

**PACKET**

**DEC 7**

**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, December 7, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**Proposed Agenda**

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

- |          |      |  |
|----------|------|--|
| 7:00 pm  | 1.)  | Call to Order by Chair <ul style="list-style-type: none"><li>• Announcements; Review Agenda for the Public</li></ul>   |
| 7:02 pm  | 2.)  | Public Comment   |
| 7:05 pm  | 3.)  | Vote to Approve the Memorandum of Agreement as Amended with the AFSCME 2, Clerical Bargaining Unit dated October 26, 2015, for the Period of July 1, 2014, through June 30, 2017   |
| 7:10 pm  | 4.)  | Open Annual Town Meeting and Election Warrants   |
| 7:15 pm  | 5.)  | Vote to Approve Renewal of Liquor Licenses, Common Victualler Licenses, Entertainment Licenses, and Used Car Dealer Licenses   |
| 7:25 pm  | 6.)  | Discuss Council on Aging/Community Center Advisory Committee Charge and Next Steps   |
| 7:45 pm  | 7.)  | FY17 Budget Discussion, Including but not Limited to: <ul style="list-style-type: none"><li>a. Proposed New Positions, including Departments under Selectmen (Police, Information Technology)</li><li>b. Discussion of Unclassified Expenses</li><li>c. Legal Expenses</li><li>d. Debt Schedule and Management</li></ul> |
| 8:20 pm  | 8.)  | Review List of Potential Annual Town Meeting Warrant Articles  |
| 8:35 pm  | 9.)  | Review and Approve Memo to Wayland Real Asset Planning (WRAP) Committee  |
| 8:55 pm  | 10.) | Update on Minuteman Issues   |
| 9:10 pm  | 11.) | Vote to File Special Legislation to Increase Cap on Recreation Revolving Fund Expenses to 5% of Taxation   |
| 9:20 pm  | 12.) | Discussion of Draft Amended Sign Policy  |
| 9:35 pm  | 13.) | Review and Approve Consent Calendar (See Separate Sheet)   |
| 9:40 pm  | 14.) | Review Correspondence (See Separate Index Sheet)   |
| 9:50 pm  | 15.) | Report of the Town Administrator   |
| 10:00 pm | 16.) | Selectmen's Reports and Concerns   |
| 10:10 pm | 17.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any  |
| 10:15 pm | 18.) | Adjourn  |

(3) VOTE AFSCME  
AGREEMENT

DATE: DECEMBER 4, 2015  
TO: BOARD OF SELECTMEN  
RE: AFSCME 2 (Clerical) Contract Settlement

**REQUESTED ACTION:**

**VOTE:**

Move to approve the Memorandum of Agreement as amended with the AFSCME 2 clerical bargaining unit dated October 26, 2015, for the period of July 1, 2014, through June 30, 2017

(4) OPEN ANNUAL  
TOWN MEETING



## Memorandum

**To:** All Boards, Committees, Commissions, Departments and Staff  
**From:** Board of Selectmen  
**Date:** December 7, 2015  
**Re:** 2016 Annual Town Meeting and Annual Town Election

---

The Board of Selectmen voted on Monday, December 7, 2015, to open the Warrant for the Annual Town Meeting to begin on Thursday, April 7, 2016, at 7:30 p.m. in the Wayland High School Field House, and the Annual Election to be held on Tuesday, April 5, 2016, at designated polling places. The warrant for said Annual Town Meeting will be open from Monday, December 14, 2015, at 8:30 a.m., through Friday, January 15, 2016, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Friday, January 15, 2016.

---

Cherry C. Karlson, Chair

---

Mary M. Antes, Vice Chair

---

Lea T. Anderson

---

Joseph F. Nolan

**Town of Wayland  
Board of Selectmen**

# Memo

**To:** Board of Selectmen  
**From:** MaryAnn DiNapoli  
**Date:** December 3, 2015  
**Re:** 2016 Licensing

---

**The following liquor licenses are ready for approval for 2016:**

---

Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic
China Rose LLC dba China Rose	15 East Plain Street	Liquor License On Premise All Alcoholic
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Liquor License On Premise All Alcoholic
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Package Store Wine & Malt
Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic
Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Package Store All Alcoholic
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Liquor License On Premise All Alcoholic

---

Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Package Store All Alcoholic
Prime131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic
Sperry's Fine Wine Brew and Cigars (Eastbrook Inc.)	87 Andrew Avenue	Liquor License Package Store Wine & Malt
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Liquor License On Premise All Alcoholic
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Liquor License On Premise All Alcoholic
Wayland Variety and Deli Corporation	70 Boston Post Road	Liquor License Package Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Package Store All Alcoholic

**The following Common Victuallers Licenses are ready for approval for 2016:**

Baypath Elder Services (Meals on Wheels)	33 Boston Post Road Marlborough MA	Victualler License
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Victualler License

---

China Rose LLC dba China Rose	15 East Plain Street	Victualler License
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Victualler License
Dudley Chateau of Cochituate Inc.	20 Crest Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Victualler License
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Victualler License
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Victualler License
Panera Bread Bakery-Café (PR Restaurants LLC)	21 Andrew Avenue	Victualler License
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Victualler License
Starbucks Coffee Company	44 Main Street	Victualler License
Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Victualler License
The Villa Inc.	48 East Plain Road	Victualler License

---

---

Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Victualler License
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Victualler License
Wayland Pizza House	336 Boston Post Road	Victualler License

---

**The following Entertainment Licenses are ready for approval for 2016:**

---

China Rose LLC dba China Rose	15 East Plain Street	Entertainment License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Entertainment License
The Local Restaurant of Wayland dba The Local	11 Andrew Avenue	Entertainment License
Prime131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Entertainment License
Starbucks Coffee Company	44 Main Street	Entertainment License
The Villa Inc.	48 East Plain Road	Entertainment License

---

**The following Sale of Second-Hand Articles Licenses are ready for approval for 2016:**

---

Almaari Jewelers	65 Andrew Avenue	Sale of Second Hand Articles
MetroWest Precious Metals LLC	241 Boston Post Road Suite 5	Sale of Second Hand Articles

---



**The following Auto Dealer Licenses are ready for approval for 2016:**

---

Cook's Automotive (Lloyd J. Cook, President)	338 Boston Post Road	Sale of Used Vehicles II
Herb Chambers of Wayland Inc. dba Aston Martin Boston, dba Bentley Boston, dba Rolls-Royce Motor Cars of New England, dba Herb Chambers Lamborghini of Boston, and dba Herb Chambers Maserati	533 Boston Post Road	Sale of Used Vehicles I
International Auto Works Inc.	118 Main Street	Sale of Used Vehicles II
Shepard's Service (Mark Shepard)	268 Boston Post Road	Sale of Used Vehicles II
Wayland Automotive Sales (Richard Devlin)	322 Commonwealth Avenue	Sale of Used Vehicles II
Wayland Foreign Motors (Timothy and Thomas Cornu)	356 Boston Post Road	Sale of Used Vehicle II
Wayland Imports (Glenn B. Schwartz)	70 Boston Post Road	Sale of Used Vehicles II
Wayland Mobil (E & J Service Station LLC)	315 Commonwealth Road	Sale of Used Vehicles II

---



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



## Memorandum

ROBERT IRVING  
CHIEF OF POLICE

10/27/2015

**To: Ms. Nan Balmer, Town Administrator**

**From: Robert Irving, Chief of Police**

**Subject: License Violations - 2015**

---

Please be advised that the only violation of licensees made by the police department was for an alcohol sales violation on 8/20/2015.

The business found to be in violation was:

Bertucci's Restaurant 14 Elissa Avenue

The establishment was referred to the Board of Selectmen and was suspended from alcohol sales for one day with a one year probation period.

RECEIVED

OCT 28 2015

Board of Selectmen  
Town of Wayland

(6) CoA/CC COMMUNITY  
CENTER

DATE: DECEMBER 7, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: COMMUNITY CENTER / COA- CC – DISCUSS NEXT STEPS WITH COMMITTEE CHAIR

Attached please find the original charge adopted by the Selectmen for the Council on Aging Community Center Advisory Committee.

Committee Chairman Bill Sterling will meet with the Selectmen to discuss the Committee's next steps.

## **COUNCIL ON AGING / COMMUNITY CENTER ADVISORY COMMITTEE CHARGE**

The Council on Aging/Community Center (CoA/CC) Advisory Committee was established by the Board of Selectmen (BoS) on May 11, 2015 for the purpose of completing the work authorized at the April 2015 Annual Town Meeting under Article 26. The Committee's work includes: conducting a review of site conditions including environmental site assessments, identifying permitting needs, confirming program requirements, and creating conceptual and schematic designs for a facility on the proposed municipal pad at Town Center.

The responsibilities of the Committee include, but are not limited to, the following:

### **Phase I:**

1. For the proposed Municipal Pad and CoA/CC proposal, identify permitting needs, environmental constraints and required testing, and site restrictions to ascertain the probability of conforming to those requirements;
2. Undertake required due diligence to assess the environmental site conditions at the proposed Municipal Pad for the purpose of acquisition and construction;
3. Evaluate the quality of the existing building and its capacity to meet program requirements;
4. Confirm program requirements for a Council on Aging / Community Center. Determine the capacity of the proposed Municipal Parcel to satisfy the program requirements;
5. Consider alternate municipally owned locations for the proposed CoA/CC.
6. a public forum to present the project status and proposal, receive community input and discuss potential recommendations. Meet with other boards/committees as necessary.
7. Make a recommendation to the BoS on the viability and suitability of the existing building for a CoA/CC.

### **Phase II:**

1. Prepare space programming for a CoA/CC.
2. Create conceptual and schematic designs for a CoA/CC.
3. Conduct a public forum to present the project status and proposal, receive community input and discuss potential recommendations. Meet with other boards/committees as necessary.
4. Make a recommendation to the BoS on whether to pursue the project and request funds for the next stages.
5. At the request of the BoS, prepare a draft warrant article seeking further study and detailed design funding.

Working together, the Committee and the Public Buildings Director will determine the suitability of this parcel and the viability of this project including identifying the highest

and best use for the parcel. The Board of Selectmen will consider all information from Phase I to decide whether to acquire the municipal parcel.

After fulfillment of this charge, the Committee will provide a final report to the BoS which summarizes the Committee's work and outcomes, after which the Committee will be disbanded or its charge will be revised.

Expenditure of town meeting approved funds to be approved by the BoS after recommendation, review and approval by the Committee.

The Committee is comprised of seven (7) voting members appointed by and serving at the pleasure of the Board of Selectmen, one each from the Council on Aging and the Recreation Commission (member or designee), and five residents of the Town. Some of the appointments will be based on professional, volunteer or vocational expertise with preference given to citizens possessing experience in any one of the following areas: conservation requirements, environmental regulations, community centers, building/construction, project management, construction law, building design and construction. Appointments should reflect various town demographics. All terms expire upon the final recommendation and report of the Committee at Town Meeting. (Anticipated to be 2016 Annual Town Meeting)

The Town Administrator, Council on Aging Director, Recreation Director, and Public Buildings Director will serve as ex-officio non-voting members of the Committee.

# (7) FY17 BUDGET

**DATE:** DECEMBER 4, 2105  
**TO:** BOARD OF SELECTMEN  
**FROM:** NAN BALMER, TOWN ADMINISTRATOR  
**RE:** NEW REQUESTS FOR PERSONNEL FROM DEPARTMENTS UNDER THE BOARD OF SELECTMEN

Three new positions are proposed for FY 17 in the departments under the Board of Selectmen:

Police Department: The Police Chief will discuss with you his request to bring the total authorized strength of the Police Department to 24 sworn officers.

Information Technology: The Human Resources Director will review the attached job description which was recommended by the Personnel Board. A second IT position, Business System Administrator, is recommended for later in FY 16 after the new IT Director is hired. An RFP was issued to recruit a consultant to serve temporarily in the capacity of Interim IT Executive Director. It is my strong recommendation that if an excellent candidate for the position can be found, the IT Executive Director be a full member of the the management team with authority to supervise the work of town and shared school IT employees. When necessary additional IT skill sets can be added through contract.

DPW Engineer: Although not under the Selectmen, the Board of Public Works recommended to the Personnel Board creation of the position of Engineer. The Engineer's services would be available to town departments under the Selectmen. More discussion is needed to develop ground rules on how the Engineer's services will be used by other departments.

1. Police Chief's Memo dated 11/16/15
2. Job Description, IT Executive Director
3. DPW Director - "Engineering Services" PowerPoint slide
4. Human Resources Director's memo dated 12/2/15 to Finance Committee / Town Administrator

1- (7)(2) POLICE



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



## Memorandum

ROBERT IRVING  
CHIEF OF POLICE

11/16/2015

To: Ms. Nan Balmer, Town Administrator, Mr. John Senchyshyn, Human Resources Director

From: Robert Irving, Chief of Police

Subject: Authorized Strength of Police Department

In January of 2001, the authorized staffing level for fulltime police officers on the police department was 23. Over the past 15 years the town has grown in both population and in the number of residences and businesses. The most significant development has been the construction of the Town Center, which is now nearly complete. Today, the staffing level for the police department remains at 23 sworn officers, despite a significant increase in call volume. In 2003 there were a total of 10,634 logged incidents. This year that number is projected to increase by 36% to 14,489. In the last fiscal year, 159 incidents were generated from the Town Center alone.

As the attached chart indicates, the Wayland Police Department has fallen behind the state averages, and most area towns of similar size, in the number of officers per one thousand population. Over the past several years, the overall strength in several area towns has increased while Wayland has remained at the same level for more than a decade.

Documentation from consultants for the Town Center project and the town's consultant, state that the department was understaffed as far back as April of 2006 and October of 2007.

**“Our estimate of Wayland’s current public safety deficit is approximately \$388,865, assuming the state average of 1.9 officers per 1,000 population and 2.1 career (paid) firefighters per 1,000 population. Wayland does not meet either of these standards. The total cost estimate represents 2.8 police officers (plus employee benefits) and an additional police cruiser, and 3.4 firefighters (with benefits), both multiplied by an entry-level salary assumption and a factor for supplies (see below).”**

**Judith Barrett, Project Manager, Community Opportunities Group Inc.**

**“In our view the Wayland Police Department and Fire Departments as well as the Dispatch Center, are currently understaffed. They are understaffed when compared to national, regional or statewide standards and in comparison to contiguous communities. The Wayland Town Center project by itself will have no significant impact on public safety services. We recommend that the Town consider the opportunity that is presented by creation of new tax revenue and make appropriate staffing adjustments in the Police and Fire Departments and the Dispatch Center.” Fiscal Benefit and Service Demand Analysis: Wayland Town Center, Wayland, MA Prepared for Twenty Wayland, LLC by Municipal Resources, Inc. October 2007.**

It would be the intention of the police department to use this position as an officer on patrol that would be focused mainly on the many traffic related issues and concerns that the police department deals with on a daily basis. The primary complaint of our citizens is the speed and volume of traffic, especially on residential roads. The addition of the twenty-fourth officer will increase the enforcement of motor vehicle laws and improve the overall safety of both vehicles and pedestrians on our roads.

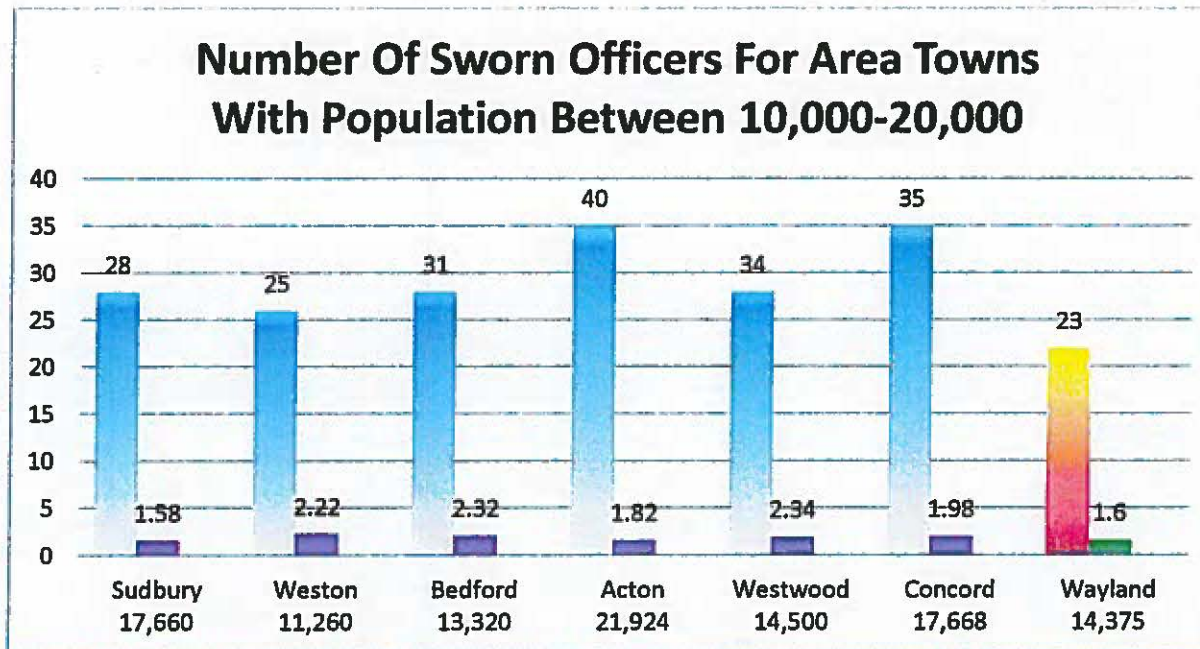
It is anticipated that the addition of the 24<sup>th</sup> officer will have an impact in the police department's annual overtime budget. The replacement cost of officers on vacation, sick leave, injured on duty or training assignments is expected to be reduced by approximately \$11,000 per year. At the same time, the cost for overtime associated with the 24<sup>th</sup> officer will increase by approximately \$5,000 to account for training, court time, late shifts and replacement. I would roughly estimate a \$6,000 savings in overtime cost per year.

I believe that now is the right time to expand the police force by one position to bring the total authorized strength of the department to twenty-four sworn.



## Officers Per Thousand Comparisons

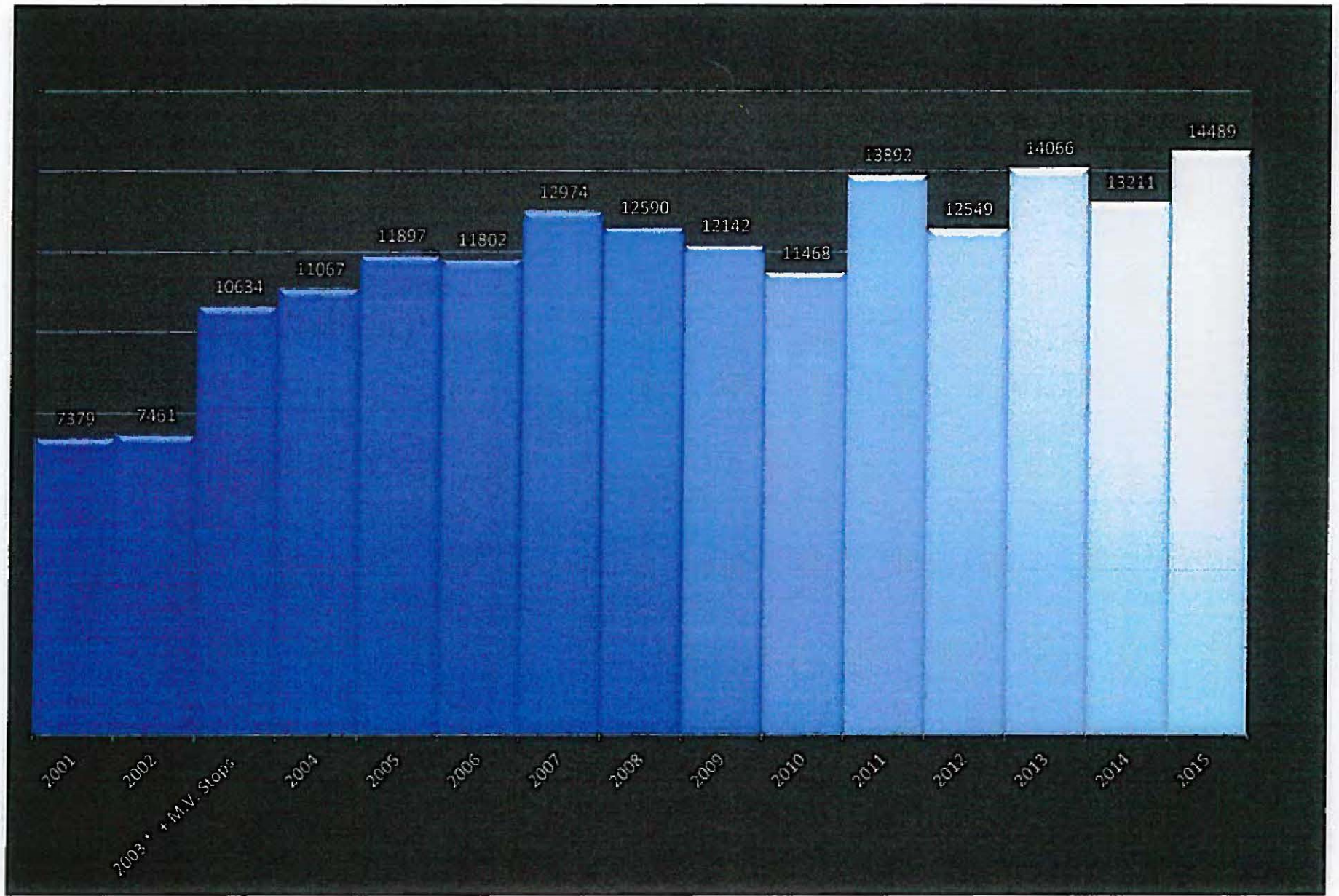
The following is a chart showing the comparative numbers of Sworn Officers for communities similar to the Town of Wayland. The current average for all the Area Cities and Towns with a Population between 10,000 and 20,000 is 1.83 Officer's Per Thousand. The Massachusetts average is 2.18 Officer's Per Thousand. The Town Of Wayland is significantly lower than these averages.



Total Number Of Sworn Officers 2001-2015



# Total Police Incidents 2001-2015



2 - (7)(2) IT\*

**DRAFT  
TOWN OF WAYLAND  
POSITION DESCRIPTION**

**Title:** Information Technology Director  
**Department:** Information Technology  
**Appointing Authority:** Town Administrator  
**Affiliation:** Non-Union  
**Grade:** Proposed N-13  
**Personnel Board Approved:** TBD

**Summary of Duties**

Professional, technical and administrative management and supervisory work in planning, directing, managing and overseeing the Information Technology (IT) network and infrastructure for the Town and Schools and the overall IT operation of the Town; all other related work as required.

**Supervision Received**

Reports to the Town Administrator and works under the general direction of the Town Administrator and the Superintendent of Schools. Performs highly responsible functions requiring the exercise of broad discretion and considerable independent judgment. Works independently, receives administrative and policy direction as needed.

**Supervision Exercised**

Directly supervises Town IT employees and shared Town/School IT employees in accord with established Personnel policies, by-laws and collective bargaining agreements; oversees outsourced managed services.

**Job Environment**

Work is generally performed in typical office conditions, with frequent interruptions and requests for information; attends Board of Selectmen and School Committee meetings as required; attends other Town board and commission meetings and forums as necessary.

Operates current and cutting edge workstations, mobile devices as well as standard office equipment.

Makes regular contact with Town boards and committees, employees, department heads, consultants, vendors, municipal colleagues and the general public; contacts involve a wide-variety of complex issues; contacts require considerable judgment, persuasion, strategy, patience, courtesy, discretion and the ability to handle sensitive and confidential information in a professional manner.

Has access to Town-wide confidential information as stored in IT system.

Errors in judgment could affect the town's ability to deliver services and could result in substantial monetary and/or legal repercussions, could expose the town to certain legal liabilities, and could affect the public's confidence.

### **Essential Functions**

*The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.*

Is responsible for overseeing all strategic, organizational and tactical IT needs for the Town; delivers services in a secured, effective and efficient environment.

Provides strategic leadership and vision to the Town, and in collaboration with the School Department, on all matters related to IT; leads the development and planning of strategic IT initiatives; provides direction to senior managers in integrating and aligning technology to meet the community's needs.

Plans, organizes, evaluates and directs IT operations to ensure the effective and efficient operation of the Department in accord with defined objectives; recommends a combination of staff and managed services to meet the needs of the town/school infrastructure; oversees the implementation of strategic IT initiatives to accomplish stated goals; monitors and reports on progress of initiatives.

Establishes policies and procedures for system-wide IT operations; educates the user community on compliance with policies and procedures; monitors activities to ensure conformity.

Establishes, oversees and enforces Town and School-wide security policies and protocols; ensures the security of information stored within the system or within the cloud; evaluates and provides for adequate firewall and perimeter testing to include virus protection and patch management protocols; sets forth appropriate disaster recovery and back-up programs.

Identifies needs and recommends equipment purchases, hardware and software installations, user training and user community support.

Is responsible for all infrastructure, fiber network, hardware, networking and storage matters pertaining to IT; oversees all Town-wide computer operations, database

administration and technical support; oversees all outsourced service providers and vendors to maximize efficiencies and productivity.

Provides leadership to departments on alignment and integration of technologies; consults and meets with the user community; prepares evaluations and cost-benefit analysis of alternative technologies; coordinates and evaluates shared technologies amongst departments; makes recommendations on improving efficiencies.

Is responsible for the maintenance and upgrade of the physical inventory; schedules and plans equipment replacement; upgrades software as appropriate while maintaining required licensing.

Ensures adequate IT system storage capacity to meet growth requirements.

Provides an effective “Help Desk” model to address user community problems; establishes protocols for IT Customer Service expectations.

Manages all Town and School ~~wide~~ communication systems.

Annually prepares, recommends and submits both operational and capital budgets to the Town Administrator and School Superintendent for review and subsequent recommendation and presentation to the Finance Committee, manages approved budgets to ensure expenditures are within guidelines; periodically advises the Town Administrator and School Superintendent on the status of budgetary overages/shortages; develops, implements and monitors IT fiscal controls.

Appoints, disciplines, suspends, demotes, transfers or terminates IT personnel; all such actions shall be taken in accordance with applicable laws, collective bargaining agreements, personnel by-laws, personnel practices and policies.

Directs, leads, motivates, assigns work, schedules, and provides overall supervision and develops training for IT personnel; makes recommendations on appropriate staffing levels; is responsible for recruitment of personnel in conjunction with the Human Resources Department; reviews and evaluates work and performance.

Keeps abreast of industry trends and best practices for both operations and security.

Performs other duties as assigned by the Town Administrator.

### **Recommended Minimum Qualifications**

#### **Education:**

Bachelor's Degree in Information Systems, Computer Engineering or related field; Masters Degree preferred.

**Experience:**

Over 7 years of related professional experience; experience in managing large, public facing voice and data networks with a wide variety of technical skills preferred.

**Substitutions:**

An equivalent combination of education and experience.

**Licenses/Certificates:**

Industry certifications in IT governance, project management, or industry products is desirable.

**Knowledge, Abilities and Skills:**

Thorough knowledge and demonstrated, progressive leadership in managing technical and analytical resources.

Knowledge of current leading IT service delivery methodologies to include virtualized environments and automated patch management.

Ability to develop, implement and direct an IT Risk Management Program.

Ability to articulate specific and measurable IT goals.

Ability to establish accountable IT service support.

Ability to develop and implement secure networks aligned with leading industry practices.

Ability to manage a diverse workstation environment to include automation efforts for service patch releases.

Ability to communicate effectively in both a technical and non-technical manner.

Ability to work with all levels of the organization, i.e., appointed and elected boards, department heads, and front-line staff and the general public.

Ability to identify goals and objectives and organize workload.

Ability to prepare, manage and review budgets.

Ability to administer and interpret regulations, policies and procedures firmly, tactfully, and impartially.

Ability to maintain the confidentiality of information and handle sensitive issues discretely.

Skill and experience in developing and implementing policies and procedures for information security and infrastructure operations.

Excellent organizational and budgetary skills.

Excellent interpersonal skills.

Skill in developing policies and procedures to ensure equity within the organization.

**Physical Requirements**

Light physical effort required to perform duties under typical office conditions.

Frequently required to sit, communicate, and move around the Town Building.

Occasionally required to move, push or pull items weighing up to 40 pounds.

Occasionally required to visit employee worksites outside of the Town Building.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*



# “Engineering Services” Expenses

vs. In-house construction oversight & administration

■ **Goal:** Reduce outside consulting for construction oversight, design review, and regulatory compliance

■ **Wayland DPW pays for Engineering Services for all roads it improves, intersections it reconfigures, all water main projects, sidewalks, and all major contracted work.**

■ **Other departments' upcoming projects also require construction oversight:**

- Stone's Bridge Reconstruction
- Library Drainage improvements
- Oxbow Meadows & Loker Fields
- Dudley Woods improvements
- Rail Trail - Wayland's tasks

■ **FY2015 DPW alone spent \$184,760.93 for engineering services**  
■ **FY2016 will likely be similar after spring road and water projects begin.**

■ **This position is cost-justified by DPW outside expenses alone.**



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

3-(7)(2) STAFFING  
REQUESTS

Personnel Board  
Deborah Cohen  
Jessica Green  
Miranda Jones  
Maryanne Peabody  
Philip Schneider

John Senchyshyn  
Asst. Town Administrator/HR Director  
508-358-3623  
jsenchyshyn@wayland.ma.us

**Date:** December 2, 2015

**To:** Finance Committee  
Nan Balmer, Town Administrator

**From:** John Senchyshyn, Asst. Town Administrator/HR Director

**Re:** FY 17 Staffing Requests

At its November 30, 2015 meeting, the Personnel Board reviewed Departments' staffing requests for the FY 17 budget. It is worth noting that the requests for new positions for FY 17 were significantly greater than in past years in both the number of positions requested and the corresponding impact to the budget. The Personnel Board believes there is at least some merit to each Department's request, particularly in light of the significant increase in workload and services provided to town residents over recent years that was reported by the Department Heads to the Board, but recognizes the significant impact to the budget if all of the requests were to be acted upon. The Board prioritized its recommendations based on the impacts to services and operations for the respective departments. Following are the Personnel Board's observations and recommendations for FY 17 requests:

**Information Technology (IT)** – The Board is familiar with the recommendations of the McGladrey Report and recognizes the need to address issues in Information Technology. The McGladrey Report identified 2 critical IT positions.

- IT Director - The Board supports the addition of this function. At this time, there is not consensus as to whether the function should be a Town position or a contracted service. For moving the process forward, the Board recommends posting the vacancy as soon as possible. Pending the response and the quality of the applicants, the decision can be made regarding a Town position vs an out-sourced function. The Board recommends budgeting appropriately for the function for FY 17.
- Business System Administrator - While the Board also supports the Administrator function, it recognizes that a new IT Director (or out-sourced provider) may have a different vision for the role of the Administrator. As such, the Board suggests placing the funding in the FY 17 salary reserve until such time as the function is more clearly defined after a new IT Director (or out-sourced provider) is in place.

**DPW** – DPW requested 4 positions for FY 17.

- Maintenance Workers (2) – DPW requested 2 new Maintenance Workers. While there may be sufficient workload to justify 2 positions, for the budgetary reasons

mentioned in the opening paragraph, the Board supports the addition of 1 new Maintenance Worker for FY 17.

- **Engineer** – The addition of an Engineer may be a valuable asset to the Town. The position is projected to reduce engineering consulting services utilized by the DPW by providing construction in-house oversight, design review and regulatory compliance. The Board supports the addition of the Engineer to DPW with the following stipulations: 1.) the funding for salary and benefits be derived from reductions in engineering contracts, and 2.) the Engineer's services and expertise be made available to other departments with the DPW's general oversight on assignments.
- **Sr. Foreman** – Last year, upon Stephen Kadlik's promotion to DPW Director, his former position of Highway Superintendent was not backfilled. Park's Superintendent Mike Lindeman assumed the responsibility for both positions on a trial basis. The trial has worked well and the recommendation is to combine the 2 Superintendents' positions. In doing so, a need is created for a lower level supervisor. DPW requested a second Sr. Foreman. Discussion at the meeting pointed to a third Working Foreman as a more viable alternative. The expense of adding a Foreman is more than off-set by the consolidation of the Superintendents. The Board supports the request for the Foreman.

**Recreation** – Following a retirement, Rec has requested to eliminate the Program Administrator position and replace it with 2 new positions: an Assistant Director and a Program Coordinator.

- **Assistant Director** – The position replaces the Program Administrator. As the previous position was already budgeted for FY 16, the change to an Assistant Director is cost neutral and can be implemented in the current fiscal year.
- **Program Coordinator** – This request is for an additional position. Coupled with the aforementioned Assistant Director, Recreation contends the positions will provide much needed program oversight. The Board supports the addition of the Program Coordinator, but suggests the Finance Committee consider funding the position(s) through user fees when the cap permits.

**Police** – Chief Irving requested a new officer. The request was supported by neighboring Towns' staffing data as well as historical police incident counts. While the Board is sympathetic to the request, it does not recommend adding an officer in the coming fiscal year given the number of potential number new positions in other departments.

**Town Clerk** - The Town Clerk requested a non-benefits eligible part-time clerical position. Given the lack of definition regarding the Town's obligation on early voting initiatives and ways to try to meet those obligations with existing resources, as well as the lack of clarity on the timing for implementation and the scope of potential changes to the public records law, the Board does not recommend the position at this time.

**BOH** – The BOH requested an additional \$8,000 for clerical support for FY 17. It was not clear how the \$8,000 would be used to meet the reported needs. The Board does not agree that the need can be addressed by a contracted service. The Board does not support the addition of a new non-benefits eligible part-time clerical position. Further definition of the needs, and how specifically the BOH would plan to address them with additional resources, would be required.

4- (7)(b) UNCLASSIFIED  
BUDGET

DATE: December 7, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **Unclassified Budget – FY 17 Projections**

**REQUESTED MOTION:**

**NONE.**

**BACKGROUND:**

The Board requested a review of the FY 17 Unclassified Budget. The FY 16 Unclassified Budget is comprised of the following components:

Line 65 - Total Health & Life Insurance	\$6,925,218
Lines 66 – 71 Miscellaneous Insurance and Taxes	\$1,301,000
Line 72 - Sick Leave Buyback	\$ 40,000
Line 73 - Salary Reserve	\$ 374,000
Line 74 - Town Meeting	\$ 90,000
Line 75 - Street Lighting	\$ 130,000
Line 76 - Reserve Fund	<u>\$ 300,000</u>
Total	\$9,160,218

We need to progress further into the year to more accurately project FY 17 costs, but this review will report on what we know today. The majority of the Unclassified Budget, 75.6% is comprised of health insurance related expenses.

Health and Life Insurance – Attached is a summary of health insurance expenses itemizing FY 15 actual costs, FY 16 YTD actual costs along with projected costs for the remainder of the fiscal year, and projected FY 17 costs. Actual costs are identified by the shaded areas.

FY 15

The FY 15 budget was approved at \$6,339,710 with actual expenses for the year totaling \$6,057,649. The FY 15 surplus was \$282,061 or 4.45% of the budget.

### FY 16

Non-Medicare plans were budgeted at a 13% increase for the entire fiscal year. Medicare plans were budgeted at a 10% increase for the period of January 2016 through June 2016. Using actual YTD costs through December and projected costs through the balance of this fiscal year, the total FY 16 health insurance budget is projected at \$6,669,477. The FY 16 budget is \$6,925,218. At the current expense rate, the year-end surplus is projected at \$255,741 or 3.69% of budget.

### FY 17

It is a bit early for the West Suburban Health Group (WSHG) to discuss FY 17 rates. The WSHG's claims are tracking on projection through the end of October. Should those projections remain on target, FY 17 increases will reflect only medical and Rx drug inflation. The Group's consultant is targeting the inflationary rate at 8-12%, with the significant portion of the increase attributable to Rx drugs. Health plan representatives have echoed similar inflationary increases. I expect FY 17 rates will be voted by the WSHG Board in late February.

In initial FY 17 budget draft, Non-Medicare plans are projected at a 10% increase effective 7/1/16 and Medicare plans are projected at a 5% increase effective 1/1/17. Using those Medicare and Non-Medicare adjustments, the overall FY 17 health insurance budget is \$7,150,000 vs an FY 16 health insurance budget of \$6,925,218 or an increase of \$244,782 (3.55%).

The overall budget percentage increase is lower than the health care and Rx drug inflation for several reasons:

1. There is a projected FY 16 surplus of \$244,782 which offsets a portion of the year to year increase,
2. A number of Medicare eligible retirees are expected to transition to less costly Medicare plans, and
3. The Medicare increase is limited to 6 months.

Budget projections assume that enrollment remains in the WSHG's Rate Saver Plans. Projections do not assume either changes in plan design or moving out of the WSHG. Projections will continue to be adjusted monthly until such time as the Finance Committee is ready to vote the FY 17 budget.

Miscellaneous Insurance, Taxes and Sick Leave Buyback – No significant changes are on the horizon; however, significant new claims filed for the balance of this year could adversely affect next year's rates. Given annual COLAs, Medicare Taxes will require an equivalent upward adjustment.

Salary Reserve – In that 4 of the 6 Town collective bargaining agreements have settled, there should be a significant decrease in the line item.

Town Meeting – If the budget maintains a spring and fall Town Meeting, there should not be an appreciable change.

Street Lighting – Any foreseeable change would be tied to an increase in utility rates.

Reserve Fund – The Finance Committee will determine if they want to maintain an equivalent reserve.

**FY17 INSURANCE 32B**

	Jul Projections	Aug Projections	Sep Projections	Oct Projections	Nov Projections	Dec Projections	Jan Projections	Feb Projections	Mar Projections	Apr Projections	May Projections	Jun Projections	Projected Total	Fiscal Budget	Projected Surplus / ( Def )
Active	446,405.58	446,359.86	445,013.62	444,942.01	445,312.40	445,160.78	445,312.40	445,312.40	445,312.40	445,312.40	445,312.40	445,312.40	5,345,068.68		
Non-Medicare Retiree	63,601.58	63,643.66	63,685.74	62,853.70	62,848.37	62,782.55	59,454.92	59,454.92	59,454.92	59,454.92	59,454.92	59,454.92	736,145.14		
Medicare Retiree	61,755.78	61,792.50	61,812.23	61,775.94	61,631.86	61,632.12	67,790.62	67,790.62	67,790.62	67,790.62	67,790.62	67,790.62	777,144.12		
<b>Total Health Insurance</b>	<b>571,762.93</b>	<b>571,796.02</b>	<b>570,511.59</b>	<b>569,571.66</b>	<b>569,792.63</b>	<b>569,575.45</b>	<b>572,557.94</b>	<b>572,557.94</b>	<b>572,557.94</b>	<b>572,557.94</b>	<b>572,557.94</b>	<b>572,557.94</b>	<b>6,858,357.94</b>		
HIW	6,000.00	5,600.00	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00	31,000.00	170,400.00		
Life Insurance	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	1,333.33	16,000.00		
Other Expenses	2,500.00	2,500.00	500.00	500.00	12,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	36,000.00		
	<b>581,596.27</b>	<b>581,229.36</b>	<b>586,544.93</b>	<b>585,605.00</b>	<b>597,825.97</b>	<b>587,608.79</b>	<b>590,591.27</b>	<b>590,591.27</b>	<b>590,591.27</b>	<b>590,591.27</b>	<b>590,591.27</b>	<b>607,391.27</b>	<b>7,080,757.94</b>	<b>7,150,000</b>	
															<b>224,782</b>
															<b>3.55%</b>

**FY16 INSURANCE 32B**

	Jul Actuals	Aug Actuals	Sep Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	Apr Actuals	May Actuals	Jun Actuals	Actual & Projected Total	Fiscal Budget	Projected Surplus / ( Def )
Health Insurance	536,930.05	538,137.11	538,717.18	525,048.44	533,919.58	541,448.67	541,448.67	541,448.67	541,448.67	541,448.67	541,448.67	541,448.67	6,462,893.05	6,714,218.00	251,324.95
HIW	4,841.75	4,566.74	13,300.18	17,176.85	15,243.53	15,243.53	15,243.53	15,243.53	15,243.53	15,243.53	15,243.53	29,000.00	175,590.23	150,000.00	(25,590.23)
Life Insurance	1,211.25	1,204.06	1,209.52	879.74	1,180.64	1,195.95	1,195.95	1,195.95	1,195.95	1,195.95	1,195.95	1,195.95	14,056.86	16,000.00	1,943.14
Other Expenses	2,108.70	4,033.70	-9,186.89	1,913.44	567.90	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	16,936.85	45,000.00	28,063.15
	<b>545,091.75</b>	<b>543,907.91</b>	<b>544,039.99</b>	<b>545,018.47</b>	<b>550,911.65</b>	<b>560,388.15</b>	<b>560,388.15</b>	<b>560,388.15</b>	<b>560,388.15</b>	<b>560,388.15</b>	<b>560,388.15</b>	<b>574,144.62</b>	<b>6,669,476.99</b>	<b>6,925,218.00</b>	<b>255,741.01</b>
															<b>3.69%</b>

**FY15 INSURANCE 32B**

	Jul Actuals	Aug Actuals	Sep Actuals	Oct Actuals	Nov Actuals	Dec Actuals	Jan Actuals	Feb Actuals	Mar Actuals	Apr Actuals	May Actuals	Jun Actuals	Actual & Projected Total	Fiscal Budget	Projected Surplus / ( Def )
Health Insurance	491,071.71	486,217.52	475,835.33	498,586.53	488,751.62	487,601.78	487,765.32	483,711.57	494,661.00	485,488.96	478,464.51	477,979.12	5,836,134.97	6,117,710.00	281,575.03
HIW	3,704.85	2,450.79	11,880.18	13,030.20	12,903.52	12,723.52	13,306.86	13,306.86	13,306.86	18,988.61	9,916.79	29,073.74	154,592.78	150,000.00	(4,592.78)
Life Insurance	1,277.56	1,180.65	1,009.80	1,245.67	1,250.78	1,245.67	1,240.58	1,244.41	1,234.20	1,227.82	1,216.36	1,222.73	14,596.23	17,000.00	2,403.77
Other Expenses	2,455.00	-6,224.28	6,245.00	2,711.41	2,450.97	2,455.00	4,234.25	0.00	2,455.00	425.00	11,362.49	2,685.34	31,255.18	55,000.00	23,744.82
HRA	0.00	1,892.00	1,876.00	0.00	0.00	0.00	0.00	17,302.18	0.00	0.00	0.00	0.00	21,070.18		
	<b>498,509.12</b>	<b>483,624.68</b>	<b>496,846.31</b>	<b>515,573.81</b>	<b>505,356.89</b>	<b>504,025.97</b>	<b>506,547.01</b>	<b>515,565.02</b>	<b>511,657.06</b>	<b>506,130.39</b>	<b>500,960.15</b>	<b>510,960.93</b>	<b>6,057,649.34</b>	<b>6,339,710.00</b>	<b>282,060.66</b>
															<b>4.45%</b>

Shaded areas reflect actual costs

5 - (7)(c) LEGAL  
EXPENSES

DATE: December 7, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: Legal Expenses – FY 15 and YTD FY 16

**REQUESTED MOTION:**

**NONE.**

**BACKGROUND:**

The Board requested a review of legal expenses. In the packet are 3 documents:

- A spreadsheet for FY 16 legal expenses YTD through October with expenses identified by the attorney/firm, by the funding source and by case.
- A spreadsheet for FY 15 legal expenses with expenses identified by the attorney/firm, by the funding source and by case.
- A spreadsheet for FY 15 and FY 16 expenses attributable to currently designated Special Counsels.

**TOWN OF WAYLAND  
FY 16 - Legal Expenses**

12/4/2015

Attorneys (Town-funded)	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD Total
M. Lanza	9,609	8,983	11,284	10,227									40,102
M. Lanza Services		678	1,065	353									2,096
Kopelman & Paige		1,206	396	72									1,674
Anderson Krieger		1,644											1,644
Deutsch Williams		1,523	861	3,035									5,418
<b>TOTAL FY16</b>	<b>9,609</b>	<b>14,033</b>	<b>13,606</b>	<b>13,686</b>									<b>50,934</b>

All Funding Sources	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	YTD Total
Town	9,609	13,841	13,606	13,686									50,742
WWMDC													-
School													-
EDC		192											192
<b>TOTAL FY16</b>	<b>9,609</b>	<b>14,033</b>	<b>13,606</b>	<b>13,686</b>									<b>50,934</b>

Cases (Town-funded)	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	YTD Total
Town Counsel General Services	6,116	3,474	8,157	8,515									26,261
ATB cases (all)	2,256	4,384	560	128									7,328
Labor		1,523	861	3,035									5,419
Environmental		1,644											1,644
Bernstein v. PB		949	2,479	48									3,476
Septage Facility		1,206	324	72									1,602
Nelson v. Cons. Comm.	1,013	112	80	160								-	1,365
Moss v. Lingleys & Town	224	64	80	608									976
Frishman v. Lanza				768									768
Other Services		678	1,065	353									2,096
<b>TOTAL FY16</b>	<b>9,609</b>	<b>14,033</b>	<b>13,606</b>	<b>13,687</b>									<b>50,934</b>

Total FY 16 Budget	175,000	
Total FY 16 YTD Expenditures	50,934	29.11%
Available Funding	124,066	70.89%



**TOWN OF WAYLAND  
FY 15 - Legal Expenses**

12/4/2015

Attorneys (Town-funded)	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD Total
M. Lanza	22,679	7,056	11,059	8,561	7,742	8,097	10,987	11,342	12,171	13,607	9,297	9,969	132,567
M. Lanza Services			242					1,202					1,444
Mirick O'Connell	1,640							238					1,878
Kopelman & Paige	1,177		36		1,993	788	2,441	2,182	1,522	198			10,337
Deutsch Williams	1,108		521	393	213	1,524	1,189	2,946	1,500	3,210	1,910		14,514
<b>TOTAL FY15</b>	<b>26,604</b>	<b>7,056</b>	<b>11,858</b>	<b>8,954</b>	<b>9,948</b>	<b>10,409</b>	<b>14,617</b>	<b>17,910</b>	<b>15,193</b>	<b>17,015</b>	<b>11,207</b>	<b>9,969</b>	<b>160,740</b>

All Funding Sources	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	YTD Total
Town	10,108	7,056	11,337	8,561	9,735	8,885	13,429	14,964	13,692	13,805	9,297	9,969	130,838
WWMDC	15,388	608	1,094	594	432	496	1,080	936	344				20,972
School	320	576	1,232	656	800	1,120	384	384	384	384	208	48	6,496
EDC					384	720	256	176	96	48	2,864	272	4,816
<b>TOTAL FY15</b>	<b>25,816</b>	<b>8,240</b>	<b>13,663</b>	<b>9,811</b>	<b>11,351</b>	<b>11,221</b>	<b>15,149</b>	<b>16,460</b>	<b>14,516</b>	<b>14,237</b>	<b>12,369</b>	<b>10,289</b>	<b>163,122</b>

Cases (Town-funded)	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	YTD Total
Unspecified	6,500	5,060	8,507	6,027	3,688	6,193	6,755	6,950	7,677	8,832	5,482	7,600	79,271
Bernstein v. PB			36			788	2,441	2,182	512	2,662	480	2,050	11,151
20Wayland v. Town	1,640	608	1,336	352	432	496	1,080	936	344				7,224
Moss v. Lingleys & Town	66	1,308	66	66	1,072	704	640	846	1,614	644	1,175	192	8,393
Frishman v. Lanza	645			64	645		1,744	2,786					5,884
ATB cases (all)	80	80	576	676	1,612	80	80	560	144	672	48	64	4,672
Septage Facility	1,177				1,993				994				4,164
OTHER			816	1,376	292	624	688	704	2,408	995	2,112	64	10,079
<b>TOTAL FY15</b>	<b>10,108</b>	<b>7,056</b>	<b>11,337</b>	<b>8,561</b>	<b>9,734</b>	<b>8,885</b>	<b>13,428</b>	<b>14,964</b>	<b>13,693</b>	<b>13,805</b>	<b>9,297</b>	<b>9,970</b>	<b>130,838</b>

OTHER Cases (Detail)													
Banning v. ZBA			816	1,376			688	400					3,280
Dresens v. PB					226	560		66	848	594			2,294
Nelson v. Cons. Comm.									1,032	401	2,112	64	3,609
Landfill									528				528
Audit								238					238
Ide v. ZBA					66	64							130
<b>TOTAL OTHER</b>	<b>-</b>	<b>-</b>	<b>816</b>	<b>1,376</b>	<b>292</b>	<b>624</b>	<b>688</b>	<b>704</b>	<b>2,408</b>	<b>995</b>	<b>2,112</b>	<b>64</b>	<b>10,079</b>

Special Counsels  
As of November 2015

Murphy, Hess, Toomey and Lehane

OPEB Consultation

Year		Amount
FY 15	Paid	1,925
FY 16	Paid	4,768
		<hr/>
Total		6,693

71E Accounts (Reflects an approximate pending reconcilliation with School Department)

FY 16		3,500
-------	--	-------

Andersen Krieger

Rivers Edge

FY 16	Paid	95,017
FY 16	Pending	35,996
		<hr/>
Total		131,014

Deutsch Williams

Minuteman - Paid from Labor

FY 16	Paid *	1,680
-------	--------	-------

\* Paid in conjunction with monthly labor counsel expenses

**DATE:** DECEMBER 7, 2015  
**TO:** BOARD OF SELECTMEN  
**FROM:** ZOE PIERCE, TREASURER COLLECTOR  
**RE:** TOWN DEBT

REVISED  
12/12/15

The Town Administrator asked me to present to you key facts regarding current and projected debt service on the town's \$77,000,000 in total outstanding debt including , \$63,969,742 in General Fund Debt.

The Town has an adopted fiscal policy to maintain General Fund debt at no greater than 10% of the annual General Fund budget. Attached is a schedule showing General Fund debt capacity based on the 10% policy.

My general recommendations are as follows:

1. Rescind authorized but unissued debt of \$4.9 million (Attached)
2. Contract with a financial advisor to:
  - a. Evaluate debt refunding opportunities - Potential savings of \$450,000 over the life of the debt. (Attached please find schedule of possible budget savings)
  - b. Review the Town's Debt Policy: How should the Town balance use of free cash and borrowing for recurring projects such as road maintenance, etc.

Attached are the following:

1. Schedule of General Fund Debt Available Consistent with Town Policy
2. List of authorized but unissued debt (12/03/15), some of which may be rescinded at Annual Town Meeting
3. Debt Refunding Opportunities
4. Debt Analysis Presentation
5. Debt Management Policy

cc Finance Committee

**TOWN OF WAYLAND  
GENERAL FUND DEBT AVAILABLE  
CONSISTENT WITH TOWN POLICY\***

FY Year	Projected GF budget(1)	Projected Debt Service(2)	Debt Service Change Year to Year	Debt Service as % of Projected budget	10% of Projected	General Fund Debt Service Costs Available Consistent With Current Town Policy**
2016	73,590,000	7,751,620		10.53%	7,359,000.00	(392,619.98)
2017	75,429,750	7,652,831	-98,788.57	10.15%	7,542,975.00	(109,856.41)
2018	77,315,494	7,303,443	-349,388.54	9.45%	7,731,549.38	428,106.51
2019	79,248,381	6,626,013	-677,430.37	8.36%	7,924,838.11	1,298,825.61
2020	81,229,591	5,894,151	-731,861.25	7.26%	8,122,959.06	2,228,807.81
2021	83,260,330	5,396,703	-497,448.74	6.48%	8,326,033.04	2,929,330.53
2022	85,341,839	5,073,096	-323,606.25	5.94%	8,534,183.86	3,461,087.60
2023	87,475,385	4,648,115	-424,981.26	5.31%	8,747,538.46	4,099,423.46
2024	89,662,269	4,478,449	-169,666.25	4.99%	8,966,226.92	4,487,778.17
2025	91,903,826	4,363,861	-114,587.50	4.75%	9,190,382.60	4,826,521.35
2026	94,201,422	4,141,524	-222,337.50	4.40%	9,420,142.16	5,278,618.41
2027	96,556,457	3,831,106	-310,417.50	3.97%	9,655,645.71	5,824,539.46

**Assumptions:**

(1) General Fund Budget projected to increase 2.5% annually.

(2) Projected Debt Service reflects proposed borrowing of \$3,975,000 in February 2016.

\* Town Policy on Debt states that annual cost of debt not to exceed 10% of annual budget.

\*\* Excess Borrowing Capacity Inside Debt Limit as of 6/30/15 \$132,514,809

## Authorized Unissued Debt As of 12/02/2015:

1)	Article 6	5/08/00	Septic System Repair	\$ 188,425
2)	Article 7	4/13/09	Feasibility Study-Wayland HS	\$ 411,000
3)	Article 2	11/18/09	Wayland High School	\$ 2,313,814
4)	Article 5	4/07/13	Middle School Roof Repairs	\$ 890,000
5)	Article 2	11/20/13	DPW Facility	\$ 1,124,816
6)	Article 6	4/07/14	Energy Improvements	\$ 813,920
7)	Article 6	4/07/14	Claypitt School Remodeling	\$ 1,010,000
8)	Article 6	4/07/14	Town Bldg Windows/Loker Kitchen	<u>\$ 100,400</u>

Sub-Total **\$6,852,375**

9)	Article 5	4/06/15	Library-Oil Tank Removal	\$ 25,000
10)	Article 5	4/06/15	Public Safety Bld-Sewer Pmp	\$ 50,000
11)	Article 5	4/06/15	Total All Roads	\$ 387,000
12)	Article 5	4/06/15	Light Trucks& Equipment	\$ 319,986
13)	Article 5	4/06/15	Total All Building Remodeling	\$ 580,918
14)	Article 5	4/06/15	Culvert	\$ 100,000
15)	Article 5	4/06/15	Water Mains	<u>\$ 700,000</u>

Sub-Total **\$2,162,904**

**Total Authorized Unissued Debt \$9,015,279**

## Refunding Opportunities:

The current low interest rate environment has created several opportunities for the town to refund some of our earlier bond issues, generating approximately \$400,000 in debt service savings over the remaining life of the bonds. The following issues appear to be prime candidates:

	<u>Bond Issue</u>	<u>Purpose</u>	<u>Principal to be Refunded</u>	<u>Estimated Budgetary Savings</u>
1)	11/01/03	Remodeling	\$ 285,000	\$ 24,400
2)	09/15/05	Various	\$ 2,795,000	\$ 249,650
3)	07/01/06	Various	\$ 315,000	\$ 26,900
4)	01/15/07	Various	\$ 1,425,000	\$ 123,800

The ratio of savings to principal refunded is the primary indicator of whether or not to follow through with a refunding. All the above candidates fall well within the industry standard, which is generally a ratio greater than 3%.

TOWN OF WAYLAND, MASSACHUSETTS

COMPUTATION OF EXCESS BORROWING CAPACITY AS OF JUNE 30, 2015

Equalized Valuation of Taxable Property as of January 1, 2014		\$ 3,174,625,500	
			-----
Debt Limit: 5% of Equalized Valuation		159,731,275	
Plus: Additional Debt Authorized by the Municipal Finance Oversight Board		0	
Less: General Obligation Bonds & Notes:			
Total Governmental Activities	\$	63,644,481	
Plus: Authorized but Unissued Debt Inside the Debt Limit		0	
Less: Debt Outside the Debt Limit		<u>37,719,081</u>	25,925,400
Total Business-Type Activities	\$	14,211,666	
Plus: Authorized but Unissued Debt Inside the Debt Limit		0	
Less: Debt Outside the Debt Limit		<u>13,920,600</u>	<u>291,066</u>
Excess Borrowing Capacity Inside the Debt Limit		\$ 132,514,809	-----

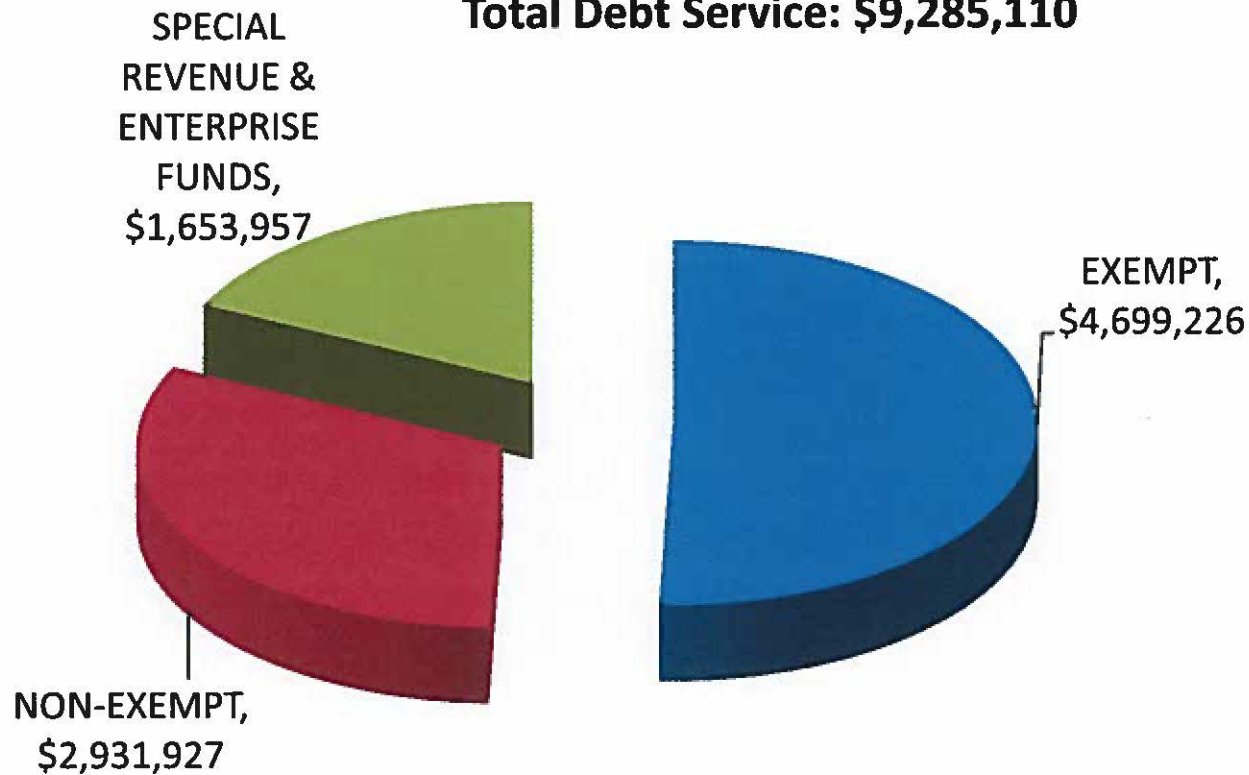
# **Debt Analysis**

Finance & Treasury Departments  
December 2, 2015



# Enterprise and General Fund Bonded Debt Service Requirements for FY 2016\*

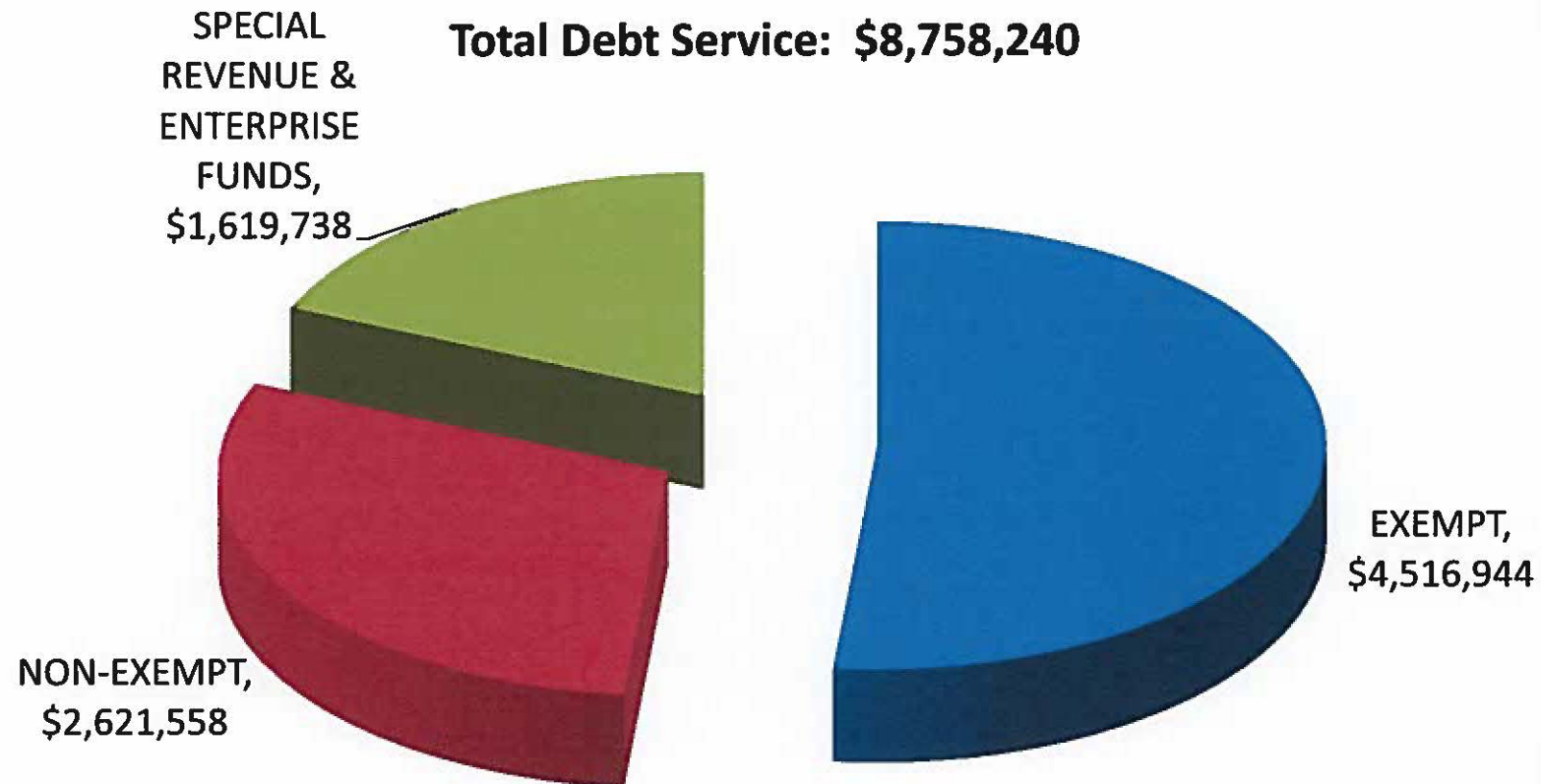
Total Debt Service: \$9,285,110



\* FY16 Budget for outstanding debt

Source: Treasury Dept.

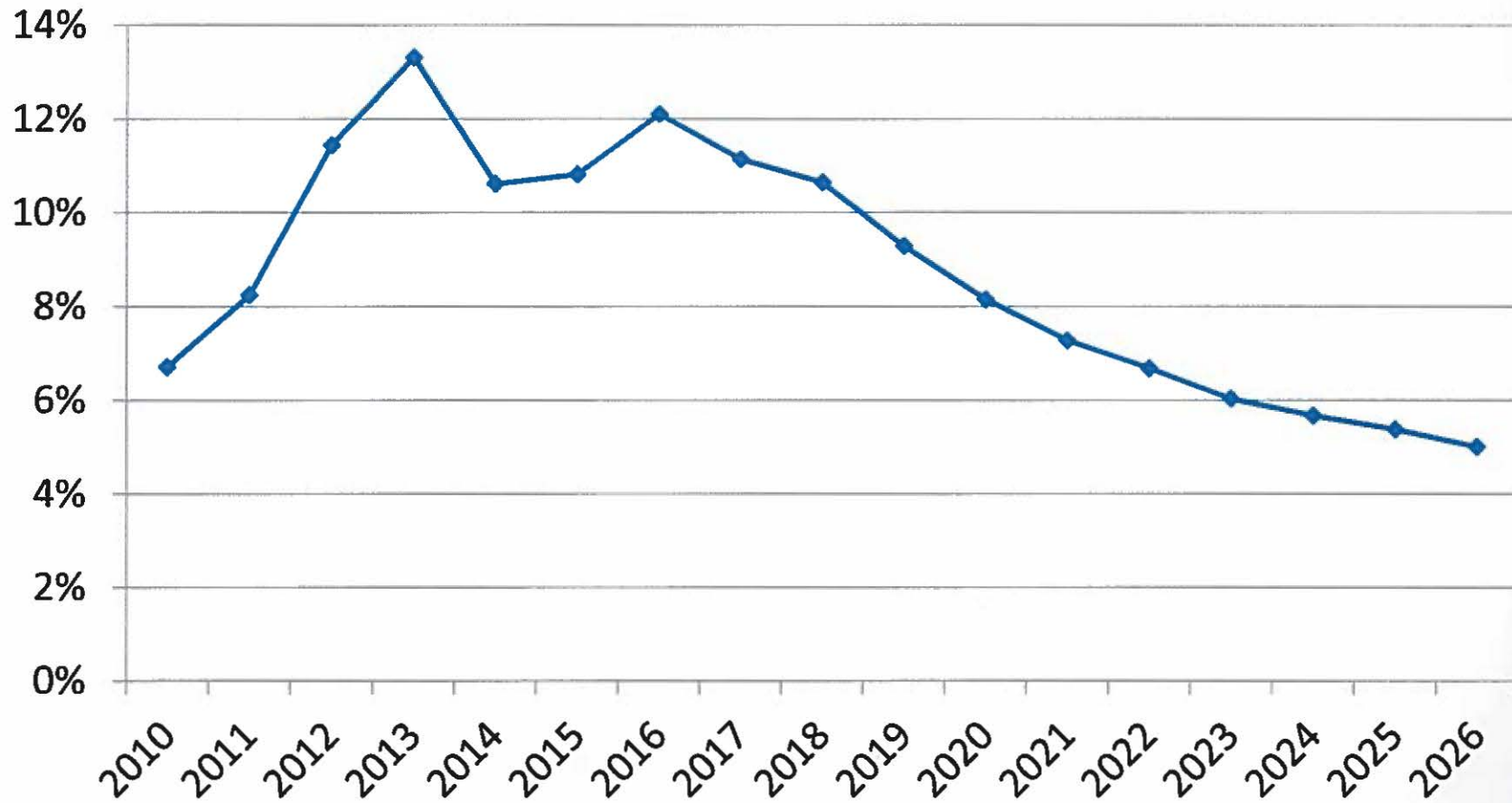
# Enterprise and General Fund Bonded Debt Service Requirements for FY 2017\*



**\* Principal & Interest for FY17 Existing Debt**

Source: Treasury Dept.

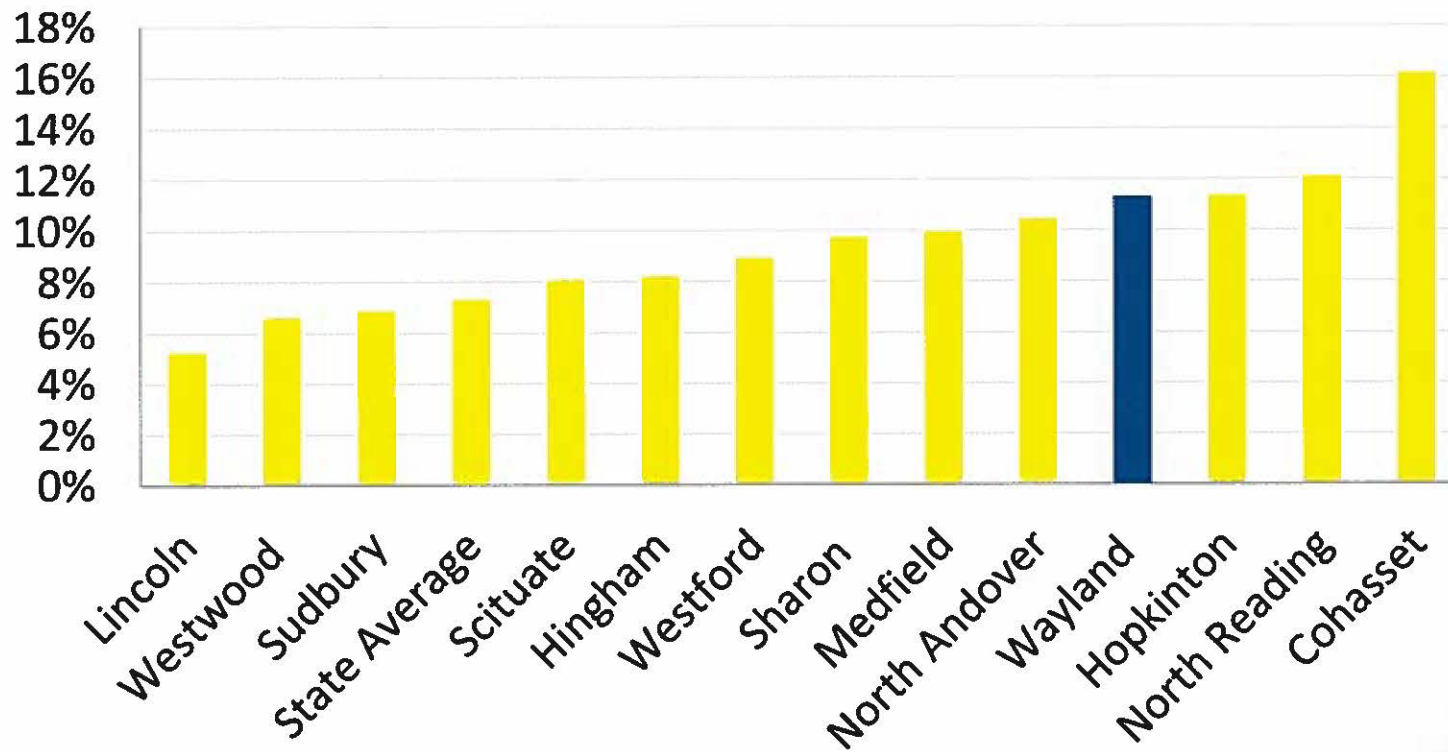
# Enterprise and General Fund Debt Service as a Percentage of Total Budget



Source: Finance Dept.

# FY2014

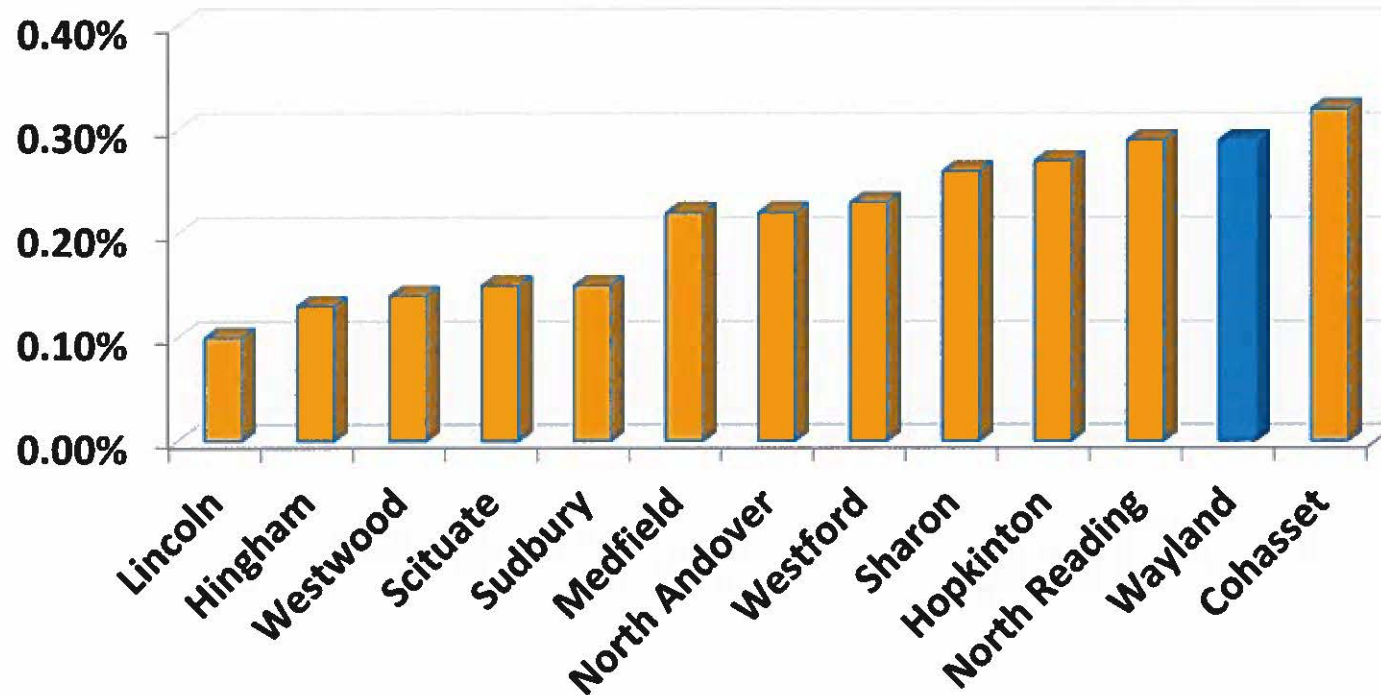
## Enterprise and General Fund Debt Service as a Percentage of Budget



Source: [www.mass.gov/dor](http://www.mass.gov/dor)

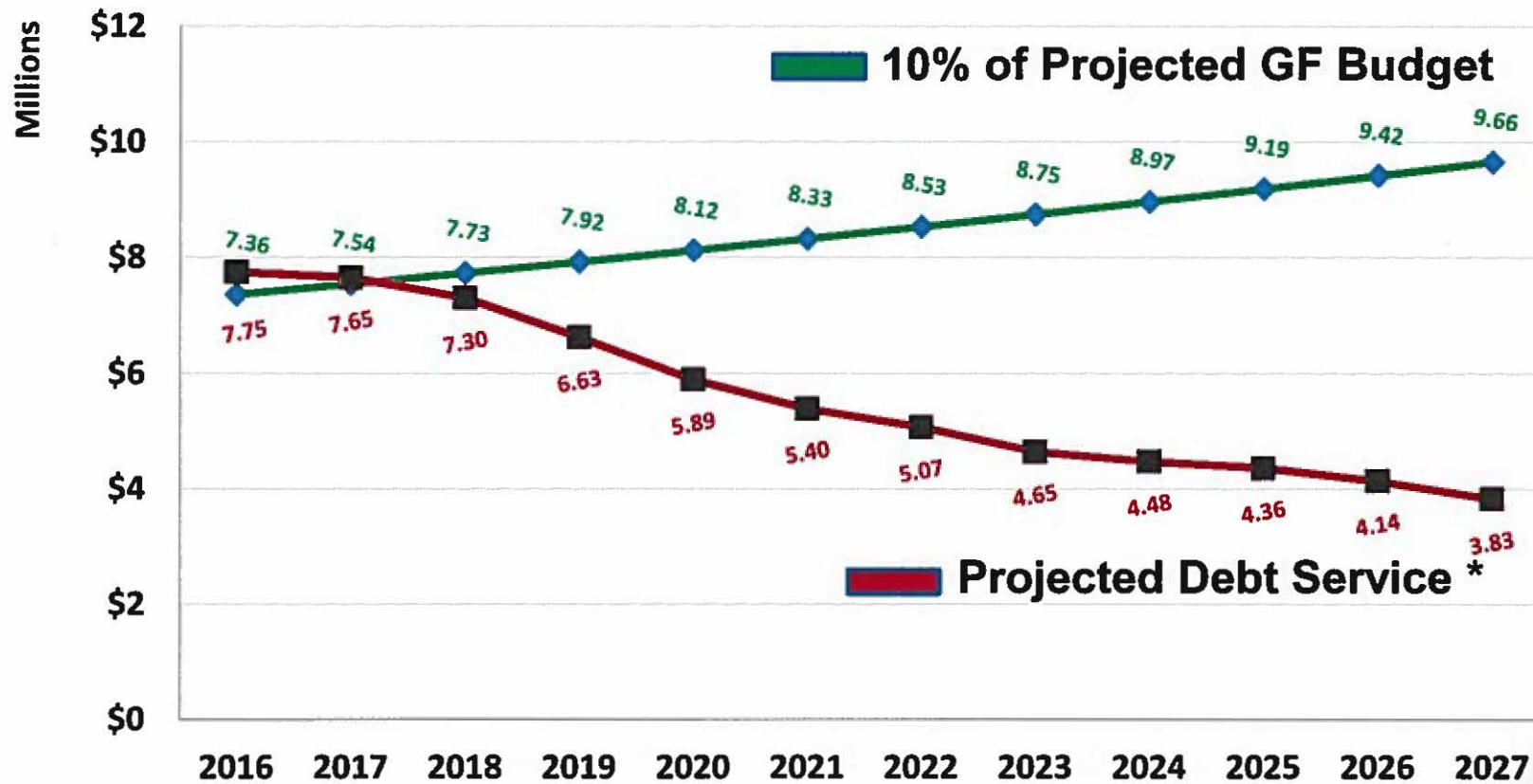
# FY 2014

## Debt Service as a Percentage of Equalized Market Valuation



Source: [www.mass.gov/dor](http://www.mass.gov/dor)

# General Fund Debt Analysis



\* Including Feb 2016 Approved Borrowing

Source: Finance Department

(8) POTENTIAL  
ARTICLES

**2016 ANNUAL TOWN MEETING  
POTENTIAL ARTICLES AS OF DECEMBER 7, 2015**

STANDARD ARTICLES

1. RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN
2. PAY PREVIOUS FISCAL YEAR UNPAID BILLS (NOTE - SUDBURY)
3. CURRENT YEAR TRANSFERS
4. OPEB FUNDING
5. FY 2016 OMNIBUS BUDGET
6. COMPENSATION FOR TOWN CLERK
7. PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN
8. CHOOSE TOWN OFFICERS
9. ACCEPT GIFTS OF LAND
10. SELL OR TRADE VEHICLES AND EQUIPMENT
11. RESCIND AUTHORIZED BUT UNISSUED DEBT
12. SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

PLANNING BOARD ARTICLES / ZONING BY-LAW CHANGES

13. CLASS II AUTO
14. TEAR-DOWN
15. HOME OCCUPATION
16. LANDSCAPING IN PARKING AREAS
21. NONCONFORMING STRUCTURE AND USES
22. FLOOR AREA / UNDERSIZED LOTS
23. BUILDING HEIGHT
24. CONSERVATION CLUSTERS
25. DEMO DELAY BY-LAW
26. SIDEWALKS
27. ACCEPT PRIVATE ROADS

POTENTIAL BOARD OF SELECTMEN ARTICLES

28. AMEND PRIVATE HYDRANT BY-LAW TO CONFORM WITH WATER REGULATIONS
29. ACCEPT ROAD LAY-OUT FOR RT. 27 AND 30 INTERSECTION
30. MINUTEMAN ARTICLE
31. REVOLVING FUNDS - SCHOOL (2), RECREATION (POTENTIAL CHANGE IN PURPOSE)
32. ALLOW TOWN COUNSEL TO SPEAK AT MEETING WITHOUT TOWN MEETING VOTE
33. AUTHORIZE TOWN TO MATCH STATE STATUTORY TAX EXEMPTIONS
34. REQUEST NEW SPECIAL LEGISLATION FOR OPEB AND RESCIND OPEB SPECIAL ACT
35. AUTHORIZE PURCHASE OF CONSERVATION RESTRICTION AT MAINSTONE FARM
36. COA / CC: FUND NEXT STEP

POTENTIAL ARTICLES FROM OTHER PUBLIC BODIES

37. LIBRARY TRUSTEES: WASTEWATER CAPACITY FOR BUILDING PROJECT
38. BOPW: WATER BY-LAW
39. BOPW: 5 PATHS INTERSECTION IMPROVEMENT
40. BOPW: RT. 30 / SCHOOL STREET IMPROVEMENTS
41. HOUSING AUTHORITY: COCHITUATE VILLAGE SPRINKLER PROJECT

(9) WRAP

DATE: DECEMBER 7, 2015

Formatted: Font: 11 pt

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>, 30<sup>th</sup>, and December 7<sup>th</sup> and offers the following response:

**PRIORITIES:**

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

Formatted: Font: 11 pt

1. Municipal Parcel: Complete acquisition and consider future use.
2. Community Space: Creation and improvement of community gathering spaces.
3. 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.
4. Review Disposition of Land Held under Board of Selectmen by all Town Bodies: Establish a periodic process to review the purpose for which parcels are held by ~~the Selectmen~~ all town bodies and, ~~if in the judgment of the Selectmen~~ if 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.

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Strikethrough

Formatted: Font: 11 pt

**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:

Formatted: Font: 11 pt



- 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.~~

• Town Building should be evaluated in the context of all current and future needs for facilities to identify Town Building's highest and best use. Town Building while structurally sound and code compliant, is not currently being used to its best and full potential. The history of numerous partial rehab jobs has left odd sized and configured spaces that are difficult to use and efficiently climate control. A comprehensive evaluation process to determine the near and long term use of Town Building should be undertaken. Several evaluations were conducted in the past but were focused on how to reposition existing functions rather than on a complete and inclusive exploration of where the Town is headed in the use of all of its facilities and how to get there. The future of the Town Building should be driven by the long term plan for the Town because if the use of Town Building is determined independent of a long range plan the building's use will influence the Town's future rather than the Town's future determining the building use. Presently the Town Building does not provide adequate spaces for the functions housed. Which functions should be relocated to other sites will depend on the evaluation of all existing parcels and the long range plan as well as space requirements for all functions.

~~• 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.~~

• The need for Council on Aging and Community Center space is documented.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Strikethrough

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Strikethrough

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Font: 11 pt

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.

**DATE: DECEMBER 7, 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>, 30<sup>th</sup>, and December 7<sup>th</sup> and offers the following response:

**PRIORITIES:**

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

1. Municipal Parcel: Complete acquisition and consider future use.
2. Community Space: Creation and improvement of community gathering spaces.
3. 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.
4. Review Disposition of Land Held by all Town Bodies: Establish a periodic process to review the purpose for which parcels are held by all town bodies and, if in the judgment of the Selectmen if the land is 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.

**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?

- Town Building should be evaluated in the context of all current and future needs for facilities to identify Town Building's highest and best use. Town Building while structurally sound and code compliant is not currently being used to its best and full potential. The history of numerous partial rehab jobs has left odd sized and configured spaces that are difficult to use and efficiently climate control. A comprehensive evaluation process to determine the near and long term use of Town Building should be undertaken. Several evaluations were conducted in the past but were focused on how to reposition existing functions rather than on a complete and inclusive exploration of where the Town is headed in the use of all of its facilities and how to get there. The future of the Town Building should be driven by the long term plan for the Town because if the use of Town Building is determined independent of a long range plan the building's use will influence the Town's future rather than the Town's future determining the building use. Presently the Town Building does not provide adequate spaces for the functions housed. Which functions should be relocated to other sites will depend on the evaluation of all existing parcels and the long range plan as well as space requirements for all functions.
- The need for Council on Aging and Community Center space is documented.

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.

# (10) MINUTEMAN

---

From: Dan Dunn [dunster@dandunn.org]  
Sent: Tuesday, December 01, 2015 10:57 PM  
To:

Dear Selectmen,

Since we all last met just before Halloween, I'm happy to report that there have been many productive side meetings, both individuals and in groups.

I strongly agree with Vince's call for us to seize this opportunity to get a deal done. This is the time, and tomorrow is the day.

My intent with this email is to provide a framework for us to work from. In a perfect world, we will all agree with the suggested terms laid out below in the first 5 minutes, and then we all go home to our respective boards to make the case there. More pragmatically, I expect us to take longer than that while we discuss and iterate on this framework! However, I implore each of us to stick to specific proposals that can "get us to yes" in the short time we have together.

My goal for this meeting is for us to leave the meeting with a set of concrete terms that we all support that we can take back to our respective boards. If we get 16 Boards of Selectmen\* to agree to a framework, we have good prospects to get this deal done at the subsequent Town Meetings. We need all 16 boards, and all 16 meetings. I have a sketch of a timeline of this process below.

Here is the regional agreement that I propose we all adopt, in short form. Longer form below.

- a) The base document is the 2014 regional agreement proposal that 10 out of 16 towns voted to approve.
- b) Include the "Boxborough Protocol." We can make this happen by editing the 2014 draft's "Withdrawal" section, as outlined in the attached Word doc. I have made a minor edit to Vince's proposal, explained below.
- c) Include recognition of Lincoln as the host community, for which they receive 4 free tuitioned students. (I don't have formal regional agreement language for this to propose yet)
- d) Include recognition of Lincoln as the host community, and include language that Lincoln gets fair payment for public services rendered, without specific terms as to dollar amount or how it is determined. (no formal regional agreement language)
- e) Include language that commits withdrawing towns to pay capital costs for students that they send back to Minuteman. (no formal regional agreement language)

Longer explanation of the previous terms:

- a) We all have received several analyses of the 2014 draft over the last 2 years, so I won't repeat.
- b) The intent of this section is that any town that wishes to leave the regional agreement may do so upon the district successfully adopting the new regional agreement. My modification to Vince's original protocol is outlined in the attached Word doc. Stated briefly: Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen by January 15th (or some similar date). Those towns will be named explicitly in the new regional agreement proposal, and will thus be clearly known during Town Meeting season. Any town that has so announced its consideration of

withdrawal must take a vote of Town Meeting on the question of withdrawal, and approve the new regional agreement. I discussed this version with Vince this morning, and he thought it was reasonable. c and d) Of the 6 towns that didn't approve the 2014 regional agreement, Lincoln's concerns were unique. The 2014 regional agreement would increase their annual costs. The envisioned building project will be inside their town's boundaries, which precludes them from leaving the district and giving up all control of the land use. It's a set of factors that has made it difficult for Lincoln to get to yes. I had several discussions with Peter Braun, and we finally reached a set of terms that he thought would satisfy Lincoln, and I thought would be acceptable to the other 15 towns (including my own). These terms will mitigate the impact on Lincoln's finances, and will do so using the currency that is cheapest for Minuteman to spend: education. I strongly endorse these proposed terms as necessary to get the regional agreement done at a price that is reasonable.

e) This particular term is inspired by Belmont's call for fairness and equity. It is not exactly what Belmont has requested, but I think it is a practical distillation of their aspirations. In my serial conversations over the last few weeks, every town that is considering withdrawing has volunteered that they think it is fair that they pay capital for their students. I believe that there is a lot of common ground, and the challenge here is simply to settle on language and form.

I have had the opportunity over the last 2 days to share this proposal with representatives of Belmont, Boxborough, Lexington, Lincoln, Needham, and Sudbury (and with other parties in Arlington). The response has ranged from explicit endorsement to a more restrained "It's not the deal that I'd prefer, but if it's the one that gets this done, then I won't block it." In my estimation, each of these towns can get to yes with this proposal.

I regret that I haven't been able to talk to the other 9 towns, and I hope that no offense is taken. None was intended.

#### A Possible Timeline

I think that a lot of this is more easily understood in a timeline format. This timeline is only a sketch, and is not the last word. There are many viable alternatives. This particular timeline is conflicts with the one proposed by Minuteman, but I expect that if we get to 16 Boards of Selectmen approving a regional agreement framework, they will be readily convinced to change their timeline to accommodate that.

12/2: 16 selectmen from 16 towns meet and agree on a framework.

12/3: DESE is informed that we are nearing a draft, and will need their feedback soon.

12/3-12/10: any final bullet points are resolved in side conversations, and an explicit proposal reflecting the 12/2 consensus is shared

12/14-1/4: 16 boards of selectmen endorse the 12/2 framework

12/14-1/15: any town that wishes to withdraw takes a BoS vote and informs Minuteman

1/15-2/15: Minuteman, legal counsel, and DESE finalize a draft regional agreement and send to 16 towns for approval.

3/1-4/30: 16 regular Town Meetings approve the regional agreement (need to verify what town has the final TM date). TMs also discuss the new building proposal.

5/1: Minuteman SC proposes the new building bonding, and/or sets a district-wide election.

Specific concern: DESE

In my conversations, more than one person has raised the concern that all of this needs DESE's consent. I agree that this is a risk, but I believe that the first and necessary step is to get 16 towns to get to an agreement. Only then should we start worrying about DESE. Until we get to 16, DESE is just a distraction.

#### Closing

I hope that we can, each and every one of us, reach consensus at the meeting tomorrow night. We need 16 towns to say yes. Towards that end, I repeat my plea that our conversation be sharply focused on issues and proposals that "get us to yes." I feel like that is within reach. Writing you all tonight, I am more optimistic that this deal can get done than at any time in the last 18 months.

If anyone wishes to discuss, question, or disagree with this proposal before our full meeting, I am at your disposal. Please call me at 617.710.4081.

Please feel free to forward this to anyone you wish.

Thank you,

Dan Dunn  
Arlington Selectman  
617.710.4081



## Boxborough Protocol Options

- 1) By January \_\_\_\_, 2016 any town considering withdrawal from the regional agreement must signal that consideration by an affirmative vote of their Board of Selectmen, and conveying the results of that vote to the Minuteman Clerk.
- 2) The Minuteman School Committee will list all of the towns who are considering withdrawal and include them, by name, in the "Declarant" section below. They will then propose the amended regional agreement and send it the 16 towns for their approval.
- 3) Any town considering departure can thus leave by voting both to approve the regional agreement and voting to leave the agreement. Other towns only need only one vote, to approve the regional agreement. All 16 towns must approve the agreement for the departures to be effective.

### SECTION IX: WITHDRAWAL

1. General Withdrawal Process...
2. Initial Procedure for Withdrawal. Consistent with 603 CMR 41.03(2), the communities of...

[Insert "Declarant" Communities]

...withdraw from the District effective the beginning of the fiscal year following the Commissioner of Education's approval of the 2016 Amended Regional Agreement, all of the following requirements having been met by each departing member:

- (a) Voted by simple majority of its legislative body to confirm its commitment to withdraw from the District on or before \_\_\_\_\_, 2016;
- (b) Voted to approve the 2016 Amended Regional Agreement on or before \_\_\_\_\_ 2016; and
- (c) Approval of the 2016 Amended Regional Agreement by the Commissioner of Education.

A vote by any member to adopt the 2016 Amended Regional Agreement shall also constitute approval of the withdrawal of...[Insert Declarants] from the District pursuant to the Initial Withdrawal Process.

(11) RECREATION  
REVOLVING  
FUND

**DATE:** DECEMBER 7, 2015  
**TO:** BOARD OF SELECTMEN  
**FROM:** NAN BALMER, TOWN ADMINISTRATOR  
**RE:** SPECIAL LEGISLATION FOR RECREATION REVOLVING FUND

**REQUESTED ACTION:**

**VOTE TO PETITION THE GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS TO ENACT A SPECIAL ACT TO INCREASE THE ANNUAL EXPENDITURE LIMIT ON THE RECREATION DEPARTMENT'S REVOLVING FUND ESTABLISHED PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 44 SECTION 53 E ½ FROM 1% TO 5% OF THE AMOUNT RAISED BY TAXATION BY THE TOWN IN THE MOST RECENT FISCAL YEAR FOR WHICH A TAX RATE HAS BEEN CERTIFIED BY THE COMMISSIONER OF THE DEPARTMENT OF REVENUE.**

**SPECIAL ACT:**

**AN ACT AUTHORIZING THE TOWN OF WAYLAND TO INCREASE THE ANNUAL SPENDING LIMIT FOR ITS RECREATIONAL PROGRAMS REVOLVING FUND.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding any provision of section 53E1/2 of chapter 44 of the General Laws to the contrary, the recreation commission of the town of Wayland is hereby authorized to expend in any one fiscal year from all revolving funds under its direct control not more than five percent of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine of the General Laws. Except for the annual limit on expenditures from revolving funds under the direct control of said recreation commission set forth in section 53E1/2 of chapter 44 of the General Laws, all other provisions of said section 53E1/2 shall apply to revolving funds established thereunder by the town.

**SECTION 2.** This act shall take effect upon passage.

*Attached: Certified Town Meeting Vote*



# TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)

ASSISTANT TOWN CLERK

Diane M. Gorham

[dgorham@wayland.ma.us](mailto:dgorham@wayland.ma.us)

TOWN BUILDING  
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

[www.wayland.ma.us](http://www.wayland.ma.us)

## SPECIAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on November 9, 2015, the following business was transacted under Article 8:

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

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

**VOTED:**

IN FAVOR: 127

OPPOSED: 47      MOTION PASSED

A true copy, Attest:

Beth R. Klein  
Town Clerk

# (12) DRAFT 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 <del>calling or writing</del> <u>contacting</u> the Department of Public Works.	Add " <u>emailing</u> " or change to <u>contacting</u>	
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 * <u>Church groups</u> <u>Community Events</u>	<del>Delete Candidates Night (town bylaw usually precludes Candidates Night)</del>  <u>Add businesses</u>	
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 <del>or aluminum composite panel (?)</del> no thicker than 3/8 inch <u>or 4 x 8 foot banner</u> *Painted attractively with waterproof paint *Banner <u>may be</u> secured to the board <u>or tied to the frame</u>	<del>Has aluminum composite ever been used? Should it be eliminated?</del>  <u>Most signs are now banners rather than painted. Could banners be tied to the frame rather than attached to a board?</u> <u>No mention of holes on the boards. Should that be added?</u>
4. <u>A second sign may be tied securely below the 4</u>		

Formatted: No underline

<del>4</del> 5. <u>x 8 signs. These banners should be (to come).</u> All signs must be delivered to the Wayland DPW <del>garage building prior to no later than</del> 6:30am on the Monday on which they are to be displayed.	<del>"no later than"</del> 6:30am	
<del>5</del> 6. The usual period of display will be one week, from Monday to Monday. Signs must be picked up at the Wayland DPW <del>garage building</del> 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?
<del>6</del> 7. The Town is not responsible for loss or damage to the signs.		

Formatted: Indent: Left: 0.06", Hanging: 0.19", Line spacing: single

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? <del>Meadowbrook and other private schools have posted signs in Wayland.</del>
... sandwich board/ <u>A-frame</u> signs		<del>Should "A frames" and stick in the ground signs be added?</del>
... 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

		<p>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?</p>
		<p><del>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.</del></p>
		<p>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?</p>
		<p>What about campaign signs? Farmers Market signs?</p>
		<p><del>Should there be a hearing related to this policy? I was asked if there would be public input. The policy will be put out for comment for a reasonable period of time. Notifications will be placed in the Town Crier and other appropriate outlets for a minimum of two weeks. BOPW will be asked for comment.</del></p>

# (15) TOWN ADMINISTRATOR REPORT

## TOWN ADMINISTRATOR'S REPORT WEEK ENDING DECEMBER 4, 2015

### **BOPW – CESSATION OF ROAD MAINTENANCE ON COMMON DRIVEWAYS**

Chairman Chris Brown reports as follows\*: At our BoPW meeting last night we had approximately 20 residents show up for the Common Driveways discussion. Mark attended and fielded questions for one hour (even though we had designated only 30 minutes on the agenda). Overall, I believe the session was positive. The residents certainly are not happy with this, but I believe we got across that this is not a "decision" or a "policy change" but rather something we have been doing for years that we apparently should not have done and that benefit must now cease. I have no doubt that we will continue to hear complaints. Mark did offer to generate a document giving the legal definitions of the terms discussed last night (*public way, private way open to public use, common driveway, etc.*). He will send that to me and I offered to send it to Malcolm who will distribute to the group of affected residents. We did say that if someone came up with a legal way to continue plowing their driveways, we would consider that. However, Mark tells us the law is very clear: we cannot use town funds to work on private property - with the exception being private ways open to public use which the Wayland Selectmen authorized in 1968.

\*Since the meeting Reservoir Road was determined as clearly a private way laid out on an approved subdivision plan rather than a common driveway. As long as it is open to public use (i.e., no private way signs, no no trespassing signs, no physical barriers like gates, etc.) and the BOS has approved plowing it, it may be plowed by the Town. I have asked the DPW Director to research what votes are on record approving the plowing of private ways open to the public.

Please see attached correspondence from Chairman Chris Brown responding to some resident questions.

### **RIVERS EDGE**

No proposals were received December 1<sup>st</sup> for the Rivers Edge project. The next step in the project will be to request information from potential developers about what changes in the Request for Proposal could be made to make the project attractive to developers. The Rivers Edge Committee would then recommend revisions to the RFP to the Board of Selectmen and a decision would be made about issuing a revised RFP.

### **MMA**

The MMA conference will be held in Boston January 22<sup>nd</sup> and 23<sup>rd</sup>. Please contact Mary Ann as soon as possible to register.

### **495 / METROWEST ANNUAL CONFERENCE**

Please also contact Mary Ann to register for the Annual Conference in Bolton Tuesday December 15<sup>th</sup>.

## Balmer, Nan

---

**From:** Chris Brown <cbrown93@comcast.net>  
**Sent:** Friday, December 04, 2015 9:50 AM  
**To:** Malcolm Astley  
**Cc:** Lanza, Mark; Balmer, Nan; Alias, SWQC  
**Subject:** Re: Another Alternative re DOPW Meeting Tuesday, 12.1.15 on Legal Basis for Discontinuing Plowing and Maintenance of Certain Roads

Hi Malcolm,

Thank you for your email and your thoughtful questions both via email and at the meeting on Tuesday.

I have thought hard for the past day about how to respond to this note. Perhaps Mark's pending definition description will help. I believe perhaps there is a misunderstanding with regards to your (and other) affected properties. You wrote:

>>> that cross private property of others but are open to the public, as in my case and that of several others

The way that you access your property is not open to the public. It is private property that you have the right to cross to get to your property. The general public does not have access to that way.

The term: *Private way that is open to the public* refers to subdivision roads that are laid out on a plan, but were (for whatever reason) never formally accepted as public ways by the town. We have many of these in town - and the town has decided to accept the Mass legislation that allows for the Town to plow these roads. This is the conversation that you brought to our attention in Wareham. *Private way that is open to the public* does not apply to your situation. You have an *easement* or a *right-of-way* to go over someone else's property to access your property.

And that last sentence is why I have thought hard how to answer your request on appointing a Board member to work with you and the other residents. *Easement* and *right-of-way* have specific legal definitions. Although this past month I have become fairly educated on this matter, I am not an attorney. Your request to have a Board member work with you (and others) although is seemingly a legitimate request, it is one I am afraid we can not honor -- and here is why:

This is not a decision that the BoPW can make. Town Counsel has made it clear that public funds can not be used to plow private property (with the exception of *private ways that are open to the public* -- which does not apply to your situation). Our Board members have no choice here - it is a legal issue. Because it's a legal issue and not a Board of Public Works policy issue, I don't see how we can work on proposals or compromises. The only way we could begin to plow these affected areas would be (as I understand it - again, I am not an attorney) to have the areas accepted as a public way. As was discussed on Tuesday night that would mean the ways would have to be improved with proper paving, drainage, etc. Town Meeting would then have to agree to purchase the land (2/3 vote), and then have to vote to accept the way as a Public Way. This would likely be a long and costly process.

Should you (or the owner's of the land affected) wish to go down this route, the DPW would be happy to work with you to provide guidance on proper specifications on what it would take to get the way "up



to code". However, beyond that, there is no policy decision over which the Board of Public Works has any discretion.

I am truly sorry. I wish this issue had never come up, but now that we are aware of it, we have to address it and adhere to the law.

Please feel free to reach out to me with any questions you may have. I do want to help; however, our hands are simply tied.

Best,  
Chris

---

**From:** "Malcolm Astley" <[malcolmastley@icloud.com](mailto:malcolmastley@icloud.com)>  
**To:** "Chris Brown" <[cbrown93@comcast.net](mailto:cbrown93@comcast.net)>  
**Cc:** "Mark Lanza" <[mjlanza@comcast.net](mailto:mjlanza@comcast.net)>  
**Sent:** Wednesday, December 2, 2015 3:06:59 PM  
**Subject:** Fwd: Another Alternative re DOPW Meeting Tuesday, 12.1.15 on Legal Basis for Discontinuing Plowing and Maintenance of Certain Roads

Hello, Chris and Mark,

Thank you all for trying to work toward clarity on the road issues last night.

When mark writes up his definitions, it will help if he can indicate where the options below come in, and how they apply or don't to rights of way that cross private property of others but are open to the public, as in my case and that of several others.

Will the owners of the land crossed have the legal right to deed the rights of way to the town so that the town can then accept and plow them?

Chris, can your board consider appointing a point person to work with the affected residences to achieve further clarity and see what positive proposals can be nurtured forward like those apparently of Wareham and Bourne? Otherwise we will keep working blindly and going back and forth to you.

Thanks!

Malcolm

Begin forwarded message:

**From:** Malcolm Astley <[malcolmastley@icloud.com](mailto:malcolmastley@icloud.com)>  
**Date:** November 30, 2015 at 1:50:32 PM GMT-5  
**To:** Malcolm Astley <[malcolmastley@icloud.com](mailto:malcolmastley@icloud.com)>  
**Subject:** Fwd: Another Alternative re DOPW Meeting Tuesday, 12.1.15 on Legal Basis for Discontinuing Plowing and Maintenance of Certain Roads

MA General Laws, Chapter 40

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

Section 6D. Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty per cent of the total number of registered voters, substantially in the form of the following question, which shall be placed on the official ballot used for the election of officers at such city or town election:

Shall the city (or town) vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?

[image/bmp:YES-NO.bmp]

If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.

Cordially,

Malcolm Astley  
Cell 508-397-7055

# (16) SELECTMEN'S REPORTS

**Balmer, Nan**

---

**From:** Mary Antes  
**Sent:** Friday, December 04, 2015 9:37 AM  
**To:** Balmer, Nan  
**Subject:** Listening Session Info for Packet--If Not Too Late

Hi Nan,

Below is a document about the listening sessions for inclusion in the packet if it is not too late.

Mary

## **BOARD OF SELECTMEN'S LISTENING SESSIONS**

### **PURPOSE**

- Collect information on resident satisfaction as a guide to future actions the board might take
  - Invite a broad spectrum of residents to come together to talk about Wayland town government
  - Solicit feedback about what is working and not working for residents about town government
- Improve the perception of the BOS
  - Communicates willingness to listen to resident concerns
  - Gives residents who might not otherwise communicate with the board an opportunity to provide their thoughts and insights
- Share the results of the listening sessions with the BOS, the staff, and the public
  - Report the results of the listening sessions to the community
  - Discuss what action can be taken in response to the concerns raised by the listening sessions

### **PEOPLE**

- Issue a general invitation to the public (self-select)
- Ensure that active critics participate
- Invite individuals that represent a broad range Wayland residents (geographic, age, economic, politics, community participation, etc.)
- Ensure that the silent majority have an opportunity to participate
- Provide a variety of meeting times and places to ensure wide participation

### **PROMOTE AND PREVENT**

- |                             |                       |
|-----------------------------|-----------------------|
| • Active listening          | Stereotyping          |
| • Mutual respect            | Demonizing            |
| • Communication             | Rumors                |
| • Interest in learning more | Unleashed assumptions |
| • Curiosity                 |                       |

- Feeling of being heard, valued

## **PLAN**

- Select dates and locations of meetings                      Months of January and February
- Prepare invitations (written and oral)
- Identify facilitators    Jan Dunn and Jean Milburn
- Identify scribe    Mary Antes
- Anticipate concerns
- Finalize and publicize questions
- Determine meeting space arrangement
- Suggested meeting locations: library, Mainstone, neighborhood homes
- Set agenda for one to one and one-half hour meeting
- Hold meetings
- Compile results
- Communicate results to the public and to the BOS and staff

## **PREPARE**

- Invite participants (reservations?)
- Set up meeting space for 10 to 15 participants to be seated informally
- Go over agenda and ground rules
- Introduce participants
- Review discussion comments at the end of each meeting

## **PROPOSED QUESTIONS**

- What town services do you use most often and how well do they meet your needs? How could they be improved? [Library, Senior Center, Public Safety, Land Use (Building, Conservation, Planning), Financial (Treasurer, Assessor), DPW (Highway, Parks, Water), Recreation, Wastewater]
- What three things do you think should not be changed about the town and its government and what three things would you like to see changed?
- Many feel that Wayland taxes are high. Understanding that most of the budget is salaries, what services might you be willing to give up?
- What is the best way for the town to provide you with information on a regular basis? (Town Crier or other newspaper, existing electronic newsletters, electronic emails similar to those provided by the schools, reverse 911, quarterly newsletter similar to the tax inserts but more detailed, other)
- Do you participate in town activities and town-sponsored events such as Town Meeting, volunteer for town boards, use the library, town beach, COA, conservation land, or town recreation offerings? Why or why not? What would encourage you to take advantage of these activities?

- Do you have skills that you would be willing to share with the town on a short-term, one-shot, or regular basis?
- Major concerns/suggestions for improvements



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, December 7, 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 Certificates of Achievement for Eagle Scouts  
Thomas Heerema and Andrew Glenn Ludwig
3. Vote the Question of Approving the Amendment of the Charge of the Wayland Housing Partnership to Allow a Non-Resident Who is a Member of the Clergy to Serve
4. Vote the Question of Appointing Reverend Stephanie May as a Non-Voting Member of the Wayland Housing Partnership Representing the Clergy for a Three-Year Term to Expire on June 30, 2018
5. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through November 30, 2015: \$9,996.74
6. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through September 30, 2015, Invoice 169, Account 5673-01M: \$2,653.88
7. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through October 31, 2015, Statement No. 106243: \$72.00
8. Vote the Question of Approving the Invoice for Daria Greeley for the Banners and Flyers at the Pop Up Park Event, October 17, 2015: \$515.59
9. Vote the Question of Approving and Releasing the Executive Session Minutes of March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, and September 8, 2015
10. Vote the Question of Approving and Releasing 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, and September 21, 2015
11. Vote the Question of Approving and Holding the Executive Session Minutes of September 8, 2015, September 11, 2015, October 5, 2015, and October 19, 2015

## **DiNapoli, MaryAnn**

---

**From:** Laurel Whitehouse  
**Sent:** Tuesday, December 01, 2015 5:07 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Request for two letters of commendation

Hi MaryAnn,

I am writing to request letters of commendation for the following two new Eagle Scouts in the Troop 1 Cochituate Boy Scouts.

### **Thomas Heerema**

Thomas completed his Eagle Scout service project at St. Ann Church. He and a large crew of volunteers cleaned, sanded, spackled and painted a large basement classroom area. The space hadn't been painted in many years and required extensive wall preparation and multiple coats of new paint.

### **Andrew Glenn Ludwig**

Andrew completed the most ambitious Eagle Scout project ever attempted in Troop 1. The scope of work and the expense of the project were tremendous. He raised over \$3,000.00 and led a crew of 30 helpers to build over 175 feet of boardwalk over a wetland area on a hiking trail that connects to the Wayland Rail Trail off Lundy Lane.

Thank you for your help on this,

Laurel Whitehouse  
Troop 1 Cochituate Advancement Coordinator

DATE: DECEMBER 7, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: CONSENT CALENDAR: WAYLAND HOUSING PARTNERSHIP

**REQUESTED ACTION:**

**1. VOTE TO AMEND, AS STATED BELOW, THE CHARGE OF THE WAYLAND HOUSING PARTNERSHIP TO ALLOW A NON-RESIDENT WHO IS A MEMBER OF THE CLERGY TO SERVE:**

At the end of paragraph on "Membership", add:

*In order to achieve appropriate representation on the Wayland Housing Partnership from affordable housing stakeholders, the Board of Selectmen may appoint a member of the clergy who is not a resident of the town. Any non-resident of the town who is appointed will serve as a non-voting member and will not count toward establishing a quorum for meetings.*

**2. APPOINT REV. STEPHANIE MAY TO SERVE AS A NON-VOTING MEMBER OF THE HOUSING PARTNERSHIP FOR A TERM ON 3 YEARS.**

**BACKGROUND**

- Under the Board's adopted charge for the Wayland Housing Partnership, member ship includes a representative of the Clergy.
- Chapter 6, Section 3 of the Town Code requires that members of boards and committees be registered voters residing in the town of Wayland. The by-law references non-voting members, which, if appointed, must be non-voting members who will not be counted as part of a quorum.
- The charge for this committee must be amended in order to allow for a non-voting member.
- There are no clergy who are residents of the town available to serve on the Wayland Housing Partnership.
- Rev. Stephanie May, a non-resident, volunteered to serve.

Attached:

1. Charge of the Wayland Housing Partnership
2. Letter of interest and background from Rev. Stephanie May.



## **WAYLAND HOUSING PARTNERSHIP**

**Purpose:** The Wayland Housing Partnership works with the community to lead and support efforts to meet the affordable housing needs of the Town of Wayland.

**Charge:** The Wayland Housing Partnership shall

- Work with the town to develop affordable housing action plans based on housing needs studies
- Establish criteria to evaluate affordable housing proposals
- Make recommendations on the pros and cons of particular housing proposals
- Identify local, state, and federal housing resources to further development
- Locate available land suitable for development
- Review land use regulations and zoning bylaws
- Work with developers of affordable housing
- Increase public awareness through forums and other public events

### **Membership:**

The Board of Selectmen shall appoint a committee of nine members, including a member or representative of the Board of Selectmen and representatives appointed by the Wayland Housing Authority, Planning Board, Conservation Committee, School Committee, the Wayland Clergy Association, and three members from the community at large. Members shall serve for staggered three-year terms. The Wayland Housing Partnership may appoint subcommittees chaired by one of its own members with additional members from outside the committee.

## **MISSION STATEMENT**

### ***Background***

The Wayland Housing Partnership was appointed by the Board of Selectmen to study the need for affordable housing and to recommend procedures for the implementation of Wayland Affordable Housing policy. The general affordable housing objectives of the partnership have the approval of the Board of Selectmen, Town Administrator, Housing Authority, Zoning Board of Appeals, Planning Board, Conservation Commission, and other applicable town boards, commissions, and committees.

### ***RESPONSIBILITIES***

The Board of Selectmen and the Town Administrator, with the concurrence of the aforementioned boards, commissions, and committees, have delegated certain defined responsibilities and functions to the partnership. These include, but are not necessarily limited to, the following:

The partnership will act as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in allowed density or other variances in return for said provision of affordable housing. In this context, the partnership will serve as a preliminary negotiating agency.

The partnership may also initiate action intended to create affordable residential housing projects. In this context the partnership will work to create a specific project consistent with Town policy.

### ***PROCEDURES***

In fulfillment of this mission, the partnership will forward its project specific preliminary recommendations and conclusions to each of the above mentioned boards, commissions, and committees with a request for comments from each. Comments will be reviewed with the partnership and the authors of the comments. Following the review process, the partnership by majority vote will issue project specific recommendations to the Board of Selectmen for action.

## Balmer, Nan

---

**From:** Stephanie May  
**Sent:** Thursday, December 03, 2015 9:31 AM  
**To:** Balmer, Nan  
**Subject:** Housing Partnership

Hi Nan,

Per your request, I'm writing to share a bit about myself and my interest in the work of the Housing Partnership. Since August 2014, I have served as the minister of the First Parish, a Unitarian Universalist congregation. Our Unitarian Universalist faith calls us to help make the world a more just and equitable place. I see the housing partnership as seeking to do this by advocating for opportunities for affordable housing. My conviction in the importance of affordable housing has also been shaped by academic research into patterns of housing in U.S. history. Specifically, my dissertation at Harvard Divinity School focused on questions of home/housing and religion in U.S. history. More practically, my family built a house in Sudbury in 2008 and began a new house project in Lincoln in Spring 2014. From these projects, I have some experience with the various boards and processes of approvals of housing construction in similar towns. Note, because my son was already enrolled at Lincoln-Sudbury High School prior to my call to serve the First Parish, I was unable to relocate to Wayland. However, I have lived locally since 2008 and feel committed to the welfare of the town of Wayland as both a minister in town and a nearby resident.

Please let me know if you have any further questions. Thank you for considering my appointment.

Stephanie

The Rev. Dr. Stephanie May  
The First Parish in Wayland

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

INVOICE - TOWN OF WAYLAND - 11/30/2015

SUMMARY

FEE CALCULATION: 59.0 HOURS X \$160.00 PER HOUR =	\$ 9,440.00
DISBURSEMENTS (See below for detail)	556.74
TOTAL 11/30/15 INVOICE.....	<u>\$ 9,996.74</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$ 9,996.74</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T .....	<u>0.00</u>

DISBURSEMENTS

11/2015	Long Dist. Tel. Charges (Detail on File)	8.89
11/2015	Postage	15.65
11/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
11/2015	Copying	8.50
11/2015	Mobile Phone Charges	7.50
10/27/15	Courier Serv.	61.90
11/5/15	Mileage: 46 @ \$.50 =	23.00
11/5/15	Tolls	5.00
11/5/15	Parking	5.00
11/5/15	Recording Fee - Mid. S. ROD	300.00
11/12/15	Mileage: 24 @ \$.50 =	12.00
11/12/15	Parking	10.00
11/15/15	MBTA Fares	20.30
11/16/15	Title Services	79.00
Total Disbursements		<u>\$556.74</u>

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

RECEIVED

OCT - 8 2015

Board of Selectmen  
Town of Wayland

\*\*\*\*\*  
INVOICE FOR LEGAL SERVICES  
\*\*\*\*\*

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

Page 1  
10/06/2015  
Account No. 5673-01M  
Invoice No. 169

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE 2,653.88

BALANCE DUE \$2,653.88

RECEIVED

NOV 25 2015

Board of Selectmen  
Town of Wayland

**KOPELMAN AND PAIGE, P.C.**

101 ARCH STREET  
BOSTON, MA 02110

(617) 556-0007

---

STATEMENT NO. 106243

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH      OCTOBER 31, 2015  
NOVEMBER 23, 2015

TOTAL FEES:	72.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>72.00</u>



**Hello Daria!**

Thank you for your order

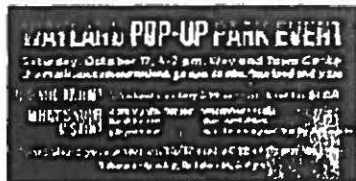
Your order is scheduled to ship on Sep 30, 2015 to arrive on Oct 2, 2015 via UPS 2 Day Air. Please check with UPS regarding specific delivery time expectations in your area here. If we encounter any issues with artwork, it could cause delays in your order shipping out on time, and we will do our best to let you know right away.

Please feel free to contact us via phone at 800-494-5850, email at [cs@eSigns.com](mailto:cs@eSigns.com), or live chat with any questions or concerns. You're also welcome to submit a trouble ticket here, in the event that your order arrives and is not totally awesome.

You can find all of your account information, past orders, and designs conveniently accessible your [my account page](#).

**Item Details:**

4' x 8' Matte Matte Banners Qty:4 \$352.76  
\$88.19 ea



Product Total: \$352.76  
Shipping: \$28.82  
TOTAL: \$293.39

**Need to Contact Us?**

[cs@eSigns.com](mailto:cs@eSigns.com)

live chat for Quick Help!

Something not right? No problem.  
Call us at 800-494-5850 & let us correct it for you right away.

**\$10 STARBUCKS CARD FOR YOU**

eSigns.com Savings for them.

**Refer-A-Friend!**

**SHARE NOW**

STAPLES

copy&print

# Greeley, Daria

## Order Due: Friday, 10/16/15, 3:00 PM

Order Received:

Thursday, 10/15/15, 3:59 PM

Call When Ready for Pickup:

Y

Job 1 of 1

Job Type: Custom Copy & Print

SKU	Description	Qty	Subtotal
429874	101-500 CLR2 PREMIUM	200	234.00

**Order Summary:**

Sub-Total:	\$234.00
Discount:	\$11.80
Estimated Total:	\$222.20

Back-up Procedures for Order :2075553958

Use these instructions ONLY if the F10 Register key or Retrieve Customer Order button failed to retrieve order details

- For each item in the order:  
Press the 'Quantity' button. Type the listed quantity and press enter. Type the listed SKU number and press enter.
- Verify the order details for accuracy(ensuring no SKUs were missed)
- Complete transaction.

### CUSTOMER CONTACT LOG

- Date \_\_\_\_\_ Time \_\_\_\_\_ Initial \_\_\_\_\_
- Date \_\_\_\_\_ Time \_\_\_\_\_ Initial \_\_\_\_\_
- Date \_\_\_\_\_ Time \_\_\_\_\_ Initial \_\_\_\_\_





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
STEVEN J. CORREIA  
THOMAS J. FAY  
JOSEPH F. NOLAN  
SUSAN W. POPE  
MICHAEL L. TICHNOR

## Board of Selectmen Executive Session Minutes March 31, 2010

**Attendance:** S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor

**Also Present:** Town Administrator F. Turkington, Secretary M. DiNapoli, Wastewater Management District Commission members David Schofield and Fred Knight, Administrative Consultant Bill Prendergast, Town Counsel Mark J. Lanza, Special Town Counsel Adam Kahn

**Purpose:** The session was called at 9:38 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by M.G.L. Chapter 39, Section 23B, paragraph three, to discuss strategies with respect to potential litigation regarding the wastewater treatment plant. The Board will return to open session in approximately ten minutes for the sole purpose of adjourning the meeting.

**Discussion:** The Board discussed the notification it received from the developer of the Town Center project that they intend to file an anticipatory breach of contract suit against the town because the current design of the wastewater treatment facility does not provide for the capacity promised. He said they have also raised the possibility of further issues, such as the calculation of user fees. The Board discussed the possibilities for diffusing the situation, or, if necessary, answering the lawsuit. A. Kahn said the town needs a plan to provide sufficient flow and get the DEP permit in a way that is orderly and doesn't destroy the town center development plans. F. Turkington said the Wastewater Management District Commission needs to review and approve the town's planned response before it is submitted to the DEP and Twenty Wayland. A. Kahn presented for discussion several talking points, including the capacity of the current plant and the need for an interim limit, the discrepancy over the calculation of the flow capacity for the proposed plant, and the possibility of increasing the capacity over time. He said there are ways to mitigate the flow issues, such as imposing stricter conservation regulations on new construction to push down actual flows, getting more accurate flow figures, and having some users build septic systems to relieve the pressure on the wastewater facility. It was the consensus of the Board and the WWMDC to finalize the draft permit language and water conservation regulations and have A. Kahn and I. Catlow confer with DEP as to anticipated acceptance. Once preliminary approval is received, Twenty Wayland would be briefed on the plan with the intent on concurring on a connection permit application to DEP. The Board and WWMDC agreed to meet on either April 26 or May 3 for an update.

**Adjourn:** By motion of S. Pope, seconded by T. Fay, the Board, by roll call vote, unanimously voted to exit executive session at 10:53 p.m. YEA: S. Correia, T. Fay, J. Nolan, S. Pope, M. Tichnor. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

JOHN SENCHYSHYN  
ACTING TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
JOSEPH F. NOLAN

**Board of Selectmen  
Meeting Minutes  
Executive Session  
November 6, 2013**

**Attendance:** Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan  
**Also Present:** Acting Town Administrator John Senchyshyn and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 10:18 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a unanimous roll call vote of the Board as permitted by Massachusetts General Laws Chapter 30A, Section 21 (a) (7) to discuss and review the executive session minutes of October 16, 2013.

**Discussion:** The Board reviewed the executive session minutes of October 16, 2013. S. Correia was not present at the meeting of October 16, 2013. J. Nolan moved, seconded by E. Collins, to accept the minutes of the executive session on October 16, 2013, with redactions due to confidential material. The minutes will be released in conjunction with the release of the minutes by the Permanent Municipal Building Committee and the Board of Public Works. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: S. Correia. Adopted 3-0-1.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 10:26 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session March 23, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Joseph F. Nolan

**Absent:** Cherry C. Karlson

**Also Present:** Town Administrator Nan Balmer, Town Counsel Mark Lanza, Assistant Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**Purpose:** The session was called at 6:38 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0) in open session as permitted by : (i) Massachusetts General Laws (MGL) Chapter 30A, Section 21(a)(6) to consider the purchase exchange, lease or value of real property relative to the septage facility; and (ii) MGL Chapter 30A, Section 21a(6) to consider the purchase exchange, lease or value of real property relative to the town center municipal parcel; and (iii) MGL Section 21a(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 system 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 (iv) MGL Chapter 30A, Section 21a(3) to discuss strategy with respect to collective bargaining in regard to contract negotiations with the Library Union and the Teamsters; and (v) to review and consider for approval and potential release the following executive session minutes relative to the said subjects: June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2015, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015 and March 16, 2015, because a public discussion of pending litigation and collective bargaining and the review and consideration for approval and potential release of executive session minutes will have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** J. Senchyshyn reported on his meeting with Sudbury Selectman Chuck Woodard and Sudbury Town Administrator Maryanne Bilodeau. He said the parties are amenable to building the demolition cost into the River's Edge RFP, as well as the environmental costs that can legally be included. He said there is a dispute regarding the legacy costs; he said that Sudbury is proposing that Wayland assume all the legacy costs for former employees, and Wayland is proposing that the legacy costs be split equally. T. Boschetto noted that Wayland is saving Sudbury the cost of demolition and environmental mitigation. J. Senchyshyn said the legacy costs are approximately \$450,000. J. Nolan said the town should stand firm in insisting that Sudbury pay its half of the legacy cost. T. Boschetto said that Wayland's offer was fair. It was the consensus of the Board to stand firm on the offer, and to draft a letter to Sudbury advising them that they are relieved of demolition costs and environmental costs, but the town will not agree to waive their share of the legacy costs.

J. Senchyshyn left the meeting at 6:50 p.m.

The Board reviewed the executive session minutes. T. Boschetto moved, seconded by M. Antes, to approve as amended and release with redactions the minutes of June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2015, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015 and March 16, 2015. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

M. Antes moved, seconded by E. Collins, to exit executive session at 7:00 p.m. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the March 23, 2015, Meeting**

1. Draft Executive Session Minutes of June 9, 2014, July 21, 2014, September 23, 2014, September 29, 2014, October 27, 2015, November 3, 2014, November 17, 2014, November 24, 2014, December 1, 2014, January 5, 2015 and March 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 Executive Session August 31, 2015

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

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark J. Lanza, and Executive Assistant MaryAnn DiNapoli (left at 6:52 p.m.)

**Purpose:** The session was called at 6:32 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility. The Chair declares that a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town.

**Discussion:** J. Senchyshyn reviewed discussions over the past ten days with the Town of Sudbury and the Special Counsel for Wayland, Attorney Gregg Corbo. He presented to the Board a red-lined version of the current Intermunicipal Agreement between the towns for the disposition of the septage disposal facility. He said that subsequent to the creation of the document, Sudbury sent another version with three points of difference. He said that Sudbury does not agree that the property has no market value; they would like the termination of the agreement to be upon signing and not closing; and they continue to request that Wayland purchase the property for one dollar. J. Senchyshyn said he has asked the attorneys to work out the differences, and expects that a final document will be ready within a few days. He said the Town of Sudbury has scheduled an executive session meeting on September 8, at which point he is hopeful they will sign the agreement.

T. Boschetto arrived at 6:40 p.m. C. Karlson reviewed the revisions to the document, including the change in the closing date from 2020 to 2017, the disposition of funds, and the termination of the agreement upon closing. L. Anderson asked if access to Sudbury land would be needed in the future for water pipes. C. Karlson said she believes there are outflow pipes that go to Sudbury, but that would be an issue for the developer, and the document allows for access. She said she expects a final document to come before the Board on September 21, and asked that any questions in the meantime be directed to J. Senchyshyn.

L. Anderson moved, seconded by J. Nolan, to exit executive session at 6:52 p.m. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0.

### Items Distributed for Information and Use by the Board of Selectmen at the August 31, 2015, Meeting

1. Draft Redlined Intermunicipal Agreement Between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition



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 Executive Session September 8, 2015

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

**Absent:** Tony V. Boschetto, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn

**Purpose:** The session was called at 9:34 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss strategy with respect to the disposition of the Wayland/Sudbury Septage Facility. The Chair declares that a public discussion of the purchase, exchange, lease or value of real property in regard to the Wayland/Sudbury Septage Facility may have a detrimental effect on the negotiating position of the Town. The Chair invites attendance by Town Administrator Nan Balmer and Assistant Town Administrator/Human Resources Director John Senchyshyn.

**Discussion:** The Board reviewed the current draft of the Intermunicipal Agreement for the disposition of the septage disposal facility between the Towns of Wayland and Sudbury. J. Senchyshyn said the facility was appraised as having no value. C. Karlson said the Town of Sudbury is disappointed that there will not be a Special Town Meeting article to pay Sudbury \$68,000, and suggested it could be paid as part of the article to pay previous year's bills. J. Senchyshyn said that the Sudbury Board of Selectmen voted to approve the agreement. He said the Wayland Board of Selectmen could vote approval in executive session on September 21, and then again in open session that night. It was the sense of the Board to move forward with approval.

M. Antes moved, seconded by L. Anderson, to exit executive session at 9:46 p.m. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

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

1. Draft Redlined Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
JOHN BLADON  
STEVEN J. CORREIA  
THOMAS J. FAY  
JOSEPH F. NOLAN  
SUSAN W. POPE

## Board of Selectmen Executive Session Minutes September 14, 2011

**Attendance:** J. Bladon, S. Correia, T. Fay, J. Nolan, S. Pope

**Also Present:** Town Administrator F. Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn, Secretary M. DiNapoli, President of SEIU Local #888 Diane Gorham, Regional SEIU Representative Michael Foster, Finance Director Michael DiPietro, and [REDACTED]

**Purpose:** The session was called at 7:01 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to conduct a grievance hearing with representatives of SEIU Local #888 pursuant to the provisions of the collective bargaining agreement because the conduct of the grievance hearing with representatives of SEIU Local #888 in an open meeting may have a detrimental effect on the litigating position of the Board.

**Discussion:** J. Senchyshyn described the procedures for the hearing. M. Foster reviewed the background to the grievance. He said that, according to the [REDACTED] in 2008, the hours of [REDACTED] were reduced in [REDACTED] and seven hours were given to [REDACTED]. In 2010, another [REDACTED] was reached in which the [REDACTED] became a fulltime position. In 2011, additional responsibilities, which consisted of reviewing school batches, were included, which doubled the work of [REDACTED], so the union requested that [REDACTED] fulltime hours be restored. The request was denied. M. Foster said the union is concerned there was a calculated displacement of her work. Participants discussed whether this issue was a grievable offense. T. Fay asked if there was a particular violation of the agreement. M. Foster said it is a violation of the [REDACTED]. J. Senchyshyn noted that in the opinion of labor counsel, [REDACTED]. He also said the union is asking to take away the town's ability under Article 2 to exercise its core management rights. He said the union can negotiate the impact of the additional work, but cannot grieve this matter, and he also noted that no work was assigned outside the bargaining unit. J. Senchyshyn also said the union failed to demonstrate a violation under either Article 5 or Article 11 of the collective bargaining agreement. M. DiPietro said the additional work assignment is similar to the current work and fits well within the timeframe allotted. F. Turkington asked if the SEIU had any other recourse; M. Foster said the union could file for unfair labor practices. J. Senchyshyn said the recall rights of the contract expired on December 10, 2010. [REDACTED] described the nature of [REDACTED] work and [REDACTED] increased workload; [REDACTED] said [REDACTED] must review every warrant for errors.

S. Correia asked if [REDACTED] received overtime pay; [REDACTED] said it was never offered, and M. DiPietro confirmed that. J. Bladon asked about the volume of errors and [REDACTED] said it varies. J. Senchyshyn noted that the town has asked for a percentage of errors, and was told it was 25-30%, although no backup has been provided. J. Nolan asked M. Foster if the workload had doubled; Foster said no, not

the total work, just the batches. M. Foster, D. Gorham and [REDACTED] left the meeting at 7:41 p.m. The Board discussed the merits of the grievance. J. Nolan moved, seconded by J. Bladon, to deny the Union's Step 3 "[REDACTED]" grievance for the following reasons:

- a.) the grievance is barred by the 2008 [REDACTED] on the [REDACTED]
- b.) the grievance seeks to infringe upon the Town's core managerial right to determine the level of services to be provided
- c.) there has been no violation of Article 5
- d.) there has been no violation of Article 11,

and further move that the Board authorize the Town Administrator to work with the Assistant Town Administrator/HR Director and Labor Counsel to prepare and send on behalf of the Board a grievance answer to SEIU Local 888. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.

**Adjourn:** By motion of J. Nolan, seconded by S. Pope, by roll call vote, it was unanimously voted to exit executive session at 7:49 p.m. YEA: J. Bladon, S. Correia, J. Nolan, S. Pope, T. Fay. NAY: none. ABSTAIN: none. Adopted 5-0.





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
JOHN BLADON  
STEVEN J. CORREIA  
THOMAS J. FAY  
JOSEPH F. NOLAN  
SUSAN W. POPE

## Board of Selectmen Executive Session Minutes March 5, 2012

**Attendance:** J. Bladon, S. Correia, T. Fay, S. Pope

**Also Present:** Town Administrator F. Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn, Secretary M. DiNapoli, President of SEIU Local #888 Diane Gorham, Regional SEIU Representative Michael Foster, and [REDACTED]

**Purpose:** The session was called at 6:36 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to conduct a grievance hearing with representatives of SEIU Local #888 pursuant to the provisions of the collective bargaining agreement because to conduct the grievance hearing in an open meeting may have a detrimental effect on the litigating position of the Board.

**Discussion:** J. Senchyshyn provided the Board with the background of the grievance. He said [REDACTED] was bumped by another SEIU employee on July 28, 2008, from 35 hours per week to 28 hours per week. He said [REDACTED] then had recall rights for 18 months, which expired without an opportunity to exercise those rights. On June 11, 2010, [REDACTED] was temporarily returned to a 35-hour work week because of a temporary non-union vacancy. The position of the Town is that by [REDACTED] was filling a non-union position and as such, would be returned to [REDACTED] regular part-time position. D. Gorham said [REDACTED] was not informed that the increase in hours was temporary, and that because [REDACTED] held the position for over a year, the position should be considered full-time. [REDACTED] also said that no one ever specified that the recall rights of [REDACTED] would not be reinstated. J. Senchyshyn said the parties agreed to discuss other opportunities and did so. F. Turkington asked if [REDACTED] paid union dues on the seven hours per week in [REDACTED] non-union role; J. Senchyshyn said [REDACTED] was paid at [REDACTED] regular rate, so he assumed [REDACTED] was being billed at the appropriate rate for [REDACTED] dues. He said that on March 14, 2011, SEIU was advised that a full-time position would be made available to [REDACTED] in the [REDACTED]. M. Foster said [REDACTED] was not advised of the position. J. Senchyshyn said the position was posted, but [REDACTED] had not applied. D. Gorham said [REDACTED] did not feel [REDACTED] had the skills to qualify for that position. J. Senchyshyn said [REDACTED] would have been considered for the position if [REDACTED] had applied. He advised the Board that [REDACTED] is still working an additional seven hours per week for the [REDACTED] through a grant program. The hearing was closed at 6:57 p.m. and M. Foster, D. Gorham, and [REDACTED] left the meeting.

J. Bladon moved, seconded by S. Pope, to deny the Step 3 Grievance brought by SEIU Local 888 in regard to the recall rights for [REDACTED] in that no contractual violation occurred. YEA: J. Bladon, S. Correia, S. Pope, T. Fay. NAY: none. ABSTAIN: none. ABSENT: J. Nolan. Adopted 4-0.

**Adjourn:** By motion of J. Bladon, seconded by S. Pope, by roll call vote, it was unanimously voted to exit executive session at 7:03 p.m. YEA: J. Bladon, S. Correia, S. Pope, T. Fay. NAY: none. ABSTAIN: none. ABSENT: J. Nolan. Adopted 4-0.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

## BOARD OF SELECTMEN

JOHN BLADON  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session November 5, 2012

**Attendance:** John Bladon, Edward Collins, Steven Correia, Douglas Leard, Joseph Nolan  
**Also Present:** Town Administrator Fred Turkington, Assistant Town Administrator John Senchyshyn, Finance Committee Chair William Steinberg (arrived 6:40 p.m.) and members David Gutschenritter and Tom Greenaway; School Committee Chair Barb Fletcher (left at 6:57 p.m.); Personnel Board Chair Nancy McCarthy and member Phil Schneider; Executive Assistant MaryAnn DiNapoli (arrived 6:57 p.m.)

**Purpose:** The session was called at 6:30 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to conduct strategy sessions for and in respect to negotiations with all municipal and school collective bargaining units if an open meeting may have a detrimental effect on the bargaining position of the Town. The Chair declared that discussion of strategy for and in respect to negotiations with all municipal and school collective bargaining units may have a detrimental effect on the negotiating position of the Board.

**Discussion:** J. Senchyshyn reviewed the COLA strategy and the need to balance the [REDACTED]. It was the consensus of the Board to focus the efforts of the negotiations in [REDACTED].

**Adjourn:** By motion of D. Leard, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:12 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

**Board of Selectmen  
Meeting Minutes  
Executive Session  
May 6, 2013**

**Attendance:** Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan  
**Also Present:** Town Administrator Fred Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn, Finance Committee Vice Chair Tom Greenaway, School Committee Chair Barb Fletcher and member Ellen Grieco, Personnel Board Chair Nancy McCarthy and member Jessica Green, Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:39 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining with the firefighters and school employees as an open meeting discussion may have a detrimental effect on the negotiating position of the Board.

**Discussion:** T. Greenaway appeared before the participants to present the consensus of the Finance Committee regarding the ability of the town to pay successor collective bargaining agreements for which negotiations are commencing.

[REDACTED]

Barb Fletcher left the meeting at 7:00 pm.

T. Boschetto asked about the financial impact of [REDACTED]. T. Greenaway said it could bring a [REDACTED], but F. Turkington also noted there were offsetting variables to consider, such as [REDACTED]. The Board discussed the need to maintain [REDACTED].

T. Boschetto said there needs to be a balance between maintaining [REDACTED]. E. Grieco said the teachers will be bargaining for added compensation for a range [REDACTED].

of newly mandated state regulations. She reviewed the timeline of the bargaining process with the school unions. It was the consensus of the Board to accept the recommendation of the Finance Committee and establish an objective of [REDACTED]

**Adjourn:** By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:25 p.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes Executive Session August 26, 2013

**Attendance:** Tony V. Boschetto, Edward J. Collins, Steven J. Correia (left at 7:42 p.m.), Douglas J. Leard  
**Also Present:** Town Administrator Fred Turkington, Assistant Town Administrator/HR Director John Senchyshyn, Police Chief Robert Irving, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:32 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing (1) strategy with respect to collective bargaining negotiations with the Wayland Firefighters Association; (2) mid-term bargaining with the Wayland Police Association; and (3) strategy with respect to Twenty Wayland, LLC, v. Town of Wayland and Wayland Wastewater Management District Commission as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** J. Senchyshyn reviewed the issue of the use of dashcams by the Police Department and the response of the police union. He said the request for capital funding for the dashcams was made before bargaining with the police union, and has subsequently become the subject of numerous negotiating sessions. He noted that the Personnel Board had agreed to include Special Counsel Liz Valerio on the bargaining team. He reminded the Board that on February 25, 2013, it was the consensus of the Board to install the dashcams and continue negotiations. The Police Union then filed a prohibitive practice charge, and a hearing will be scheduled sometime in February or March 2014, with a decision from the Labor Relations Board expected in October 2014. J. Senchyshyn asked the Board if the town would like to go to mediation, and noted any decision is non-binding. It was the sense of the Board to enter mediation. R. Irving said the cameras have been installed, training was provided, and changes were made to policy. J. Senchyshyn said the union has not asked for compensation, but has expressed concern about the audio recordings from the cameras. T. Boschetto asked how the success of the dashcams would be determined. R. Irving said they provide evidentiary data, accountability to citizens, and increased officer safety. R. Irving left the meeting at 6:47 p.m.

J. Senchyshyn provided an update on the negotiations with the Firefighters Union. He said the next meeting, on September 24, will be the last meeting to put new proposals on the table. [REDACTED]

F. Turkington updated the Board on the Twenty Wayland LLC lawsuit. He said Town Counsel Mark Lanza, together with Special Counsel John Mirick, has prepared the post-trial motions for a new trial, amended judgment, or relief from judgment. E. Collins said that he felt the argument regarding the validity of the

original contract had not been given enough weight; he said it is incumbent upon Twenty Wayland to prove there was a valid contract. F. Turkington said the documents will become public on Thursday, August 28, 2013.

By motion of E. Collins, seconded by S. Correia, by roll call vote, it was unanimously voted to exit executive session at 7:01 p.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the August 26, 2013 Meeting**

1. None



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

ROBERT MERCIER  
INTERIM TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
JOSEPH F. NOLAN

**Board of Selectmen  
Meeting Minutes  
Executive Session  
January 27, 2014**

**Attendance:** Anthony V. Boschetto, Edward J. Collins, Steven J. Correia, Joseph F. Nolan  
**Also Present:** Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:50 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0) as permitted by Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the Town Unions.

**Discussion:** J. Senchyshyn reviewed for the Board his meetings with the Finance Committee and the Personnel Board regarding the upcoming town union negotiations, which he expects to commence by late February. He said the negotiations will include four of the five town unions, the exception being the library union. He reviewed the recent history of COLAs (Cost of Living Adjustments), and the Board discussed maintaining level bargaining without an advantage to either school or town. J. Senchyshyn advised the Board that the bylaws require the Personnel Board to meet with the Board of Selectmen before bargaining begins, and suggested the Boards meet on February 3, 2014. T. Boschetto asked to be apprised of the additional negotiating points, and S. Correia asked for data from peer towns. [REDACTED]

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:00 p.m. YEA: T. Boschetto, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the January 27, 2014 Meeting**

1. None



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

ROBERT MERCIER  
INTERIM TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session June 23, 2014

**Attendance:** Mary M. Antes (arrived 6:45 p.m.), Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Interim Town Administrator Robert Mercier, Acting Town Administrator/Human Resources Director John Senchyshyn, Executive Assistant MaryAnn DiNapoli, members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Town Counsel Mark Lanza, and Administrative Assistant Cindy Cincotta

**Purpose:** The session was called at 6:30 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing 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 Management District Users, as threatened by their lawyer and (2) discuss collective bargaining strategy pertaining to contract negotiations with the Wayland Food Services Association (WFSA) as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** Town Counsel Mark Lanza reported that at a meeting of June 17, Twenty Wayland LLC requested a written proposal before they would consider mediation. He said the Board needs to clarify its position before moving forward. Participants discussed the details of the proposed offer; M. Lanza said it was acceptable to make the proposal more general. He reviewed the dates provided by the mediator, and he distributed a decision tree. He also noted that the principals of Twenty Wayland said potential buyers of the project were backing out, and they may consider finding the town to be at fault. M. Lanza outlined the decision points for the town: whether or not to pursue mediation; come to agreement with the parties as to the terms of mediation; agree on a date; mediate; and reach a settlement agreement. C. Karlson asked if the users would be included in the mediation. S. Potter said the commission is bound by law and has nothing to offer them. M. Lanza said if there is no mediated agreement, then the town should file an appeal to the court regarding the calculation of the figures in the jury verdict. He distributed a pre-mediation settlement offer, and Board members discussed the viability of the proposal. C. Karlson noted that the developer is seeking zoning changes, which the Board could offer to bring to town meeting. She also discussed the impact of the town releasing the sewer capacity of the municipal pad. M. Lanza said these issues had come up before; he said Twenty Wayland LLC didn't believe they would get the necessary two-thirds vote for a zoning change at town meeting. T. Boschetto said he was agreeable to the proposal submitted by M. Lanza, and asked that he add that Twenty Wayland LLC will work to resolve issues with other users. F. Knight asked to remove the 9.3 percent figure regarding proportionate share. T. Boschetto expressed concern that once the agreement becomes public, the town will have lost its leverage regarding the town's share. He said by claiming the town



will not pay the proportionate share, it will bring users to the table. R. Greene said there is a deadline for approving betterments. The Board discussed the final date for making the decision regarding betterments, and the benefits and drawbacks to the town between betterments and surcharges. J. Nolan asked M. Lanza to craft a proposal that does not include the 9.3% share to the town. C. Karlson summarized the changes: delete the amount of the betterment, pull the past surcharge out to its own paragraph, and reference the legal fees with an attached chart for clarity. J. Nolan asked C. Karlson, T. Boschetto, and S. Potter to put together the final draft of the proposal as indicated by the Board.

Members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Town Counsel Mark Lanza, and Administrative Assistant Cindy Cincotta left the meeting at 7:55 p.m.

J. Senchyshyn advised the Board that the School Committee has agreed to approve the contract for the Wayland Food Services Association (WFSA). He said the Memorandum of Agreement includes personal days, reimbursements for uniforms, and a 3-year increase of .05 the first year, and 1.5 for the two subsequent years. He said the MoA is for three years instead of the one-year and three-year contracts offered the teachers union,

[REDACTED] C. Karlson moved, seconded by T. Boschetto, to authorize John Senchyshyn to support the contract for WFSA as presented as the representative of the Board of Selectmen. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

By motion of C. Karlson, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 8:00 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

#### **Items Distributed for Information and Use by the Board of Selectmen at the June 23, 2014 Meeting**

1. Pre-Mediation Settlement Offer drafted by Town Counsel Mark Lanza to Present to Twenty Wayland LLC



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

**Board of Selectmen  
Meeting Minutes  
Executive Session  
November 24, 2014**

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson (left at 7:18 p.m.), Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Town Counsel Mark Lanza, Special Counsel Pat Kantor, Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:10 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21a(6), to discuss the exchange, lease or value of real estate (Wayland-Sudbury Septage Facility) because a public discussion of strategy with respect to the exchange, lease or value of real estate will have a detrimental effect on the negotiating position of the Town. At 6:11 p.m., by unanimous roll call vote of the Board (YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0), in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21a(3), the Board entered into executive session with the Wastewater Management District Commission discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland because a public discussion will have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** The Board was joined by Special Counsel Pat Kantor to discuss the disposition of the septage facility. C. Karlson noted there is a December 1, 2014, deadline. P. Kantor said a vote of town meeting was not necessary for the dissolution of the agreement. P. Kantor said the Board needs to consider the impact of the disposition of the land as it relates to the adjoining parcel, the proposed River's Edge property. P. Kantor reviewed the possible interpretations of the termination clause of the 1997 agreement, Section XV(B) 2 (b) which cites a time limit for demolition within five years of the expiration of the agreement. She said she would draft a letter to the Town of Sudbury stating that the facility has no value and the Town of Wayland will terminate the agreement as of December 1, 2014, and begin procedures for demolition. C. Karlson noted there was a possibility that as part of the RFP for the River's Edge project, the developer would assume the responsibility for the demolition; she suggested delineating those costs for reimbursement by Sudbury. P. Kantor expressed concern regarding the difficulty of delineating the River's Edge portion. E. Collins said his biggest issue is access. T. Boschetto said the Board needs to protect Wayland's rights. He said he believes the facility has no value and the town should move forward with demolition. P. Kantor said the demolition can be in the context of the River's Edge project and doesn't have to be done immediately. The Board also discussed the issue of legacy costs. J. Nolan said a call should be made to Sudbury to advise them of the Board's action. P. Kantor asked the Board to delegate a member to work with her and John Senchysyn to move the issue forward. P. Kantor left the meeting at 6:44 p.m.

The Board was joined by Town Counsel Mark Lanza and Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene at 6:49 p.m.

J. Nolan and C. Karlson reported on a discussion with Anthony DeLuca of Twenty Wayland LLC regarding the proposed settlement agreement. C. Karlson noted some minor language changes. She said both parties agreed to items 6 (Municipal Parcel), 7 (Conservation Restriction and Trail Easement), and 8 (Consultant Review Fees), but agreed they were not necessary to the settlement and could be deleted. T. Boschetto expressed concern about easements for utilities, and asked if there were any conservation restrictions. ■

■ E. Collins asked about the inclusion of the words, "or the judgment," in item 9 (General). ■

■ J. Nolan said he would work with Town Counsel on the language regarding the payments, and confirm the municipal lien process to provide reassurance to the Board. He asked that the Board create a final term sheet by December 8, and then to give it to Town Counsel to put in the correct format. The Board agreed to discuss the Memorandum of Agreement with the Wastewater Management District Commission at the December 8 meeting.

C. Karlson left the meeting at 7:18 p.m.

By motion of M. Antes, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:19 p.m. YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the November 24, 2014, Executive Session Meeting**

1. Revised Proposed Settlement Agreement Between Twenty Wayland LLC and the Town of Wayland and Wastewater Management District Commission
2. Appraisal Report of 490 Boston Post Road by The Appraiser Group, September 16, 2014
3. Septage Disposal Agreement between the Town of Wayland and the Town of Sudbury, June 4, 1997



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session March 30, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan (arrived 6:35 p.m.)

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli, Assistant Town Administrator/Human Resources Director John Senchyshyn, and Town Counsel Mark Lanza

**Purpose:** The session was called at 6:25 p.m. in the Large Hearing Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws (MGL) Chapter 30A, Section 21a(3) to discuss collective bargaining strategy in regard to the AFSCME Professional Union; and (ii) MGL Chapter 30A, Section 21a(6) to consider the purchase exchange, lease or value of real property relative to the septage facility; and (iii) MGL Chapter 30A, Section 21a(6) to consider the purchase exchange, lease or value of real property relative to the town center municipal parcel; and (iv) MGL Section 21a(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 System Users, and with respect to potential litigation regarding the enforcement of the judgment with respect to Bernstein et al v. Wayland Planning Board; and (v) MGL Chapter 30A, Section 21a(3) to discuss collective bargaining strategy pertaining to the OPEB recommendation in regard to 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 (vi) to review and consider for approval and potential release the following executive session minutes relative to the said subjects: January 12, 2015, February 3, 2015, February 10, 2015, and February 23, 2015, because a public discussion will have a detrimental effect on the bargaining, litigating or negotiating position of the Town.

**Discussion:** J. Senchyshyn advised the Board that he had reached an agreement with AFSCME for a three-year successor contract. He noted it includes a three-year 4.5% COLA, a reduction in vacation accrual for non-department head positions hired following the execution of the Memorandum of Agreement, grade adjustments for four positions, a cap on sick leave accrual and an increase in the sick leave incentive cap. T. Boschetto moved, seconded by E. Collins, to approve the Memorandum of Agreement between the Town of Wayland and AFSCME 690-1 Wayland for the collective bargaining agreement from July 1, 2011, to June 30, 2014. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board reviewed and made edits to the executive session minutes. C. Karlson moved, seconded by M. Antes, to approve as amended and release with redactions the executive session minutes of January 12, 2015, February 3, 2015, and February 10, 2015. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by

E. Collins, to approve as amended and release with redactions the executive session minutes of February 23, 2015. Roll call vote: YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1.



T. Boschetto moved, seconded by M. Antes, to exit executive session at 6:59 p.m. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the March 30, 2015, Meeting**

1. Memorandum of Agreement between the Town of Wayland and AFSCME 690 Wayland for the collective bargaining agreement from July 1, 2011, to June 30, 2014
2. Draft Executive Session Minutes: January 12, 2015, February 3, 2015, February 10, 2015, and February 23, 2015



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

**Board of Selectmen  
Meeting Minutes  
Executive Session  
May 18, 2015**

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

**Absent:** Tony V. Boschetto

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Police Chief Robert Irving, Personnel Board member Maryanne Peabody, OPEB Advisory Committee member Cliff Lewis, Principal/Senior Project Manager Kevin Dandrade of TEC, and Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**Purpose:** The session was called at 6:04 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to pending actions regarding Ide, et al v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and to discuss collective bargaining strategy pertaining to contract negotiations with the Police Union, and all unions, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the exchange, lease or value of real estate in regard to the municipal parcel at Town Center; and to review and consider for approval the following executive session minutes relative to the said subjects: April 7, 2015, and April 13, 2015. J. Senchyshyn noted that there was an error in the agenda, and corrected the motion above from "the Police Union and all unions" as printed in the agenda, to "the Police Union, the Fire Union, and the AFSCME Clerical Union." The Chair made the correction. The Chair declared that a public discussion of pending litigation and collective bargaining and the review and consideration for approval and potential release of executive session minutes will have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:**

[REDACTED]

R. Irving and K. Dandrade left the meeting at 6:32 p.m. L. Anderson returned to the discussions.

[REDACTED]

[REDACTED]

M. Peabody and C. Lewis left the meeting at 7:05 p.m.

J. Nolan moved, seconded by M. Antes, to approve and hold the minutes of April 7, 2015. YEA: M. Antes, C. Karlson, J. Nolan. ABSENT: T. Boschetto. ABSTAIN: L. Anderson. Adopted 3-0. J. Nolan moved, seconded by M. Antes, to approve and hold the minutes of April 13, 2015. YEA: M. Antes, C. Karlson, J. Nolan. ABSENT: T. Boschetto. ABSTAIN: L. Anderson. Adopted 3-0.

J. Nolan moved, seconded by M. Antes, to exit executive session at 7:14 p.m. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the May 18, 2015, Meeting**

[REDACTED]

6. Draft Executive Session Minutes of April 7, 2015, and April 13, 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 Executive Session June 24, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan (arrived 6:10 p.m.)

**Absent:** Tony V. Boschetto

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Police Chief Robert Irving

**Purpose:** The session was called at 6:02 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan, T. Boschetto. ABSTAIN: none. Adopted 3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding the Glezen Lane judgment, and to discuss potential litigation regarding affordable housing restrictions; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the septage meeting with Sudbury (re: value of real estate/disposition); and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss collective bargaining strategy with the Police Union. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:**

[REDACTED]

J. Nolan arrived at 6:10 p.m.

[REDACTED]

L. Anderson returned to the discussion.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

J. Senchyshyn reported on a meeting that he and Selectman C. Karlson attended with representatives of Sudbury, and he provided a handout with the agreed upon terms of a settlement, including the legacy and future costs for employee benefits and the responsibility for demolition costs. C. Karlson said the intent was that the Memorandum of Agreement (MoA) would replace the 1997 Intermunicipal Agreement (IMA) and will divide future employee costs evenly.

J. Nolan moved, seconded by M. Antes, to authorize C. Karlson to appoint Special Counsel for preparation of a Memorandum of Agreement and bring it back to the Board for confirmation of the appointment. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

M. Antes moved, seconded by L. Anderson, to exit executive session at 7:07 p.m. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0.

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

[REDACTED]

2. List of Topics for Memorandum of Agreement with Town of Sudbury prepared by John Senchyshyn, Assistant Town Administrator/Human Resources Director



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

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

## Board of Selectmen Meeting Minutes Executive Session July 13, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Board of Public Works Chair Chris Brown, and Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**Purpose:** The session was called at 6:30 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to a pending action regarding the Glezen Lane judgment. The review and consideration for approval of the minutes of May 18, 2015, and June 24, 2015, was cancelled and will be rescheduled for the meeting of July 27. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town.

### Discussion:

[REDACTED]

[REDACTED]



L. Anderson returned to the discussion.

The Board reviewed the draft Intermunicipal Agreement with Sudbury regarding the Wayland/Sudbury Septage Facility. J. Senchyshyn said that Special Counsel Gregg Corbo had revised the agreement on July 10 to address concerns expressed by the Town of Sudbury. He said the 1997 agreement will be terminated and replaced with the current agreement, which contemplates demolition by June 4, 2022. He discussed the issues of demolition, timelines, ongoing legacy costs, and environmental cleanup. The Board reviewed the legacy costs and requested that the language be tightened to guarantee a 50/50 split of the cost. C. Karlson also said the Town should not be required to pay upfront and wait to be reimbursed. C. Karlson said that if the River's Edge RFP could be issued with the new agreement in place, it would lessen confusion and help with Sudbury's cooperation on the River's Edge project. J. Senchyshyn said that the Town of Sudbury will review the agreement at its meeting on July 14, following by a discussion between Counsels. C. Karlson asked that Board members provide any further comments to J. Senchyshyn.

M. Antes moved, seconded by J. Nolan, to exit executive session at 7:10 p.m. Roll call vote: YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the July 13, 2015, Meeting**

1. Memorandum of 7/13/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Executive Session



3. Draft Executive Session Minutes of May 18, 2015, and June 24, 2015
4. Draft Intermunicipal Agreement with Sudbury



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 Executive Session July 27, 2015

**Attendance:** Lea T. Anderson, Tony V. Boschetto (arrived 7:23 p.m.), Cherry C. Karlson, Joseph F. Nolan (arrived 6:45 p.m.)

**Absent:** Mary M. Antes

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Assistant Superintendent of Schools Brad Crozier, Finance Committee member Carol Martin, and Executive Assistant MaryAnn DiNapoli (left at 7:00 p.m.)

**Purpose:** The session was called at 6:45 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to collective bargaining pertaining to the school custodians and potential vote to instruct the Selectmen's representative to those negotiations on a potential school committee vote; and to review and consider for approval the minutes of May 18, 2015, June 24, 2015, and July 13, 2015, relative to said subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of potential litigation regarding illegal affordable housing rentals; and a discussion of strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al, and a discussion of strategy with respect to pending actions regarding Ide, et al, v. Zoning Board of Appeals et al, Frishman V. Lanza, et al, Carvalho's v. Town, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Dresens, et al v. Planning Board, et al, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, and Appellate Tax Board cases filed by the Wayland Town Center LLC and West Beit Olam Jewish Cemetery Corporation; and a discussion of collective bargaining strategy pertaining to contract negotiations with the Police Union, the Fire Union, and the AFSCME Clerical Union, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), a discussion of the exchange, lease or value of real estate in regard to the municipal parcel at Town Center. The Chair declares that a public discussion of pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining or litigating position of the Town.

#### Discussion:



[REDACTED]

J. Senchyshyn said he has not received any feedback from the Board on the Septage IMA (Intermunicipal Agreement) with Sudbury. C. Karlson said the Sudbury Board of Selectmen has asked for a redlined copy; she said she described the changes, and understands that they will review it at their meeting of July 28. She said she did not go forward with Special Counsel; it was the opinion of counsel that the RFP can proceed without the IMA. However, they recommended drafting into the RFP a disclosure of the issue and a contingency plan. She said the current RFP is drafted without the IMA; if the IMA is approved before the RFP is issued, it will be included as an addendum. J. Nolan asked if the Board could vote the RFP tonight. C. Karlson said the developer would be responsible for the demolition unless the matter is settled. She said Rebecca Stanizzi, Chair, River's Edge Advisory Committee, would like to get the RFP out by September 1. J. Nolan expressed concern that Sudbury's position would be bolstered if the RFP is issued without the IMA. He said the RFP should be issued, but he would like to get the IMA finalized and included as an addendum.

The Board reviewed and made edits to the draft executive session minutes. L. Anderson moved, seconded by J. Nolan, to approve as amended and hold the executive session minutes of May 18, 2015, June 24, 2015, and July 13, 2015. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

L. Anderson moved, seconded by J. Nolan, to exit executive session at 7:21 p.m. Roll call vote: YEA: L. Anderson, C. Karlson, J. Nolan. ABSENT: M. Antes, T. Boschetto. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the July 27, 2015, Meeting**

[REDACTED]

2. Memorandum of 7/27/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen re: Septage Negotiations
3. Draft Executive Session Minutes of May 18, 2015, June 24, 2015, and July 13, 2015



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

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

### Board of Selectmen Meeting Minutes Executive Session September 21, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto (arrived 6:42 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Absent:** Lea T. Anderson

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/ Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:32 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson, T. Boschetto. ABSTAIN: none. Adopted 3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the disposition of the Wayland/Sudbury Septage Facility, and to discuss the exchange, lease or value of real estate in regard to the Municipal Parcel at Town Center. The Chair declares that a public discussion of these matters may have a detrimental effect on the negotiating position of the Town.

**Discussion:** J. Senchyshyn distributed a red-lined version of the final Intermunicipal Agreement for the disposition of the septage disposal facility between the Towns of Wayland and Sudbury. He said the Sudbury Board of Selectmen approved the agreement in executive session and will vote approval in open session on October 6. He requested that the Wayland Board of Selectmen vote approval in open session on October 5. C. Karlson noted that Appendix A has been included, which details the projected cost of benefits for retirees. She noted that if there is no agreement by August 1, 2017, the towns revert to the original contract.



T. Boschetto arrived at 6:42 pm.



J. Nolan moved, seconded by M. Antes, to approve the Intermunicipal Agreement with the Town of Sudbury for septage disposal facility disposition. Roll call vote: YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

J. Nolan moved, seconded by M. Antes, to exit executive session at 7:02 p.m. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

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

1. Redlined and Final Version of the Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition with Appendix A, Legacy Costs



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

**REVISED LIST OF PUBLIC DOCUMENTS  
PROVIDED TO THE BOARD OF SELECTMEN  
FROM NOVEMBER 25, 2015, THROUGH AND  
INCLUDING DECEMBER 3, 2015,  
OTHERWISE NOT LISTED AND INCLUDED IN  
THE CORRESPONDENCE PACKET FOR  
DECEMBER 7, 2015**

**Items Distributed To the Board of Selectmen –November 25-December 3, 2015**

1. Email of 11/25/15 from Linda Segal to Board of Selectmen re: Notice of Raytheon PIP Meeting on December 3, 2015

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of November 30, 2015**

1. Email of 11/25/15 from Linda Segal to Board of Selectmen re: Notice of Raytheon PIP Meeting on December 3, 2015

**Items Included as Part of Agenda Packet for Discussion During the December 7, 2015 Board of Selectmen's Meeting**

1. Memorandum of 12/4/15 to Board of Selectmen re: Motion for Approval of AFSCME 2 Memorandum of Agreement
2. Memorandum of 12/7/15 from Board of Selectmen to All Boards, Committees, Departments and Staff re: 2016 Annual Town Meeting and Annual Town Election
3. Memorandum of 12/3/15 to Board of Selectmen re: 2016 Licensing
4. Memorandum of 10/27/15 from Police Chief Robert Irving re: License Violations 2015
5. Memorandum of 12/7/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Council on Aging/Community Center Advisory Committee, Discuss Next Steps with Committee Chair
6. Memorandum of 12/4/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: New Request for Personnel from Departments under the Board of Selectmen
7. Memorandum of 12/2/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: FY17 Staffing Requests
8. Memorandum of 12/7/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Legal Expenses – FY15 and YTD FY16
9. Memorandum of 12/7/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Unclassified Budget – FY17 Projections
10. Memorandum of 12/7/15 from Zoe Pierce, Treasurer/Collector, to Board of Selectmen re: Town Debt
11. 2016 Annual Town Meeting Potential Articles as of December 7, 2015
12. Memorandum of 12/7/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Special Legislation for Recreation Revolving Fund
13. Draft Memorandum of 12/7/15 from Wayland Real Asset Planning (WRAP) Committee to Board of Selectmen re: Response to Request Regarding Facilities Under Selectmen Jurisdiction
14. Draft Board Policy on Signs – Public Display and Use of Town Sign Boards
15. Email of 12/4/15 from Mary Antes re: Listening Session Info for Packet
16. Town Administrator's Report for the Week Ending December 4, 2015





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN**  
**Monday, December 7, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CORRESPONDENCE

### Selectmen

1. Letter of 12/3/15 from William Steinberg to Board of Selectmen and Finance Committee re: Resignation from the Wayland Real Asset Planning (WRAP) Committee
2. Invitation to the 2015 Annual Conference for the 495/MetroWest Corridor Partnership, December 15, 2015

### Conservation Commission

3. Order of Conditions and Chapter 194 Permit, 12/2/15, from Brian Monahan, Conservation Administrator, re: 120-126 Boston Post Road

### Zoning Board of Appeals

4. Decision No. 15-21, 11 Timber Lane
5. Decision No. 15-22, 169 Commonwealth Road
6. Decision No. 15-26, 16 Indian Road
7. 150 Main Street, LLC Administrative Appeal Decision, CORRECTED 11/24/15, Case #15-20
8. Continued Hearing, December 8, 2015, 55 Lakeshore Drive, 140 Concord Road
9. Public Hearing, December 15, 2015, 112 Glezen Lane, 12 Charles Street, 62 Riverview Circle

### Minutes

10. Board of Library Trustees, October 22, 2015, November 4, 2015
11. Board of Public Works, November 16, 2015
12. River's Edge Advisory Committee, November 17, 2015

### State

13. Letter of 11/24/15 from Office of the Attorney General to Susan Rufo, Chair, Board of Assessors, re: Open Meeting Law Complaint

*William Steinberg  
49 Highland Circle  
Wayland, MA 01778*

December 3, 2015

Cherry Karlson, Chair, Wayland Board of Selectmen  
Nancy Funkhouser, Chair, Wayland Finance Committee  
Colleen Sheehan, Chair, WRAP Committee  
Wayland Town Building  
Wayland, MA 01778

Dear Cherry, Nancy and Colleen:

I am writing to inform you all that I am resigning as a member of the Wayland Real Asset Planning (WRAP) Committee, effectively immediately. With the Finance Committee season rolling into high gear, and the River's Edge Committee gearing back up as we work to refine our request for proposals, along with increasing needs at work and a desire to get home on some evenings, I need to take something off of my plate, and WRAP is that something.

I appreciate the opportunity to serve on WRAP over the past several months, under the fine leadership of Colleen and look forward to seeing the results of their work over the coming months. Nancy, I was one of the two persons selected by the Finance Committee. My only recommendation going forward is that someone who is not a FinCom Member might replace me, as WRAP is meeting on a very regular basis, and FinCom is getting into its busy season, so someone who is free of these constraints might be better suited to provide the time and energy that the WRAP Committee will need.

I look forward to continue volunteering my time to the Town on these other committees and thank you all for your time and effort on behalf of the Town of Wayland.

Best regards,

  
William Steinberg

Cc: Nan Balmer, Town Administrator

**RECEIVED**

DEC - 3 2015

Board of Selectmen  
Town of Wayland

1



[Home](#)

[About Us](#)

[Grow in 495/MetroWest](#)

[TR Nightmares 2014](#)

[Committees](#)

[Newsletter](#)

[Board of Directors](#)

[Investors](#)

[495/MW Dev. Compact](#)

[Events / Calendar](#)

[495/MW Creative  
Economy Network](#)

[Massachusetts It's All  
Here](#)

[Links](#)

495/MetroWest Corridor Partnership, Inc.

## REGISTER TODAY! - 2015 ANNUAL CONFERENCE

*Collaborating to Succeed!*

Please join us on December 15, 2015 at



in Bolton for a morning event with Lieutenant Governor Karyn Polito.

In addition to our keynote speaker, join us for a presentation by Professor Michael Harrison of Framingham State University

on our 2015 Employer Survey. Additional details to follow.

[Register Here!](#)

*Special Thanks to our growing list of 2015 Annual Conference Sponsors:*

# AECOM

**Built to deliver a better world**



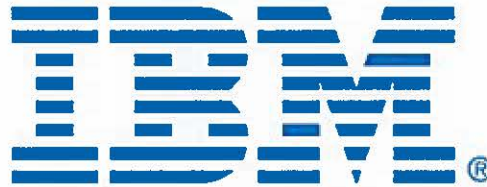
**BEALS + THOMAS**

Civil Engineers | Landscape Architects | Land Surveyors | Planners | Environmental Specialists

# BOSE®

*Bowditch  
& Dewey*  
ATTORNEYS

CARRUTH CAPITAL, LLC



Please contact Jessica Strunkin if you are interested in adding your company to this impressive list of sponsors.

## Leaders for Regional Prosperity

---

The 495/MetroWest Partnership, through a unique public-private collaboration with businesses, municipalities, and other stakeholders, is the regional leader for creating an environment that prepares for and cultivates sustainable growth. We accomplish this by coordinating, educating, and advocating for solutions to regional constraints and limited natural resources.

Please take a moment to review our accomplishments in our **2014 Annual Report: Grow in 495/MetroWest!** And be sure to follow us on social media!



### **Strengthening Numbers:**

#### **The Partnership's 2015 Demographic Report for the 495/MetroWest Region**

The Partnership is pleased to announce that the 495/MetroWest region's numbers have only strengthened since last year. In addition to valuable regional analysis, this year we are also offering individual community data for our 35 municipalities! Be sure to check out the **full report** and contact **Partnership staff** for community specific information. Here are some of the highlights:

### ***I-90/I-495 Interchange Improvements Project***

The Partnership has been pleased to host two meetings on this project, given its importance to our region and its status as #6 on our 495/MetroWest Region's 2014 **Top Ten Transportation Nightmares**. For your convenience, we have provided links to the Environmental Notification Form (ENF) for the project (filed March 2, 2015 with comments due March 31, 2015) as well as the MassDOT presentation from the Massachusetts Environmental Policy Act (MEPA) Scoping Session on March 19, 2015. Visit our **Transportation Committee page**, listed under Institute for Local Issues, for more details on our work on behalf of the 495/MetroWest region.

## Transportation Nightmares 2014

---

Following a successful nomination process in 2004, which identified the 495/MetroWest region's top transportation priorities and resulted in several studies and plans, new transit options, construction projects, and infrastructure improvements in the region, the 495/MetroWest Partnership again partnered with the *MetroWest Daily News* to identify the top ten Transportation Nightmares in the 495/MetroWest region.

If you missed the reveal of the new Nightmares list, be sure to check out the new interactive [site](#) and be part of the Partnership's advocacy for transportation investments in the region. The Partnership thanks VHB for creating and hosting the site which includes interactive maps, updates on the 2004 Nightmares, and links to the *MetroWest Daily News* coverage!

The Partnership also thanks readers, residents, and employers for participating in the public nomination process, helping to focus the Partnership's advocacy efforts on the projects important to the residents and regional economy in 495/MetroWest!

**READ MORE** on the new Nightmares site!

## Ten Years of Collaboration ~ Decades of Results

*The 495/MetroWest Partnership is celebrating its tenth year with a look back on all that has been accomplished while looking forward to continuing our work strengthening the 495/MetroWest region's economy.*

*Please take the time to review our **Ten Year Report** and do not hesitate to let us know how we can work with your business, organization, or community to ensure continued prosperity for the 495/MetroWest region for decades to come!*

### **495/MetroWest Partnership's Ten Year Report**

*We could not accomplish what we do without the leadership of our **Board of Directors**, whose broad public and private representation epitomizes our collaborative work on behalf of the region. Thanks to all of our **Directors, Officers and volunteers**, as well as our **investors and municipal partners**, who make our success possible!*

**Thanks to our Platinum Sponsors**

495/MetroWest Partnership  
200 Friberg Parkway  
Westborough, Massachusetts 01581  
T (774) 760-0495  
F (774) 760-0107  
[info@495partnership.org](mailto:info@495partnership.org)

© Copyright 2009 495/MetroWest Partnership. All rights reserved.



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

RECEIVED

DEC - 3 2015

Board of Selectmen  
Town of Wayland  
TOWN BUILDING  
41 COCHITUATE ROAD  
TELEPHONE: (508) 358-3669  
FAX: (508) 358-3606

December 2, 2015

Malik Khan  
Islamic Center of Boston  
126 Boston Post Road  
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 120-126 Boston Post Road, Wayland  
(DEP File 322-851)

Dear Mr. Khan:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the walkway installation project at 120-126 Boston Post Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.  
DEP NERO w/enc.  
Building Commissioner w/enc.  
Scott Morrison, EcoTec, Inc. w/enc.  
**Board of Selectmen**  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File

3



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

RECEIVED  
*Selectmen*  
DEC 2 2015

Board of Selectmen  
Town of Wayland

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

DECISION NO.15-21

**NAME OF APPLICANTS:**

TRACEY and ANDY O'ROURKE

**APPLICATION FOR:**

Any necessary approvals, special permits and/or variances as may be required to change, alter or extend a pre-existing, non-conforming structure by more than 20% (construct a second floor addition) within required front yard under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, and 401.1.3. The property is located at 11 TIMBER LANE, which is in a SINGLE RESIDENCE DISTRICT.

**DATE OF HEARING:**

November 17, 2015

**BOARD CONDUCTING HEARING AND RENDERING DECISION:**

Eric B. Goldberg, Chair, Argie Shapiro, Aida Gennis, Shaunt Sarian, and Thom White

**DECISION:**

Special Permit granted, with conditions

**VOTE OF THE BOARD:**

5-0 (Unanimous)

**CONDITIONS:**

1. That the addition be built in substantial conformity with the architectural/construction plans presented to the Zoning Board and recently filed by the applicants with the Town of Wayland's Building Department;
2. That the conditions specified by the Town of Wayland's Board of Health – obtaining an asbestos survey (and remediation, if asbestos is found) prior to demolition and renovation – be followed by the applicants; and
3. That the applicants obtain the necessary permits and/or allowances from the Town's Building Department, Board of Health, and/or any other relevant Town Office as required by the Town of Wayland's Zoning By-Laws.

**FACTS AND REASONS:**

Mr. and Mrs. O'Rourke filed this application with the Town of Wayland on September 9, 2015. A public hearing on said application was held before the Zoning Board of Appeals on November 17, 2015, at which Board members questioned the O'Rourkes about the details of their proposal. The proposal outlines a plan that includes a first floor renovation and a second floor addition to their home. On the first floor, the O'Rourkes propose that they "open up the family room and kitchen area" and "includ[e] a mudroom." The plan specifies that a bathroom and bedroom will be removed on the first floor and that the "stair location" will be moved to the basement. Further, the O'Rourkes proposed converting the third bedroom (also on the first floor) into a home office. The new addition – the second floor – will include two bedrooms, a bathroom, and a laundry room within the measurements as specified in the architectural plans on file with the Clerk of the Town.

In rendering this decision, the Board considered the following documents:

- (1) The O'Rourkes' Application For Hearing Before the Zoning Board, which specifies applicable zoning information – specifically, the square footage and specific measurements of the required, existing, and proposed lot area, frontage, front yard setbacks, side yard setbacks, rear yard setbacks, gross floor area, and the percentage of increase of gross floor area.
- (2) The O'Rourke's written, one-paragraph description of the proposed work on their home;
- (3) The O'Rourkes' Application for Board of Health Approval to Obtain a Building Permit;
- (4) Photographs of the O'Rourkes' existing house;
- (5) Certified copies of the location of the O'Rourkes' home prepared by a professional land surveyor; and
- (6) Architectural plans.

The Town issued a public notice notifying Wayland residents of the hearing on the O'Rourkes' application scheduled for October 13, 2015. The O'Rourkes appeared before the Zoning Board on that date. There was no objection from the public to the O'Rourkes' application. Because the Board did not have a quorum on that date, the hearing was rescheduled to November 17, 2015. At the November 17<sup>th</sup> hearing, there was no objection to the O'Rourkes' application from any members of the public.

Finally, although the O'Rourkes' application proposes enlarging their existing house, the renovations will occur within the existing footprint of the house. Although the proposal will increase the existing nonconformity, the proposed additions will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. Further, the proposal is not against the public interest, nor will it be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust, or other objectionable features and, it will not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements of the zoning bylaws.



**DATE OF FILING DECISION:**

**BY ORDER OF THE BOARD OF APPEALS**

November 30, 2015

*Argie Shapiro, AM*  
Argie Shapiro, Associate Member

**CERTIFICATION:**

The Board of Appeals, by delivery of a copy of this decision to the applicants, TRACEY and ANDY O'ROURKE, does hereby certify that copies of this decision and all plans referred to in this decision have been filed with the Planning Board of the Town of Wayland and with the Town Clerk of the Town of Wayland.

**BOARD OF APPEALS**

*Argie Shapiro, AM*  
Argie Shapiro, Associate Member



**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778

**BOARD OF APPEALS**

RECEIVED  
*Selectmen*  
DEC -2 2015

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

**DECISION NO. 15-22**

**NAME OF APPLICANT:**

JOSEPH STRAZZULLA

**APPLICATION FOR:**

Any necessary approvals, modifications, special permits, variances, site plan approvals and/or amendments as may be required to modify previous ZBA Decisions including but not limited to Decision Nos. 83-24 dated July 22, 1983 and 87-9 dated June 18, 1987 (redesign pylon sign, building façade upgrade, change location of curb cut and reconfigure parking spaces) under the Town of Wayland Zoning By-Laws Chapter 198. The property is located at 169 Commonwealth Road which is in a BUSINESS A and B DISTRICT.

**DATES OF HEARING:**

November 17, 2015.

**BOARD CONDUCTING HEARING AND RENDERING DECISION:**

Eric Goldberg, Thomas White, Aida Gennis, Michael Connors and Linda Segal.

**DECISION:**

Amendment to prior decisions granted, with conditions.

**VOTE OF BOARD:**

5-0 in favor.

**CONDITIONS:**

1. Applicant shall construct in a manner and form acceptable to the Building Commissioner a suitable, aesthetically pleasing vehicular barrier to safeguard patrons seated at the outside restaurant patio adjacent to the parking lot.
2. Construction shall be in substantial conformity with the site plan filed with the Building Department on September 9, 2015; the corrected sign plan filed with the Building Department on November 6, 2015; and the rear loading dock plan dated November 4, 2015 and submitted to the Board the night of the hearing.

**FACTS AND REASONS:**

The property in question is located at 169 Commonwealth Road. The Applicant seeks zoning relief as may be necessary to amend earlier Decision Nos. 83-24 dated July 22, 1983 and 87-9 dated June 18, 1987 granting site plan approval to i) replace the existing sign with a new sign; ii) remove and replace exterior façade detailing; iii) reconstruct rear patio and loading dock; and iv) reconfigure entrance and parking lot by closing one curb cut, removing internal barrier and adding additional parking spaces. After discussion, the Board determined that no relief was necessary to replace existing sign or to remove and replace the existing exterior façade detailing. The proposed new sign will remain in the same location and be the same size as the existing sign. The removal and replacement of the exterior façade is aesthetic only. The applicant is making no structural changes to the existing building. The Zoning By-Law allows exterior restaurant patio seating incidental to a restaurant use. The existing rear patio seating will be relocated to the front. The Applicant agreed to construct a suitable, aesthetically pleasing vehicular barrier as a safeguard for patrons seated in the front patio area adjacent to the parking lot. The Applicant proposes closing one curb cut along Commonwealth Road, removing an internal vehicular barrier, and increasing the number of parking spaces. The Board agrees that the closure of one curb cut, proposed changes to the parking lot configuration and additional parking spaces will benefit the use of the property. The Town's traffic engineer, TEC, Inc., submitted correspondence to the Building Department confirming that the proposed closure of one curb cut will further benefit planned improvements to the Route 30/Route 27 intersection. Additionally, the Applicant will consider other possible changes to the configuration of the adjacent supermarket parking lot that may benefit overall traffic flow on the property.

The Chairman asked whether any members of the public wished to be heard. No member of the public appeared or asked to be heard.

Based on the foregoing, the Board votes 5-0 to modify the approved site plan as requested subject to the conditions set forth herein.

**DATE OF FILING OF DECISION:**

November 30, 2015

**BY ORDER OF THE BOARD**

*Eric B. Goldberg, Chair*  
Eric B. Goldberg, Chair

**CERTIFICATION:**

The Board of Appeals, by delivery of a copy of this Decision to the Applicant, Joseph Strazzulla, 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**

*Eric B. Goldberg, Chair*  
Eric B. Goldberg, Chair



# TOWN OF WAYLAND

MASSACHUSETTS  
01778

## BOARD OF APPEALS

RECEIVED  
*Melesciuc*  
DEC 2 2015

Board of Selectmen  
Town of Wayland

TOWN BUILDING  
41 Cochituate Road  
TELEPHONE: (508) 358-3600  
FAX: (508) 358-3606

### DECISION NO. 15-26

#### NAME OF APPLICANTS:

JOSEPH and JESSICA POLIZZOTTI

#### APPLICATION FOR:

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

#### DATE OF HEARING:

November 17, 2015

#### BOARD CONDUCTING HEARING AND RENDERING DECISION:

Thomas White, Michael Connors, Eric Goldberg , Aida Gennis and Lind Segal

#### DECISION:

Special Permit granted, with conditions

#### VOTE OF BOARD:

5-0

#### CONDITIONS:

1. The project is to be constructed in substantial conformance with the plans and specifications presented to the Board consisting of drawings "Proposed Plot Plan" dated September 22, 2015 and date stamped, "Received Town of Wayland Building and Zoning Dept, Oct 15, 2015 and "Existing Conditions" dated April 30, 2015 and date stamped "Received Town of Wayland Building and Zoning Dept Oct 15, 2015" both prepared by Stephen M. Melesciuc and drawings A1, A2, A3, A4, A5, A6 all dated 9/23/15 and date stamped

6

“Received Town of Wayland Building and Zoning Dept. Oct. 15, 2015”  
prepared by Joanna Reck Architect.

2. The applicants shall obtain and maintain compliance with any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.

### **FACTS AND REASONS:**

The property in question is located at 16 Indian Road. The applicant seeks zoning relief to demolish and rebuild a portion of the existing non-conforming structure situated on a non-conforming lot. The lot is pre-existing non-conforming due to insufficient frontage. The lot contains has 104.38 feet of frontage in a district requiring 120 feet.. The existing house is non-conforming because it does not meet the front and side yard setback requirements. The house is set back 27 feet from the front lot line and the required setback dimension is 35 feet. Additionally, the house is set back 10.8 feet from the North side lot line where the required setback is 15 feet.

Because the applicant seeks to alter and extend a pre-existing, nonconforming property, under M.G.L. c. 40A § 6 and § 401.1.2 of the Zoning Bylaw, the applicant must obtain a Special Permit, and must demonstrate to the Board that the proposed “change, extension or alteration shall not be substantially more detrimental than the existing non-conforming structure or use to the neighborhood”. The existing dwelling is a combined one and two-story structure in a neighborhood of similar two-story structures. The applicant submitted plans to fully demolish the one-story portion of the existing house and foundation and construct a new foundation and two-story addition within the same footprint as the demolished portion. The new proposed structure is identical to the original structure with respect to all setback dimensions. The new addition is approximately 2’ taller than the existing two-story portion, but is below the height limit of 35’.

Review by the Board determined the proposed reconstruction within the identical footprint met the criteria for a special permit.

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

The board of health approved the project on October 1, 2015 and noted that due to the location of the septic system in the front yard, the system perimeter should be staked so as to avoid the possibility of heavy equipment inadvertently driving over the system during construction. .

Neighbor Michael Philben of 8 Indian Road spoke in support of the project. By a vote of 5-0, the board finds pursuant to G.L c. 40A § 6 that the proposed construction does increase the nonconformity but that the proposed project is not against the public interest, will not derogate from the character of the neighborhood and will not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety and thus meets the requirements set forth in § 203 of the zoning bylaw.

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

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**

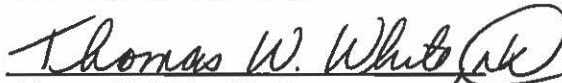
November 30, 2015

  
Thomas W. White, Member

**CERTIFICATION:**

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

**BOARD OF APPEALS**

  
Thomas W. White, Member



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

RECEIVED  
*Selected*  
DEC -2 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 CORRECTED NOVEMBER 24, 2015<sup>1</sup>

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,

---

<sup>1</sup> This corrected decision includes a footnote on Page 3 below relative to a Land Court decision referenced below. In all other respects, it is the same as the original decision.

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 June 3, 2014.
- Planning Board Decision No. 01-2014 dated October 14, 2014 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, 2014.



- 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.<sup>2</sup>
- 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

---

<sup>2</sup>This decision was not provided to the ZBA by the Applicant or its representatives. It was included in the ZBA's file when the public hearing began. Also, a copy of the decision was provided by Town Counsel to the Chair, who read a portion of it aloud at the public hearing.

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 and 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, Thom White, Shaunt Sarian<sup>3</sup> and Linda Segal<sup>3</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 30, 2015

---

<sup>3</sup> Associate members sitting in lieu of members by designation of the Chair



*Selectmen*

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

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

**NOVEMBER 25, 2015**

**POSTED**

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

**continued hearing on**

**DECEMBER 8, 2015**

**at**

**7:00p.m.**

**for the applicant**

**JOHN DARACK  
(15-24)**

**55 LAKESHORE DRIVE**

**to be held in the Town Building.**

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2015 NOV 25 AM 9:07

**RECEIVED**

**NOV 30 2015**

Board of Selectmen  
Town of Wayland

8

*Selectmen*



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

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

**NOVEMBER 25, 2015**

**POSTED**

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

**continued hearing on**

**DECEMBER 8, 2015**

**at**

**7:15 p.m.**

**for the applicant**

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

**140 CONCORD ROAD**

**to be held in the Town Building**

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2015 NOV 25 AM 9:06

**RECEIVED**

**NOV 30 2015**

**Board of Selectmen  
Town of Wayland**



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

*Selectmen*

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

A public hearing will be held on December 15, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following applications at the time indicated:

- 7:00 p.m. Application of NIKOLAI BEGG and SOPHIA DIAMOND for any necessary approvals, special permits and/or variances as may be required to construct an 8-foot high fence within front yard setbacks under the Town of Wayland Zoning By-Law Chapter 198 Sections 201, 702.1, 702.4 and 198-801-Table of Dimensional Requirements (front yard). The property is located at 112 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.(15-28)
- 7:15 p.m. Application of PAUL and IRENE PARESKY for any necessary approvals, special permits and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct a one-story single bay garage) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2 and 401.1.3. The property is located at 12 CHARLES STREET which is in a SINGLE RESIDENCE DISTRICT. (15-29)
- 7:30 p.m. Application of JOHN and NATALIE GRABILL for any necessary approvals, special permits and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (construct second story addition over existing space) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 301, 401.1.2 and 401.1.3. The property is located at 62 RIVERVIEW CIRCLE which is in SINGLE RESIDENCE DISTRICT AND AQUIFER PROTECTION DISTRICT.

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

**BOARD OF APPEALS**

Eric Goldberg  
Aida Gennis  
Thomas White  
Michael Connors

**RECEIVED**

**NOV 30 2015**

Board of Selectmen  
Town of Wayland

9

**Wayland Free Public Library  
Board of Library Trustees  
Minutes of Meeting Thursday, October 22, 2015  
Raytheon Room, Wayland Free Public Library**

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

**Call to Order:** 7:57 a.m.

**Visitors and Public Comment**

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

**Minutes of Previous Meeting(s)**

After correcting the date for the October 24 Library Open House and Tour, Trustees approved the minutes of the meeting of October 5 unanimously (4-0).

**Financial and Statistical Reports**

Four months into the fiscal year, expenditures are on track. On a motion by Mrs. Heller, seconded by Mrs. Lipcon, Trustees voted unanimously (4-0) to accept gifts to the Millennium Fund totaling \$275 in honor of Eleanora "Dee" de Antonia West, a longtime friend of the Library, who passed away in June.

Circulation is down somewhat, and the reasons are unclear. Mrs. Knight will ask staff to run a report to determine whether the decline is principally in DVD circulation, which has been falling for some time as patrons turn to streaming media, or whether other categories are falling as well. Mrs. Knight noted that the number of holds for popular titles remain high, especially for ebooks, so some of the problem may lie in purchasing restrictions, space constraints, and availability policies.

Visitor numbers and program attendance remain steady.

**Warrant Article for Library Planning (Article 6) and Design Funds and Special Town Meeting**  
Trustees reviewed recent work on Article 6, the Library's request for funds for Library planning and design, to be presented on November 9 at Special Town Meeting.

**Handouts, posters, and other public information.** Trustees settled on a two-sided handout about Article 6 for distribution at Town Meeting and on a pair of oversized poster presentations for the back of the room prepared by Mrs. Lipcon. Twenty-five lawn signs and a banner urging voters to support the Library are on order. The posters, banner, fliers, and lawn signs are being paid for by the Friends of the Library. A final Q&A style article about Article 6 is scheduled for publication in the Town Crier this week, and several members of the Library Planning Committee have agreed to write letters.

**Presentation to boards.** Trustees reported on their various appearances before Town boards to present the article. Questions that have arisen include whether the Library will get a wastewater connection at 5 Concord Road, whether a branch library in Cochituate might be a solution to overcrowding, whether the



Library is experiencing “mission creep,” how the Library can gain permission to investigate a Town site that it does not control, how an approved planning and design study would coordinate with the work of the WRAP Committee, whether there is any permanent solution to groundwater seepage at the current Library site, whether there are any deed restrictions on the use of the land at Concord Road, and how the current building will be used if the Library moves to another site.

Mrs. Woodruff and other Trustees cited reuses of historic library buildings in other towns, including a recent proposal to use the old Library building in Weston for an arts center, innovators’ space, and media center. Mrs. Gennis reported that the original Library deed has been tracked down to an archive repository in Worcester; once a copy is obtained, Trustees will seek an opinion from Town Counsel as to its restrictions, if any.

**Presentation at Town Meeting.** Mrs. Gennis will make the podium presentation for Article 6 at Special Town Meeting on November 9. She reviewed several points with Trustees, including the anticipated breakdown of project costs if the article passes, which are as follows.

Owner’s Project Manager	\$40,000-60,000
Architect	\$60,000-\$90,000
Cost Estimator	\$10,000
Geotechnical tests	@ \$6,500-7,000

These estimates were generated from discussions that both Mrs. Gennis and Ben Keefe, the Town’s Public Buildings Director, have had in recent months with owner’s project managers who have recently conducted similar studies.

Mrs. Gennis asked all Trustees to come to Town Meeting and to contact her if they wish to speak to the article.

### **Open Houses and Tours**

Mrs. Gennis confirmed that the Library Open Houses will be held on Saturday, October 24, 1-3 p.m., and on Thursday, November 5, 7-9 p.m., and that publicity has been scheduled for the usual media outlets. Open houses will begin with a brief presentation and Q&A in the Raytheon Room; cider and donuts will be served. Members of the Library Planning Committee may join Trustees as tour leaders. Mrs. Lipcon presented several large-size posters with photographs that can be used to anchor discussion, and Trustees settled on a handout to make available. Mrs. Gennis then briefly reviewed a set of notes that tour guides can use to highlight the Library’s strengths and deficiencies.

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

**Hiring of Owner’s Project Manager.** Trustees understand that Town officials are working on job descriptions and scope of work documents for a Library study so that Trustees can move quickly to hire an Owner’s Project manager if the article passes at Town Meeting. While the Library could ask a Town employee to serve as Owner’s Project Manager, Trustees agreed it would be better to hire an independent professional for that job, as is usually recommended by the state Board of Library Commissioners.

There was no new information to share from the state about this round of Massachusetts Public Library

Construction Program grants.

### **FY 2017 Budget Request**

Trustees reviewed the Library's draft operating budget request and its accompanying budget narrative, which are due to the Finance Committee in early November. Trustees suggested Mrs. Knight add discussion of any savings or efficiencies achieved in the past year, and be sure that the costs of a wastewater connection and reserve capacity are addressed under "Capital Expenditures." Trustees also asked that it be made clear that Library programming is not paid from the Town budget but through the generous contributions of the Friends of the Library. Trustees did not vote on the budget document at this meeting. Trustees did agree that one of the supporting documents, the Donahue Institute's report on the Library's 2015 survey of Wayland households, should be made available on the Library's website.

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

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

**The Meeting Was Adjourned at 11:39 a.m.**

### **Documents for This Meeting**

1. Agenda of Meeting Monday, October 22, 2015
2. Minutes of Meeting, Board of Library Trustees, October 5, 2015
3. Financial Report, "Summary Reports as of 2015.10.21"
4. Circulation Report, September 2015
5. Draft handout for Special Town Meeting, "Let's Plan for the Library's Future"
6. Draft handout for Special Town Meeting, "Article 6: Library Planning and Design, Frequently Asked Questions"
7. Untitled chart [Communications Plan for Warrant Article, headings read "Activity," "Completion Date," "Assignment," "Notes"]
8. Notes for tour guides at Library Open Houses, "Tour of the WFPL—Key Points"
9. Draft Budget, Budget Narrative, and Cover Letter for 2016-2017 Operating Budget Request, prospectively dated November 6, 2015
10. Printout of PowerPoint slide presentation, "Wayland Free Public Library Needs Assessment for Programming and Planning," June 17, 2015 [summary of 2015 survey of town households by UMass Donahue Institute]

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

- Saturday, October 24, 1-3 p.m., Library Open House and Tour, Raytheon Room, Wayland Free Public Library
- Wednesday, November 4, 7:45-9:15 a.m., Raytheon Room, Wayland Free Public Library: extra Board meeting in advance of Town Meeting
- Thursday, November 5, 7-9 p.m., Library Open House and Tour, Raytheon Room, Wayland Free Public Library
- Monday, November 9, 7:30 p.m., Special Town Meeting, Wayland High School Field House
- Wednesday, November 18, 7:45 a.m., Raytheon Room, Wayland Free Public Library

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

**Wayland Free Public Library  
Board of Library Trustees  
Minutes of Meeting Wednesday, November 4, 2015  
Raytheon Room, Wayland Free Public Library**

**Present:** Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Anne Heller (left at 8:40), Lynne Lipcon, Thaddeus Thompson, Suzanne Woodruff **Absent:** Sally Cartwright

**Call to Order:** 7:47 a.m.

**Visitors and Public Comment**

Mike Lowery attended as a private citizen and spoke to a resolution he may present at Town Meeting. Gretchen Schuler attended on behalf of the WRAP Committee. Former Library Trustee Nan Jahnke attended as note taker. During public comment, on behalf of the Friends of the Library, Mrs. Heller encouraged all in attendance to come to the Library Book and Bake Sale this weekend and Mrs. Lipcon thanked her for her hard work organizing the event.

**Minutes of Previous Meeting(s)**

No minutes were presented for approval; the minutes of the Board meeting on October 22 will be reviewed at the next, regularly scheduled Board meeting on November 18.

**Financial and Statistical Reports**

Financial and statistical reports were deferred to the next, regularly scheduled, Board meeting.

**FY 2017 Budget Request**

Trustees reviewed the final draft of the Library's operating budget request and its accompanying budget narrative, which are due to the Finance Committee in early November. Mrs. Knight noted that it is a level-service budget with no substantive changes from last year. On a motion by Mrs. Lipcon seconded by Mrs. Woodruff, Trustees voted their approval unanimously (5-0).

**Warrant Article for Library Planning and Design Funds (Article 6) and Special Town Meeting**

**Issues raised in public discussion.** Mrs. Gennis reported on two questions raised about Article 6 at the Moderator's Forum held on October 28. The first was how the Trustees can study Town parcels not under the Board's jurisdiction. Mrs. Gennis explained her understanding that while "hands-off" research such as records searches can be conducted by anyone at any time, physical examination of a site and geotechnical testing would require approval of the board that controls the parcel by a vote of at least quorum plus 1; Mr. Lowery, who serves on the Board of Public Works, added that there are forms available to make such a request.

The second question was whether there are legal restrictions on the use of the land and building at 5 Concord Road. Mrs. Gennis thanked Mr. Lowery, whose public records request for the deed and other documents relating to the property fast-laned a request made earlier by the Board of Trustees. She then distributed copies of the deed to Trustees. Mrs. Gennis explained that she is still awaiting probate records for the will of Warren G. Roby, who bequeathed the land to the Town upon his death in 1897

along with funds to build a library on the land. Mrs. Gennis also reported that Mrs. Knight has found records in the archives of the Town's acceptance of the gifts in 1898, as well as a building committee's report from 1898 expressing concerns about the site and questions about legal restrictions, a report from 1900 on the opening of the new Library, and an opinion from an attorney in 1976 that the Town could sell or otherwise dispose of the property. Once the probate documents are in hand, Trustees will ask Town Counsel for a written opinion of any restrictions on the use or disposition of the land or the building.

Mr. Lowery, who has raised some of these questions in various forums, said he has come to support Article 6 but would like to offer a way for voters to express affection for the current building and perhaps appeal to the Trustees to keep the Library on its historical site at 5 Concord Road. He may offer a resolution to that effect as a "secondary motion" at Town Meeting after a favorable disposition of the article. Mr. Lowery expressed concern that State funding opportunities might push a Library project to a different site; he asked whether the Town might assume the entire cost of expansion, or tap funds from the Community Preservation Committee, to keep that from happening.

Other issues that have arisen in talks with the public and with Town boards in recent weeks include concern that the Town invest in the Library as a way to continue attracting young families to Wayland, that meeting spaces be used efficiently in the town, that the project costs be broken out more clearly, and that the Town be clearer on how the WRAP Committee's work will affect Town projects already under consideration. Mr. Lowery noted that while there is no longer a "Town Engineer" on staff, the Department of Public Works has open contracts with providers of various engineering services; he suggested Trustees might be able to engage some of those firms for geotechnical studies fairly quickly and easily if the study proposed in Article 6 passes.

**Advocacy and public information at Town Meeting.** Trustees approved seven slides that Mrs. Gennis, Mrs. Heller, and Mrs. Knight developed to accompany Mrs. Gennis's presentation of Article 6 at the podium. Mrs. Gennis will focus on the state's due diligence requirement to study more than one possible site for expansion and on the grant opportunity. Mr. Thompson agreed to speak at the Pro microphone on studies done in the last 10 years (e.g. the Library's 5-Year Plans, program updates, feasibility studies, Library Planning Committee Report) if needed, and Mrs. Woodruff agreed to speak on Library statistics and service constituencies, as needed, as well. Trustees left any last-minute edits to the Article 6 Q&A handout to the discretion of the Communications subgroup.

### **Wayland Real Asset Planning Committee (WRAP) Liaison Presentation and Discussion**

Mrs. Schuler, the WRAP Committee's liaison to the Library, presented a set of questions about the Library, its site, its building, and its programs designed to help the WRAP Committee gather data about the location, characteristics, current uses, restrictions, and future needs for Town properties. Trustees will work with Mrs. Knight to answer the questions in writing; Trustees agreed they would also make the WRAP questions a part of their upcoming planning and design project, if Article 6 passes. In the meantime, discussion centered on challenges on the current site (flooding, drainage, parking, traffic, access, oil tank removal, wastewater/septic issues, etc.) and the difficulty that state funding opportunities require Trustees to move forward with planning and design for Library expansion before the WRAP is likely to reach its own conclusions about the best disposition of Town parcels.

Mrs. Lipcon asked Mrs. Schuler to clarify how the WRAP Committee will set priorities for projects and

contested sites. Mrs. Schuler said the criteria are still being developed, but that the length of time a project has been under Town consideration would be one criterion and availability of outside funds another. Mr. Thompson suggested that the centrality of a program's place in the "fabric of our Town life" should also be considered.

Mrs. Schuler mentioned that there is some overlap of need among departments and programs for resources like meeting space, exhibition space, and storage areas; perhaps such functions could be centralized or shared. Mrs. Gennis commented that the dispersal of arts to different locations throughout the town also has benefits, Mrs. Knight pointed out that having access to Library collections after a meeting or presentation is central to the Library's delivery of services; having meeting space available to Library patrons across town would not serve the Library's mission as well as meeting space on site.

Mrs. Woodruff wondered how plans for the new Rail Trail will impact the Library's site at 5 Concord Road, citing concern about parking and demand for restroom facilities. Mr. Lowry remarked that the Rail Trail might benefit the Library by bringing road crossing improvements.

**Issues of timing and future Town Meeting approvals for Library expansion.** Some time was spent trying to understand how parcels can be declared surplus or be transferred from the jurisdiction of one department or board to another. Mrs. Gennis's understanding is that any transfer must first be approved by the controlling department and then confirmed at Town Meeting. If this is correct, and the Trustees choose to apply for a state grant to build on a site other than the one the Trustees control at 5 Concord Road, the Trustees would have to arrange a land transfer and have it approved at a Town Meeting before January 2017, when the grant application is due.

On the other hand, if the Trustees choose to expand at Concord Road, they will almost certainly need access to additional parking and wastewater capacity, actions that would also require Town Meeting approval. Mrs. Schuler added that the WRAP Committee does not expect to have its interim report on the disposition of Town projects and Town properties ready until Spring 2016 at the earliest. The early deadline for Town Meeting articles (January and August 2016) makes planning very tight for both the Library and the WRAP, and the two committees will need to work together closely.

Mrs. Schuler, who is also chair of the Community Preservation Committee (CPC), announced that the CPC and Sudbury Valley Trustees are proposing to purchase development rights at Wayland's Mainstone Farm, at a cost of approximately \$11 million to the Town. That purchase will likely also come before Town Meeting in the next year, as will requests for a new Council on Aging and Community Center. Trustees asked how all these anticipated Town projects will affect the town's debt schedule.

### **Discussion of Community Preservation Committee Work**

Mrs. Gennis asked Mrs. Schuler whether Community Preservation funds might be available for the purchase of wastewater capacity to benefit the Library as an historically significant building; Mrs. Schuler said it would be very unlikely. She added that acceptance of Community Preservation funds (for example, for preservation of the Library's Rotunda windows) would entail preservation restrictions that would travel with the building if it were transferred or sold.

### **Open Houses and Tours**

The second Library Open House will be held on Thursday, November 5, from 7 to 9 p.m. Mrs. Woodruff, Mrs. Gennis, and Mrs. Lipcon will lead tours, joined by members of the Library Planning Committee.

**The Meeting Was Adjourned at 10:15**, when Mr. Thompson had to leave and the quorum was lost.

#### **Documents for This Meeting**

1. Agenda of Meeting Wednesday, November 4, 2015
2. Draft Budget, Budget Narrative, and Cover Letter for 2016-2017 Operating Budget Request, prospectively dated November 6, 2015
3. Deed of Cynthia Roby to Town of Wayland 9-4-1899, BK1411, PG2764
4. Minutes of Town Meeting, March 28, 1898, describing the passage of Article 25, in which the Town accepts a gift of land and funds to build a library from the will of Warren G. Roby
5. Report of the Library Trustees, 1898, expressing pleasure in the gift of land and funds for a new Library
6. Report of the Library Building Committee, 1898, expressing concern about the Library site and restrictions thereon
7. Report of the Board of Library Trustees, 1900, expressing successful completion of the new Library
8. Letter from C. Peter R. Gossels, Esq., to Board of Library Trustees, October 29, 1976, expressing legal opinion that the Town is vested with a valid, marketable, fee simple title to the lot at 5 Concord Road.
9. Resolution proposed by Michael P. Lowery for possible presentation at Town Meeting titled "Article 6 – Motion 2: Resolution Supporting Wayland Free Public Library at Its Historic Location"
10. Printout of slideshow expected to be used during Board's podium presentation at Town Meeting
11. Handout for Special Town Meeting, "Let's Plan for the Library's Future"
12. Handout for Special Town Meeting, "Article 6: Library Planning and Design, Frequently Asked Questions"
13. Document from the WRAP Committee titled "Points for Discussion with Boards, Commissions & Departments," Revised 10.28.15, presented by Mrs. Schuler

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

- Thursday, November 5, 7-9 p.m., Library Open House and Tour, Raytheon Room, Wayland Free Public Library
- Monday, November 9, 7:30 p.m., Special Town Meeting, Wayland High School Field House
- Wednesday, November 18, 7:45 a.m., Raytheon Room, Wayland Free Public Library

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

**WAYLAND BOARD OF PUBLIC WORKS**

Wayland DPW Facility

November 16, 2015

7:00 PM

MEETING MINUTES

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

Absent: J. Mishara

Meeting opened at 7:00 PM

(Brown announced that the meeting is being recorded)

Brown opened the meeting with a review of the agenda.

**Public Comment**

Tom Largy, of 59 Moore Road and member of the Surface Water Quality Committee, appeared before the Board to discuss the issue of beaver dams at Mill Pond.

**Public Comment**

Malcom Astley, of 147 Boston Post Road, appeared before the Board to discuss his concerns regarding the recent Board vote to stop plowing and maintenance services on shared drives.

**Public Comment**

Brown read a letter submitted for public comment by Gail Shapiro, of 201 West Plain Street, regarding the recent Board vote to stop plowing and maintenance services on shared drives.

Brown noted that he contacted Kadlik and Town Surveyor Alf Barry to discuss the status of an easement on the property at 201 West Plain Street.

Lowery noted that the easement at 201 West Plain Street does not grant access to Town, but is an easement granted by 205 West Plain Street to abutters.

Brown noted that he had asked Town Counsel Mark Lanza if the description of the discussion on the plowing of shared drives in the meeting agenda constituted a violation of open meeting law, as was noted in Shapiro's letter.

Lanza's response to Brown was that the agenda item did not constitute an open meeting law violation.

11



Brown noted that the Town had been plowing areas that it had no legal right to be on, which was confirmed by the Town Surveyor and Town Counsel.

Lowery noted that there is a difference between private ways, where the public has a right of access vs. private driveways, where the public has no right of access.

Astley asked what liability the Town faces regarding access of emergency vehicles.

Lowery noted that town holds no liability, as they are considered private driveways.

Kadlik noted that DPW plows would be immediately dispatched at the direction of the police or fire departments to provide any necessary emergency access.

### **Public Comment**

Richard Turner, of 7 Nob Hill Road, thanked the DPW for the work done in preparation for Veteran's Day.

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

*- 11-12-2015 email from Gail Shapiro re: Plowing and maintenance of common drives*

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

*- 11-16-2015 email from Malcolm Astley re: Plowing and maintenance of common drives*

### **Irrigation Application Reviews: 29 and 31 Covered Bridge Lane**

Ben Stevens of Trask Developers appeared before the Board to discuss the irrigation applications for 29 and 31 Covered Bridge Lane.

Brown asked Kadlik if he had reviewed the applications for their compliance.

Kadlik replied that he had reviewed them and that they are in compliance.

Lowery noted that it appears the system for 31 Covered Bridge operated within the wetlands buffer.

Lowery noted that to install the irrigation system as planned, Stevens would need an order of conditions from Conservation or need to relocate the sprinkler heads within the area.

Lowery added that sprinkler heads are also located within the septic system reserve area, and suggested that any approval be on the condition that if the reserve area is ever used, the sprinkler heads would need to be removed.

Lowery urged Stevens to advise his customers that future regulations may preclude the usage of underground irrigation systems.

Wegerbauer asked if 29 and 31 Covered Bridge are considered two separate properties.

Lowery noted that 29 and 31 Covered Bridge will have two separate owners.

Brown noted that the application could be approved provided the combined area of both systems remains under 15,000 square feet.

Brown made a motion to approve the irrigation applications for 29 and 31 Covered Bridge Lane, with the condition that the plans are modified to reflect a combined irrigated area of less than 15,000 square feet total; and that should the reserve septic system be put into use in the future, the sprinkler heads in that area be removed.

Lowery 2<sup>nd</sup>.

Lowery added that he would like to see new irrigation systems be required to be metered separately in the future.

Lowery amended the motion to include the requirement that separate meters be installed on the irrigation systems at 29 and 31 Covered Bridge Lane.

No 2<sup>nd</sup>, amendment fails.

Baston, Brown, and Wegerbauer in favor of original motion. Lowery opposed.

*Items Included as Part of Agenda Packet for Discussion*  
*- Irrigation application and plan for 29 Covered Bridge Lane*  
*- Irrigation application and plan for 31 Covered Bridge Lane*

### **Discussion With Representative from Historical Commission**

#### **North Cemetery Preservation Plan**

Elisa Scola and Tonya Largy, of the Historical Commission, appeared before the Board to discuss the preservation management plan for North Cemetery.

Lowery discussed the overall tone and extensive nature of the suggestions contained in the preservation management plan.

Baston asked if any Community Preservation Committee funds are available to assist with completing the report's suggestions.

Scola noted that some funding may be available, specifically to perform the recommended repairs to grave stones.

Scola also discussed the potential formation of a volunteer group to perform some of the maintenance recommendations.

Lowery noted judgements relating to paving, tree pruning, and planting were also included in the report.

Kadlik described the daily workload of the DPW Park and Highway Divisions. Scola noted that it was her hope that the study would assist the DPW in both justifying and securing funding for additional staffing.

Brown noted he would welcome the support of the Historical Committee in seeking additional employees with the Personnel Board.

Brown suggested that the Historical Commission develop a prioritized list of requests pertaining to North Cemetery for future discussion with the DPW.

### **Stone's Bridge**

Scola discussed the status of the Stone's Bridge project, and noted that she and Largy have been appointed by the Historical Commission as representatives to the Permanent Municipal Buildings Committee.

Scola noted that the goal of the project is to restore half of Stone's Bridge to provide safe pedestrian access.

Lowery discussed with the Board the process for potentially of transferring the land from the Highway Division to Park Division.

*Items Included as Part of Agenda Packet for Discussion*  
*- 10-21-2015 email from Elisa Scola re: North Cemetery*  
*- 06-30-2015 North Cemetery Preservation Management Plan*

### **Discussion of Future DPW Major Capital Planning with WRAP Committee Liaison Anette Lewis**

Brown noted that this discussion has been postponed to a future meeting.

*Items Included as Part of Agenda Packet for Discussion*  
*- 10-22-2015 email from Anette Lewis re: BOPW – WRAP Committee Liaison*

### **Review of Justification for Additional DPW Employees**

Kadlik discussed the status of the potential creation of a DPW Project Manager / Engineer position.

Lowery asked if the position would be shared with other Town departments.

Kadlik noted that the position would likely be utilized by other Town departments when necessary.

Kadlik discussed the potential creation of an additional Senior Foreman position.

Wegerbauer noted that the argument for additional employees should focus on the increase in workload incurred by the DPW.

Baston noted that an updated organizational chart would be beneficial to submit to the Planning Board as well.

Brown asked if the operating budget could be reduced with the creation of a DPW Project Manager /Engineer Position.

Lowery noted that it would not impact the operating budget, as funding for such services are typically linked to specific capital projects.

Wegerbauer suggested the compilation of a spreadsheet highlighting the hours of additional work incurred by the DPW.

The Board discussed the staffing demands placed on the DPW by the maintenance of athletic fields in Town.

Brown expressed his desire to quantify the amount of increased work in man-hours and cost.

Lowery suggested that the Historical Commission and Recreation Department consider sending a note of support for additional DPW employees to the Personnel Department.

Brown added that the Historical Commission, Surface Water Quality Commission, Public Ceremonies Committee, Facilities Department, and Conservation Commission be asked to consider supporting the DPW's request as well.

Lowery noted that if the request for additional staffing is not granted, the Board will need to assess what work the DPW can realistically be expected to continue to perform.

The Board discussed the nature of the presentation to be made to the Personnel Board on 11/30/2015.

*Items Included as Part of Agenda Packet for Discussion*

*- DPW Project Manager / Engineer Information*

*- DPW Additional Maintenance Workers / Senior Foreman Information*

**Discussion of Transfer Station Target for Retained Earnings**

Wegerbauer requested that the Transfer Station account data be compiled in spreadsheet form.

The Board discussed potential factors to be considered in establishing a target for retained earnings.

Wegerbauer asked if any improvements could be made to make the experience at the Transfer Station better.

Brown requested that this topic be included as an agenda item at the next meeting.

*Items Included as Part of Agenda Packet for Discussion*  
*- Transfer Station Budget Summary*  
*- Transfer Station Account Munis Reports*

**Board Vote to Authorize the Assessor's Office to Lien Over Delinquent Water Bills to the Tax Bills**

Brown made a motion that the Board sign the letter included in the packets to authorize delinquent water bills to be liened over to the tax bills.

Lowery noted that the vote should not occur until a list of the properties to be liened is provided.

Brown withdrew his motion and delayed further discussion to a future meeting.

*Items Included as Part of Agenda Packet for Discussion*  
*- Draft letter to authorize the Assessor's Office to Lien Over Delinquent Water Bills to the Tax Bills*

**DPW Director's Financial Report**

Kadlik discussed the current DPW Operating Budget Summary with the Board.

*Items Included as Part of Agenda Packet for Discussion*  
*- 11-05-2015 DPW Operating Budget Summary*

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

Baston discussed the Board of Public Works bullet points he selected for submission to the WayCam Weekly Buzz for Board review.

Baston asked about the status of the Library Drainage project.

Kadlik noted that the DPW continues to work with Tighe & Bond, and have applied for an extension to the project.

Lowery asked if a written plan with Tighe & Bond has been adopted yet.

Kadlik noted that further investigation into the drainage flow and mapping needs to be completed before a written plan can be drafted.

Lowery expressed his dissatisfaction with the progress of the project.

Lowery noted his concern for the current status of the aquifer, and noted that a plan to address future water shortages needs to be established.

Lowery asked if it is under the purview of the DPW to maintain playground equipment for the School Department.

Kadlik noted that the DPW has been maintaining the playground equipment on school grounds.

Lowery noted that a portion of Lakeview Cemetery technically falls under the purview of the Recreation Department, and that a land transfer to rectify this issue needs to be arranged. Lowery requested that Kadlik speak with Town Surveyor Alf Barry to determine a plan to address the issue.

Brown noted that a new traffic calming request has been received by Woodridge Road.

Brown requested that Woodridge be placed on the next agenda, with notification sent to resident who submitted the request.

Lowery distributed a draft letter to be submitted to Police Chief Irving regarding enforcement of speed limits on Stonebridge Road.

Baston suggested that the costs associated with responding to traffic calming requests be added to the letter.

Lowery noted that he will add language pertaining to the costs associated with traffic calming to the letter.

The Board discussed the status of street lights in Town and whose purview they fall under.

Brown discussed issues surrounding the plowing of common driveways and asked the Board if it should be placed on a future agenda item.

The sense of the Board was that it does not need to be placed on a future agenda unless new information is uncovered.

Wegerbauer noted that the Board had asked Chris Woodcock of Woodcock and Associates for ideas on establishing a municipal water rate structure and the setting of the undesignated fund balance.

Brown noted that the answers to the questions posed would likely be included in Woodcock's next report.

After Board discussion, it was determined that December meetings will be held on Tuesday, December 1, 2015 and Tuesday, December 15, 2015.

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

*- 11-16-2015 Draft letter from BOPW to Chief Irving re: Request for more effective enforcement of speed limits on Stonebridge Road*

**Review & Approve Minutes of the 10/20/2015 BOPW Meeting**

Brown noted changes to be made to Kadlik's comment on page two.

Brown made a motion to approve the minutes of the 10/20/2015 meeting as amended.

Wegerbauer 2<sup>nd</sup>.

Baston, Brown, Wegerbauer in favor. Lowery abstain.

*Items Included as Part of Agenda Packet for Discussion  
- 10-20-2015 BOPW Meeting Minutes Draft*

Wegerbauer made motion to adjourn.

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

Meeting adjourned at 9:46PM

## **River's Edge Advisory Committee (REAC)**

### **Minutes of Meeting held on Tuesday, November 17, 2015**

The following members were present: Jerome Heller (Chair), Rebecca Stanizzi, Daniel Hill, Bill Steinberg, Bill Sterling, Robert Morrison, and Christine DiBona.

Members not present: Michael Wegerbauer, Michael Ellenbogen (new Selectman appointee taking the place of vacating member Tony Boschetto).

Guests: Cherry Karlson, Chair BOS and Nan Balmer, Town Administrator

The meeting was called to order at 7:39PM.

- No public comment
- The Committee reviewed the minutes of the meetings held August 12 and October 8, 2015. A motion to approve both sets of minutes as submitted was made by B. Steinberg, seconded by R. Stanizzi, approved 7-0.
- J. Heller presented invoices from Anderson & Krieger for legal services for the months of September 2015 (\$6556.84) and October 2015 (\$5110.00). Expenses were incurred due to A&K's involvement in the River's Edge site tour plus the subsequent drafting of Addendum to the RFP. Motion to approve the bills was made by B. Steinberg, seconded by D. Hill, approved 7-0.
- Invoice in the amount of \$1000 for consulting services of Ed Marchant was presented. Motion to approve made by B. Steinberg, seconded by R. Stanizzi, approved 7-0.
- As per dates set forth in RFP, developer proposals must be received by December 1, 2015.



- Nan Balmer discussed procurement procedure: MA procurement law is more complex than in many other states. Anderson & Krieger has been consulted with regards to evaluation and awards process. See attached schedule provided by Nan illustrating approximate timeline and meeting dates.
- Discussed potential downsides of “public opening” of non-price proposals. In past projects, Nan has witnessed developers/representatives physically handling documents and bid packets, making the process sloppy and allowing for possibility of document loss/theft. Dan Hill suggested we post bid documents online for public perusal and retain originals. Steve Anderson will be asked if this is permissible in order for us to retain greatest control. If we must allow access to physical documents, Nan will ensure at least fifteen copies of each bid are made for public distribution.
- Bid packages will then be checked by Beth Doucette for compliance with RFP submission requirements. Bill Sterling suggested a member of REAC assist in this process.
- Approximately one week from non-price proposal opening, REAC will receive copies of bid packets with an evaluation sheet drawn from RFP scoring criteria. Members will evaluate proposals individually and return within one week to Nan for compilation of responses.
- REAC will meet to receive compiled evaluations, deliberate and discuss individual opinions. A recommendation from REAC will then be made for the top-evaluated non-price proposals.
- Approx. January 8, 2016 the Town Administrator will hold a public opening of price proposals. Procurement office will review for compliance with RFP submission requirements. At least one REAC member will assist with this review.

- Copies of documents distributed to REAC in open meeting. Dan Hill suggested we consider hiring consultant Ed Marchant to review proposals at this point and advise accordingly.
- Developer interview process was discussed. Becky will consult Steve Anderson to determine whether we must interview all bidders or if we can limit interviews to top bidder choices. Additional questions: must all interviews be of same length and quality? Can we pre-interview so BOS is only interviewing finalists?
- Nan Balmer asked the committee to think about how we plan to use legal counsel as we move forward. Allocated budget for counsel is nearly spent. A&K quoted Nan roughly \$36,000 additional to review bids and assist with steps from now through closing.
- Future meeting dates will be determined and posted. Tentative dates agreed upon: (Evaluation dates moved back one week from timeline attachment in order to avoid the holidays).

12/2 - Non-price proposals and evaluation worksheet to be distributed to REAC in brief open meeting

12/9 - Review individual member evaluations in open meeting

12/16 – Review compiled evaluations in Executive Session

- Nan will revise dates on timeline attachment and re-distribute. Cherry Karlson will update BOS during next scheduled meeting 11/23/15. Nan will also be present to walk through timeline with BOS.
- The meeting adjourned at 8:28 P.M.

Respectfully submitted by Christine DiBona



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

TEL: (617) 727-2200  
www.mass.gov/ago

RECEIVED

DEC - 3 2015

Board of Selectmen  
Town of Wayland

November 24, 2015

OML 2015 - 175

Susan Rufo, Chair  
Wayland Board of Assessors  
41 Cochituate Road  
Wayland, MA 01778

RE: Open Meeting Law Complaint

Dear Ms. Rufo:

This office received a complaint from George Harris, dated August 25, alleging that the Wayland Board of Assessors (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.<sup>1</sup> Specifically, the complaint alleges that the notice for the Board's June 1 meeting failed to include specific detail for an executive topic and that the Board failed to follow proper procedure for entering into executive session during the June 1 meeting. The complaint was originally filed with the Board on June 23. The Board responded by letter dated July 30, following an extension of time granted by our office.

Following our review, we find that the Board did not violate the Open Meeting Law. In reaching this determination, we reviewed the complaint filed with the Board, the Board's response, and the complaint filed with our office. Additionally, we reviewed the notice for, and the open and executive session minutes of, the Board's June 1 meeting. Finally, we spoke with Wayland Town Counsel Mark Lanza by telephone on October 15.

FACTS

The notice for the Board's June 1 meeting listed a topic as, "Enter into Executive Session pursuant to MGL Chapter 30A, Section 21(a)(3) for Director to provide status update and discuss strategy with respect to Pending Appellate Tax Board Case." During the June 1 meeting, the Board voted to entering to executive session, "for the Director to provide the Board with a status

<sup>1</sup> All dates refer to the year 2015.



13

update and to discuss strategy with respect to Pending Appellate Tax Board Cases.” In speaking with the Board’s Attorney, we understand that the Board did not identify the specific Appellate Tax Board case because it was concerned that doing so would affect related litigation and negotiation with the same party.

## DISCUSSION

A public body may enter into executive session for any of ten enumerated purposes. G.L. c. 30A, § 21(a). Before entering into executive session, the chair must state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called. G.L. c. 30A, § 21(b)(3). One purpose for executive session is for public bodies to discuss, “strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” G.L. c. 30A, § 21(a)(3) (“Purpose 3”). A public body’s discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session. Attorney General’s Open Meeting Law Guide, March 18, 2015, at page 10. This purpose offers the narrow opportunity to discuss strategy with respect to litigation that is pending or clearly and imminently threatened or otherwise demonstrably likely. See Perryman v. School Committee of Boston, 17 Mass. App. Ct. 346, 352 (1983); OML 2013-108; OML 2012-43; OML 2012-5.<sup>2</sup>

Here, the Board entered into executive session to discuss strategy with respect to litigation, specifically a pending Appellate Tax Board case. Generally, public bodies must identify the specific litigation matter they intend to discuss before entering into executive session under Purpose 3. See OML 2012-118. A public body may withhold the identity of the litigation matter if publicly disclosing it would compromise the purpose for which the executive session was called. See G.L. c. 30A, § 21(b)(3). While we generally defer to a public body’s assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged. See OML 2012-118. The Board contends that, here, disclosing the identity of the Appellate Tax Board case prior to this executive session would have been detrimental to its litigating position and compromised the purpose for which the executive session was called because it was concerned that doing so would affect related litigation and negotiation with the same party. Having discussed the full context of the litigation with Town Counsel, we accept the Board’s explanation that, given the complex nature of its negotiations and litigation, identifying the specific Appellate Tax Board case here would have been detrimental to the Board’s litigating position.

---

<sup>2</sup> Open Meeting Law determinations may be found at the Attorney General’s website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).

CONCLUSION

For the reasons stated above, we find that the Board did not violate the Open Meeting Law. We now consider this matter closed. Please be advised that this letter does not resolve any other complaints that may be pending with this office or with the Board. Please feel free to contact our office at 617-963-2540 if you have any questions regarding this letter.

Sincerely,



Jonathan Sclarsic  
Assistant Attorney General  
Division of Open Government

cc: George Harris  
Mark Lanza, Esq.

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**