \$300 million investment in 371 students from all 16 member towns when those same member towns have over 45,000 students in grades K thru 12 to educate.

When you dig below the surface and analyze Minuteman's performance and compare it to other nearby peer vocational schools, it quickly becomes apparent that Sudbury is paying top dollar for vocational services and our children are not receiving the quality education Minuteman promised them.

Sincerely,

Dave Manjarrez

Firecut Lane



## **MINUTEMAN TECH: THE INCONVENIENT TRUTHS AND MYTHS**

### **PART 1 OF 3: Out-of District Tuition Subsidies are Paid by Member Towns**

The headlong rush to propose and now the attempt to build another over capacity school no one needs or wants are driven by two (2) factors:

1. Superintendent Bouquillon needs the largest school possible regardless of the cost to member towns to justify a \$200,000 salary and benefits package.
2. Minuteman school committee officers past and present need a new school to satisfy vanities and justify their passing school committee chairs back and forth between one another for the last 5 years while forfeiting all administration oversight responsibilities.

The current school leaders have been in control of Minuteman and its school committee for the last 9 years. They have no intentions of right-sizing district membership, reducing costs, eliminating waste, or making effective and efficient use of an underfunded out-of-district tuition enrollment numbering hundreds of students from Boston, Medford, Waltham and Watertown. None of these issues has ever been debated by the school committee let alone included in school committee meeting agendas by the superintendent or requested by school committee officers past and present.

Right-sizing tuition enrollment would halt the practice of artificially inflating enrollments. This has not been done or addressed because it would do away with inflated tuition enrollments eliminating a false justification used to sway member towns to fund the largest school possible regardless of the costs.

### **AN INCONVENIENT TRUTH: MEMBER TOWNS SUBSIDIZE OUT-OF-DISTRICT TUITION STUDENTS**

For the last 9 (nine) years, the current administration and school committee officers past and present have knowingly overenrolled underfunded tuition students to inflate enrollments. Three (3) years ago, Jeff Stulin's Marginal Task Force reported that each tuition student was subsidized \$4,000 by Minuteman ("Minuteman" here is in fact Minuteman district member towns). The report failed to disclose to readers that \$1.2 million in Special Education services used equally by both in-district and out-of-district students had been excluded from all enrollment-based variable costs. By purposely leaving out SPED costs, the correct and fact-based subsidy cost totaling \$5,900 per tuition student was artificially lowered by \$1,900 to \$4,000.

Superintendent Bouquillon and Alice Deluca, Stow, then chair of the school committee wrote a letter to the MA Department of Elementary and Secondary Education Commissioner Chester stating that if the tuition payments was decreased below the then \$19,054 tuition rate, Minuteman would be forced to halt the enrollment of tuition students because the \$4,000 subsidy would increase and become a great burden for the school (read member towns).

As MA Department of Elementary and Secondary Education public data proves, tuition rates paid to Minuteman have in fact gone down from \$19,054 in FY2013 to \$17,556 today for a decrease of \$1,500 in revenue for each of 277 tuition student which when added to the corrected \$5,900 subsidy base is \$7,400 per tuition student. This school year member towns are unknowingly paying \$ 2,049,800 in subsidies to 34 out-of-district cities and towns.

Next school year (2016), the tuition rate will be reduced further to \$16,700 for an overall revenue decrease of \$2,350 per tuition student. When added to the corrected \$5,900 subsidy, the tuition subsidy becomes \$8,250 for each of 227 likely tuitioned students. The total amount of subsidies member towns will be paying next year is \$ 1,872,750. The minimal relief in subsidies comes about through the anticipated decrease in tuition enrollments brought about by out-of-district cites either seeking and finding lower cost vocational services and/or expanding their in-district vocational programs to avoid sending students to Minuteman.

Last year, there were 327 **tuitioned students**. The number of tuition students has dropped by 50 to 277 year-over-year because of the unintended consequence of an unlikely-to-come-to-pass capital fee the administration wants to charge for each tuition student to be paid by their sending town. Out-of-district non-member towns are proactively reducing the number of students they send to Minuteman to control their costs and avoid paying any capital fee now or in the future. Non-member cities like Boston, Medford, and Waltham are sending their freshmen students to less costly vocational programs and are also opening and/or building-out their own vocational programs to reduce the number of students they send to Minuteman. Those 50 students will not come back to Minuteman. The decrease in tuition enrollment was not caused by any change in the superintendent's policy to enroll as many qualified tuition students as space permits, but in response to raising costs and program concerns. The administration response to the decrease in enrollments that have been known and anticipated for the last 2 years is to increase the operating budget; increase the number of teachers and staff; and increase assessments to make up for the falling tuition revenue.

At the same time, member town student enrollment has dropped by 25 students and there are **now fewer member towns' students enrolled today** than there were when the current superintendent was hired 9 years ago by the current school committee chair. Member towns have the right and duty to adjust their enrollments as students talk to prospective students about Minuteman programs, Special Education services, and the general educational environment.

Kevin Mahoney, Minuteman assistant superintendent for finance **confirmed** in video recording of open and public meetings that these \$2 million and \$1.9 million tuition deficits can only be made up and paid for by member towns through (until now) undisclosed annual assessment increases that raise real estate taxes and divert funds for your town schools. This also confirms the same over assessments member towns have been paying for the last 9 years totaling \$20 million (twenty million dollars).

A review of Minuteman's broken and unaudited annual budget process with numerous understated revenue line items that later resulted in greater revenue collections confirms these subsidies range between \$2 million and \$3 million annually. Chapter 70 school aid and Chapter 71 transportation aid are based solely on in-district enrollments which remain unchanged throughout the years, and do not include any (additional) funds for out-of-district tuition student. There are no additional out-of-district non-member tuition revenue contributions which have always been limited to only tuition and SPED fees. Hence, out-of-district deficits can only be made up for and paid through (until now) undisclosed over assessments.

Knowing tuition revenue deficits are made up and paid for through increased assessments which come directly out of member town taxpayer pockets, the administration has made no effort over the last 9 years to reduce tuition enrollment which would have directly reduced assessments. Instead, member town assessments rose by \$500,000 this year and have increased by more than \$2 million since FY2012.

Until Mass General Laws were reviewed, superintendent Bouquillon and school committee chair Stulin, Needham, had been telling the school committee and member towns that they were forced by law to enroll all qualified out-of-district tuition students if space was available. This was found to be patently untrue. No such law exists. They were finally compelled to stop giving non-member towns' unneeded blanket and unauthorized tuition discounts paid for through undisclosed assessment increases (paid by member towns) needed to keep the tuition enrollments high and mask falling member enrollments.

We were all told by Stulin and Deluca that Minuteman should provide a subsidized vocational education to any student from Boston, Medford, Waltham and Watertown as though there was a moral responsibility to do so when they themselves have continually convinced the Minuteman school committee to vote down enrolling CHOICE students because of high revenue losses due to low reimbursements. What they consistently failed to disclose at the time was each tuition student's \$8,200 subsidy paid for through member over assessments and that it was the Commonwealth's moral responsibility to fulfill its promise to provide and fund a vocational education opportunity for all students. It is NOT and has never been the responsibility of our 16 district member towns to fund over capacity schools in order to provide a subsidized vocational education for all students in the Commonwealth and specifically the hundreds of tuition students enrolled by this superintendent each year.

## CONCLUSIONS

Tuition subsidies inflate the operating budgets and are paid for solely through increased member town assessments. Member towns have paid over \$20 million in undisclosed operating tuition subsidies. The \$20 million should have been used to properly repair and maintain the school for the benefit and safety of students. Permanent school roof repairs and safety equipment could have been made and installed 4 times over with the \$20 million. Instead, the school has been allowed to fall into disrepair through benign neglect



in order to inflate enrollments and to justify a new school building to further personal priorities. The annual budget process cannot continue to go unaudited and open to Hollywood accounting.

Now the same administration and school committee officers past and present that have hidden and obfuscated over assessments using various pretexts to fund out-of-district students are now asking member towns to bet \$300 million that a new school building is needed based on their personal facts and veracity. This is a superintendent that was found to have violated state procurement law and a school committee officer that supported narrowing the procurement investigation to just one contract while the superintendent's daughter and son-in-law remained and still remain on Minuteman's payroll.

Given that there are only 371 in-district member students today, if the doors to a new school building were to have opened this last September, there would be still be 277 out-of-district tuition students that would need to be subsidized \$7,450 each. The result is member town assessments would be needlessly inflated by an additional \$2 million as they are in reality today. There are no administration assurances or guarantees that these subsidies will not cost member towns \$60 million over the next 30 years. This all would create the appearance of a Ponzi-like scheme except no one is getting any money back to prime the assessment pump. It all goes to educate out-of-district tuition students while member assessments keep increasing.

Part 2 will address deteriorating educational standards.

Part 3 will address an overcapacity 628 student new school building.

Dave Manjarrez  
Sudbury

## **MINUTEMAN TECH: THE INCONVENIENT TRUTHS AND MYTHS**

### **PART 2 OF 3: Deteriorating Educational Standards**

Ford Spalding, Dover, Chair of the Minuteman Building Committee and past Minuteman school committee chair and vice-chair was making a video recorded presentation to Sudbury citizens recently in support of and promoting a new school building for 628 member town students. After replying to several penetrating and critical questions regarding enrollment, certification, and costs, he commented that he had not heard any criticism related to the quality of education Minuteman students receive. If he had listened to teacher and student complaints instead of districting the school committee and member towns by promoting costly over capacity schools, he may have reconsidered making that comment.

There are problems within Minuteman educational and Special Education services that have existed for nearly a decade and do not appear to be close to being solved by simply building a new school.

### **HOW TO MEASURE A VOCATIONAL HIGH SCHOOL'S EFFECTIVENESS?**

You can go online and review Department of Elementary and Secondary Education's school profiles that include and compare all vocational schools. If you do, make sure to look at the 5-year data analyses that give a telling three-dimensional view of all schools. Look at teacher and students' attrition/turnover rates as well as female enrollments and attrition compared to male student attrition.

Sudbury and Wayland visited nearby peer vocational schools and found out two important facts:

There is room for more vocational students at all the peer schools and two schools provided high quality educational services in a more stable and cost effective environment than Minuteman.

Assabet Valley Technical School in nearby Marlborough, MA, was favored by Sudbury as an alternative to Minuteman both from the breadth and quality of existing vocational programs as well as its stable finances and lower costs and assessments. Assabet Valley has just completed a \$63.5 million, 3-year renovation program with a 51% Mass School Building Authority (MSBA) grant that was accomplished while educating 1,100 students.

But a vocational high school is both an academic and occupational training institution with the mission to prepare secondary students to work and succeed in his or her chosen vocational program or be prepared to pursue further education/training upon graduation.

MCAS scores provide a one-dimensional snapshot of progress the Commonwealth's uses to measure academic effectiveness. Although you can hold a student's hand through a testing session, you cannot do the same thing on the job. Until this year, Minuteman's MCAS scores had been trending down for the previous 5 years. Since Minuteman's superintendent, academic and administrative leaders were unable to turn around and improve the scores on their own. They had to hire an expensive consultant to train teachers on how to prepare and support students as they took the MCAS tests.

Minuteman MCAS and Special Education services are still below State levels in many areas.

### **SkillsUSA**

The most obvious choice is an independent and universal resource to measure vocational accomplishment that tests both academic and vocational preparedness in a real-time setting.

That resource is the SkillsUSA annual state and national competitions.

SkillsUSA provided an environment where vocational students can compete with other vocational students across the country. Students have the opportunity display what they have been taught, and be recognized for their achievements. There are competitions in carpentry, cosmetology, plumbing, baking, computer programs, child development, web design, welding and 85 other vocational disciplines.

SkillsUSA has competitions in all the current and planned Minuteman vocational programs except Horticulture, Theater Arts (proposed), and Environmental Science.

These three programs apparently have no current SkillsUSA interest and Horticulture and Environmental Science have little interest among member students. In Horticulture, Environmental Science, Telecommunications and Robotics, member students comprise less than 31% of their combined enrollments when the percentage should be the other way around. At this time, it would appear no member student has applied for Theater Arts or Audio Production as vocations (both proposed by the administration) at any peer vocational school. All of these programs appear to be marquee programs that exist only to attract underfunded out-of-district tuition students.

If you accept that the SkillsUSA National competitions are a fair and balanced measure of a secondary student's ability to compete and excel in their chosen field of study and you are a parent, you should be concerned.

The SkillsUSA National competitions that Minuteman has competed in for the years 2007 (when the current superintendent was hired) through 2015 inclusive revealed the following facts:

- A. Between 2007 and 2015, Minuteman students won 50 medals.
- B. The 4 years between 2007 and 2010 inclusive, Minuteman students earned 42 of those 50 medals competing in as Plumbing, Commercial Baking, Robotics, Programming, etc.
- C. In the most recent 5 years between 2011 and 2015 inclusive, our students won only 7 (seven) medals total.

What could be the cause for this drop-off in medals won? The reasons are legion and disturbing.

1. First of all, it is not the students. They are only using the skills they have learned and are trying to do their best. It is not a parent problem because they do not have ready knowledge of or access to school committee or administration reports copies of which including school committee open meeting video recording copies are priced to inhibit fair access.



2. There has been a devastating 71% turnover in teachers over the past 6 years. The administration has lost both long-time experienced teachers with many taking jobs at other vocational school. At the same time, those teachers hired to take their place are also resigning. Teacher turnover is high even though they just received a new contract (after working 6 months without a contract) and they have been the highest paid vocational and academic teachers in the Commonwealth at over \$94,000 a year on average. Money is not the problem. Teachers do talk to other teachers.
3. Reviews of Minuteman staffing reports given to the school committee for the years FY2013 through FY2016 substantiate the high teacher turnover. Requests for additional staffing reports for earlier years have been ignored by the superintendent.
4. Teachers (including students and parents) that have spoken out about conditions at Minuteman are retaliated against by the administration, or forced out of the school directly or indirectly by having their vocational program closed or "merged" out of existence. Teachers, students, and parents have come before the school committee to voice their concerns. School committee officers past and present did nothing to look into the problems which resulted in teachers and students losing faith in the Minuteman school committee they perceive as having no interest in addressing their complaints.
5. Teacher losses have been high in STEM-related programs where the Drafting program that was popular with member students was closed. The administration attempted to close the Welding program, again a program popular with member students in favor of continuing the money losing Horticulture program (popular with underfunded out-of-district students), but welding students' parents and industry representatives made public complaints that forced the administration to not close Welding. Instead, the administration merged Welding into a newly proposed Advanced Manufacturing curriculum where it appears to be dying away with the long-time welding instructor leaving. It would seem odd that the administration would not know where its only computer controlled milling machine would be when it should be actively used as an integral teaching tool in any advanced manufacturing or STEM-related program.
6. The student retention rate has gone down below 96%.
7. Student attrition which is the loss of students between school years is increasing and stands at 4%.
8. The choice of programs appears to be losing interest member town students likely as a result of students talking with prospective students.
9. The Special Education director that was hand-picked and highly compensated by the superintendent has resigned while still not having complied with Department of Elementary and Secondary Education CPR related SPED requirements. It is unacceptable to under-serve those students that are most at risk. The Special Education Director resigned and the school committee was not given any explanation.

## 10. Among All Students

- a. The Asian attrition rate is 20%.
- b. High needs and students with disabilities have a 9.6% attrition rate.
- c. Minuteman's Mobility CHURN RATE is 11%
- d. Chronically absent students are 24% of total enrollment.
- e. The number of students enrolled all year is 91.4% (lower than the state average).

## 11. Female students are less than one-third of Minuteman's total enrollment.

- a. Female drop out rates are twice those of male students on a per student basis.
- b. Female attrition rates are higher than male students on a per student basis.

## 12. Students with disabilities and students with high needs together have disciplinary in and out-of-school suspensions that total 24.4% of enrollment.

## 13. The Post Graduate and Community Education programs continue to create operating deficits that member towns have to make up and pay for through higher assessments. The Post Graduate program has gone from 80 students to under 40. This is within an administration that prides itself on being expert in work force development. Postgraduate instructors have left or been let go because of falling enrollments.

## CONCLUSIONS

1. The headlong rush to propose 628, 800, and 1,000 student overcapacity schools has left the school committee distracted with no time to investigate teacher complaints, falling MCAS scores, high teacher/staff turnover, student attrition rates and low student retention rates along with the under enrollment and loss of female students.
2. Parents are not getting the education and special needs services their students deserve while paying top dollar through high member assessments.
3. Putting this administration in a new school building will not raise educational standards.
4. Our most vulnerable special and high needs students have been needlessly put at risk.

All data and reports used are those provided by the Minuteman administration to the school committee or that Minuteman submits to the MA Department of Elementary and Secondary Education and are accessible online.

Part 3 will address an overcapacity 628 student new school building.

Dave Manjarrez  
Sudbury



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778

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NOV 23 2015

Board of Selectmen  
Town of Wayland

**WAYLAND HISTORIC DISTRICT COMMISSION**

TOWN BUILDING  
41 COCHITUATE ROAD  
(508) 358-3621  
WWW.WAYLAND.MA.US

GRETCHEN SCHULER, CHAIR  
MARGERY BASTON  
ALICE BOELTER  
KEVIN CROWLEY  
DESMOND MCAULEY  
KATHIE STEINBERG  
MARJI FORD  
KATE FINLAYSON, ALTERNATE  
SHERYL SIMON, ALTERNATE

**Approval of Concept Plan**

*Rail-Trail Plan at Depot*  
1 Cochituate Road

Decision Date: 11/19/15 Filing Date: 11/23/15

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The Wayland Historic District Commission hereby approves a *Concept Plan* for the Rail-Trail to pass through the Depot Parking Lot at 1 Cochituate Road. This is not the Certificate of Appropriateness; it is only acknowledgement of the Plan dated October 13, 2015 that has been discussed at Public Hearings on September 17, 2015 and November 19, 2015.

The vote was 4-0-2.

Members voting in the affirmative included: Margery Baston, Alice Boelter, Gretchen Schuler, and Sheryl Simon.

Members abstaining from voting included: Desmond McAuley and Marji Ford.

  
Gretchen G. Schuler, Chair





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

LEOS

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NOV 20 2015

Board of Selectmen  
Town of Wayland

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

## Wayland Board of Health Director's Report November 18, 2015

Septic work and building approvals- Due to the mild weather things have continued to be very busy for office staff with construction, soil testing and field work. We have also continued to receive many building approval applications and requests for soil testing.

Food Inspection- The U.S. FDA will be conducting a national retail food risk study in grocery stores, Wayland is one of the towns that has been identified to participate in the study (randomly selected). They will be conducting an inspection of a food establishment in Wayland in the near future. There are many other communities in the Commonwealth that are also involved.

Office staff has been participating in munis training and testing/providing feedback for the upgraded version that the town has now converted to (munis cloud). Office staff is also completing a training module regarding computer security. We expect to have this completed in the near future.

Department Heads meeting-I attended this meeting and provided an update of Health Dept. activities including flu clinic completions, numbers, construction activities.

Office cleanup and layout-Now that we have our new office space and large flu clinics are completed we will have some time to look at our work space layout, cleanup the office and identify what supplies/furniture are needed.

Household Hazardous Waste Day- we had 88 residents attend the event.

Land Use meeting -Attended meeting where various town projects were discussed; and some initiatives in the future; Old DPW and what will be done with the building/site, the municipal parcel, turf fields in the future (spring town meeting?), the library, the Wrap (Wayland Real Asset Planning Committee) and their involvement in planning (long range/capital planning).

PHN/Nurse Leader Ruth Mori- The Department of Public Health (MDPH) has really taken on the initiative of having Narcan available at all public sites including schools within the Commonwealth. I attended a School Nurse Leader meeting October 16th and this topic was discussed, and I also met with High School CHN, Amy Schoeff and Fire Chief Houghton. I also plan to discuss having intranasal Narcan available for all our health room nurses going forward. MDPH has or is working on draft Narcan standing orders and protocols that we as Nurses would utilize and have signed by our School

Physician(s). Intranasal Narcan will not require considerable cost or training, plans to work with Nurses, Fire/Police, and School Physician Simone Mordas about initiating this life saving medication within our school buildings. Also, providing flu shots for those in need and making home visits as well as visiting other entities in town to provide flu shots.

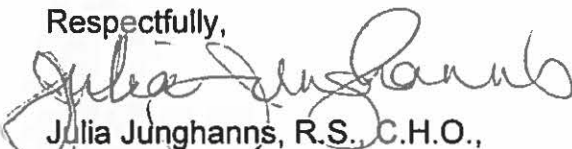
Avian Flu- The Commonwealth's Multi-Agency Avian Flu Working Group will host a conference call on Monday, November 23rd at 2:30 PM to provide a briefing on the actions the state is taking to prepare for possible outbreaks of Highly Pathogenic Avian Influenza (Bird Flu) this fall and/or next spring, and on the Commonwealth's Comprehensive Avian Flu Response Plan. Staff will be listening to this conference call.

Annual permitting-Farmer's Market paperwork is being gathered for winter Farmer's Market, annual permits for food establishments will be going out, as well as tobacco. We will be working on all other annual permits through December.

371/373 Commonwealth Road –staff attended an onsite pre-construction meeting in October and septic system construction work has begun.

Housing – we are working on a housing issue with the Fire Department.

Respectfully,



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



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

November 17, 2015

Christopher DiJulia  
1 Winthrop Terrace  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-867] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 1 Winthrop Terrace, Wayland

Dear Mr. DiJulia:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved tree removal project at 1 Winthrop Terrace in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

If you have any questions, please contact me at (508) 358-3669. Thank you.

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

cc: Building Department w/enc.  
Town Clerk w/enc.  
DEP – NERO w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Abutters  
File

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NOV 17 2015

Board of Selectmen  
Town of Wayland

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TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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NOV 23 2015

Board of Selectmen  
Town of Wayland

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

November 23, 2015

Traditions of Wayland Assisted Living  
Attention: Betsy Connolly  
10 Green Way  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-866] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 10 Green Way, Wayland

Dear Ms. Connolly:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved project to rehabilitate the forebay and retention pond with related site work at 10 Green Way in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

If you have any questions, please contact me at (508) 358-3669. Thank you.

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

cc: Building Department w/enc.  
Town Clerk w/enc.  
DEP – NERO w/enc.  
McNeil Real Estate w/enc.  
David Faist, McClure Engineering, Inc. w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Abutters  
File

7





**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778

**BOARD OF APPEALS**

**RECEIVED**  
*Adelstein*  
**NOV 13 2015**

**Board of Selectmen  
Town of Wayland**  
TOWN BUILDING  
41 Cochituate Road  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

**DECISION NO. 15-25**

**NAME OF APPLICANTS:**

Nadia Urato

**APPLICATION FOR:**

Application of NADIA URATO for any necessary approvals, special permits and/or variances as may be required to renew the special permit granted in ZBA Decision #14-25 dated October 27, 2014 to allow a home occupation (dermatology practice) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 901.1.2 and 804-Table of Permitted Accessory Uses by District (Use #62). The property is located at 180 OXBOW ROAD, which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.

**DATES OF HEARING:**

October 27, 2015

**BOARD CONDUCTING HEARING AND RENDERING DECISION:**

Linda L. Segal, Eric Goldberg, Thomas White, Aida Gennis, and Shaunt Sarian

**DECISION:**

Reissuance of Special Permit is granted for three years from the filing of this decision, with conditions.

**VOTE OF BOARD:**

Unanimous.

**CONDITIONS:**

1. This special permit is granted for three years from the effective date of this permit.
2. There shall be no lab space on the property.
3. It is prohibited to use the first floor of this structure for the medical practice.
4. The square footage of the home occupation shall not exceed 464 square feet.
5. There shall be no signage on the property.
6. There shall be only one additional employee.

7. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood.
8. The hours of operation shall be between 10 a.m.-2 p.m., Monday through Friday by appointment, scheduling at most one patient per half hour.
9. The applicant shall otherwise comply with the provisions of Wayland Zoning Bylaws section 901.1.2 regarding home occupations.

## **FACTS AND REASONS:**

The property in question is located at 180 Oxbow Road. The applicant seeks a renewal of ZBA Decision #14-25 granting a special permit to allow a home occupation (dermatology practice) in the renovated accessory building. The applicant began seeing patients at the property during the one-year term of the permit. There were no complaints this past year, and she requests no changes in permit conditions.

Under Wayland Zoning Bylaws Chapter 198, Sections 901.1.1 and 901.1.2, a home occupation is a permitted accessory use in a single residence district under specified conditions. If the homeowner does not intend to have clients or employees, the home occupation is allowed as of right, Section 901.1.1. If the homeowner intends to see clients or have a nonresident employee, a special permit from the Zoning Board of Appeals is required, Section 901.1.2. Dr. Urato sees clients in her home; she therefore needs a special permit.

### *Applicable Bylaw:*

Under Section 198-104, a home occupation is defined as “any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident’s dwelling unit or an accessory structure.” Among the examples of such an occupation is an office for a doctor or dentist.

Under Section 804—Table of Accessory Uses, Use 62: Home occupation [section 198.901.1.2] is allowed by special permit in a single residence district.

Under Section 198-901.1.2 of the Wayland Zoning Bylaw, the Board may grant a special permit to a resident owner for a home occupation in a single residence district provided all of the following conditions are met:

901.1.2.1 The use of the dwelling unit, or where permitted, an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, within the dwelling unit on the premises;

901.1.2.2 No more than one nonresident employee shall be permitted on site;

901.1.2.3 There is no change in the outside appearance of the building or premises or any visible or audible evidence detectable from the property line of the conduct of such business except that one sign not larger than two square feet in area bearing only the name of the practitioner and occupation shall be permitted [words only]. The sign shall be flush-mounted to the dwelling unit and shall not be illuminated;

901.1.2.4. Traffic, including traffic by commercial vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;

901.1.2.5 No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;

901.1.2.6 There shall be no display of goods or outside storage;

901.1.2.7 Parking for the home occupation shall be met on-site.

*The Board's findings and reasons:*

The Board previously granted a special permit allowing use of the accessory structure for a home occupation, finding that all conditions of Section 198-901.1.2 had been satisfied. At that time, the applicant was made aware that her property abuts the Town's water supply. The Applicant is not requesting any changes to the use or conditions as previously granted. The Applicant had spoken with her neighbors about her practice and reported no complaints. She stated there is no lab space in the building, the sinks are used for handwashing, and all medical waste is properly handled and disposed of.

The Applicant's website advertises two offices, in Wayland and Framingham, and shows a staff of seven employees. The Applicant confirmed that only one employee works at her Wayland address. The September 8, 2015 Board of Health approval specifies that no medical or industrial waste is allowed in the septic system. The Board finds that renewal of the special permit for a term of three years is appropriate.

In the prior application, the accessory unit appeared on a plot plan dated February 8, 2007, stamped by John Hamel, Professional Land Surveyor dated February 15, 2007 next to his stamp and also marked as Land Registration Case 13692. The accessory unit was marked by a star and the word "Building" appearing above the unit.

The approved floor plan dated July 31, 2013 depicted a rectangular space that was 24' by 32'. The space designated for the home occupation was highlighted and consisted only of an L shaped space which included: an Entry which is along the middle of one of the 32 foot lengths; an Existing Bathroom which is 5 feet x 11 feet, to the right of the Entry; an Exam Room 2, which is 12 feet x 10 feet, a sink and closet are drawn in this space, to the left of the Entry; an Exam Room 1 abutting and to the rear of Exam Room 2, existing cabinets were drawn in this space.

The three spaces: Exam Room 2 the Entry and the Existing Bathroom were all along one 32 foot side of the building, Exam Room 1 was to the rear of Exam Room 2 and abutted it. The total square footage for the home occupation was to not exceed 464 square feet.

The rest of the space on this floor plan was designated as a Children's Play and Utility Mechanical space with an "existing fireplace, fridge, sink and existing cabinets" drawn into the floor plan. The applicant stated that the back room has not been used for the practice and still serves as private space only for the Urato family. The first floor is an unfinished garage. The Applicant reported using only the 464 square feet for the dermatology practice and is in compliance with all guidelines specified in the bylaws.

The Chairman asked whether any member of the public would like to be heard.  
No member of the public asked to be heard.

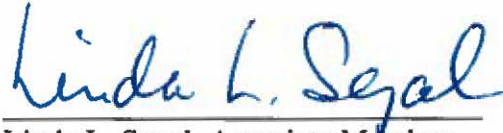


After discussion and deliberations, by a vote of 5-0, given the expiration date of the one-year permit falling on the date of the hearing, Town Counsel advised and the Board agreed to reissue the special permit, with conditions, for a period of three years from the filing of this Decision.

**DATE OF FILING OF DECISION:**

November 10, 2015

**BY ORDER OF THE BOARD**

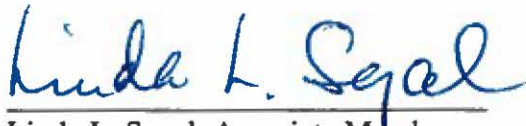


Linda L. Segal, Associate Member

**CERTIFICATION:**

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

**BOARD OF APPEALS**



Linda L. Segal, Associate Member



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

*Selection*  
**RECEIVED**

**NOV 18 2015**

Board of Selectmen  
Town of Wayland

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

150 MAIN STREET, LLC ADMINISTRATIVE APPEAL DECISION

CASE #15-20

RE: Application of 150 Main Street, LLC for an Administrative Appeal of the Building Commissioner's Decision dated July 28, 2015 Denying 150 Main Street, LLC's Building Permit Application

DATE: October 27, 2015

LOCATION: Assessors Map 51B, Parcel 73; at 150 Main Street, Wayland, Massachusetts

TITLE REFERENCE: Middlesex South Registry District of the Land Court Certificate of Title No. 248169

PROCEDURAL HISTORY

1. On August 17, 2015, 150 Main Street, LLC (the "Applicant") filed an application with the Town Clerk and Zoning Board of Appeals ("ZBA") pursuant to M.G.L. c. 40A, §§ 8 and 15 appealing the Building Commissioner's decision dated July 28, 2015 denying 150 Main Street, LLC's building permit application filed on July 2, 2015 (the "Decision") seeking the issuance of a building permit to construct a CVS/Pharmacy retail store (the "CVS") at 150 Main Street, Wayland, Massachusetts (the "Application").

2. A notice of the public hearing on the Application, a true copy of which is on file in the Office of the Town Clerk, was:

- a.) Published in The Town Crier, a newspaper with general circulation in the Town of Wayland on September 10, 2015 and September 17, 2015;
- b.) Posted in a conspicuous place in the Wayland Town Building on September 10, 2015, which was at least fourteen (14) days prior to the public hearing; and
- c.) On September 10, 2015, which was at least fourteen (14) days prior to the public hearing, mailed to the Applicant, abutters, owners of land directly opposite the property in question on any public or private street or way, abutters and abutters to the abutters within three hundred (300) feet of the subject property, the Planning Boards of the abutting towns. The notice was mailed to the names and addresses shown on the most recent tax list provided by the Assessors Office.

A two-session public hearing on the Application was held on September 29, 2015 and October 27, 2015. No evidence was submitted at the September 29, 2015 session of the hearing. The Applicant requested and the ZBA granted a continuance of the hearing so that the appeal could be heard by a full, five-member panel of the ZBA.

3. The following documents and exhibits were submitted to the ZBA with the Application and/or at the public hearing on behalf of the Applicants and/or its representatives, and are hereby incorporated by reference in this decision, for reference purposes:

- Original application form (pink) received by the Building Department and Town Clerk's office on August 17, 2015.
- Narrative accompanying Application.
- The Decision.
- Order of the Land Court in Case No. 11-SBQ-12716-03-001 dated December 16, 2011.
- Draft Minutes of Planning Board Meeting of December 3, 2015.



- Planning Board Decision No. 01-2014 dated October 14, 2015 re: Application of 150 Main Street, LLC for Modification of Site Plan Approval and Cover Memo from Town Planner to the Town Clerk and the Applicant dated October 16, 2015.
- The Applicant's Notice of Constructive Approval of Amendment of Planning Board Site Plan Approval No. 02-2013 dated October 28, 2014.
- Planning Board's Response to 150 Main Street, LLC's Notice of Constructive Approval of Application for Modification of Planning Board Site Plan Approval dated November 13, 2014.
- Letter from Town Counsel Mark J. Lanza to Thomas J. Abdella, Chairman, Board of Public Works re: Hammond Road dated January 23, 2014.
- Massachusetts Supreme Judicial Court's decision in the Case of Durgin v. City of Lowell, 3 Allen 398 (1862).
- Land Court Plan No. 12716A dated September 15, 1927.
- Land Court Plan No. 12716B dated December 4, 1946.
- Application for a building permit to construct the CVS, with plans, dated June 23, 2015, received July 2, 2105.
- Decision of the Land Court in the Case of 150 Main Street, LLC v. Arlene Martino, Land Court Case No. 13 SBQ 12716 06-001 (AHS) dated November 25, 2014.
- Existing Site Photographs of Finnerty's Village, 150 Main Street, Wayland, MA filed with the ZBA on August 17, 2015.
- Petition of Gretchen Dresens, et al (undated) submitted on October 27, 2015 in opposition to the Application.

Any document or other evidence received during the public hearing not listed above is unintentionally omitted. All

documents and plans received during the public hearing are part of the record on file relative to this decision.

During the public hearing, the Applicant, through its attorney, Charles N. LeRay, Esq. of Dain, Torpy, LeRay, Weist & Garner, P.C. presented the Application to the ZBA with the Applicant's plans and supporting materials and urged the ZBA to reverse the Decision.

Former Building Commissioner Jay Abelli was not present due to his recent retirement.

Town Counsel Mark J. Lanza gave background information rendered legal advice to the ZBA concerning several legal issues that arose during the hearing.

Other parties in interest and persons residing in the area of 150 Main Street appeared at the public hearing and gave the ZBA input relative to the Application, most of which was in opposition to the Application.

After the public hearing was closed, the ZBA deliberated on this decision at its meeting of October 27, 2015 and made the following findings and decision based on the evidence submitted at the public hearing.

#### FINDINGS

1. The Applicant owns the land with the buildings situated on it known and numbered as 150 Main Street, Wayland, Massachusetts 01778 which is shown as Lot B and the "Way" on Land Court Plan No. 12716B and Lot No.'s 1, 2, 3 and 8 on Land Court Plan No. 12716A (the "Locus"). The Locus is the site of the former Finnerty's Restaurant.

2. The Locus is situated in the Business A Zoning District. Under the Town's Zoning Bylaws (the "Bylaws"), retail stores are allowed as matter of right in the Business A Zoning District, subject to site plan review and approval.

3. On June 19, 2013, the Planning Board issued its decision granting site plan approval for the Applicant to construct the CVS on the Locus with 11,968 gross square feet of area on the first floor and 1,973 gross square feet of mezzanine area with a drive through window for prescriptions and medications only and 103 parking spaces, subject to conditions (the "Site Plan Approval"). Condition No. 30 of the Site Plan

Approval decision provides that: "[p]rior to exercising any rights under this decision, the Applicant shall provide written evidence to the Planning Board, in acceptable legal form as determined by Town Counsel, showing that the way (known as Hammond Road) shown on Land Court Plan No. 12716B has been eliminated by merging the fee in the way into the lot or lots adjoining said way, subject to an access easement for Lot 4 on said plan." ("Condition No. 30").

4. The Applicant did not appeal or challenge the Planning Board's inclusion of Condition No. 30 in the Site Plan Approval.

5. On October 14, 2014, the Planning Board denied the Applicant's June 16, 2014 application to modify the Site Plan Approval by removing Condition No. 30 and filed its written decision with the Town Clerk on October 16, 2014. The Applicant had granted the Planning Board an extension to October 14, 2014 to make a decision on its application for modification.

6. On October 28, 2014, The Applicant filed with the Town Clerk a Notice of Constructive Approval of Amendment of Planning Board Site Plan Approval No. 02-2013. The Planning Board filed with the Town Clerk its Response to 150 Main Street, LLC's Notice of Constructive Approval of Application for Modification of Planning Board Site Plan Approval on November 13, 2014.

7. Several parties in interest filed an appeal of the Applicant's claimed constructive approval of its application for modification of the Site Plan Approval in the Framingham District Court. Acting on behalf of the Planning Board, Town Counsel Mark J. Lanza transferred the case to the Middlesex Superior Court. The appeal was dismissed by stipulation of the parties, without any judicial determination as to the Applicant's claimed constructive approval.

8. The Applicant's application for modification of the Site Plan Approval was not constructively approved pursuant to the provisions of Section 604.4 of the Bylaws and Section 302-23 D of the Planning Board's Rules and Regulations relative to site plans.

9. The Applicant has not complied with Condition 30.

10. In its decision in the Case of 150 Main Street, LLC v. Arlene Martino, Land Court Case No. 13 SBQ 12716 06-001 (AHS) dated November 25, 2014, the Land Court ruled that the lot comprising Hammond Road may not be consolidated with the

abutting lots. The Land Court did not rule that the street setback requirements of the Bylaws apply to the CVS. The Applicant has appealed the Land Court's decision to the Massachusetts Appeals Court.

11. Hammond Road is not a public way nor is it a private way used as a public way for vehicular traffic. Hammond Road is not a "street" within meaning of the Bylaws. The street setback requirements of the Bylaws do not apply to the CVS.

12. The two-year site plan approval lapse period in Section 198-604.8 of the Bylaws was effectively tolled by the above-referenced litigation brought by and against the Applicant relative to the Applicant's exercise of its rights under the Site Plan Approval. As a result of the litigation, the Applicant was not able to commence implementation of the Site Plan approval by June 19, 2015. The Site Plan Approval did not lapse pursuant to Section 198-604.8 of the Bylaws.

#### DECISION

Based on the above findings and the evidence submitted at the public hearing, the ZBA hereby denies the Applicant's Administrative Appeal of the Decision and affirms the Decision.

#### RECORD OF VOTE

The following members of the ZBA voted (5-0-0; Eric B. Goldberg, Chair, Aida Gennis, Thomas White, Shaunt Sarian<sup>1</sup> and Linda Segal<sup>1</sup> in favor) to deny the Applicant's Administrative Appeal and to authorize Chair Eric B. Goldberg to prepare and sign the foregoing decision on behalf of the ZBA and file it with the Town Clerk's Office.



Eric B. Goldberg, Chair

Filed with the Town Clerk on November 17, 2015

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<sup>1</sup>Associate members sitting in lieu of members by designation of the Chair.





# Town of Wayland Massachusetts

## Finance Committee

Thomas Abdella  
Gordon Cliff  
Nancy Funkhouser (Chair)  
Carol Martin

Bill Steinberg  
Dave Watkins (Vice-Chair)  
Gil Wolin  
Brian Keveny (Finance Director)

## Finance Committee Meeting Minutes October 19, 2015

In Attendance: N. Funkhouser (Chair); G. Cliff; C. Martin; W. Steinberg; D. Watkins (7:26 PM); T. Abdella (7:20 PM); and Finance Director B. Keveny. Not In Attendance: G. Wolin.

Call to Order at 7:15 PM. WayCam was taping the meeting.

### I. Public Comment –

- a. Mark Hays (Wayland resident) provided Members with a document pertaining to IT security and entitle SANS Top 20 Critical Security Controls. He discussed from that document upgrades to the Town's IT security that he feels would significantly improve the Town's security and would cost approximately \$100,000. He said that these upgrades are not currently being contemplated in the Town's security upgrade plan.
- b. Town Moderator Dennis Berry asked whether there are any special issues that the Moderator should know about as it pertains to Special Town Meeting ("STM"). Committee comments included having D. Watkins present Article 2, pertaining to IT security; provided an explanation of Article 7, regarding the Recreation Commission article; noted that Articles 3 and 4 might engender significant debate on Town Meeting floor. There was a question regarding amendments to articles on Town Meeting floor, and the Moderator indicated that he will require amendments to be presented in writing. The Moderator noted that his forum will be on October 28<sup>th</sup> and he hoped that a Member of FinCom would be present.

### II. Finance Director's Report

Mr. Keveny noted that there will be two minor changes to Article 1 at STM, which will add a request for funding of two bills for \$129.00 and \$259.00. It was decided that FinCom will revoke this Article prior to STM.

Mr. Keveny discussed capital closeouts and handed out a schedule showing outstanding funds for approved capital projects. It was noted that the schedule deals with monies approved and not spent, but does not show monies for which bonds have been sold and not spent, which might be a more relevant number, as it provides information regarding the Town's cost of funds, while this schedule does not provide that information. Mr.

Keveny will update the schedule to show actual funds outstanding and share with FinCom.

### III. Capital Improvement Projects (CIP's)

FinCom met with three departments to discuss CIP requests for Fiscal Year 2017. Departments in attendance were: Department of Public Works ("DPW"); Wayland Housing Partnership; and Conservation.

#### DPW

**Redesign of Intersections** – DPW is considering the redesign of two intersections in Wayland, but these budgets have not yet been completed. These would be brought to Annual Town Meeting as separate articles, and the guess is that the cost of these would be in the range of \$300,000 - \$500,000 per intersection.

**Road Repairs** – Request is for \$1,460,000, which is significantly greater than the annual request for this item over the past several years (\$300,000/annum). This request is based upon a 15-year schedule of repairing roads, which is more in keeping with the useful lives of such roads. FinCom requested, and DPW will provide, a list of roads to be repaired per this schedule for FY '17.

**Cemetery** – There was a brief discussion of upgrades to the cemetery. That fund does not currently have significant amounts of cash that would pay for these upgrades.

**Vehicles** – There was a discussion of several vehicles, including tractors, trucks, etc. DPW referred to its schedule for replacing vehicles, which has been available for the past several years and has served as a template for such replacements. DPW indicated that it might postpone one vehicle replacement from FY '17 to FY '18, which is the John Deere Tractor P59.

**Water Main Projects** – a discussion of water main projects followed. DPW noted that the schedule for water main improvements of \$1.4mm is double the request for similar work in past years. This is consistent with the request for an increase in repairs to roads, which are done in conjunction with one another.

**Billing Software** – this is a request to replace software from 1998. It is tied to the water meter-reading program, which is required to be done, per the requirements of the Commonwealth. There were questions regarding combining the various billing and meter reading requests. It was also suggested that the Town consider the feasibility of an online billing system. The Board of Public Works will consider this as part of this overall request for funding.

Water Tank Cleaning – there is a request to clean the water tank at Reeve’s Hill in the amount of \$250,000; however DPW indicated that this CIP needs more work and will be changed and resubmitted.

**Wayland Housing Partnership**

Their request of \$500,000 is for completion of the sprinkler program at the Cochituate Village Apartments. They have funding of approximately \$700,000 in place from CPC funds (\$500,000) and from a grant for \$200,000.

**Conservation**

Purchase Land at 38 Standish Road – This is a placeholder that may not go forward.

Rice Road Dam Repair – Conservation needs to find the expertise to write the specifications for this. Concern was expressed that while the work needs to be done, the Conservation Commission needs to demonstrate an ability to figure out how to do the work. Due to monies already funded, Conservation should not need the requested funds in FY ’17 and the request is likely to be retracted.

Conservation shed and office repairs – The request will likely be decreased to approximately \$20,000 and will include improvements to the storage shed on Old Sudbury Road near Glezen Lane.

IV. Meeting with Assessors – FinCom met with Ellen Brideau, Director of the Assessing Department and with Susan Rufo, the Chairperson of the Board of Assessors. They noted that the purpose of the overlay is to reserve funds for potential payouts from abatements filed by property owners. Appellate Tax Board cases are currently settled through Fiscal Year 2008 and only a small number of appeals remain open from Fiscal Year 2009. There are two large appeals outstanding for FY ’10, which are both Telecommunications facilities, and which total in excess of \$300,000. The total overlay outstanding as of June 30, 2015 was \$1.6mm.

V. Members Reports, Reports From Liaisons

Mr. Cliff noted that the OPEB Committee has filed its final report. He suggested that Mr. Gutschenritter, from that Committee, might present the finding of the OPEB Committee to FinCom early in the budget process. He also suggested that there be a link from the OPEB web site to the Finance Department’s web site. Mr. Keveny will look into this.

Ms. Funkhouser asked whether FinCom Members would like there to be a FinCom letter to the media with regard to the Articles for Special Town Meeting. After discussion, it was determined that FinCom will not write such an article. Ms. Funkhouser noted that FinCom needs to provide an appointee to the Audit Committee and that Members should be considering potential residents who might fill that role.

Wayland Finance Committee Meeting Minutes  
August 31, 2015

VI. Meeting Minutes –

Ms. Martin moved that the meeting minutes of 9/21/15 be approved as amended.  
Mr. Watkins seconded. The minutes were approved by a vote of 6-0.

Ms. Martin moved that the meeting minutes of 9/28/15 be approved as written.  
Mr. Steinberg seconded. The minutes were approved by a vote of 5-0-1.

VII. Minuteman

At 10:12 PM, there was a motion to adjourn, which was seconded and approved by a vote of 6-0. Ms. Martin then moved to re-open the meeting to discuss Minuteman, and Ms. Funkhouser seconded the motion. It was approved by a vote of 6-0. Ms. Martin wanted to know if FinCom should draft information pertaining to this Article for Town Meeting (FinCom's person handling this article did not submit anything and FinCom has therefore provided no write-up for this Article). There was no consensus on this point.

At 10:16PM, Ms. Martin moved that the meeting be adjourned. Mr. Abdella seconded. The meeting was adjourned by a vote of 6-0.

Handouts – 1. Memorandum from Mr. Hays (noted in public comment)  
2. Capital Close-out worksheet from Mr. Keveny





# Town of Wayland Massachusetts

## **Finance Committee**

Nancy E. Funkhouser (Chair)

Thomas Abdella

Gordon Cliff

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

## **Finance Committee**

### **Minutes**

**November 9, 2015**

**Attendance:** N. Funkhouser, B. Steinberg, T. Abdella, G. Cliff, C. Martin and B. Keveny (Finance Director). D. Watkins (7:20). The meeting was called to order in the Field House at 7:07pm when a quorum was present. The meeting was not recorded by WayCam.

**Public Comment:** None.

**Finance Committee Response to Public Comment:** N/A.

**Finance Director's Report:** Finance Director Brian Keveny stated the Town budgets have been processed and will be ready for distribution at the November 30th meeting.

**Discuss Special Town Meeting (STM) Articles:** Chair Funkhouser provided the Committee updates on three articles being presented at STM. Concerning Article 2, Current Year transfers, Ms. Funkhouser stated an amendment was being presented to increase the current year transfer for IT by \$50,000. In regards to Article 3 - Acquiring the Municipal Pad, Ms. Funkhouser indicated a recent report concerning additional testing at the site was being discussed. She also updated the Committee by advising them Lexington had voted against Wayland leaving the Minuteman district which would be discussed under Article 11.

**Committee Members' Reports, Concerns:** None

**Chair's Update:** Ms. Funkhouser stated that if STM was extended, the second night would be tomorrow, Tuesday, November 10th. She further stated that although we had posted a FinCom meeting 7pm, she

did not feel it would be necessary to meet.

**Adjourn:** At 7:25pm, Chair Funkhouser moved and Mr. Steinberg seconded a motion to adjourn. Vote 6-0. Meeting adjourned at 7:25pm.

Respectfully Submitted,

Carol Martin

Documents:

None



# Town of Wayland Massachusetts

## **Finance Committee**

Nancy E. Funkhouser (Chair)

Thomas Abdella

Gordon Cliff

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

## **Finance Committee**

**November 10, 2015**

The 7:00pm meeting posted to be held in the Field House at the High School prior to the second night of Special Town Meeting was canceled.

Respectfully Submitted,

Carol Martin

## WAYLAND HOUSING PARTNERSHIP

Minutes – September 29, 2015

Submitted by Rachel G. Bratt

Attending: Mary Antes, Kathy Boundy, Rachel Bratt, Chris Di Bona, Pat Harlan, Marty Nichols, Armine Roat, Betty Salzberg

At 7:52, Rachel called the meeting to order.

Marty moved to approve the minutes; Betty seconded. Approved by all those who had been in attendance at that meeting (all except for DiBona).

Concerning a replacement for Fred Moser, representative from the Clergy Association, Rachel had heard that Rabbi Katy Allen might be interested. Rachel said she would follow-up with the convenor of the Association, Rabbi Sally Finestone. (Rachel subsequently heard that Rabbi Allen had declined. Rachel is continuing to work on this.) Mary indicated that it is OK if this representative does not live in Wayland.

Armine has resigned from the Housing Trust committee. No one has volunteered to replace her. Since Mary is already on the committee, representing the BOS, we will get updates from her.

Mary indicated that the remaining parcels at the Doran Road site have now been transferred to the Recreation Department, since the town's Housing Trust Fund now has \$600,000. Members did not recall that this was the trigger for the transfer and members agreed to do some further checking. [Subsequent investigation showed that this was, indeed, the agreement.] [Units at the Town Center development are continuing to sell. Each sale requires about a \$39K contribution to the Trust Fund. There is also about \$462 in CPC funds earmarked for housing, additional money contributed by Town Center developer, and \$58K from original contribution to the Fund.] The WHA is asking for money from the Trust Fund to cover a portion of the cost of a sprinkler system at Cochituate housing development. CPC had not been receptive to this request; perhaps it will be funded by general funds, not the Trust Fund. Nothing further will happen until spring town meeting.

Once again, the Habitat project is behind schedule. The houses are still not ready for any families. A group of Habitat volunteers traveling in RVs are due in Wayland around Oct. 10.

Three housing working groups: The Visions group, chaired by Katherine Provost has completed a draft report. The major need is for rental housing with at least 2 bedrooms. Sarki's group on zoning still has not yet met. Brian's group on monitoring has met once but Rachel has not heard from him. Mary said that the WHA would be meeting shortly and that perhaps this will be addressed.

Mary suggested that we set a date for a follow-up meeting and that, perhaps, that will spur activity.

Commonwealth Residences is under construction. Betty reports that they have requested an extension from the Conservation Commission.

Rachel reported that she had heard from Fred Moser that it is likely that the Church of the Holy Spirit site will be purchased by a Greek Orthodox Church to be used for religious purposes.



Chris reported on the fact that the River's Edge RFP had been downloaded by some 52 groups, including 29 developers, and that a tour of the site had been held the prior week. The deadline is Dec. 1 for submission of proposals.

Under new business, Armine reported that owners of homes at 89 Oxbow Road are concerned about increases in their property taxes. While Armine indicated that she, personally, can currently afford the increase, she, along with others, are concerned that at some point they may be priced out of their ability to keep their homes. Members were very engaged with this issue and asked Rachel to follow up with the Town Assessor, Ellen Brideau, to see if anything can be done to provide some relief, perhaps similar to the circuit breaker for elderly residents on fixed incomes.

Next meeting: Tuesday November 17, 2015

At 9:03 Chris made a motion to adjourn, seconded by Betty.

Personnel Board Meeting  
Wayland Town Building – Selectmen’s Office/Selectmen’s Meeting Room  
Meeting Minutes  
October 19, 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), Katelyn O’Brien (KO)

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

Public Comment

None

New HR Assistant

JS introduced KO to the Board. Members welcomed her to the Town. KO briefly reviewed her background.

Review of the 9/8/15 Minutes

The minutes were amended as follows:

... ~~Large Hearing Room/Selectmen’s Office~~ **School Committee Room** ...

... presented ~~for to~~ the Boards ...

... to a new WSHG benchmark plans along ... employee savings **dependent upon the plans chosen.**

MP moved to approve the minutes of 9/8/15 as amended. PS seconded the motion. Three members having voted in the affirmative, the motion passed. PS and MJ abstained.

Review of the 9/21/15 Minutes

The minutes were amended as follows:

... **changes and probable plan design changes would support the GIC option no longer needing to negotiate health insurance changes would support the GIC option. Under the GIC, plan design changes would no longer need to be negotiated.** ...

MJ moved to approve the minutes of 9/21/15 as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of the 9/28/15 Minutes

MP moved to approve the minutes of 9/28/15. PS seconded the motion. Three members having voted in the affirmative, the motion passed. JG and MJ abstained.

### 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 AFSCME Job Description; Review and Potentially Approve Executive Session Minutes of 8/3/15, 9/21/15 and 9/28/15 as an open discussion might have a detrimental effect on the Town's negotiating position.

PS seconded the motion.

JG took a roll call vote:

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

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 1 hour and 25 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:30 pm.

The Board returned to Open Session at approximately 9:05 pm.

KO had left the meeting during Executive Session.

### Review and Approval of Starting Wage Rate for Geoffrey Larsen, Building Commissioner

JS presented the resume of Geoffrey Larsen who was selected to be the new Building Commissioner. He has 10 years of experience as a Building Commissioner.

PS moved to approve a starting wage rate of \$89,172 which represents G9, Step 9 of the AFSCME 1 wage scale. MP seconded the motion. Five members voting in the affirmative, the motion passed.

### Review and Approval of Starting Wage Rate for Katelyn O'Brien, HR Assistant

JS presented the resume of Katelyn O'Brien who was selected to be the new HR Assistant. She has previous experience working at the Mass Municipal Association.

PS moved to approve a starting wage rate of \$50,472 which represents N9, Step 9 of the Non-union wage scale. MP seconded the motion. Five members voting in the affirmative, the motion passed.

### New Parental Leave Policy

JS reviewed a revised draft policy. Members discussed the revision. MJ is to prepare at collective bargaining disclaimer. JG is to research the applicability of time frames as to when the leave must be taken. A final draft will come back to the Board at the next meeting.

### Non-Union Performance Evaluation Formats

The Board reviewed 3 formats: one drafted by JS from comments at the last meeting, one provided by PS and one recommended by the ICMA for managers. Members were satisfied with the simplicity of

the JS template as ease of use was a concern at the last meeting. Several suggestions were made. JS indicated that he would make the edits, share the draft with the Town Administrator and return a copy to the Board for the next meeting.

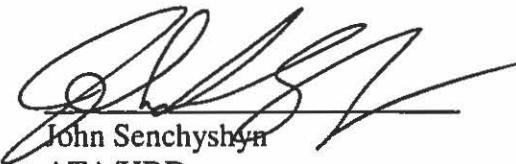
#### Update on GIC Proposal

JS reported that he had met with the Insurance Advisory Committee (IAC). IAC members asked a number of questions with respect to a GIC implementation. Beyond that meeting, no further discussion has occurred. The BOS have not set a target date for reconvening to further investigate the GIC option.

#### Future Meetings

JS noted several items that would appear on future agendas. He suggested that the Board might want to consider scheduling a separate meeting to address FY 17 staffing requests. The Board discussed the options and tentatively scheduled meetings for the evenings of 11/18 and 11/30 with the latter devoted to staffing requests.

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**

**October 26, 2015**

#### Document:

Draft Minutes 9/8/15  
Draft Minutes 9/21/15  
Draft Minutes 9/28/15  
Draft Parental Leave Policy  
Performance Evaluation Templates  
Resume - Larsen  
Resume - O'Brien



# WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

October 20, 2015

7:00 PM

## MEETING MINUTES

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

Absent: M. Lowery (Vice Chair)

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 Hearing: With BOPW and Park Division Superintendent for Public Tree Hearing for Shade Trees**

Patrick Scranton of 31 Concord Road appeared before the Board to object to the removal of Tree 1513 at 31 Concord Road.

Brown clarified that if any member of the public objects to the removal of any trees on the list, they would not be removed.

Brown made a motion to remove the trees on the shade tree list, with the exception of Tree 1513.

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

(Shade tree list attached to meeting minutes)

#### *Items Included as Part of Agenda Packet for Discussion*

- List of Shade Trees for discussion

- 10-12-2015 email from Patrick & Emily Scranton re: Request to Halt Tree Removal at 31 Concord Road

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

- 10-20-2015 email from Lynn Heavey re: Tree Removal (Pine Tree at 227 Lake Shore Drive)

### **Discussion and Possible Vote on Water Fund Current Year Transfer Article for Special Town Meeting**

The Board discussed the details of the \$331,725.00 from the Water Enterprise Fund to cover FY16 Fringe Benefit Costs.

Brown noted that a transfer such as this is done annually to account for fringe benefit and indirect costs.

13

Wegerbauer noted that he would like to see more detail in how the numbers are calculated. Mishara made a motion to approve the transfer from the Water Fund to General Fund in the amount of \$331,725.00, conditional upon an appropriate explanation of the breakdown to the Chair regarding the calculation of Health & Life and Retirement costs.

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

**Discussion and Possible Vote on the DPW Plowing of Common Drives**

Kadlik noted that the areas in question are private properties where the Town has no rights or easements.

Kadlik noted that he had consulted with Town Surveyor Alf Barry about the common drives in question.

Baston asked if a notice will go out to affected residents to inform them if any changes are made.

Kadlik replied that notice will go out.

Brown made a motion to request that the DPW cease the plowing and treatment of private property and notify the owners of the property.

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

*Items Included as Part of Agenda Packet for Discussion*

*- Overhead views of Mitchell St, Alpine Rd, High Rock Rd, Bennet Rd (McManus Ct), Reservoir Rd Ext, Boston Post Rd (Behind Shir Tikva)*

**Public Hearing: Joint Meeting with BOPW, Park Division Superintendent, and Planning Board for Public Tree Hearing for Scenic Roads**

The Planning Board convened before the Board of Public Works to participate in the Public Tree Hearing for Scenic Roads.

**Tree 1509: 15 Old Connecticut Path**

The Planning Board noted there are no objections to the tree's removal, but would like the planting of a replacement tree to be considered.

The Board of Public Works noted that they have no objections to the removal of tree 1509.

The Planning Board voted unanimously to remove Tree 1509 at 15 Old Connecticut Path.

Brown made motion to remove tree 1509 at 15 Old Connecticut Path.

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

**Tree 1516: 80 Plain Road**

Highway and Park Superintendent Mike Lindeman described the condition of the tree and discussed cracks in the tree evident in pictures provided.

Lindeman noted that due to the extensive damage to the tree, saving it by pruning and cabling is not a viable option.

The Planning Board asked Lindeman if the tree could possibly be bolted.

Lindeman noted that the tree is not healthy enough and the split is too large to pull back together.

Wegerbauer asked if it would be possible to plant a replacement tree in its place.

Lindeman noted that there is not sufficient room to plant a new tree.

The Planning Board voted unanimously to remove Tree 1516 at 80 Plain Road.

Brown made motion to remove Tree 1516 at 80 Plain Road.

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

(Scenic Tree List attached to meeting minutes)

*Items Included as Part of Agenda Packet for Discussion  
- List of trees for discussion on Scenic Road.*

**Water Fund Analysis Update from Chris Woodcock**

Chris Woodcock of Woodcock & Associates appeared before the Board to discuss the status of the Water Fund Analysis.

Woodcock discussed the notion of charging or not charging municipal and not-for profit water accounts.

Woodcock noted that according to state regulations, they could continue to not charge, but charging for water usage does provide an incentive to conserve water.

Woodcock noted that an alternative rate structure is an option for charging municipal meters.

Woodcock discussed the status of new water regulations that have been discussed, but not finalized, by the State Water Resource Commission.

Woodcock advised that any potential changes to municipal rates be delayed until the new fiscal year.

Brown asked Woodcock to clarify the State's position on increasing the frequency of water billing.

Woodcock noted that the state currently recommends billing monthly or bi-monthly, and added that drive-by systems are used in surrounding towns to accomplish frequent billing.

Woodcock noted that more frequent billing allows you to establish rate structures that encourage increased water conservation.

Woodcock noted that conservation measures should focus on residential discretionary water usage.

Brown asked if the Water Division is considering a drive-by or fixed based reading system.

Water Superintendent Don Millette noted that they would like to evaluate various forms of meter-reading technology.

Mishara asked if there are any known dangers or public health issues with any of the reading options.

Woodcock he does not believe that there are any public health dangers associated with any of the meter reading options.

Baston noted that a constant signal is not emitted by drive-by systems, and is activated only when the reading vehicle drives by.

Wegerbauer added that the transmitting device is mounted outside the house.

Kadlik noted that the water division has just taken delivery of a new van where the reading equipment could be mounted.

Wegerbauer expressed his support for a fixed network system to eliminate the need for drive-by readings.

The Board discussed the status of the proposed meter reading pilot study.

Brown asked Woodcock what percentage of towns are using a wand-reading system today versus radio reads.

Woodcock replied that the technology is approximately 20 years old, and most towns now use a radio-read system.

Mishara suggested that the Board determine what reading system should be used rather than undertaking a pilot study.

Wegerbauer asked Woodcock if he can recommend any methods for billing municipal water usage.



Woodcock replied that billing municipal water usage is not common, but Lexington charges municipal usage at a separate rate structure.

Woodcock added that another option may be to charge them at just the lowest rate.

Woodcock noted that the establishment of a municipal/non-profit rate class should be explored in the future.

Brown asked if the Town's 20-year Withdrawal Permit application would be negatively affected by the 6-month water billing cycle.

Woodcock noted that although the 6-month billing cycle is unusually long, it would not be likely to greatly impact the permit process.

Wegerbauer noted that the Board would like Woodcock's opinion on the desired undesignated fund balance level.

Woodcock discussed the ideal reserve fund balance and the benefits of maintaining a larger reserve.

*Items Included as Part of Agenda Packet for Discussion*  
*- FY16 Water Department Indirect/Administration & Fringe Benefit Costs*

#### **Review and Possible Vote on DPW FY17 Expense Budget**

The Board discussed the potential increase of DPW staffing levels by two employees.

Brown asked that the review of the justification for the two new DPW employees be placed on the next agenda.

Brown asked if the River's Edge material removal costs have been included in the FY17 Operating Budget.

Kadlik replied that the costs have not been included in the FY17 budget as the timetable for when the costs would be incurred has not yet been determined.

Brown made a motion to support the DPW FY17 Operational Budget.

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

*Items Included as Part of Agenda Packet for Discussion*  
*- DPW Budget Changes FY2016 to FY2017*  
*- DPW Budget Comparison Summary*

### **Transfer Station Access Road Discussion**

Kadlik noted that this was included as an addendum to the contract for the design & construction of the DPW Facility.

Brown noted that he would like to see the project design continue forward.

Mishara asked if the amendment complies with the outstanding Order of Conditions.

Kadlik replied that it would.

Wegerbauer noted that he feels the construction documents should not be funded until River's Edge construction begins.

Kadlik clarified that the addendum is for obtaining the construction documents, not for the construction itself.

Brown made a motion that the Board defer the 7/24/2015 Design and Construction Administrative Services, Amendment 6 – Exhibit A as presented by Weston & Sampson.

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

*Items Included as Part of Agenda Packet for Discussion  
- 7/24/2015 Design & Construction Administration Services for a New Department of Public Works Facility –  
Transfer Station Environmental and Road Upgrades.*

### **DPW Director's Operational Report**

The Board discussed the DPW road resurfacing schedule with Kadlik.

Brown asked Lindeman about the status of the Art King Ball Field.

Lindeman replied that the users decided to use an alternative field, and the Art King Ball Field will be officially closed when the DPW begins renovations.

Millette discussed the status of water ban enforcement, noting that they have recently issued 4 second violation notices.

Millette noted that the Water Division attempted to shut down the Happy Hollow wells as a test, and noted that consumption was still too high to take the Happy Hollow wells offline.

Millette noted that interconnections for water supply with three towns exist, although agreements to use those connections is not in place, and it has not yet been determined the direction of flow between the interconnections.

Brown asked about the status of Sherman's Bridge.

Kadlik noted that the bridge was closed for two days while twenty planks were replaced.

*Items Included as Part of Agenda Packet for Discussion  
- 10-20-2015 DPW Director's Operational Report*

**Board Members' Reports, Concerns, and Updates**

Wegerbauer asked about the placement of the chevron signs on Rice Road.

Doucette noted that the placement was dictated by the State.

Wegerbauer offered to contact Finance Director Keveny to discuss the status of the Transfer Station budget.

Wegerbauer wanted to ensure that the CIP for the radio-read pilot study is coming from the undesignated funds balance.

Brown confirmed that the Water Enterprise Fund is the funding source.

Baston discussed the WayCam public access show the Weekly Buzz, and noted he received an email requesting bullet points from Board meetings be sent to the program.

Baston discussed potential bullet points from the last meeting for submission.

Brown noted that he attended an executive session with the BOS regarding Crown Path on Monday.

**Review & Approve Minutes of the 10/7/2015 BOPW Meeting**

Mishara noted the omission of the word 'not' from Lowery's comment at the top of page 4.

Brown made motion to approve the minutes of the 10/7/2015 meeting as amended.

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

*Items Included as Part of Agenda Packet for Discussion  
- 10-7-2015 BOPW Meeting Minutes Draft*

Mishara made motion to adjourn

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

Meeting adjourned at 9:14PM

Wayland Real Asset Planning Committee

October 28, 2015 – 7:30 PM

APPROVED 11/12/15

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

Also attending: Linda Segal (at end), Kathie Steinberg (at end)

Public Comment. Ms. Sheehan had a request from Ken Isaacson to appear on Wayland Buzz in a program featuring or interviewing one or two WRAP members to tell a bit about the Committee's charge and how it came to be as well as the methods it will use to accomplish goals. Ms. Schuler suggested that we discuss at the end of the meeting after members discuss some of strategies on agenda for this evening.

Minutes. The minutes of 10/14/15 were accepted (4-0-0) as amended.

Department-Level Outreach. Following a brief discussion about the Committee/Board assignments and some changes made by members it was finalized to be as follows:

Abdella – School and Board of Health (Landfill/ Transfer Station)  
Lewis – DPW (BOPW including Cemeteries, Highway, Parks and Water, Waste Water.  
Schuler – Municipal (including BOS, Police and Fire, and Library).  
Sheehan – Conservation, Housing, (including Municipal Affordable Housing Trust, Housing Authority, Housing Partnership) Youth and Family Services  
Steinberg – Council on Aging, Cultural Council, Recreation.

Mr. Steinberg and Mr. Abdella had switched assignments but Ms. Lewis expressed some concern about perception of duties not to appear biased due to family members' service on boards/commissions; thus Schools were returned to Mr. Abdella and Recreation to Mr. Steinberg. Members were encouraged to schedule meetings with their groups to progress quickly with this assignment.

Ms. Schuler explained that the data base is being updated and that Mr. Decker is taking the time to add much information for town-owned property including deeds some of which has required checking for accuracy. Mr. Decker has completed Conservation land and hopes to complete others within the next two weeks. Ms. Schuler sent the data base draft to Mr. Abdella.

Ms. Lewis passed out a list of questions to ask during outreach "Points of Discussion with Boards, Commissions & Departments." Members recommended adding to the list questions about storage and meeting space. For storage it is important to learn whether the storage has to be at hand or can be off site. For meeting space we will ask whether there is sufficient space for present needs, future needs and other groups to use as well. It was also suggested that the questions be expanded to ask how the current facilities work for the constituents current needs and projected needs. Also it was suggested that a question about collaboration would be useful such as *do you ever talk to other groups about serving the same populations or having similar needs?*



### Develop Criteria: Assessing Capital Facilities' Needs; and Determining Priorities Among Projects

Ms. Sheehan and Ms. Lewis had looked at other communities' criteria for assessing capital improvements. Ms. Sheehan suggested that we use scoring matrix that was provided by petitioners as public information for their 2008 warrant article that requested establishing a capital facilities planning committee.

We discussed five likely categories of information that will help to assess present facilities and need for new facilities. They are Condition, Regulatory, Demographics, Location, and Planning.

A discussion ensued in which the 13 criteria on the scoring matrix that could be combined into a new list with perhaps five was suggested:

- **Planning:** Consistency with Community Goals and Plans
- **Regulatory:** Public Health and Safety, Mandates and Legal Requirements, Environmental Quality
- **Demographics and Standards:** Standards of Service, Extent of Benefit, Need, Efficiency
- **Related to Other Projects**
- **Fiscal Impact:** Economics, Opportunity Cost (i.e. grants), Operational Budget Impact.

One category – feasibility of project – was eliminated.

Mr. Steinberg volunteered to reorganize the criteria list for use as a starting point. Ms. Schuler will also work on revising matrix.

Necessary Components of a Comprehensive, Long Range Facilities Plan In response to this important task and product Ms. Lewis developed a draft outline of potential topics for inclusion in a WRAP final report. This was distributed at the meeting. There was some general discussion about the various topics, particularly in relation to the consideration of criteria and scoring. This document will be a work in progress but gives us an opportunity to focus on the various aspects of the WRAP's job.

### Next Meetings

Note time changes to accommodate other meetings of WRAP members.

November 12<sup>th</sup> (Thurs.) 7:00 PM. Report on any meetings with boards/commissions, discussion of whether we will have a report or recommendation for ATM regarding COA and Library.

November 18<sup>th</sup> (Wed.) 8:00 PM

December 3<sup>rd</sup> (Thurs.) Time TBD

December 17<sup>th</sup> (Thurs.) Time TBD

Weekly Buzz Request. On return to the conversation about appearing on the cable program the Weekly Buzz Ms. Sheehan agreed to be interviewed on behalf of WRAP to do

essentially what she did at the Community Forum. She will ask Mr. Isaacson to contact the Finance Committee if he wants someone to speak about finances. The taping is scheduled for November 5<sup>th</sup>.

It was also decided that there would be no WRAP Committee recommendation or comment on projects at the November STM because we are just beginning our work and that if Ms. Sheehan were not able to attend the meeting Ms. Lewis would convey this to the meeting if asked.

The meeting adjourned at 9:15 PM following a 4-0-0 vote on a motion by Mr. Steinberg that was seconded by Ms. Schuler.

Respectfully submitted,  
Gretchen G. Schuler

Materials Received at Meeting

- 1) Data Base sample format and e-mails from Brendan Decker re: data base (Schuler)
- 2) Points for Discussion with Boards, Commissions & Departments (10-23-15, Lewis)
- 3) Draft Potential Outline of Topics for Report of WRAP Committee (10-28-15, Lewis)



# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

Mark E. Nunnally  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

November 16, 2015

RECEIVED

NOV 18 2015

Board of Selectmen  
Town of Wayland

David Hill  
Wayland Board of Assessors  
Town Hall 41 Cochituate Road  
Wayland, MA 01778

**RE: Notice of Assessor Disqualification**

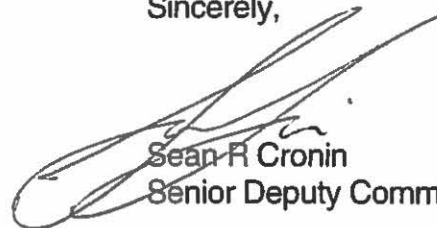
Dear Mr. Hill:

This letter is to inform you that you have not met the minimum requirement for assessors as established by the Department of Revenue pursuant to M.G.L. Ch. 58, §1 and 830 Code of Massachusetts Regulation (CMR) 58.3.1. That regulation states:

"any person who is elected or appointed as assessor is required to complete the basic course of training and pass the examination prepare by the Commissioner within two years following election or appointment..."

It is the opinion of the Department of Revenue that since you have not fulfilled the minimum requirements by successfully completing "Department of Revenue Course 101", you are no longer qualified to perform the functions of assessor. Accordingly, the Department of Revenue will not accept official municipal documents with your signature until you meet such minimum requirements.

Sincerely,



Sean R Cronin  
Senior Deputy Commissioner

SRC/dmj

cc: Town Administrator, Board of Selectmen, Board of Assessors, Town Clerk  
Bureau of Accounts, Bureau of Local Assessment

*Supporting a Commonwealth of Communities*

mass.gov/DLS  
P.O. Box 9569 Boston, MA 02114-9569  
(617) 626-2300

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