



NAN BALMER  
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# 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 Monday, March 16, 2015 Wayland Town Building Selectmen's Meeting Room

### Proposed Agenda

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

- 6:00 pm 1.) Enter into Executive Session pursuant to: (i) Massachusetts General Laws (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 (ii) MGL Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to a Potential Action regarding the Glezen Lane Judgment; and (iii) MGL Chapter 30A, 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 (iv) MGL Chapter 30A, Section 21a (3) to Discuss Strategy with Respect to Collective Bargaining in regard to contract negotiations with the School Custodians; and (v) to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects:
- June 2, 2014
  - June 16, 2014
  - June 30, 2014
  - July 15, 2014
  - September 8, 2014
  - September 15, 2014
  - October 20, 2014
  - December 8, 2014
  - March 5, 2015
- 6:50 pm 2.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 6:52 pm 3.) Public Comment
- 7:00 pm 4.) Swear In Fire Chief and Promoted Personnel
- David Houghton, Fire Chief
  - Andrew Holland, Acting Deputy Fire Chief
  - James Gemelli, Fire Captain
  - Douglas Williams, Fire Lieutenant

**BOARD OF SELECTMEN  
Monday, March 16, 2015  
Wayland Town Building  
Selectmen's Meeting Room**

**Proposed Agenda Page Two**

- 7:20 pm 5.) Interview and Potential Vote to Appoint a Member of the Historic District Commission as the Real Estate Representative for a Term to Expire on June 30, 2015, and to Appoint an Alternate Member of the Historic District Commission for a Term to Expire on June 30, 2016
- Sheryl Simon
  - Marjorie Ford
- 7:35 pm 6.) Discussion and Potential Vote to Support Council on Aging/Community Center Article
- 7:55 pm 7.) Update on River's Edge Project and Potential Vote to Approve Position on Site Assignment
- 8:15 pm 8.) Final Presentation of Solar Project and Potential Vote to Support Article
- 8:45 pm 9.) Vote to Sign Annual Town Meeting Warrant
- 8:50 pm 10.) Review and Potential Vote to Support Annual Town Meeting Warrant Articles
- 9:10 pm 11.) Review and Potential Vote to Accept Massachusetts General Laws Chapter 138, Section 33B, to Allow the Sale of Alcoholic Beverages on Sundays between the Hours of 10:00 a.m. and 12:00 noon
- Potential Vote to Approve the Request of The Local to Begin Selling Alcohol at 10:00 a.m. on Sunday, April 5, 2015
- 9:20 pm 12.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:25 pm 13.) Review Correspondence (See Separate Index Sheet)
- 9:35 pm 14.) Report of the Town Administrator
- 9:45 pm 15.) Selectmen's Reports and Concerns
- 9:45 pm 16.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:00 pm 17.) Adjourn



A local chapter of the  
Massachusetts and National  
Association of REALTORS®  
and largest division of GBREB.

February 12, 2015

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

Dear Ms. Balmer,

Thank you for the opportunity you have provided our association to submit the names of two qualified candidates to consider for inclusion on the town's Historic District Commission. We are pleased to nominate two members of our association who are Wayland residents and actively involved in residential real estate.

The first nominee is Sheryl Simon, a founding partner and principal of Benoit Mizner Simon & Co., two office real estate brokerage firm with offices in Wellesley and Weston. Ms. Simon has been a REALTOR® for over 20 years, often ranking among the top producing agents/sales teams in her market. Earlier in her career, she was affiliated with Coldwell Banker Residential Brokerage, where she rose to the title of vice president. She possesses tremendous knowledge about the housing market in Metrowest, including her hometown of Wayland. She can be contacted via email at [sherylsimon888@gmail.com](mailto:sherylsimon888@gmail.com) or [sheryl@benoitmiznersimon.com](mailto:sheryl@benoitmiznersimon.com) and by phone at 781-894-8282 (O) or 781-910-3405 (C).

The second member we would like to nominate is Marjorie Ford, a broker with Coldwell Banker Residential Brokerage in Wayland. Ms. Ford has been a REALTOR® since 2003 and has resided in Wayland for the past 25 years. She firmly believes that the preservation of old historic homes and other buildings provides character for the community, a frame of reference for new development, and reminds those who live in and visit Wayland of the town's beginnings and how it has evolved. She can be reached by email at [marji.for@nemoves.com](mailto:marji.for@nemoves.com) and by phone at 508-259-8944 (O) or 508-358-4333.

We have spoken directly with both individuals regarding your request for nominations to the Historic District Commission and both have expressed an interest and willingness to serve if chosen. Please don't hesitate to contact me if you have any questions about either nominee.

Sincerely,

John Dulczewski  
Executive Director

cc: Thomas O'Brien, Chairman, Greater Boston Real Estate Board  
John Ranco, President, Greater Boston Association of REALTORS®  
Greg Vasil, CEO, Greater Boston Real Estate Board

David McCarthy  
President

Andrew Sarno  
President-Elect

Robert J. Harrington  
Vice President

Marie Presti  
Treasurer





**ARTICLE 26: APPROPRIATE FUNDS FOR DUE DILIGENCE AND FEASIBILITY DESIGN FOR A PROPOSED COUNCIL ON AGING/COMMUNITY CENTER AT WAYLAND TOWN CENTER**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$150,000*

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Selectmen for the purpose of confirming program requirements, conducting a review of site conditions, identifying permitting needs, and creating conceptual/schematic designs for a Council on Aging/Community Center building on the "Municipal Pad," the parcels of land located on and off Boston Post Road (Route 20) and Andrew Avenue in Wayland Massachusetts shown as Lot 4-1, Parcel R-20-1, Parcel R-21 and Lot 8-1 on a plan entitled "Plan of Land in Wayland, MA," dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 or 2013, a copy of which plan is on file in the Office of the Town Clerk; determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise; and authorize the Town Administrator, with the approval by the voters of the Town of Wayland, to take any action necessary to carry out said program, review and designs.

**FINANCE COMMITTEE COMMENTS:** This article appropriates money for funding Due Diligence and a Feasibility Design for the proposed Council on Aging/Community Center on the "municipal pad" at Wayland Town Center that contains a minimum of 70,000 feet of land and a 10,250 square foot existing building. Article 25 addresses the conveyance of the municipal pad that is sited at corner of Andrew Avenue and Lillian Drive as shown on the map in Appendix J.

In 2012, the Board of Selectmen (BoS) requested the Town Center developers not to demolish the existing building on the municipal pad to allow the Town the opportunity to determine whether there was a future use for the building, particularly since renovating an existing structure could be done at a lower cost than building a new one. If not, the BoS reasoned the building could be demolished at a later date.

Both the Council on Aging (CoA) and Library expressed interest in relocating to the municipal pad. Working together to create a multi-generational Community Center, they developed a combined Senior Center and Library project. When the proposed 40,000 square foot facility and related parking were deemed too large for the site, the Library stepped away and began to explore alternative locations. The (CoA) remained interested, since the existing municipal pad building could suffice for a large piece of the CoA's projected needs as a stand-alone structure. The CoA looked into partnering with the Recreation Department since the two departments share programming at the Art Center which is currently housed at the Cochituate Fire Station.

On November 17, 2014, the (BoS) created the Council on Aging/Community Center Advisory Committee (CoA/CCAC) and charged this advisory group with reviewing space needs and potential use of the municipal pad at the Town Center. The CoA/CCAC spoke with representatives of the CoA, Recreation Commission, Planning Board, Historical Commission, Conservation Commission, Finance Committee as well as several community groups and determined that many space needs of the Recreation Department and Historical Commission could be addressed by a space-sharing arrangement with the CoA.

On December 15, 2014, the CoA/CCAC issued its report to the BoS, indicating that the finished exterior envelope of the existing building on the municipal pad and its partially finished interior offers

excellent reprogramming potential for town use. Based on this assessment and the guidelines of the Massachusetts State Council on Aging, the CoA/CCAC recommended the existing building be renovated and an addition be constructed for a combined maximum project of approximately 21,500 square feet.

The CoA/CCAC further recommended the CoA/Community Center provide space for the Council on Aging, Recreation and Veteran's Services departments as well as display space for Wayland's historic documents, images, and objects. Their overall stated goal being to maximize resources and create a multi-generational senior/community center.

The vision for the site includes renovating the existing building to create a multi-generational facility. It will be used weekday by the CoA and during evening and weekend hours other groups including the Recreation Department will use the building. It is anticipated that trails will be constructed to connect the building to the river and a potential Community Boat House as well as the Rail Trail and existing trails to the community gardens creating an "emerald bracelet" on Wayland's river front. A conceptual design is shown in Appendix K.

This is a two phased project consisting of a Due Diligence study and a Feasibility Design study. The first phase will undertake all necessary due diligence to evaluate the quality of the construction of the existing building, test the site for hazardous materials, site utilities and determine the maximum capacity of the parcel in relation to building size and related parking requirements. It will also determine the building's potential capacity in relation to Conservation Commission (ConCom) regulations, delineate any environmental constraints and ensure compliance with the environmental Activities and Use Limitations (AUL) restriction based on prior site cleanup.

The Due Diligence study will cost \$63,500 as follows:

HAZMAT testing/reporting	\$ 4,500
21 E report	\$ 8,000
Survey by botanist	\$ 8,000
Civil engineering and landscape design	\$25,000
Soil testing for drainage	\$ 1,000
Alternatives analysis	\$ 5,000
Septic layout	\$ 1,000
Expenses for printing, etc.	\$ 6,000
Contingency	\$ 5,000

Subtotal \$63,500

The second phase of the project, the Feasibility Design, will only be undertaken if the results of the Due Diligence study indicate that a functional building at the municipal pad is permissible. If it is deemed not a permissible concept for the site, the project will stop.

During the Feasibility Design phase, the needs of the CoA, Recreation and the community at large as well as their potential use of the parcel will be evaluated. The Feasibility Design study will cost \$86,500 as follows:

Space programming	\$15,000
Conceptual design	\$20,000
Schematic design for pricing	\$40,000
Expenses for printing, etc.	\$ 6,500
Contingency	\$ 5,000

Subtotal \$86,500

Combined Due Diligence and Feasibility Design Studies: \$150,000

The Due Diligence and Feasibility Design studies will be conducted by third-party professionals and managed by BoS or their designees. The BoS will recommend payment of bills with actual payment of funds to be administered by the BoS or their designees. The CoA/CCAC intends to continue to solicit feedback from various Town boards and departments as well as the community at large during the Feasibility Design phase of the project.

The Feasibility Design will include projected construction costs. It is anticipated the cost estimates will be based on the building industry average of \$320/square foot. Renovating the existing building at \$320/square foot will cost approximately \$2M. If the project includes an 11,000 square foot addition, the project is estimated at approximately \$5.52M. Actual estimates will not be known until both the Due Diligence and Design Feasibility studies are completed.

At the conclusion of these studies, the Town will have a program that will be fully analyzed and will understand the available options. This will allow the Town to make an informed decision at a future Town Meeting as to the scope and costs of any proposed project and whether and how to proceed with the undertaking.

The Council on Aging Committee voted 7-0 to support this project. The Recreation Commission voted 6-0 to support this project. Historical Commission voted 6-0 to support this project.

**ARGUMENTS IN FAVOR:** Many questions exist concerning the feasibility of constructing on the municipal pad. This study will address those issues and provide this much needed planning information to the Town.

No design work will be undertaken until the feasibility study has been completed and the appropriate size and location of a structure has been determined for the municipal pad.

The current CoA is located in what is essentially a 2,500 square feet hallway in the Town Building. Building a CoA/Community Center on the municipal pad would increase the dedicated space allotted to the Council on Aging.

A CoA/Community Center will complete the vision of the Town Center development, elevating it from a "shopping center" to a place where citizens congregate formally and informally as a community.

Using the existing building is an economical solution to the recognized need for additional space for the CoA and growing demand for a community center.

Including trails in the site design will connect the municipal pad site to the river, the Rail Trail and existing trails to the north completing the concept of an "emerald bracelet" on Wayland's river front.

**ARGUMENTS OPPOSED:** Some may argue the COA has ample space to conduct its programs in its current space.

Some may feel providing better indoor facilities for recreation is not a priority at this time.

The Town has recently built a new High School and is currently building a new DPW building and an additional building project may not be fiscally prudent at this time.

Some may feel alternative sites with better potential for the CoA/Community Center not been adequately explored.

Some may fear the municipal pad has environmental issues, be too close to the Sudbury River, or infringe on riverfront setbacks.

Some may feel there may be better uses for the municipal pad.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote: 7-0.

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

*For more information about this article, contact Julie Secord, Director of the Council of Aging at [Jsecord@wayland.ma.us](mailto:Jsecord@wayland.ma.us) or Ben Keefe, Director of Facilities at [Bkeefe@wayland.ma.us](mailto:Bkeefe@wayland.ma.us). See conceptual design at Appendix K.*

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## MEMORANDUM

To: Board of Selectmen

From: Jerry Heller, Chair, River's Edge Advisory Committee  
Rebecca Stanizzi, Vice Chair, River's Edge Advisory Committee

Date: March 13, 2015

Re: River's Edge Update

An update will be provided to the Board of Selectmen during two meetings: March 16 and March 30.

On March 16, the topics will include:

**Introduction to the Request for Proposals (RFP draft included in package):**

Discussion will include brief overview of package contents, schedule and format. Several topics are to be reviewed with BOS over two evenings, therefore no vote on the overall RFP will occur March 16.

**Overview and discussion of RFP Review Criteria:**

The RFP includes the review criteria; since these will be the basis of how River's Edge Advisory Committee (REAC) and BOS will be reviewing Proposals, these will be highlighted for discussion. Again, no vote on the overall RFP will occur March 16.

**Sale vs. Lease Advice from Counsel:**

Anderson & Krieger has advised on the question as to whether the Town of Wayland should sell or lease the River's Edge property (memo in BOS package). Topic is introduced for consideration on March 16; counsel will attend March 30 meeting to answer any questions and vote is slated to occur March 30.

**Site Assignment Update:**

The portion of River's Edge land which includes the former Septage Facility was included in a "Site Assignment" in 1979 which designated it for use as part of the overall landfill. The Septage site was never used for landfill purposes, however the designation remains and it either needs to be lifted or the new use needs to be allowed. REAC members, counsel, Board of Health and its counsel met with Department of Environmental Protection (DEP); three options were outlined by DEP, to be elected at the Town's option. A summary memo from Anderson & Krieger highlights these options. REAC recommends a course to proceed. Potential vote to be taken if sufficiently resolved so that efforts can proceed.

**Bond Bill Update:**

Update to be provided by Nan Balmer on the \$2.5M tentatively included in FY16 state budget. These funds would be used for sewer infrastructure which could potentially connect River's Edge to the Town Center Wastewater Treatment Plant. The RFP has been drafted for proponents to consider this as an alternative if the state funding is received; however the baseline remains that proponents are responsible for their own water supply piping and on-site wastewater treatment for the project.

Remaining topics will be held to the March 30 meeting.



**RFP # 15-24 - RIVER'S EDGE PROPERTY, WAYLAND, MA**

Tab	Contents	Exhibit
	the RFP Respondent's Proposal.	

Updated originals of forms 3-7 shall be executed and delivered by the Successful RFP Respondent at Closing and as a pre-condition thereto.

**G. Evaluation Criteria**

The Town will review all proposals received by the filing deadline in accordance with the procedure in Section C and in accordance with the following Minimum Threshold Criteria and Comparative Evaluation Criteria:

**1. Minimum Threshold Criteria**

To be responsive to this RFP, an RFP Respondent must submit a Response meeting the following minimum threshold criteria:

- a. The Proposal must be complete and conform to all submission requirements set forth in this RFP and any Addendum to this RFP issued before the submission deadline.
- b. The Proposal must be timely submitted.

To be responsible under this RFP, an RFP Respondent:

- a. Must demonstrate through the information and documents submitted with its RFP Response that the RFP Respondent has the capability, integrity and reliability to acquire the Property and perform the Project under the RFP and the Land Disposition Agreement (Exhibit 2.1).
- b. Must have prior experience in completing similar projects.

**2. Comparative Evaluation Criteria**

Each proposal meeting the minimum threshold criteria will be evaluated and rated on the basis of the following comparative evaluation criteria. Where qualitative distinctions are appropriate to draw among proposals within the same tier, the evaluators will utilize the following numerical designations to assist with drawing those qualitative distinctions (with the higher number representing the higher qualitative evaluation on that criterion): Highly Advantageous (10 through 8); Advantageous (7 through 5), Passable/Not Advantageous (4 through 3) and Unacceptable (2-0).

**RFP # 15-24 - RIVER'S EDGE PROPERTY, WAYLAND, MA**

a. **Comparable Experience & Financial Strength**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a highly qualified RFP Respondent and highly experienced Project Team (including developer, designers, engineers, builder) with (a) extensive experience with comparable residential and rental projects, (b) an exceptional record of successfully completing similar residential and rental projects on schedule and within budget, and (c) top caliber principals and senior staff assigned to the Project Team based on the resumes and references provided and (d) exceptional financial strength, committed financial partners and demonstrated capacity to undertake and complete the Project.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a qualified RFP Respondent and experienced Project Team with (a) relevant experience with comparable residential and rental projects, (b) a record of successfully completing residential and rental projects, and (c) experienced personnel staff assigned to the Project based on the resumes and references provided and (d) reasonable and demonstrated financial strength to undertake the Project.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies merely a passable RFP Respondent, Project Team, financial strength and capacity to undertake and complete the Project (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify a qualified RFP Respondent, experienced Project Team, reasonable and demonstrated financial strength and capacity to undertake the Project.

b. **Quality of Design and Construction.**

Each of the categories (1) Site Planning and Design, (2) Architectural Design, (3) Quality of Materials and (4) Design of the Project and as a gateway in relationship to the larger Wayland community shall each be evaluated with the qualitative review criteria as follows:

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators meets and exceeds the qualitative design requirements of the RFP; presents superior merit in terms of

## **RFP # 15-24 - RIVER'S EDGE PROPERTY, WAYLAND, MA**

architectural features, unit designs and amenities, and the quality of proposed construction; and carefully integrates the development of the Property as a gateway feature to the Town.

- An Advantageous rating will be given to a proposal that in the judgment of the evaluators complies with the design requirements of the RFP and presents an acceptable quality of building and unit design and construction.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies merely passable design and quality (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to meet the design requirements of the RFP and presents an unacceptable design or quality of buildings, units, amenities, layout or construction.

### **c. Quality of Community**

Each of the categories (1) Unit Amenities, Planning and Design, (2) Common Area Amenities, Planning and Design and (3) Community Planning (including the Project in its relationship to the larger Wayland community) shall each be evaluated with the qualitative review criteria as follows:

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators meets and exceeds the qualitative design requirements of the RFP; presents superior merit in terms of unit designs and amenities, common area design and amenities, and quality of community for residents, internally and as part of the larger Wayland community.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators complies with the design requirements of the RFP and presents an acceptable quality of unit, common area and community amenities.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies merely passable design and quality of community (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to meet the design requirements of the RFP and

**RFP # 15-24 - RIVER'S EDGE PROPERTY, WAYLAND, MA**

presents an unacceptable design or quality of units, amenities, or community.

d. **Feasibility of Proposed Project.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators is highly feasible based on an analysis of the pro forma, the demonstrated ability to resolve financial, environmental and permitting issues as they may arise, the likely acceptability of the proposed Project to regulators, lenders and funders, and the likelihood of providing or obtaining proposed financing for Project costs and expenses, and the reasonableness of the pro forma.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators is feasible based on an analysis of these factors.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators may or may not be feasible based on an analysis of these factors (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators is not feasible based on an analysis of these factors.

e. **Range of Housing Opportunities.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators will meet or exceeds the affordability and senior housing requirements established by the RFP, the REHOD (Exhibit 3.1) and the River's Edge Design Guidelines (Exhibit 5.2) (collectively the "Affordability and Senior Housing Requirements") and will result in a higher number in the range of 150-190 new rental housing units which are counted toward the Town's Subsidized Housing Inventory.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators will meet the Affordability and Senior Housing Requirements, and will result in a lower number in the range of 150-190 new rental housing units which are counted toward the Town's Subsidized Housing Inventory.

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- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators may result in fewer than 150 new rental housing units which are counted toward the Town's Subsidized Housing Inventory (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to meet the Affordability and Senior Housing Requirements and/or which fails to identify a proven strategy for 100% of the new rental housing units to be counted toward the Town's Subsidized Housing Inventory.

f. **Proposed Development Schedule.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators incorporates an expedited and achievable critical path time schedule for the Project.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators incorporates a prompt and feasible critical path time schedule for the Project.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators incorporates a protracted but feasible critical path time schedule for the Project.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators incorporates a dilatory or infeasible critical path time schedule for the Project.

All other things being equal, a Project with a shorter, more achievable development schedule will receive a more advantageous rating on this criterion than a Project with a longer, more questionable development schedule.

g. **Interviews (If Conducted)**

- A Highly Advantageous rating will be given to a proposal based on the interview, when, in the judgment of the evaluators, the Project Team in attendance demonstrated highly professional team leadership, detailed knowledge of the RFP requirements and the Property Information, and a sound and proven strategy and methodology for overcoming impediments and achieving success on the Project.
- An Advantageous rating will be given to a proposal based on the interview, when, in the judgment of the evaluators, the Project Team in



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attendance demonstrated professional team leadership, working knowledge of the RFP requirements and the Property Information, and a workable strategy and methodology for overcoming impediments and achieving success on the Project.

- A Passable/Not Advantageous rating will be given to a proposal based on the interview, when, in the judgment of the evaluators, the Project Team in attendance demonstrated passable team leadership, a passing knowledge of the RFP requirements and the Property Information, and a potential but unproven strategy and methodology for overcoming impediments and achieving success on the Project.
- An Unacceptable rating will be given to a proposal based on the interview, when, in the judgment of the evaluators, the Project Team in attendance failed to demonstrate sufficient team leadership, even a passing knowledge of the RFP requirements and the Property Information, or a modicum of strategy and methodology for overcoming impediments and achieving success on the Project.

### **h. Preliminary Ranking**

After evaluating all proposals on the foregoing factors, the evaluators will arrive at a preliminary recommended ranking of the proposals relative to the other proposals based upon the above criteria. A proposal which achieves "Highly Advantageous" and/or "Advantageous" rankings in several categories will not necessarily be disqualified simply because it received a Passable/Not Advantageous or an "Unacceptable" ranking in one or more other categories if, in the judgment of the evaluators, the proposal on the whole is "Advantageous" or "Highly Advantageous" to the Town.

### **i. Total Financial Benefits to the Town**

After completing the preliminary recommended ranking of the proposals relative to each other as above, the evaluators will open all price proposals; separately rank the proposals in order based on price, on anticipated local real estate tax revenues, and on other financial benefits to the Town; and calculate the total financial benefits to the Town from each proposal based on a combination of price, anticipated local real estate tax revenues, and other financial benefits to the Town. The total financial benefits to the Town alone will not be the determining factor for the award of the RFP to an RFP Respondent. Rather, the evaluators will group the responses into four categories based on total financial benefits to the Town as follows:

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- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators provides total financial benefits to the Town well above the average of all proposals.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators provides total financial benefits to the Town that are above the average of all proposals.
- A Passable/Not Advantageous rating will be given to a proposal that in the judgment of the evaluators provides total financial benefits to the Town that are moderately below average to average for all proposals (above Unacceptable and below Advantageous).
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators provides total financial benefits to the Town that are well below the average of all proposals.

j. **Final Ranking**

After arriving at the four categories of price rankings, the evaluators will arrive at a final recommended ranking of the proposals relative to the other proposals taking price into account. All other things being equal, the evaluators may increase the ranking of a proposal that is Highly Advantageous on price and decrease the ranking of a proposal that is Unacceptable on price.

The Selectmen will then make a final determination as to which proposal is most advantageous to the Town taking all factors including price into account. The Selectmen's determination may differ from the recommendations provided by the Committee, and the Selectmen's discretion in this regard shall be final.

The Notice of Award, if any, will be made by the Town based upon the Wayland Board of Selectmen's determination of the most advantageous proposal from a responsible and responsive RFP Respondent, taking into consideration all evaluation criteria set forth in the RFP.

RIVER'S EDGE:  
SALE VS LEASE  
ADVICE

# ANDERSON KREIGER

## MEMORANDUM

To: Nan Balmer, Town Administrator

Cc: River's Edge Advisory Committee  
Mark Lanza, Town Counsel  
Stephen D. Anderson and Stephanie B. Dubanowitz, Special Counsel

From: David L. Wiener  
ANDERSON & KREIGER LLP

Re: Wayland: Sale vs. Ground Lease of River's Edge Property

Date: March 12, 2015

In preparation for the upcoming meeting with the Selectmen, the River's Edge Advisory Committee (the "Committee") has asked us to provide to you as the Town's Chief Procurement Officer our assessment of the key benefits to the Town of a sale of the River's Edge property, as opposed to the long-term ground leasing of the property by the Town to the successful RFP respondent. These important benefits—which would not exist under a ground lease structure—allow for the Town to avoid as much as possible future liability with respect to the site, to obtain a wide variety of RFP bids so that the Town can select a developer and proposed project that meets the Town's objectives for the property and diminish public procurement concerns going forward.

1. **A Sale Eliminates Certain Liability that a Ground Lease Does Not.** Under a ground lease, the Town, as the property owner, would be subject to potential claims and lawsuits by third parties for bodily injury or property damage occurring at the property during the term of the ground lease (ranging from something as simple as a "slip and fall" in the parking lot to something as complicated as environmental exposures during construction or occupancy of the buildings). Although the Town enjoys certain tort claim protections and carries its own insurance, and although a ground lease would include insurance and indemnity provisions to protect the Town against any such claims, the Town would still be subject to potential exposure as the owner of the property and would need to pursue insurance and indemnity claims if the insurers or the developer/ground tenant failed to honor those obligations.<sup>1</sup> These issues are reduced or eliminated by the sale of the

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<sup>1</sup> It is useful to point out that the ground tenant is likely to change—more than once—over the duration of the term of any ground lease. The successful RFP bidder and initial developer of the project, with whom the Town may have a good working relationship and a certain level of comfort, will almost certainly sell or assign its interest in the ground lease. As a result, the Town, as ground landlord, will be dealing with a different developer/ground tenant with whom it may not have such a relationship as the Town seeks to enforce the terms of the ground lease, including any indemnification obligations of the ground tenant.

property. Except for any ongoing legal obligations arising from the Town's prior ownership or operation of the property (e.g., certain environmental claims where the Town would still need to pursue its indemnities against the buyer provided in the Land Disposition Agreement), the Town would ordinarily not be subject to bodily injury and property damage claims first occurring after it has sold the property.

2. **A Sale Relieves the Town of Further Property Management Obligations.** Under a ground lease, the ground landlord typically maintains certain rights and obligations (for example, approving alterations and improvements, consenting to assignments of the ground lease or subleases, and reviewing and approving the ground tenant's required insurance coverage), as well the ability to enforce defaults of the ground tenant under the ground lease for its entire term. A sale, by contrast, "cuts the cord" with the developer so that the Town will not have further management obligations with respect to the property or the developer (other than in the Town's role as the permit granting authority with respect to permits and approvals necessary for the project and the rights afforded to the Town under the RFP and the Land Disposition Agreement to be entered into with the successful RFP respondent).
3. **A Ground Lease May Diminish the Potential Pool of RFP Respondents and the Bid Prices for the Property.** It is our understanding that the Committee wants to encourage bids from a wide variety of developers—including nonprofits. Nonprofit developers, however, may be less inclined to bid under a ground lease scenario since their bid would require an upfront business and legal analysis of the ground lease at a significant cost that a nonprofit developer may not be willing to undertake. The term of the ground lease would also affect bid prices for the property. Generally speaking, the shorter the term of the ground lease proposed by the Town, the lower the bid prices will be. If the Town elects to proceed with a ground lease, we recommend that the Town perform (if it has not already done so) an economic analysis to determine (a) a proposed lease term that would provide the same return to the Town as the Town's current estimated sales price for the property and (b) the most advantageous way to structure the ground lease payments (e.g., one up front payment or annual or monthly payments of ground rent, etc.).
4. **Legal and Public Bidding Concerns.** A ground lease triggers additional legal and public bidding complexities. The longer the lease term (e.g., 50 years, 75 years, 99 years), the more likely it is that special home rule legislation (approved by Town Meeting and the Legislature) would be required to authorize the lease. Additionally, the more control the Town retains over the property and the development under a ground lease, the higher the likelihood that the project will be subject to public construction bidding requirements (which are much stricter than c. 30B with respect to such matters as prevailing wages). Compare *Andrews v. City of Springfield*, 75 Mass. App. Ct. 678 (2009) and *Brasi Development Corp. v. Att'y General*, 456 Mass. 684 (2010) with *Salem Building Co., v. J.B.L. Construction Co.*, 10 Mass. App. Ct. 360 (1980). The test laid out in *Brasi* focuses on (a) the length of the lease, (b) the detailed design and construction

Nan Balmer, Town Administrator  
March 12, 2015  
Page 3

specifications in the RFP, (c) the degree of public control and supervision of the construction process, and (d) whether ongoing payments (rent) cover the cost of construction. Therefore a ground lease, as opposed to a sale, may limit the Town's ability to use c. 30B evaluation criteria (as distinguished from the public construction bid laws' focus on price) to select the most advantageous developer/project. Such a procurement may also discourage some potential developers and unfavorably affect pricing compared with a c. 30B procurement.<sup>2</sup>

Although we are mindful that a sale permanently disposes of the land whereas a ground lease has the potential for the Town to recover and reuse the property at the end of the term, the benefits described above are material and significant and are rightly considered by the Town in making a decision to sell the property for development.

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<sup>2</sup> We recognize that a ground lease could be drafted to eliminate some or all of the ground landlord's approval rights. This, however, would not be "market" for sophisticated ground lease projects.



# **Wayland Solar Projects**

## Why Solar is Right for Wayland

- Increases Wayland's use of renewable energy to meet our "Green Community" commitment.
- Provides back-up solar power for our emergency shelter at the Middle School.
- Produces economic benefits through reduced electricity costs and property taxes, estimated as \$140,000 in year 1 and potentially \$3.3 million over 20 years.

## Project Scope

Solar installations are proposed in four locations:

1. Roof of the new Department of Public Works (DPW) Building
2. Canopies at the High School Parking lot
3. Canopies at the Middle School Parking lot
4. Canopies at the Town Building back parking lot

The projects will be constructed, maintained and operated by Ameresco. The construction will not cost Wayland any money. The Town has secured state funds to enable the solar system at the Middle School (a town emergency shelter) to supply back up power if the electricity grid goes down, supplementing our diesel generator.

Wayland will enter into an agreement with Ameresco to buy all of the solar power from Ameresco at a negotiated price per kilowatt-hour. Wayland will transfer the electricity generated by the solar panels to the grid and receive credits from our utility (Eversource) for generating the power. The Town will apply these credits to the Town's utility bills, lowering our energy costs. Ameresco will pay personal property taxes on the solar systems.

## Next Steps

Town Meeting approval of Article 14 is needed to move forward. If Town Meeting votes in favor of the article, the Town will complete negotiations of the contract with Ameresco. Ameresco plans to start construction at the High School and Middle School immediately following the end of the school year to minimize disruption to students. Work at the Town Building parking lot is expected to begin in late summer. The DPW roof solar installation will take place in the fall.



**TO: Town of Wayland Energy Initiatives Advisory Committee**  
**FROM: Steven Weisman, Peregrine Energy Group, Inc.**  
**DATE: March 3, 2015**  
**RE: Peregrine review of Ameresco's proposed solar projects**

### **Overview**

Peregrine Energy Group, Inc. ("Peregrine") has been engaged by the Town of Wayland as an advisor to review solar projects proposed by Ameresco, Inc. Peregrine is a Boston-based energy consulting firm whose core business is assisting cities and towns as their owner's representative to identify, plan, and implement clean energy projects. Peregrine has no business affiliation with Ameresco. The Town of Wayland has procured our services directly and is paying for them using an owner's agent technical assistance grant from the Massachusetts Department of Energy Resources.

Ameresco is proposing to design, procure, build, own, and operate photovoltaic (PV) power installations at four Town-owned locations, with the Town purchasing the power generated at that site under a Power Purchase Agreement ("PPA"). Solar photovoltaic generation technology converts sunlight to electricity, which can then be used at the point of generation or, as in the case of the proposed Ameresco projects, be transmitted onto the utility power distribution network and credited to the Town.

As the owner of the project, Ameresco will secure the funds for construction and recover its capital costs, financing costs, and operating costs by selling power to the Town. The Town will purchase and pay for all power generated by the project. Ameresco's all-in price per kilowatt-hour (kWh) generated and purchased by the Town has two components. The first is a unit price per year for power, escalating at 2% a year for the 20 year PPA term. The second component is a price adder per kWh that covers the \$30,000 cost of annual property taxes the Town is asking Ameresco to pay, as well as the cost for a letter of credit for the costs to decommission and remove the equipment at the end of the PPA term.

The four proposed PV installations on Town properties are a rooftop installation at the DPW building and ground-mounted "canopy" installations over parking lots at Wayland High School, Wayland Middle School, and the Town Building. The combined capacity of the four installations is 1,288.88 kW. The total estimated project cost investment by Ameresco is \$4,454,843. The combined first year output will be 1,537,144 kWh.

The Energy Committee has asked Peregrine to focus its review on the technical merit of the project as proposed and financial merit of the project (i.e., will it produce savings for the Town). Peregrine will also review the PPA proposed by Ameresco to identify legal and contract issues.

In summary, Peregrine finds that:

- The technical details of the proposed project are sound, and it should produce the power Ameresco is anticipating.
- The project cost presented by Ameresco is reasonable for the installations proposed.
- The price to be charged to Wayland for the power produced is consistent with the project costs.
- Wayland's 20 years savings from net metering credits should significantly exceed the Town's cost to purchase the power from Ameresco.

### Technical review findings

The Peregrine team includes Zapotec Energy, Inc., a Cambridge-based design build PV contractor and consultancy, led by Paul Lyons, P.E. Zapotec has 20 years of ongoing hands-on experience in PV system design and customer support. It also includes the law firm McCauley-Lyman to address legal questions.

***Zapotec has reviewed the PVSyst modeling runs provided by Ameresco for each of the projects to confirm that the amount of generation proposed is consistent with the design details. They have confirmed that the models are accurate and should produce the power output that Ameresco is projecting. We conclude, therefore, that the technical viability of the project should not be an issue. And given the structure of the agreement as a PPA, Ameresco will carry all performance risk anyway.***

### Financial review findings

#### Project cost:

Project cost is typically presented as cost per installed watt. In the case of the proposed projects at four locations, the blended total cost per watt will be \$3.46. Looking at the individual projects,

- The DPW rooftop installation has an installed cost per watt of \$2.18. In our experience, this is a reasonable price to pay for a project of this size.
- The three ground-mounted carport/canopy projects have a cost per watt of \$3.80 (Middle School), \$3.67 per watt (High School), and \$3.78 per watt (Town Building). Zapotec again feels that this pricing for the canopy installations, which have large structural racking systems that require significant foundations and site work, is quite competitive.

***The total cost per watt is weighted toward the cost of the carport/canopy installations, which comprise over 80% of the total project capacity in kW. Therefore, we believe that the project cost is reasonable for the installations proposed.***

**Price per kWh:**

As noted above, the proposed price per kWh has two components: a power charge of \$0.1280/kWh (in year one) that escalates at 2% per year for the 20-year term of the PPA; and a Tax Adder equal to a flat \$0.0195/kWh that covers the cost of the Payment in Lieu of Taxes (PILOT) charge of \$30,000 per year that the Town wants to receive from Ameresco.

As is typically the case in such projects, any payments that a customer requests from the developer for lease payments or, in Wayland's case, taxes, result in an increase in the net power price that the customer pays because these municipal charges increase the total cost of the project. Ameresco will increase the price of power produced and sold to the Town if the Town requests a higher PILOT charge and will reduce the price it will charge for the power if the Town lowers the PILOT. Ameresco has structured the total price so that power charge and adder are presented separately, with only the power charge subject to the 2% escalation.

***Peregrine has seen that the prices charged per kWh for the same project or for different projects by developers can vary significantly. Factors that cause these variances include: differences in project development costs, materials and construction costs, financing costs, assumptions about the future value of SRECs, timing, the proposed price structure (i.e., if it is level or escalating over the term), and the developers' business strategy. The addition of lease or PILOT payments to a project will increase the price since that additional developer expense must be recovered. Also, carport/canopy projects will typically cost more than rooftop projects or landfill projects due to the cost of the canopy support structure.***

***Without the ability to compare cost components in detail between different projects and offers, understanding why costs vary is not possible. That said, we observed that Ameresco provided a high level of transparency in its financial projections, as well as a large amount of pricing and savings back-up information, especially compared to other developers and to other projects for other towns that we have seen. We did not identify individual cost components that were unreasonable in the information provided.***

**Project net metering credits and savings to Wayland:**

Savings to Wayland will be the difference between the all-in cost paid to Ameresco for the solar power and the net metering credits that the Town receives on its utility bills for transferring the power to the grid instead of consuming it locally. These savings will depend on the difference between the PPA price

and the rate used to calculate the net metering credits. The PPA will set the price paid to Ameresco. The electric utility will set the rate for the credits.

Ameresco has been requesting that NSTAR place its PV project customers on either the B5 or A9 tariff because these rates currently create the greatest opportunity for customer savings. Ameresco requests the specific tariff desired as part of the process of getting NSTAR's permission to interconnect the project to the grid.

- The B5 tariff or rate is Eversource Energy's (NSTAR's) Optional Time of Use rate provided to small customers that has peak and off-peak pricing for different hours seasonally. Peak pricing is significantly higher than off-peak pricing, because of differentiated costs to Eversource for delivering power during these periods. A net metering credit against the B5 peak rate, at current prices, will yield the largest amount of net metering credits to Wayland. Ameresco has advised that it has previously secured this rate for the Town of Lexington and several MA Department of Transportation projects, and intends to seek this rate for the Wayland projects.
- The A9 rate is an Eversource small business rate that Ameresco often places virtual net metering customers on. This rate is equal to the Standard Offer rate for power. Again, at current prices, being on the A9 rate also will result in larger net metering credits to Wayland, though not as high as the B5. Ameresco has stated that it obtained this rate for several significant solar projects that the company has undertaken for other towns, including Sudbury (the 1.5MW landfill project), Acton (a 1.5MW landfill project), Natick (a 650kW project), Newton (a 650kW project), and Dartmouth (a 6MW project).

***Ameresco is pledging to Wayland that if it cannot secure either a B5 or A9 rate for the meters on the four Wayland installations from Eversource, it will not proceed with construction without the consent of the Town. This is an important protection that Ameresco is offering to the Town.***

Ameresco has suggested that Wayland use a current weighted annual average B5 rate escalating at 2% per year to calculate net metering credits and savings over the term of the PPA. In considering both the B5 and A9 rates as the source of credits and ultimately the Town's net savings, it is important for the Town to remember that the utility adjusts the rates every six months to reflect projected generation and delivery costs. The rates in force for January – June 2015 include a considerable fuel cost adjustment factor. Current utility electricity rates are at very high levels as of January 2015 due to a spike in the cost of natural gas, which is the primary fuel for Massachusetts generators. There is no guarantee that these high electricity prices will continue indefinitely, and many supply experts are anticipating that falling natural gas costs are likely for the region, with electricity prices returning to the lower levels of 2014.



A more prudent conservative perspective would be to anticipate that future average utility prices over the next 20 years may not escalate from current prices, but instead from 2014 prices. To be safe, therefore, Wayland's long-term net metering credit and savings projections should reflect this perspective. This more conservative starting point in calculating savings would use the tariffs in force prior to this winter as the starting point. This analysis will still show net savings to the Town over the 20 year PPA term.

The estimated average 2% price escalation suggested by Ameresco for future energy costs is reasonable and consistent with historic changes in energy prices, though individual years will vary above or below the average.

***Peregrine has received and reviewed the sensitivity analyses of Ameresco's financial model prepared by Wayland's Energy Committee. This analysis demonstrates that Wayland should generate net savings if the utility allows either the B5 or the A9 tariff for net metering the solar production purchased from Ameresco. In other words, the rate under both of these tariffs is higher than Ameresco's proposed contract price, meaning that the savings from the net metering credits received by Wayland should exceed the cost of buying solar power from Ameresco. This analysis also shows Wayland seeing net savings from the project in every year under both the B5 and A9 tariffs, using 2014 fuel cost rates as the starting point with the likely 2% annual escalation.***

**Impact of potential regulatory change on credit projections and savings:**

Could regulatory changes adversely impact Wayland's ability to realize these benefits?

**B5 Tariff**

While Ameresco has obtained this rate for other public sector entities pursuing net metering, Peregrine has no information about how extensive this practice is and is not aware of large numbers of electricity customers that choose this rate for this purpose. The optional B5 time of use rate is intended to give customers the advantage of savings in electricity costs if they can move their use to off-peak periods where it is less expensive for Eversource to supply service, but it requires that customers pay considerably more for service during peak periods.

The intent of this rate is not for net metering renewable energy generation projects. Peregrine cannot say with confidence whether this rate will continue to be available or will be withdrawn from use to support net metering. We have heard it referred to as a "loophole" that might be closed by regulatory action at some point in the future.

That said, prior regulatory and legislative modifications to solar incentive programs in the Commonwealth typically have applied to future projects, rather than being retroactive for existing

projects. While this practice might not be honored in the future, it is a reasonable assumption that a proposal to limit access to the B5 rate for net metering purposes would apply only to new projects, rather than operating projects.

### A9 Tariff

This is the rate most typically applied for net metering. Over the past four years, net metering at full retail rates with the ability to carry savings forward indefinitely has been the foundation of Massachusetts' renewable energy policies for solar energy. The goal of the policies, which have been highly successful, has been to increase the installation of photovoltaic systems broadly and, in particular, to encourage municipalities and other government entities to enter into long-term contracts that are built on the availability and continuation of net metering.

Again, there have been and continue to be policy discussions, in part driven by the state's distribution utilities, about whether current net metering practices should continue indefinitely due to concerns about cross-subsidization of cost and whether there are safe limits to the percentage of power supply coming from intermittent generators delivering power on the distribution network. While there are no guarantees, we do not expect that net metering will go away, given the number of municipal projects and contracts in place in Massachusetts already. The uproar from such a "bait and switch" would likely be politically unacceptable.

***While there may be changes in Massachusetts net metering policy moving forward, changes affecting municipalities, should they occur, will most likely be gradual and include some grandfathering of existing projects. If Wayland proceeds with the project under the current regulatory regime, it will be part of a large group that will likely work together to protect shared interests.***

***Finally, the Town may want to explore with Ameresco whether there are any additional ways that they can mitigate potential regulatory risks.***

### **Legal review findings**

Peregrine's partner McCauley-Lyman is still completing its review of the proposed power purchase agreement from Ameresco.

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
1	Recognize Citizens and Employees for Particular Service to the Town	Board of Selectmen	J. Nolan	T. Greenaway	5-0	7-0
2	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	J. Nolan	T. Greenaway	5-0	7-0
3	Current Year Transfers	Finance Committee	J. Nolan	T. Greenaway	5-0	7-0
	<del>Create Chapter 44 Section 53 F 1/2 Recreation Enterprise Fund</del>	<del>Board of Selectmen</del>	<del>J. Nolan</del>	<del>C. Martin</del>		
	<del>Create Chapter 44 Section 53D Recreation Revolving Fund</del>	<del>Board of Selectmen</del>	<del>J. Nolan</del>	<del>C. Martin</del>		
4	OPEB Funding	Board of Selectmen	T. Boschetto	B. Steinberg	4-0-0	7-0
5	FY 2016 Omnibus Budget	Finance Committee	T. Boschetto	T. Greenaway		6-0
6	Compensation for Town Clerk	Board of Selectmen	C. Karlson	T. Greenaway	5-0	6-0
7	Personnel Bylaw and Wage & Classification Plan	Personnel Board	C. Karlson	T. Greenaway	5-0	7-0
8	Accept Valor Act to Establish Veterans Property Tax Workoff Program	Board of Selectmen	E. Collins	D. Watkins	5-0	6-0
9	Resolution Regarding ESCO Project Changes	Board of Selectmen	C. Karlson	B. Steinberg	3-1-0	7-0

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
10	Inspection Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems	Board of Selectmen	E. Collins	N. Funkhouser	5-0	6-0
11	Set Aside Community Preservation Funds for Later Spending	Community Preservation Committee	E. Collins	N. Funkhouser	5-0	7-0
12	Set Aside for Later Spending \$2 Million for Open Space	Community Preservation Committee	E. Collins	N. Funkhouser	4-0	6-0
13	Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund	Community Preservation Committee	E. Collins	N. Funkhouser	5-0	6-0
14	Implement Solar Energy: Power Purchase and License Agreement and Authorization for PILOT	Board of Selectmen	C. Karlson	D. Watkins		defer
15	Fund Glezen Lane Traffic Control Measures	Board of Selectmen	E. Collins	T. Greenaway		3-1
16	Land and Easement Acquisitions for Route 30 and 27 Intersection Improvements	Board of Selectmen	J. Nolan	T. Abdella	4-0	4-0-2
17	Withdraw from Minuteman Regional Vocational School District	Board of Selectmen	T. Boschetto	G. Wolin	5-0	4-0-1
	<del>Amendments to the District Agreement for the Minuteman Regional Vocational School District</del>	<del>Board of Selectmen</del>	<del>T. Boschetto</del>	<del>G. Wolin</del>		

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
18	Amend Bylaw re: Reconsideration of Articles by Town Meetings	Petitioners	C. Karlson	G. Wolin		4-1
19	Amend Chapter 193 – Stormwater and Land Disturbance Bylaw	Conservation Commission	M. Antes	T. Greenaway	4-0	4-1
20	Authorization for the Town of Wayland to Grant an Additional License for the Sale of All Alcoholic Beverages not to be Drunk on the Premises	Petitioners	E. Collins	D. Watkins		5-0-1
	<del>Fund Payment in Lieu of Sewer Betterment Assessment for Town Owned Buildings</del>	<del>Board of Selectmen</del>	<del>C. Karlson</del>	<del>T. Abdella</del>		
21	Transfer Dudley Woods Parcels for Passive Recreation	Board of Selectmen	C. Karlson	C. Martin	4-0-1	7-0
22	Design and Construct Trails and Signage at Dudley Woods	Community Preservation Committee	C. Karlson	C. Martin	4-0	6-1
23	Acquire Open Space Parcel in Sage Hill Subdivision	Board of Selectmen and Conservation Commission	M. Antes	T. Abdella		6-0
24	Construct Rail-Trail in Wayland	Community Preservation Committee	J. Nolan	B. Steinberg	5-0	7-0
25	Acquire Municipal Parcel in Town Center and Convey Access Easement in Town Center	Board of Selectmen	C. Karlson	B. Steinberg	4-0	7-0

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
26	Appropriate Funds for Due Diligence and Feasibility Design for a Proposed Council on Aging/Community Center at Wayland Town Center	Board of Selectmen	M. Antes	C. Martin		7-0
27	Amend Chapter 36 of the Current Bylaws	Petitioners	M. Antes	T. Greenaway		3-2
28	Accept Chapter 390 of the Acts of 2014 to Establish a Tax Title Collection Revolving Fund	Board of Selectmen	T. Boschetto	G. Wolin	4-0	4-0
29	Town will Enforce Lowest Speed Limit Allowed by Law	Petitioners	T. Boschetto	T. Greenaway		no position
30	Appropriate Funds to Create Stewardship and Land Management Plans for Conservation Land	Community Preservation Committee	M. Antes	N. Funkhouser	4-0	5-0
31	Resolution to Continue Electronic Voting Through FY 2019	Petitioners	E. Collins	B. Steinberg	4-0	5-1-1
32	Prohibit Roadside Distribution of Phone Books and Advertising	Petitioners	T. Boschetto	T. Greenaway		no position
33	Acquire Land and House at 246 Stonebridge Road	Community Preservation Committee	M. Antes	N. Funkhouser		6-0-1

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
34	Appropriate Funds to Stabilize Two Arches of Stone's Bridge	Community Preservation Committee	M. Antes	N. Funkhouser	4-0	6-0
35	Design of a Multi-Use Grass Playing Field at Oxbow Meadows (Former Nike Site)	Community Preservation Committee	J. Nolan	C. Martin		6-0
	<del>Increase Water Rates for High Density Housing</del>	<del>Petitioners</del>	<del>C. Karlson</del>	<del>T. Greenaway</del>		
36	Hear Reports	Board of Selectmen	J. Nolan	T. Greenaway	5-0	7-0
37	Choose Town Officers	Board of Selectmen	J. Nolan	T. Greenaway	5-0	7-0
38	Accept Gifts of Land	Board of Selectmen	J. Nolan	T. Greenaway	4-0	defer
39	Sell or Trade Vehicles and Equipment	Board of Selectmen	J. Nolan	T. Greenaway		defer



## DiNapoli, MaryAnn

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**From:** michael@liveeatlocal.com  
**Sent:** Wednesday, March 04, 2015 3:30 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** The Local Kitchen & Drinks - Message is from an unknown sender

Hi Maryann,

It was a pleasure speaking with you earlier.

I am requesting permission from the board to begin selling alcohol at 10am on Easter Sunday, April 5th, 2015.

You may reach me at [Michael@liveeatlocal.com](mailto:Michael@liveeatlocal.com) or at 508-276-8263.

I genuinely appreciate your consideration.

Thank you,

Michael Wolfson  
General Manager  
The Local Kitchen & Drinks  
400 Boston Post Road  
Wayland, MA 01778  
508.276.8263  
[michael@liveeatlocal.com](mailto:michael@liveeatlocal.com)

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**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 138** ALCOHOLIC LIQUORS

**Section 33B** Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 noon

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

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**MOTION:**

I move that the Board of Selectmen, as the Town's licensing authority, accept the provisions of Massachusetts General Laws Chapter 138, Section 33B, which are to allow the sales of alcoholic beverages by on-premise licensees, licensed by the Board of Selectmen, on Sundays and certain legal holidays, between 10:00 a.m. and 12:00 noon.

## TOWN ADMINISTRATOR'S REPORT

### FOR THE WEEKS ENDING MARCH 13, 2015

#### 1. MEETINGS THROUGH TOWN MEETING

1. Monday March 23<sup>rd</sup> : TBD
2. Monday March 30<sup>th</sup> : Selectmen's Warrant Article Hearing, Rivers Edge Committee

Other Matters to Be Scheduled: Bike Path Review of Committee Charges (Audit, PMBC, Municipal Building Planning), OPEB Committee – Investments, Recreation – CPA project.

Other Key Dates:

- |          |   |
|----------|---|
| March 17 | Postal Delivery of Warrants, Posting of Warrants, Motions received from Town Counsel (To be posted later in the week) |
| March 19 | LWV Candidates Night  |
| March 24 | Moderator's Forum   |
| March 31 | Town Election   |
| April 6  | First Day of Annual Town Meeting  |

The Finance Committee requested, as a condition of its support of Town and School IT Capital Projects additional justification for each project. The Schools and Town 1) Share an IT project to expand data storage at the High School, 2) The Town has a project to replace the Police and Library computer systems with virtualized systems managed by school IT staff, 3) The Schools projects involving both the school telephone system and the network at Loker School. I am working with the School IT Director and the Finance Committee member / IT Liaison David Watkins to respond to questions on these projects, including getting outside technical help if necessary.

Included in the Finance Committee's request is a suggestion for a comprehensive assessment of School / Town IT. Dr. Stein, the IT Director and I agreed that, after review of the capital projects, we will 1) Implement the results of the security assessment, including expanding the assessment if necessary, 2) Evaluate the management and staffing of the IT department with an eye toward giving the town appropriate responsibility for the management of IT infrastructure with the schools and the defining staffing needed to accomplish town IT tasks, and 3) Jointly develop an appropriate scope of work to undertake a comprehensive IT assessment.

#### 2. AUDIT COMMITTEE

The Finance Director and I met with the Audit Committee this week and discussed a plan to meet with the Committee. The Audit Committee voted to approve as a recommendation to the Selectmen the attached Audit Committee Charge. It will be scheduled for your consideration at an upcoming meeting.

### **3. RECREATION – MAINTENANCE OF TURF FIELD**

The schools and town offices issued a joint press release saying that snow would not be removed from the turf field. There is a meeting on Monday at 7:00 with the Recreation Commission to discuss field use.

### **4. TOWN MEETING**

There will be a meeting on March 19<sup>th</sup> with the Moderator, Town Clerk, Town Counsel, Town Administrator, School Superintendent design Finance Committee Chair or his designee, and BOS Chair or his designee, to review the warrant articles and motions.

There will be a meeting the following week with the Moderator to review Town Meeting logistics.

### **5. MINUTEMAN**

Representatives of Wayland met last week with the Superintendent of Minuteman. Discussed were: 1) The existing vs. the proposed agreement, 2) Preparation of the motion for the warrant article to withdraw, 3) Whether there was a requirement under the Regional Agreement for the town to again place an article on the warrant to approve the new agreement.

Dr. Stein offered to personally contact the parents of each Wayland Minuteman student to provide information from the Selectmen about the warrant article to withdraw from Minuteman. Please advise if this is acceptable and what the message should be.

### **6. TREASURER'S OFFICE**

Acting Treasurer John Senchyshyn and Consultant Suzanne Marchand are 1) reviewing each account at each bank with which the town does business, 2) reviewing internal operating procedures and inter-departmental relationships, 3) meeting with representatives of the 12 banks with which the town does business, 4) assessing staff assignments and skills and working on cash reconciliation. We are beginning to review investment practices. The Acting Treasurer / Consultant will be present at an upcoming meeting to provide a complete update. We expect to know next week the personnel status of the Treasurer / Collector position.

On Monday, January 9, 2012, the Board of Selectmen voted to establish an Audit Committee.  
On September 10, 2012, the Board of Selectmen revised the charge. The charge is as follows:

**RESOLVED**, that the Board of Selectmen establish an Audit Committee to advise the Board of Selectmen, Finance Committee and town management including the Town Administrator, Finance Director/Town Accountant and Town Treasurer with respect to the town's internal auditing, financial systems and internal controls, and independent annual audit.

#### Duties and Responsibilities

For the annual independent audit, dDuties shall include:

- Make recommendations to the Board of Selectmen on the selection of the independent auditor and ~~recommend the~~ scope of the independent audit
- Make recommendations to the Board of Selectmen for areas where extra focus or expanded attention may be appropriate
- Review annual financial statement and management reports prepared by the auditors and provide interpretation comments with respect to said review, and
- Review and report to the Board of Selectmen at least annually on the status of management recommendations made by the independent auditor and corrective action taken by management.

Additionally, with approval of the Board of Selectmen, provide assistance in support of the process for other external audits or reviews, which may include providing input on the scope, reviewing and ranking respondents to RFPs, acting as a point of coordination and support for the auditor conducting the work, and, if requested, provide advice to the requestor on reading and interpreting the report.

#### Appointment

The committee shall be comprised of five (5) voting members serving for terms of three (3) years to be designated by the following committees and appointed by the Board of Selectmen, with preference given to individuals with professional expertise in accounting, financial management, law, or business or not-for-profit organization management. No officer of the town or member of any board, committee or commission, whether elected or appointed, and no past or current town or school employee shall be a member of the Audit Committee:

- One (1) member to be designated by the School Committee;
- One (1) member to be designated by the Finance Committee;
- Three (3) members to be appointed by the Board of Selectmen.
- The Finance Director and Town Administrator shall serve *ex officio* without the right to vote and his/her presence shall not be counted in determining a quorum.

Initially, one (1) member designated by the School Committee and one (1) member appointed by the Board of Selectmen shall be appointed for one (1) year, one (1) member appointed by the Board of Selectmen and one (1) member designated by the Finance Committee shall be appointed for two (2) years, and one (1) member appointed by the Board of Selectmen shall be appointed for three (3) years to establish staggered, three-year (3) terms.



## PRESS RELEASE

### Spring Field Conditions



March 6, 2015

To:

Wayland Town Crier  
Wayland eNews

CC:

Nan Balmer, Town Administrator  
Stephen Kadlik, DPW Director  
Mike Lindeman, Parks Superintendent  
Paul Stein, Superintendent of Schools  
Stephen Cass, High School Athletics Director  
Ben Keefe, Facilities Director  
Pat Morris, Facilities Manager  
Brian Monahan, Conservation Administrator  
Thurston Wright, Recreation Commission chair

Dear Residents,

As Spring quickly approaches, it is becoming more and more clear that this is going to be a challenging one for everyone, especially all sport groups that wish to use outdoor athletic fields. During the past two weeks, Wayland staff has been meeting to discuss spring field schedules and the snow remaining on the playing fields.

Because of the following factors, it has been determined jointly with the School Department, DPW, Recreation Department, Facilities Department, and Conservation that plowing the turf field will not be an option at this time:

- Plowing the snow with a light truck or tractor is not an option because of the 2+ ft snow pack currently on the field and the potential for damage in removal.
- Snow blowing the snow onto the track is not an option because the track would then be unavailable for spring use.
- Snow blowing the snow onto the grass surrounding the stadium is not an option because that area is within the Happy Hollow Well Capture Zone, and there are restrictions in the Operating & Maintenance Plan that was established with Conservation when the field was first constructed.
- Having DPW haul away snow from the site is not an option because of lack of space to store snow at an alternative location, combined with limitation on staff availability and resources to haul potentially 500 truckloads of snow out of the area at this time.
- Hiring an outside source to remove the snow in several weeks may be an option, but that could cost between \$6,000-\$10,000. To spend this much money for 2 weeks of possible play time is not viewed as a wise investment.

Because of the above factors the School Department, AD, DPW, Facilities, Conservation, and Recreation departments have all agreed that the turf field will not be plowed or snow blown at this time. Nature must run its course to allow much of the snow to melt away. In the coming weeks, all departments will work together to sort through any future options that become available. All departments are asking residents and sport organizers to understand that we will be working together this spring to get fields ready for play as soon as possible. Mike Lindeman and Jessica Brodie will be inspecting fields daily/weekly once the snow melts to open fields as soon as possible.

Thank you to all those that volunteer their time to help with town programs, events, and leagues. Think Spring!

Sincerely,

Town of Wayland Staff

Jessica Brodie, Recreation Director

Stephen Kadlik, DPW Director

Mike Lindeman, Parks Superintendent

Paul Stein, Superintendent of Schools

Stephen Cass, High School Athletics Director

Ben Keefe, Facilities Director

Pat Morris, Facilities Manager

Brian Monahan, Conservation Administrator

Nan Balmer, Town Administrator

Thurston Wright, Recreation Commission chair



**TOWN OF WAYLAND - TOWN CLERK'S OFFICE**  
**NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS**

Posted in accordance with the provisions of the Open Meeting Law

NAME OF BOARD/COMM: Recreation Commission

FILED BY: Jessica Brodie

DATE OF MEETING: Monday, March 16, 2015

TIME OF MEETING: 7:00 pm

PLACE OF MEETING: Wayland Town building

NOTE: Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

**AGENDA**

7:00 Public Comment

7:15: Spring/Summer/Fall field use for 2015

- o Field openings
- o Scheduling process
- o Field permits
- o Field layouts & locations

7:45: Loker Conservation site Concept Plan

- o Thoughts/feedback
- o Timeline

8:15: Oxbow Meadow site development

- o Thoughts/feedback
- o Timeline

8:45: New Turf Field Update

- o Possible Locations

9:15 Public Comment

9:30 Adjourn

NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include "A listing of topics that the chair reasonably anticipates will be discussed at the meeting". AG's Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed. Please list those topics on the above agenda.



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**  
**Monday, March 16, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

### CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Town Counsel Mark J. Lanza for the Month Ending February 28, 2015: \$11,901.84
3. Vote the Question of Approving the Invoice of Bateman & Slade, Inc., Invoice No. 10753, February 24, 2015: \$1,201.92
4. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through January 31, 2015, Statement No. 103364: \$173.77
5. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through January 31, 2015, Statement No. 103365: \$2,267.60
6. Vote the Question of Approving the Placement of Temporary Signs for the Wayland Children and Parents Association at the Weston Border on Route 20/Old Connecticut Path, the Intersection of Route 20 and Route 27, the Intersection of Old Connecticut Path and Route 27, and in Front of the Cochituate Fire Station, from March 22-29, 2015, Weather Permitting
7. Vote the Question of Approving the Minutes of March 5, 2015

**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 - 2/28/2015

SUMMARY

FEE CALCULATION: 79.7 HOURS X \$160.00 PER HOUR =	\$12,752.00
DISBURSEMENTS (See below for detail)	85.84
LESS: 50% of 20 WAYLAND CASE COSTS PAID FROM WWMD C FUNDS	-936.00
TOTAL 2/28/15 INVOICE.....	<u>\$11,901.84</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$11,341.84</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T .....	<u>\$176.00</u>
AMOUNT PAYABLE FROM SCHOOL BUDGET.....	<u>\$384.00</u>

DISBURSEMENTS

2/2015	Long Dist. Tel. Charges (Detail on File)	14.66
2/2014	Postage	16.88
2/2014	FAXing (978) 369-9916 & (978) 261-5034	0.00
2/2014	Copying	12.50
2/2014	Mobile Phone (Detail on file)	11.50
2/25/15	MBTA Fares	5.30
2/25/15	Mileage: 36 @ \$.50 =	18.00
2/25/15	Parking	7.00
	Total Disbursements \$	<u>85.84</u>

BATEMAN & SLADE, INC.  
— The Brief People —  
OLD CENTRAL WHARF — 77 CENTRAL STREET  
BOSTON, MASSACHUSETTS 02109

EMAIL: BATEMANSLADE@MSN.COM

(617) 423-5556

FAX: (617) 423-7812

Mark J. Lanza, Esquire  
9 Damonmill Square  
Suite 4A4  
Concord, Massachusetts 01742  
(978) 369-9100

February 24, 2015

Invoice No. 10753

---

**Appeals Court**

No. 2014-P-1835

MARK FRISHMAN

v.

MARK J. LANZA,  
ET AL.

Print & File:

Appellee's Brief \$ 1,161.85

Sales Tax N/A

Postage/Courier 40.07

Filing Fee N/A


TOTAL \$ 1,201.92

**Federal Tax Identification**

**No. 04-2552058**

**Invoices are due and payable UPON RECEIPT.**

**Thank you for using the Brief People, Bateman & Slade!**

Approved:   
Trial Counsel  
Legal Exp. 3/5/2015

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

101 ARCH STREET  
BOSTON, MA 02110

(617) 556-0007

---

STATEMENT NO. 103364

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH      JANUARY 31, 2015  
FEBRUARY 27, 2015

TOTAL FEES:	162.00
TOTAL COSTS:	<u>11.77</u>
BALANCE DUE:	<u>173.77</u>

RECEIVED  
MAR -4 2015  
Board of Selectmen  
Town of Wayland

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

101 ARCH STREET  
BOSTON, MA 02110

(617) 556-0007

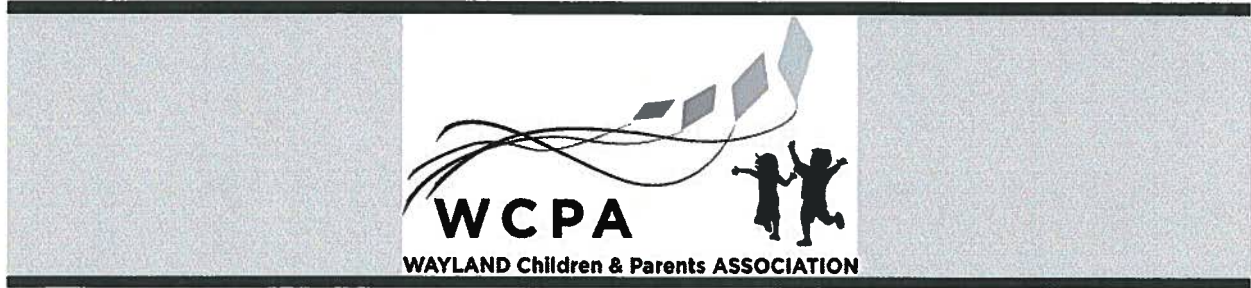
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STATEMENT NO. 103365

WAYLAND PLANNING BOARD  
WAYLAND TOWN HALL  
41 CHOCHITUATE ROAD  
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH      JANUARY 31, 2015  
FEBRUARY 27, 2015

TOTAL FEES:	2,196.00
TOTAL COSTS:	<u>71.60</u>
BALANCE DUE:	<u>2,267.60</u>



March 10, 2015

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

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

**Re: Signboard Request**

Dear Ms. DiNapoli:

The Wayland Children and Parents Association is hosting its annual town Spring Egg Hunt on March 29<sup>th</sup> at the Loker Elementary School.

We are requesting permission to post our sandwich boards to promote this event starting March 22<sup>nd</sup>, 2015 at the following locations:

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

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

Sincerely,  
Laura Jacques & Danielle Meade  
WCPA External Marketing/Public Relations





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www.wayland.ma.us

# TOWN OF WAYLAND

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CHERRY C. KARLSON  
JOSEPH F. NOLAN

# DRAFT

## Board of Selectmen Meeting Minutes March 5, 2015

**Attendance:** Mary M. Antes, Edward J. Collins, Cherry C. Karlson

**Also Present:** Town Administrator Nan Balmer, Town Counsel Mark Lanza

**A1. Call to Order by Chair** Vice Chair C. Karlson called the open meeting of the Board of Selectmen to order at 3:10 p.m. in the Small Conference Room of the Wayland Town Building. She reviewed the agenda for the public.

**A2. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** C. Karlson said, "I know of none."

**A3. Enter into Executive Session pursuant to: (i) MGL Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland, and potential litigation by a group of Wastewater district users, as threatened by their lawyer, and the matter of the appeal of the groundwater discharge permit issued by the Massachusetts Department of Environmental Protection for the Town Building Site; and pending litigation regarding the case of Moss and Bonner vs. Lingleys; and (ii) MGL Chapter 30A, Section 21a(1) to discuss the Open Meeting Law complaint filed against the Board of Selectmen on September 3, 2013, and September 18, 2013; and (iii) MGL Chapter 30A, Section 21a(3), to Discuss Strategy with respect to Collective Bargaining with the unions; and (iv) MGL Chapter 30A, Section 21a(2) to Discuss Strategy with Respect to Contract Negotiations with Nonunion Personnel (new Town Administrator Nan Balmer); and, (v) MGL Chapter 30A, Section 21a(6) to consider the Purchase, Exchange, Lease or Value of Real Property (Septage Meeting with Sudbury re: Value of Real Estate/Disposition); and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: November 28, 2011, March 28, 2012, January 7, 2013, June 13, 2013, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013, August 12, 2013, August 26, 2013, September 9, 2013, September 16, 2013, September 23, 2013, October 21, 2013, December 9, 2013, January 6, 2014, February 24, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, May 27, 2014, August 11, 2014, and August 18, 2014** At 3:14 p.m., C. Karlson moved, seconded by E. Collins, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland, and potential litigation by a group of Wastewater district users, as threatened by their lawyer, and the matter of the appeal of the groundwater discharge permit issued by the Massachusetts Department of Environmental Protection for the Town Building Site; and pending litigation regarding the case of Moss and Bonner vs. Lingleys; and (ii) MGL Chapter 30A, Section 21a(1) to discuss the Open Meeting Law complaint filed against the Board of Selectmen on September 3, 2013, and September 18, 2013; and (iii) MGL Chapter 30A, Section 21a(3), to discuss strategy with respect to collective bargaining with the

unions; and (iv) MGL Chapter 30A, Section 21a(2) to discuss strategy with respect to contract negotiations with nonunion personnel (new Town Administrator Nan Balmer); and, (v) MGL Chapter 30A, Section 21a(6) to consider the purchase, exchange, lease or value of real property (septage meeting with Sudbury re: value of real estate/disposition); and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: November 28, 2011, March 28, 2012, January 7, 2013, June 13, 2013, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013, August 12, 2013, August 26, 2013, September 9, 2013, September 16, 2013, September 23, 2013, October 21, 2013, December 9, 2013, January 6, 2014, February 24, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, May 27, 2014, August 11, 2014, and August 18, 2014. The Vice Chair declares 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, negotiating or litigating position of the Town. Roll call vote: YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Vice Chair C. Karlson invites attendance by Town Administrator Nan Balmer and Town Counsel Mark Lanza. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 3:57 p.m.

**A4. Return to Open Session and Potential Vote to Release Executive Session Minutes** M. Antes moved, seconded by E. Collins, to approve and release, with edits and redactions, the executive session minutes of November 28, 2011, March 28, 2012, January 7, 2013, June 13, 2013, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013, August 12, 2013, August 26, 2013, September 9, 2013, September 16, 2013, September 23, 2013, October 21, 2013, December 9, 2013, January 6, 2014, February 24, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, May 27, 2014, August 11, 2014, and August 18, 2014. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

**A5. Adjourn** There being no further business before the Board, E. Collins moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 3:58 p.m. YEA: M. Antes, E. Collins, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

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

1. Draft Executive Session Minutes of November 28, 2011, March 28, 2012, January 7, 2013, June 13, 2013, June 17, 2013, July 8, 2013, July 16, 2013, July 23, 2013, August 12, 2013, August 26, 2013, September 9, 2013, September 16, 2013, September 23, 2013, October 21, 2013, December 9, 2013, January 6, 2014, February 24, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, May 27, 2014, August 11, 2014, and August 18, 2014.

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

1. None



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
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www.wayland.ma.us

**REVISED LIST OF PUBLIC DOCUMENTS  
PROVIDED TO THE BOARD OF  
SELECTMEN FROM FEBRUARY 20, 2015,  
THROUGH AND INCLUDING FEBRUARY  
26, 2015, OTHERWISE NOT LISTED AND  
INCLUDED IN THE CORRESPONDENCE  
PACKET FOR MARCH 2, 2015**

BOARD OF SELECTMEN

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

**Items Distributed To the Board of Selectmen – February 27-March 12, 2015**

1. Email of 3/10/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Press Release regarding Condition on the Artificial Turf Field

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 2, 2015**

1. Powerpoint Presentation, Odyssey Advisors, Presentation of GASB 45 and Premium Forecast Result, March 2, 2015
2. Odyssey Advisors, Town of Wayland Other Postemployment Benefits Plan, Premium Based Forecast as of December 231, 2014
3. Odyssey Advisors, Town of Wayland Other Postemployment Benefits Plan, GASB45 Actuarial Valuation as of December 31, 2014
4. Article List for the 2015 Annual Town Meeting
5. Article from MassResources.org re: Circuit Breaker Tax Credit

**Items Included as Part of Agenda Packet for Discussion During the March 16, 2015 Board of Selectmen's Meeting**

1. Recommendation of the Greater Boston Association of Realtors, 2/12/15, re: Appointment to the Historic District Commission
2. Article 26, Appropriate Funds for Due Diligence and Feasibility Design for a proposed Council on Aging/Community Center at Wayland Town Center
3. Memorandum of 3/13/15 from Jerry Heller and Rebecca Stanizzi, River's Edge Advisory Committee, re: River's Edge Update
4. Backup Materials to Update on River's Edge Project
  - Draft Request for Proposals (RFP) (including the Committee's edits through today),
  - Draft Land Disposition Agreement (LDA),
  - Draft Right of Entry and License Agreement,
  - Draft Repurchase Agreement,
  - Draft Escrow Agreement, and
  - Memorandum dated today regarding a sale versus a ground lease (updated from an earlier version).
5. Backup Materials to Solar Power Projects
6. 2015 Annual Town Meeting Warrant
7. List of Annual Town Meeting Articles with Board of Selectmen and Finance Committee Positions
8. Request of The Local, 3/4/15, to Begin to Serve Alcohol on Sunday, April 5, 2015, at 10:00 a.m., and Massachusetts General Laws Chapter 138, Section 33B
9. Report of the Town Administrator for the Week Ending 3/13/2015





# TOWN OF WAYLAND

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TOWN ADMINISTRATOR  
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## BOARD OF SELECTMEN

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

## BOARD OF SELECTMEN Monday, March 16, 2015 Wayland Town Building Selectmen's Meeting Room

### REVISED CORRESPONDENCE

#### Selectmen

1. Email of 2/28/15 from Mike Lowery to Board of Selectmen re: Signage for Russell's Farmers Market
2. Letters of 3/6/15 from Nan Balmer, Town Administrator, to State Senator and Representatives, re: Support for Statute Increasing Income and Asset Limits for Seniors
3. Memorandum of 3/4/15 from Beth R. Klein, Town Clerk, to Board of Selectmen re: Resignation of Meaghan Winokur from the Historic District Commission
4. Letter of 3/6/15 from David Larson, Wayland Business Association, to Board of Selectmen, re: Town Center Event
5. Press Release, 3/6/15, to Residents, re: Spring Field Conditions
6. Email of 3/10/15 from Ellen Brideau, Director of Assessing, to Nan Balmer, Town Administrator, re: Release of Excess Overlay
7. Letter of 3/12/15 from Representative Carmen Gentile to House Counsel re: Support for Statute Increasing Income and Asset Limits for Seniors
8. Correspondence from Minuteman Regional School:
  - Draft Agreement Under G.L. Chapter 76, Section 12
  - Proposed Amendments to Regulations for Vocational Technical Education
  - Letter of 1/26/15 from Murphy, Hesse Toomey & Lehane LLP re: Process for Withdrawal under the Current Regional Agreement
  - Matrix of Communities with Vote Results
  - Excerpt from May 20, 2014 Needham School Committee Minutes
  - Memorandum of 4/4/14 from Dan Matthews, Needham Selectman, re: Minuteman Regional School District Agreement -Proposed Resolution
9. Monthly Report, Animal Control, February 2015
10. Monthly Report, Police Department, February 2015

#### Conservation Commission

11. Determination of Applicability, 2/25/15, from Brian J. Monahan, Conservation Administrator, re: Lundy Lane Walkway

#### Zoning Board of Appeals

12. Decision No. 15-01, 281 Concord Road
13. Public Hearing, March 24, 2015, 26 Parkland Drive
14. Continued Hearing, March 10, 2015, 65 Glezen Lane

#### Minutes

15. Finance Committee, February 3, 2015, February 10, 2015, February 26, 2015
16. Historical Commission, January 12, 2015
17. OPEB Advisory Committee, February 25, 2015
18. Personnel Board, January 12, 2015, February 12, 2015
19. River's Edge Advisory Committee, February 19, 2015

**DiNapoli, MaryAnn**

---

**From:** Mike Lowery <lowery.mike@gmail.com>  
**Sent:** Saturday, February 28, 2015 4:26 PM  
**To:** Chris Brown; Selectmen  
**Cc:** Kadlik, Stephen; Irving, Robert; Doucette, Joe; Balmer, Nan  
**Subject:** Re: Conversation with Peg Mallet, Russells

Chris,

After my conversation with Peg Mallet, I'd believed she had understood that at very least these signs had to be secured and set back from the roadway - for the safety of the public and DPW staff. Today on my way to the landfill I counted four unsecured signs stuck in snowbanks near the road. I didn't take inventory, but I assume this practice was followed in the 10-12 spots where we have seen these signs over this winter.

Russells is an institution, and the Farmer's Market is a benefit to the town - but that does not grant Russells the authority to place signs illegally, at any time and place it wishes, and create a danger for the public and DPW staff.

The BoPW should consider a formal communication with Russells to a) make clear what are the town and state regulations regarding placement of temporary signs, and b) advising them they must comply with these regulations or expect that their signage will be removed. We should work to find a way that non-profits, schools, religious institutions, and businesses could spread the work about upcoming events - without littering our town with dangerous temporary signs.

Responsibility for enforcing the town's bylaws regarding signage rests with the Building Department - but within the road right of way the Board of Public Works has a duty to protect its workers. WPD has the duty to protect those driving on our roads.

State law enables any citizen to remove signs placed without the authority of the municipal custodian of the land.

Regards,  
Mike Lowery

120 Lakeshore Drive  
Cochituate, MA 01778  
508-397-8828

On Sat, Feb 28, 2015 at 4:06 PM, Chris Brown <[cbrown93@comcast.net](mailto:cbrown93@comcast.net)> wrote:  
All,

Imagine my surprise when I found this sign stuck in a snow bank at the corner of Rolling Lane and Old Connecticut Path this afternoon. I imagine there are others around town today as well. I wonder if we need a more formal warning about placing these signs around town. Personally, I love Russell's, but we have rules against doing such things.

Best,  
Chris

---

**From:** "Mike Lowery" <[lowery.mike@gmail.com](mailto:lowery.mike@gmail.com)>  
**To:** "Stephen Kadlik" <[skadlik@wayland.ma.us](mailto:skadlik@wayland.ma.us)>, "Chris Brown" <[cbrown93@comcast.net](mailto:cbrown93@comcast.net)>  
**Cc:** "Robert Irving" <[Chief@wayland.ma.us](mailto:Chief@wayland.ma.us)>, "Joe Doucette" <[jdoucette@wayland.ma.us](mailto:jdoucette@wayland.ma.us)>, "Nan Balmer" <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>  
**Sent:** Friday, February 13, 2015 1:01:32 PM  
**Subject:** Conversation with Peg Mallet, Russells

Gentlemen-

Peg Mallet of Russells returned my call from this morning, and I expressed the board's specific concerns with unsecured signs and the dangers they could pose. She proposed attaching a limited number of signs in secure ways so that customers would not think the market was cancelled. She asked me if that would be ok. I said that it would address the specific and immediate concern - but that Chief Irving shared some of the board's concerns, and that she should contact him.

I also said that the board would consider in the future the larger issue of signs, and how to help events be publicized - but stressed that I was only authorized to convey the board's and staff's concerns on this specific issue.

Mike Lowery

120 Lakeshore Drive  
Cochituate, MA 01778  
[508-397-8828](tel:508-397-8828)



# 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

March 6, 2015

Representative Alice Hanlon Peisch  
Commonwealth of Massachusetts  
State House Room 473G  
Boston MA 02133

Re: Support of Request to Review of M.G.L. Chapter 59 Section 5 Clause 41C

Dear Representative Peisch:

The Wayland Board of Selectmen fully supports the request of the Wayland Senior Tax Relief Committee that you review the statute under Massachusetts General Laws Chapter 59 Section 5 Clause 41C, and increase the tax relief granted to our seniors.

We are requesting that you bring the 28 year old statute up to date by increasing the Income Limits, the Asset Limits, and Tax Relief granted. We recommend amending the statute as follows: The Income Limits under the revised Clause 41C would state that a single senior's gross income for the previous calendar year cannot exceed \$45,000 and a married senior couple's gross income for the previous calendar year cannot exceed \$65,000. The Asset Limits under the revised Clause 41C would state that a single senior's assets cannot exceed \$85,000 and a married senior couple's assets cannot exceed \$120,000. The Potential Tax Relief granted to a qualifying senior under Clause 41C would state relief between \$750-\$1,500.

The Board asks that you consider these increases to better enable our middle class seniors to remain in their own homes.

Sincerely,

Nan Balmer  
Town Administrator

cc: Board of Selectmen





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
TOWN ADMINISTRATOR  
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BOARD OF SELECTMEN  
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EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

March 6, 2015

Representative Carmine Gentile  
Commonwealth of Massachusetts  
State House Room 437  
Boston MA 02133

Re: Support of Request to Review of M.G.L. Chapter 59 Section 5 Clause 41C

Dear Representative Gentile:

The Wayland Board of Selectmen fully supports the request of the Wayland Senior Tax Relief Committee that you review the statute under Massachusetts General Laws Chapter 59 Section 5 Clause 41C, and increase the tax relief granted to our seniors.

We are requesting that you bring the 28 year old statute up to date by increasing the Income Limits, the Asset Limits, and Tax Relief granted. We recommend amending the statute as follows: The Income Limits under the revised Clause 41C would state that a single senior's gross income for the previous calendar year cannot exceed \$45,000 and a married senior couple's gross income for the previous calendar year cannot exceed \$65,000. The Asset Limits under the revised Clause 41C would state that a single senior's assets cannot exceed \$85,000 and a married senior couple's assets cannot exceed \$120,000. The Potential Tax Relief granted to a qualifying senior under Clause 41C would state relief between \$750-\$1,500.

The Board asks that you consider these increases to better enable our middle class seniors to remain in their own homes.

Sincerely,

Nan Balmer  
Town Administrator

cc: Board of Selectmen



# TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

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

March 6, 2015

Senator Richard J. Ross  
Commonwealth of Massachusetts  
State House Room 520  
Boston MA 02133

Re: Support of Request to Review of M.G.L. Chapter 59 Section 5 Clause 41C

Dear Senator Ross:

The Wayland Board of Selectmen fully supports the request of the Wayland Senior Tax Relief Committee that you review the statute under Massachusetts General Laws Chapter 59 Section 5 Clause 41C, and increase the tax relief granted to our seniors.

We are requesting that you bring the 28 year old statute up to date by increasing the Income Limits, the Asset Limits, and Tax Relief granted. We recommend amending the statute as follows: The Income Limits under the revised Clause 41C would state that a single senior's gross income for the previous calendar year cannot exceed \$45,000 and a married senior couple's gross income for the previous calendar year cannot exceed \$65,000. The Asset Limits under the revised Clause 41C would state that a single senior's assets cannot exceed \$85,000 and a married senior couple's assets cannot exceed \$120,000. The Potential Tax Relief granted to a qualifying senior under Clause 41C would state relief between \$750-\$1,500.

The Board asks that you consider these increases to better enable our middle class seniors to remain in their own homes.

Sincerely,

Nan Balmer  
Town Administrator

cc: Board of Selectmen



# 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)**

**Date:** March 4, 2015  
**To:** Board of Selectmen  
**From:** Beth R. Klein, Town Clerk  
**RE:** Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective March 4, 2015:

Meaghan Winokur      Historic District Committee  
Term Expires:                      6/30/15

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

cc: Nan Balmer, Town Administrator  
Gretchen Schuler, Chair

**RECEIVED**

**MAR -5 2015**

Board of Selectmen  
Town of Wayland

## DiNapoli, MaryAnn

---

**From:** David Larson <dave.larson@jointventurespt.com>  
**Sent:** Friday, March 06, 2015 1:53 PM  
**To:** Selectmen  
**Cc:** Balmer, Nan; Sarkisian, Sarkis  
**Subject:** Town Center Event  
**Attachments:** image001.jpg

March 6, 2015

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

RE: Wayland Town Center Spring/Summer Event Series

Chair of the Board of Selectmen Mr. Nolan, et al.

I have been encouraged by Town Planner Sarki Sarkisian and Town Administrator Nan Balmer to reach out directly to the Town of Wayland Board of Selectmen with a request for information and assistance for planning a privately funded series of public events for Spring/Summer of 2015 at the Wayland Town Center.

I am one in a group of business owners and business decision makers within the Wayland Town Center who is interested in finding creative ways to drive more traffic to the businesses of the Wayland Town Center. We have come together as a group to brainstorm how we can make this happen. One of our ideas is a series of public events (eg. movie night, family friendly music event, a social event) that would occur on a series of weekdays in the early evening at the Wayland Town Center this Spring. Through some legwork, we have been told that KGI Properties is still the deciding entity for such an event. We plan to follow up directly with them as well. But any assistance, direction, advice or Town "pressure" you could help us to exert that could help bring this idea to fruition, would be greatly appreciated.

In speaking to Ms. Balmer, I understand there is a time for public comment at your Monday evening meetings at the Town Building. I plan to attend your March 23<sup>rd</sup> meeting at 7pm and hope to bring some other voices.

Respectfully submitted,



David E. Larson, MSPT  
Owner  
Joint Ventures Physical Therapy, Inc.  
Wayland Town Center

Cc: Nan Balmer, Town Administrator  
Sarki Sarkisian, Town Planner

--

David E. Larson, MSPT

Owner

Joint Ventures Physical Therapy & Fitness

(p) 617-536-1161, ext 1

(f) 617-536-1165

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



**Click to find us in:**



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## PRESS RELEASE

### Spring Field Conditions



March 6, 2015

To:  
Wayland Town Crier  
Wayland eNews

CC:  
Nan Balmer, Town Administrator  
Stephen Kadlik, DPW Director  
Mike Lindeman, Parks Superintendent  
Paul Stein, Superintendent of Schools  
Stephen Cass, High School Athletics Director  
Ben Keefe, Facilities Director  
Pat Morris, Facilities Manager  
Brian Monahan, Conservation Administrator  
Thurston Wright, Recreation Commission chair

Dear Residents,

As Spring quickly approaches, it is becoming more and more clear that this is going to be a challenging one for everyone, especially all sport groups that wish to use outdoor athletic fields. During the past two weeks, Wayland staff has been meeting to discuss spring field schedules and the snow remaining on the playing fields.

Because of the following factors, it has been determined jointly with the School Department, DPW, Recreation Department, Facilities Department, and Conservation that plowing the turf field will not be an option at this time:

- Plowing the snow with a light truck or tractor is not an option because of the 2+ ft snow pack currently on the field and the potential for damage in removal.
- Snow blowing the snow onto the track is not an option because the track would then be unavailable for spring use.
- Snow blowing the snow onto the grass surrounding the stadium is not an option because that area is within the Happy Hollow Well Capture Zone, and there are restrictions in the Operating & Maintenance Plan that was established with Conservation when the field was first constructed.
- Having DPW haul away snow from the site is not an option because of lack of space to store snow at an alternative location, combined with limitation on staff availability and resources to haul potentially 500 truckloads of snow out of the area at this time.
- Hiring an outside source to remove the snow in several weeks may be an option, but that could cost between \$6,000-\$10,000. To spend this much money for 2 weeks of possible play time is not viewed as a wise investment.

Because of the above factors the School Department, AD, DPW, Facilities, Conservation, and Recreation departments have all agreed that the turf field will not be plowed or snow blown at this time. Nature must run its course to allow much of the snow to melt away. In the coming weeks, all departments will work together to sort through any future options that become available. All departments are asking residents and sport organizers to understand that we will be working together this spring to get fields ready for play as soon as possible. Mike Lindeman and Jessica Brodie will be inspecting fields daily/weekly once the snow melts to open fields as soon as possible.

Thank you to all those that volunteer their time to help with town programs, events, and leagues. Think Spring!

Sincerely,

Town of Wayland Staff

Jessica Brodie, Recreation Director

Stephen Kadlik, DPW Director

Mike Lindeman, Parks Superintendent

Paul Stein, Superintendent of Schools

Stephen Cass, High School Athletics Director

Ben Keefe, Facilities Director

Pat Morris, Facilities Manager

Brian Monahan, Conservation Administrator

Nan Balmer, Town Administrator

Thurston Wright, Recreation Commission chair



**Town of Wayland**  
 41 COCHITUATE ROAD  
 WAYLAND MASSACHUSETTS 01778  
 www.wayland.ma.us TEL. 508-358-3788

OFFICE STAFF  
 Ellen M. Brideau, MAA Director of Assessing  
 Denise Ellis, Assistant Assessor  
 Jessica Marchant, Administrative Assessor  
 Savitri Ramgoolam, Department Assistant

BOARD OF ASSESSORS  
 Susan M. Rufo, Chair  
 Jayson Brodie, Vice Chair  
 Molly Upton  
 Zachariah L. Ventress  
 David Hill

---

**MEMO**

---

**TO:** NAN BALMER, TOWN ADMINISTRATOR  
 BRIAN KEVENY, FIANANCE DIRECTOR  
**FROM:** ELLEN BRIDEAU, DIRECTOR OF ASSESSING  
**SUBJECT:** RELEASE OF EXCESS OVERLAY  
**DATE:** 3/10/2015

*WMB*

RECEIVED  
 MAR 10 2015

Board of Selectmen  
 Town of Wayland

---

On March 9<sup>th</sup>, 2015, the Board of Assessors unanimously voted to release the following Excess Overlay from the Overlay Reserve Account to Overlay Surplus Account:

FY 06	1,000	3/9/2015
FY 07	1,200	3/9/2015
FY 09	9,800	3/9/2015
FY 12	10,000	3/9/2015
FY 13	80,000	3/9/2015
<b>Total</b>	<b>102,000</b>	



## Balmer, Nan

---

**From:** Gentile, Carmine - Rep (HOU) <Carmine.Gentile@mahouse.gov>  
**Sent:** Thursday, March 12, 2015 1:41 PM  
**To:** Kennedy, James C (HOU)  
**Cc:** Balmer, Nan  
**Subject:** Drafting Bill dealing with MGL 59  
**Attachments:** Wayland review M.G.L. Chapter 59.pdf

March 12, 2015

James C. Kennedy, Esq.  
House Counsel  
State House, Room 139  
Boston, MA 02133

Dear Mr. Kennedy:

The Wayland Board of Selectmen by and through their Town Administrator, Nan Balmer, has requested that I file a bill on their behalf which would amend M.G.L.c. 59, §5(41)C so that the tax relief granted our seniors is increased as follows:

- 1.) the current income Limits for a single senior's gross income for the previous calendar year limit of \$45,000.00 be changed to \$85,000.00;
- 2.) the current limit of \$65,000.00 for married couples be changed to \$85,000.00;
- 3.) the current Asset Limits under the revised subsection 41C stating that a single senior's assets cannot exceed \$65,000.00 be changed to \$120,000.00; and
- 4.) the Potential Tax Relief granted to a qualifying senior under Clause 41C state relief between \$750 - \$1,500.00

So that middle class seniors are better able to remain in their homes (see correspondence dated March 6, 2015 enclosed herewith). Accordingly, I would ask that you prepare a draft bill which I may file with the House Clerk.

Thank you for your courtesy and assistance in this matter.

Very truly yours,

Carmine Gentile  
State Representative  
13<sup>th</sup> Middlesex District  
(Framingham, Marlborough, Sudbury, and Wayland)  
Member, Committee on Elder Affairs  
State House, Rm 437 (temporary)  
O: 617-722-2425 (temporary)

Agreement Under G.L. Chapter 76, Section 12

Whereas the Town of Weston (hereinafter sometimes referred to as the "Municipality") currently is a member of the Minuteman Regional Vocational School District (hereinafter "Minuteman"), but whereas the Municipality, consistent with the terms of a new Regional Agreement, may withdraw from the Minuteman District, but whereas, even if the Town of Weston withdraws from the District, the Weston School Committee desires to enable at least a certain minimum number of eligible students who reside in said community to attend Minuteman during the school years covered by this Agreement (and through to the completion of the School's four year program consistent with paragraph 6 below), and whereas, as a matter of School Committee policy, Minuteman will accept no students from non-member municipalities unless the school committee of said municipality commits to an Agreement of this sort under G.L. Chapter 76, section 12, and unless, as specified in paragraph 7 below, the student has been accepted via Minuteman's normal "Admissions Policy," the Weston School Committee and the Minuteman School Committee agree as follows:

1. This Agreement is intended to constitute an agreement between two school committees as authorized by G.L. Chapter 76, section 12.

2. For the school year following, and for the life of this agreement, upon the approval of Weston withdrawing from the District, up to five (5) students who reside in Weston and who are accepted by Minuteman via Minuteman's normal "Admissions Policy" will be allowed to attend the school for payment of non-resident tuition as established annually by the Commissioner of Education. For each of these students, however, the Weston School Committee will pay to Minuteman during each year in question a per student "facility fee". Said per student facility fee will be calculated by identifying the District's debt service payment for the year in question (i.e., net of any State reimbursement) and dividing said payment by the District's most recent October 1 enrollment figure. This facility fee will be paid in installments at the same time and in the same proportions as other municipalities make tuition payments to Minuteman. In addition, if any of these students are special needs students with an individualized education plan, the Weston School Committee will pay to Minuteman the regular non-resident Special Education fee to cover the cost of the special education services associated with these students.

3. Should not all of these five (5) student spaces spoken of in paragraph 2 be filled by students from Weston in a given year, the Weston School Committee must still pay the per student facility fee (as expressed in paragraph 2) for each of these spaces. Should more than five students from Weston attend Minuteman in any given year, the Weston School Committee will pay both a facility fee and a tuition cost for each additional student.

4. In the event that either the Massachusetts Legislature through statute or the Department of Elementary and Secondary Education through regulation establishes a mandatory capital facility fee for non-member communities, the facility fee spoken of in paragraph 2 will be adjusted accordingly in light of the language of said statute or regulation.

5. Minuteman will, at appropriate times, provide the Weston School Committee and/or the Town of Weston with the names and identifying information of the Weston resident students who are enrolled in Minuteman.

6. This Agreement will automatically renew for successive one year periods unless the Weston School Committee or the Minuteman School Committee votes to terminate the Agreement

and gives notice of said termination to the other party prior to April 1 of a given year. Regardless of whether this Agreement is terminated or renewed, any student who is enrolled in Minuteman pursuant to and during the life of this Agreement, and who continues to be in good standing at Minuteman, will be allowed to complete the four year program under the terms and conditions of this Agreement, contingent on the Weston School Committee and/or the Town of Weston making all payments called for under this Agreement.

7. This Agreement in no way guarantees the admission of a particular student, and it in no way modifies or affects Minuteman's normal "Admissions Policy," which is incorporated herein by reference.

8. This Agreement will be effective upon the later date of execution noted below.

On behalf of the  
Weston School Committee

On behalf of the  
Minuteman School Committee

\_\_\_\_\_  
Name printed

\_\_\_\_\_  
Edward Bouquillon PhD  
Superintendent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **The Massachusetts Board of Elementary and Secondary Education**

### **Proposed Amendments to Vocational-Technical Education Regulations, 603 CMR 4.00**

To:

Members of the Board of Elementary and Secondary Education

From:

Mitchell D. Chester, Ed.D., Commissioner

Date:

November 14, 2014

---

I am presenting to the Board of Elementary and Secondary Education this month proposed amendments to 603 CMR 4.00: Vocational-Technical Education Regulations, for initial discussion and a vote to solicit public comment. With the Board's approval at the November 25 meeting, we will solicit public comment on the proposed revisions to the regulations and bring them back to the Board for a final vote in February 2015.

#### **Background**

Career and vocational-technical education programs at the high school level are provided in a variety of settings in Massachusetts: in regional and municipal vocational high schools; in comprehensive high schools; and in partnerships with educational collaboratives, post-secondary institutions, and other organizations. Many of these programs are designated by the Department as "Chapter 74 approved" vocational programs, indicating that they meet the high standards outlined in Chapter 74 of the General Laws and in the Board's regulations on vocational-technical education (603 CMR 4.00). Chapter 74 approval entitles districts to higher funding levels under the Chapter 70 state aid formula. Comprehensive high schools can also offer career education courses without seeking Chapter 74 approval; these courses allow students to learn about career opportunities without the need to enroll in a full-time vocational program.

In 2013, in response to issues and concerns raised by superintendents and others, I convened an informal working group of school district and municipal officials and Department staff to review our policies relating to Chapter 74 program approval and enrollment. Based on these discussions and other considerations, including those I outlined for the Board at the March 2014 Board meeting, I am recommending the following changes to the regulations:

#### **Chapter 74 program approvals**

Vocational programs that meet the statutory requirements of M.G.L. c.74 and the Department's regulations and guidance are designated by the Department as approved Chapter 74 programs.

- Establish a formal two-stage process for Chapter 74 program approval. The first stage will focus on establishing the need for a proposed program, and will require the submission of clear evidence of both student demand and labor market demand. In assessing need, the Department may also take into account available capacity in other nearby programs. The first stage approval will serve as support for the district's school building assistance application to the Massachusetts School Building Authority.

- Under state law, a town that belongs to a regional vocational district may not offer a Chapter 74 program in its municipal high school if that program is offered in the regional district, unless the Commissioner approves an exception. Requests for exceptions will need to undergo the same determination of need described above. As part of its review, the Department will solicit comments on the application from the regional vocational district's school committee.
- The second stage of the approval process will focus on compliance with all program requirements, many of which cannot be judged until the program is in operation. In the initial year of a program's operation, if the Department is unable to complete its review prior to October 1, it will provide provisional approval for purposes of the student data submission.
- All Chapter 74 approvals will be reviewed and signed by the Commissioner.
- Add a new vocational education program in Criminal Justice.

#### **Chapter 74 program admissions**

Many of our regional vocational schools do not have sufficient space to accommodate all of the students interested in attending. It has been suggested by some that vocational schools should be required to admit students based on a lottery, as is required for Commonwealth charter schools. Although I am not seeking such a change at this time, I am proposing several other changes related to admissions.

- Vocational schools are currently permitted to establish minimum admissions requirements.<sup>1</sup> In the case of students who are deemed ineligible for admission because they do not meet the minimum requirements, I propose to require each school to maintain documentation as to the specific requirements that were not met, and to provide such documentation to the Department or to the student's parent/guardian upon request.
- Require vocational schools to admit all qualified resident students before admitting non-resident students. Schools would be prohibited from skipping over a resident student who meets the minimum requirements in order to admit a non-resident student or an out-of-state student who is deemed more qualified.
- Make clear that recommendations from students' current guidance counselors are required in the admissions process, in an effort to better serve those students who could benefit from vocational education but who might not score as high on other criteria.
- Require all districts that are members of a regional vocational school district to provide the names and addresses of their 8th grade students to the regional vocational school upon the school's request, so that students can be fully informed of their options for high school.

#### **Non-resident tuition rates**

The Chapter 74 non-resident program allows students to attend a vocational school outside of their home district if they are enrolling in a Chapter 74 program that is not offered in their home district. Tuition is paid by the student's home town. The tuition rate is calculated by the Department based on the vocational school's per pupil spending.

- In FY05, the Department established a cap on the non-resident tuition rates equal to 150% of the foundation budget rate for vocational students, and announced plans to reduce the cap over time to 125% of foundation. The proposed amendments provide that starting in FY2017, the cap will be 125% of foundation. (It should be noted that under

current statutes, county agricultural schools are not subject to this tuition process and would not be subject to the proposed cap.)

- I will be proposing some adjustments to the calculation of the per pupil spending amounts used in setting the tuition rates. These adjustments would eliminate the use of current year budgeted amounts for certain spending categories, recognizing that budgeted amounts do not always reflect actual spending. We will also clarify the accounting for extraordinary special education costs.
- In general, the Chapter 74 non-resident tuition rates do not reflect the capital costs of constructing school buildings, because in most instances these students occupy seats originally planned for resident students. In rare instances, the Massachusetts School Building Authority, in consultation with the Department, may determine that it is in the public interest to design and construct a vocational school to accommodate a significant number of non-resident students. In these instances, I am proposing to allow an additional increment to the tuition rate to reflect the local share of the debt service attributable to the extra space required.
- The proposed revisions make it clear that the Chapter 74 non-resident tuition rates do not apply to tuition agreements entered into by two school committees under the authority of M.G.L. c.76, s.12. When school committees voluntarily enter into a tuition agreement for students in one district to attend school in another district, the tuition rates are negotiated between the two school committees.

#### **Exploratory programs**

Vocational high schools with five or more approved Chapter 74 programs are required to offer a half-year or full-year exploratory program for incoming ninth graders. In an exploratory program, students rotate through the different occupational programs offered at the school to learn about the programs and help them decide in which program they want to enroll. Currently, these exploratory programs are open to non-resident students under the Chapter 74 non-resident program described above. Under the proposed regulatory changes, students would no longer be permitted to enroll in an out-of-district exploratory program if their home district, or the regional vocational district to which their home town belongs, offers an approved Chapter 74 exploratory program. The Chapter 74 non-resident program is intended for students who have already decided on a particular vocational program. Students will continue to have the opportunity to apply for an out-of-district placement for a particular full-time program area when it is not offered in the student's home district(s).

#### **Transportation limits for non-resident students**

For students attending a vocational school under the Chapter 74 non-resident program, the student's home town must also pay the full cost of transporting the student to and from the school. Although there is a state program to reimburse cities and towns for this transportation cost, it has not been fully funded in recent years. As a result, there have been some instances where the financial burden on a student's home town has been unreasonable. To address this problem, I am proposing that the following factors may be taken into consideration in determining whether a town is required to pay for a student to attend an out-of-district vocational school: the availability of a comparable program that is closer in proximity to the student's residence, and whether the cost of transportation would exceed the district's prior-year average non-resident transportation rate.

#### **Expanded opportunities for career education**

There is a growing recognition that we need to offer more career education to all our students, not just those enrolled in full-time vocational programs. We are seeing strong student performance at many of our vocational schools, but getting local approvals and financing for expansion is a difficult process at best. I want to encourage districts to seek out and experiment with other models for delivering career and vocational education, including expanded offerings in our academic and comprehensive high schools, programs sponsored through our educational collaboratives, and partnerships among academic high schools, vocational high schools, and community colleges.

**Proposed amendments: process and timeline**

The Vocational-Technical Education Regulations have not been revised since 2009. These amendments are being presented for public comment in order to implement them in a timely manner for the 2015-16 school year. In addition, we anticipate proposing further updates over the next year including, but not limited to, regulatory recommendations to be developed to update the requirements for licensure of vocational-technical teachers.

These proposed amendments to the regulations accomplish several purposes: 1) update our regulations to reflect current Department policy recommendations to provide students with access to educational opportunities; 2) address some of the challenges identified by school and municipal officials; and 3) ensure that all of our schools have a fair share of fiscal resources.

In drafting the proposed amendments, Department staff consulted informally with the Massachusetts School Building Authority and the Massachusetts Association of Vocational Administrators. We will continue our outreach to interested parties during the public comment period, and expect to bring the regulations back to the Board for a final vote in February.

Jeff Wulfson, Deputy Commissioner and Patricia Gregson, Associate Commissioner, will be available at the November 25 meeting to answer questions.

**Attachments:**



Proposed Amendments to Vocational Technical Education Regulations-clean version



Proposed Amendments to Vocational Technical Education Regulations-strike through version



Career Vocational-Technical Education Highlights



2014 Accountability Data for Regional and Agricultural Vocational Districts

**Motion**

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<sup>1</sup> Under the Board's regulations, [603 CMR 4.03\(6\)\(a\)\(1\)](#), " Each selective vocational technical secondary school in Massachusetts shall use a combination of selection criteria to determine which applicants have an ability to benefit, and therefore be admitted to the school unless the school opts to use first come-first served or a lottery for admissions. The criteria used shall



include academic grades, attendance record, discipline/conduct record, recommendations from sending-school personnel and may include student interview, provided however, that no one criterion exceeds 50% of the total. Schools shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment in a selective vocational technical school or program."

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*Massachusetts Department of  
Elementary & Secondary Education*



**PROPOSED AMENDMENTS TO REGULATIONS FOR VOCATIONAL  
TECHNICAL EDUCATION  
603 CMR 4.00**

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **November 25, 2014**
- Period of public comment: **through January 16, 2015**
- Final action by the Board of Elementary and Secondary Education anticipated: **February 24, 2015**

Proposed amendments are indicated by underline (new language) or ~~striketrough~~ (deleted language). For the complete text of the current Vocational Technical Education Regulations, 603, CMR 4.00, see <http://www.doe.mass.edu/lawsregs/603cmr4.html>

**603 CMR 4.00: Vocational Technical Education**

**Section:**

- 4.01 Authority and Purpose
- 4.02 Definitions
- 4.03 Program Approval Criteria
- 4.04 Program Approval Procedures and Policies
- 4.05 Program Outcomes
- 4.06 Unpaid Off-Campus Construction and Maintenance Projects
- 4.07 Types of Vocational Technical Teacher Licenses, Requirements for Licensure and Licenses Issued
- 4.08 Types of Vocational Technical Administrator Licenses and Requirements for Licensure
- 4.09 Types of Vocational Technical Cooperative Education Coordinator Licenses and Requirements for Licensure
- 4.10 Professional Standards
- 4.11 Preliminary Vocational Technical Teacher License Renewal
- 4.12 Professional Vocational Technical Educator License Renewal and Professional Development
- 4.13 General Provisions Regarding Educator Licensure
- 4.14 Certificate of Occupational Proficiency

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**4.02: Definitions**

**District of residence:** The school district of the city or town where a student resides.

**Non-resident student:** A student who has been, or seeks to be, admitted to a Chapter 74-approved program outside of her/his district of residence.

...

Receiving school: The school in which a nonresident seeks to enroll or enrolls.

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#### **4.03: Program Approval Criteria**

Each school district requesting full approval of a vocational technical education program shall demonstrate that the program meets the following approval criteria:

...

##### (6) Admission of Students

(a) Each vocational technical school and comprehensive school which is selective in terms of admission to its secondary vocational technical programs shall develop and implement an admission policy that is consistent with the Department's "*Guidelines for Admission Policies of Vocational Technical Secondary Schools and Comprehensive Secondary Schools*" that are incorporated into 603 CMR 4.00 by reference. The policy must be approved by the Department prior to implementation. The policy shall be published in the Program of Studies and a copy shall be provided to each student applicant and their parent/guardian. The policy must include the following:

1. The criteria to be used in selecting students and the process for application and admission to the school. Each selective vocational technical secondary school in Massachusetts shall use a combination of selection criteria to determine which applicants have an ability to benefit, and therefore be admitted to the school unless the school opts to use first come-first served or a lottery for admissions. The criteria used shall include academic grades, attendance record, discipline/conduct record, recommendations from the sending-school guidance counselor personnel and may include a student interview, provided however, that no one criterion exceeds 50% of the total. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same course of study. Schools shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment in a selective vocational technical school or program;
2. A description of the Exploratory Program;
3. The criteria and process to be used in selecting students for admission to particular vocational technical education programs commonly referred to as vocational technical majors within the selective vocational technical secondary school or comprehensive secondary school; and
4. A Review Process and an Appeal Process. A process at the school district level for students and parents/guardians to review and appeal the decision to deny the student admission to the school or program shall be included. The district shall maintain documentation as to the specific admission requirements that were not met, and must provide such documentation to the Department or to the student's parent/guardian upon request.

(b) Non-resident students. Students who reside in cities and towns not maintaining approved vocational technical education programs in the vocational technical program area sought by the student may apply for admission to a school of another city, town or district offering the desired instruction as set forth in M.G.L. c. 74, § 7.

1. Students who reside in cities and towns that do not maintain an exploratory program may apply for admission to a school of another city, town or district offering an exploratory program. Ninth grade students who reside in cities and towns that offer an approved exploratory program shall attend the exploratory program provided by the district of residence.
2. Non-resident students shall submit an application of admission to the receiving school no later than March 15 of the preceding school year and shall be subject to the admissions criteria of the receiving school. A non-resident student must submit a copy of the application to the district of residence no later than April 1 of the preceding school year. Upon receipt of the application, the superintendent in the district of residence must either approve or disapprove the application and submit it to the receiving school and the non-resident student's parent/guardian within 10 school days of receipt. If the application is disapproved, the reason for disapproval must be clearly stated. The non-resident student's parent or guardian may request that the Department review the disapproval. The request for a review and any supporting documentation shall be submitted in writing to the Department no later than May 1. The decision of the Commissioner shall be final. In making his decision, the Commissioner shall take into consideration the following:
  - a. The availability of a comparable program that is closer in proximity to the non-resident student's residence.
  - b. Whether the cost of providing transportation to the non-resident student would exceed the resident district's prior-year average non-resident transportation cost.
3. Once a non-resident student has been accepted to a receiving school for an approved vocational technical program and has been approved by the district of residence or the Department, the city or town of residence shall pay tuition to the receiving school at the rate established by the Department. The receiving school shall notify a non-resident student in writing that admission is program specific and that a change in program by a non-resident student will require the submission of a new application of admission. The non-resident student is entitled to the same rights and privileges of students who reside in the receiving school district. The non-resident student has the right to remain in the receiving school until completion of his/her secondary program. If the non-resident student requires additional time to complete the program and a resident student would have been offered the right to continue until completion at the expense of member districts, the city or town of residence must continue to pay tuition for the additional time. If a non-resident student leaves the program but returns within one year, the student shall be entitled to be reinstated if that privilege would have been extended to a resident student. Schools must pro-rate the tuition if the student attends for less than a full year.

4. In instances where there is no tuition agreement in place between sending and receiving districts, the commissioner shall establish tuitions rates for the purposes of M.G.L. c.74, s.7C. In calculating and establishing said tuition rates the commissioner:
  - a. Shall base the calculation on actual expenditures made by the receiving district during the most recent fiscal year for which such expenditures are available to the Department, adjusted for inflation in any subsequent year prior to the year of enrollment for which the tuition is to be paid. Said inflation adjustment shall be made in a manner consistent with calculations of inflation for foundation budgets pursuant to M.G.L. c.70.
  - b. Shall establish a maximum tuition cap based on a percentage of the per pupil foundation budget rate for vocational technical students. Beginning in fiscal year 2017 the established cap shall not exceed 125% of the per pupil foundation rate.
  - c. May, in instances where the receiving district has been authorized to operate a facility that serves a high percentage of non-resident students, establish a capital construction and renovation increment to be added to the tuitions paid on behalf of non-resident students attending the school. In calculating any such increments, the Commissioner shall use the actual expenditures for this purpose, as reported by the district for the year for which the non-resident tuition was calculated, divided by the total school enrollment. Students who reside in a city or town that is a member of a district which offers at least five approved vocational technical programs shall not be required to pay more than 75% of the calculated per pupil amount. The capital construction and renovation increment shall not be subject to the cap established in pursuant to 603 CMR 4.03 (6) 4 b.
  - d. May approve the addition of increments to tuitions for non-resident students enrolled in special education programming. Such increments must be consistent with those approved for use as part of school choice special education calculations pursuant to 603 CMR 10.00. Any special education increment to non-resident tuitions shall not be subject to the cap established pursuant to 603 CMR 4.03 (6) 4 b.

~~Non-resident students shall be subject to the admissions criteria of the school to which they are applying. Admitted student's tuition shall be paid by the city or town where the student resides in accordance with the Department's tuition rates for such programs and the Department's "Vocational Technical Education Nonresident Policy." The school to which the student has applied but has been denied nonresident tuition by the city or town of residence may request that the Commissioner review the denial of tuition. The Commissioner may appoint a review panel to assist him/her in the review. The request for a review of the denial shall be submitted in writing to the Commissioner within the timelines set forth in the Department's "Vocational Technical Education Nonresident Policy." The decision of the Commissioner shall be final.~~

(c) Each school shall have a code of conduct which shall include standards and procedures for suspension and expulsion of students in accordance with M.G.L c. 71, § 37H. The code shall be published in the Student Handbook and a copy shall be provided to each student, parent/guardian. Expulsion for reasons not included in the code shall not be allowed.

(d) Each school with postsecondary vocational technical education programs shall develop and implement an admission policy for the postsecondary programs. The policy must be approved by the Department prior to implementation.

(e) Each school that admits postgraduate students shall develop and implement an admission policy for the postgraduate openings. The policy must be approved by the Department prior to implementation.

(f) In order to provide students and their parents with information on the availability of vocational technical education, a school shall release the names and addresses of grade 8 students to authorized school personnel of a regional vocational school district if the city or town in which the school is located is a member of the regional vocational school district; provided that the school shall give public notice that it releases this information and allows parents and eligible students, as defined by 603 CMR 23.02, a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent.

...

#### (9) Provisional Approval

A school district may request provisional approval of a vocational technical education program.

(a) A school district requesting approval of a vocational technical education program due to new building projects such as new facilities or expansion of existing facilities shall demonstrate that the program meets the following criteria:

1. Provide a need statement to the Department that provides clear evidence of secondary student and labor market demand for the program(s).

a. For a new building or expansion project the Department will review the information and provide the school district and the Massachusetts School Building Authority an opinion on the feasibility of the proposed new building project or expansion.

b. A town that belongs to a regional vocational district may not offer an approved vocational technical program in its municipal high school if that program is offered in the regional district, unless the Commissioner

approves an exception. Thus, an exception must be requested for projects which include programs that are duplicative of programs offered in a school district's member regional vocational technical school. In making the determination, the Commissioner will consider the district's statement of need and in addition, will seek comment on the district's request for an exception from the regional vocational school district school committee.

2. Building or expansion projects that have been completed and are awaiting full program approval from the Department may be granted provisional approval for purposes of the student data submission, if the Department is unable to complete its review prior to October 1<sup>st</sup> of the school year in which the programs will operate. Full approval will be granted upon the school districts compliance with all programs requirements under 603 CMR 4.03 (1) – (8).

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#### **4.07: Types of Vocational Technical Teacher Licenses, Requirements for Licensure, and Licenses Issued**

##### **(1) Types**

- (a) Preliminary
- (b) Professional

##### **(2) Requirements for the Preliminary Vocational Technical Teacher License**

- (a) Evidence of sound moral character.
- (b) Education:

1. Candidates for the following licenses must document an associate's degree or higher degree related to the subject matter and skills they will teach:
  - a. Dental Assisting
  - b. Design & Visual Communications
  - c. Drafting
  - d. Electronics
  - e. Hospitality Management
  - f. Programming and Web Development
  - g. Information Support Services & Networking
  - h. Medical Assisting
  - i. Medical Laboratory Technology
  - j. ~~Office~~ Business Technology
  - k. Radio and Television Broadcasting
  - l. Telecommunications - Fiber Optics

- m. Criminal Justice
- n. Robotics & Automation Technology
- 2. Candidates for the following licenses must document a bachelor's degree or higher degree related to the subject matter and skills they will teach:
  - a. Animal Science
  - b. Biotechnology
  - c. Early Education and Care
  - d. Engineering Technology
  - e. Environmental Science & Technology
  - f. Health Assisting
  - g. Horticulture
  - h. Marketing
  - i. Operating Room Technology
  - j. Practical Nursing (LPN)
- 3. All other vocational technical teacher license candidates must document a high school diploma or the equivalent.

(c) Massachusetts and/or federal government or industry issued licenses or certifications required by industry or government to work in the technical area and by the Department to teach the vocational technical subject matter and skills as set forth in "*Guidelines for Vocational Technical Education Programs and Educator Licensure.*"

(d) Passing scores on the written and performance tests in the vocational technical subject matter and skills the candidate will teach.

(e) Passing score on the Technical Communication and Literacy Skills Test.

(f) Employment Experience: All vocational technical teacher license candidates must document recent employment experience directly related to the subject matter and skills they will teach. Recent employment experience is defined as employment experience within seven years of the date of an application for a vocational technical teacher license.

1. Candidates for a vocational technical teacher license for which a bachelor's degree is required must document a minimum of three years recent, full-time employment experience, provided however, that a master's degree related to the subject matter and skills to be taught may substitute for one of the three years of required employment experience.
2. Candidates for a vocational technical teacher license for which an associate's degree is required must document a minimum of four years recent, full-time employment experience, provided however, that a bachelor's degree related to the subject matter and skills to be taught may substitute for one of the four years of required employment experience and a master's degree related to the subject matter and skills to be taught may substitute for one of the four years of required employment experience.
3. Vocational technical teacher candidates who are required to possess a minimum of a high school diploma must document a minimum of five years of recent, full-time employment experience, provided however, that an associate's degree related to the subject matter and skills to be taught may substitute for one of the five



years of employment experience and a bachelor's degree related to the subject matter and skills to be taught may substitute for two of the five years of required employment experience.

4. Actual time spent on cooperative education employment by a graduate of a vocational technical education program may be counted toward meeting a portion of the employment experience requirement.

(g) Candidates who have at least three full years of employment as a Department approved Criminal Justice vocational technical teacher will be exempt from the requirements set forth in 603 CMR 4.07(2) (d) and (f) if they apply and complete all the requirements for licensure no later than December 31, 2015.

### **(3) Requirements for the Professional Vocational Technical Teacher License**

(a) Evidence of sound moral character.

(b) Possession of a Preliminary Vocational Technical Teacher License pursuant to 603 CMR 4.00.

(c) Massachusetts and/or federal government or industry issued licenses or certifications required by industry or government to work in the technical program area and by the Department to teach the vocational technical subject matter and skills as set forth in "*Guidelines for Vocational Technical Education Programs and Educator Licensure.*"

(d) Completion of a one-year induction program with a trained mentor.

(e) The completion of at least three full years of employment in the role of licensed vocational technical teacher in the program area of the license or three years of experience as a Department approved Criminal Justice vocational technical teacher.

(f) The completion of 39 college degree credits or the equivalent as follows:

1. Six college degree credits in English to include three college degree credits in English Composition 101 or a higher level and three additional college degree credits in higher level English.
2. 12 college degree credits in mathematics and science to include a minimum of three college degree credits of college mathematics and a minimum of three college degree credits of college science. The remaining six college degree credits may be earned in college mathematics and/or science.
3. 21 college degree credits in professional education courses approved by the Department including a three college degree credit seminar specifically designed for new teachers to be taken during their first year of teaching. These courses shall address the Professional Standards for Vocational Technical Teachers set forth in 603 CMR 4.10.

**(4) Vocational Technical Teacher Licenses Issued.** Licenses listed under the following occupational clusters will be issued.

**(a) Agriculture and Natural Resources Cluster.**

1. Agricultural Mechanics
2. Animal Science
3. Environmental Science & Technology
4. Horticulture

**(b) Arts and Communication Services Cluster.**

1. Design & Visual Communications
2. Graphic Communications
3. Radio and Television Broadcasting

**(c) Business and Consumer Services Cluster.**

1. Cosmetology
2. Fashion Technology
3. Marketing
4. Office Business Technology

**(d) Construction Cluster.**

1. Facilities Management Building and Property Maintenance
2. Cabinetmaking
3. Carpentry
4. Electricity
5. Heating - Air Conditioning - Ventilation - Refrigeration
6. Mason and Tile Setting
7. Painting and Design Technologies
8. Plumbing
9. Sheet Metalworking
10. Construction Craft Laborer

**(e) Manufacturing, Engineering & Technological Cluster**

1. Biotechnology
2. Drafting
3. Electronics
4. Engineering Technology
5. Machine Tool Technology
6. Major Appliance Installation/Repairing
7. Metal Fabrication & Joining Technologies
8. Stationary Engineering
9. Telecommunications - Fiber Optics
10. Welding
11. Robotics & Automation Technology

**(f) Health Services Cluster.**

1. Dental Assisting
2. Health Assisting
3. Medical Assisting

4. Medical Laboratory Technology
5. Operating Room Technology
6. Practical Nursing (LPN)

**(g) Hospitality and Tourism Cluster.**

1. Baking
2. Culinary Arts
3. Hospitality Management

**(h) Education Cluster.**

1. Early Education and Care

**(i) Information Technology Services Cluster.**

1. Programming & Web Development
2. Information Support Services & Networking

**(j) Transportation Cluster.**

1. Automotive Collision Repair and Refinishing
2. Automotive Technology
3. Diesel Technology
4. Marine Service Technology
5. Power Equipment Technology

**(k) Legal and Protective Services**

**Criminal Justice**

...

**4.12: Professional Vocational Technical Educator License Renewal and Professional Development**

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**(10) Failure to Satisfy Renewal Requirements**

- (a) If the Department determines that the educator has failed to demonstrate that the educator has met the requirements to renew the license, the educator's license will be deemed inactive.
- (b) Before the Department deems the license inactive, it shall notify the educator in writing that the Department intends to deem the license inactive and of the educators right to request a hearing before the Commissioner in accordance with M.G.L. c. 30A and 801 CMR 1.00: Adjudicatory Rules of Practice and Procedure. This notice shall operate as a notice of the action and does not operate as an order to show cause.

- (c) The educator shall have 21 days from receipt of the notice to make a written request for a hearing. If the Commissioner does not receive a written request for a hearing in accordance with the above, the educator's license shall be deemed to be inactive and the educator shall be so notified by return mail.
- (d) Hearing.
1. If the Commissioner receives a request for a hearing from the educator in accordance with 603 CMR 44.11(3), the Commissioner or his designee shall schedule a hearing. The hearing shall be conducted in accordance with the requirements of M.G.L. c. 30A and 801 CMR 1.00. At such hearing, the educator shall bear the burden of proof. The hearing shall not be open to the public unless the educator requests a public hearing.
  2. The Commissioner or his designee shall issue a written decision determining whether or not the educator's license shall be deemed inactive. The decision shall comply with the requirements of M.G.L. c. 30A, §11 and 801 CMR 1.00.
  3. The Commissioner shall send a copy of the decision to the educator along with a notice informing the educator of the right to appeal in accordance with the provisions of M.G.L. c. 30A, § 14.

#### **4.13: General Provisions Regarding Educator Licensure**

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##### **(11) Implementation**

~~(a) These regulations become effective on September 1, 2003.~~

~~(b) All vocational educator approvals issued by the Board prior to September 1, 2003 will remain valid as issued unless limited, suspended, or revoked for cause. All Provisional Vocational Teacher approvals issued by the Board prior to September 1, 2003 are comparable to a Preliminary Vocational Technical Teacher license, and all Full Vocational Educator approvals issued by the Board prior to September 1, 2003 are comparable to a Professional Vocational Technical Educator license.~~

~~(c) Between September 1, 2003 and September 1, 2004 candidates may qualify for a Preliminary Vocational Technical Teacher license either by meeting the requirements for provisional approval under 603 CMR 4.10 in effect prior to September 1, 2003 or by meeting the requirements for a Preliminary Vocational Technical Teacher license under 603 CMR 4.00.~~

~~(d) Between September 1, 2003 and September 1, 2006 vocational teachers with Provisional Vocational Teacher approval may qualify for a Professional Vocational Technical Teacher license by meeting the requirements for full approval under 603 CMR 4.10 in effect prior to September 1, 2003 or by meeting the requirements for a Professional Vocational Technical Teacher license under 603 CMR 4.00.~~

~~(e) Between September 1, 2003 and September 1, 2004 candidates may qualify for a Professional Vocational Technical Administrator license by meeting the requirements for full approval under 603 CMR 4.10 in effect prior to September 1, 2003 or by meeting the requirements for a professional license under 603 CMR 4.00.~~

~~(f) Between September 1, 2003 and September 1, 2004 candidates may qualify for a Professional Vocational Technical Cooperative Education Coordinator license by meeting the requirements for full approval under 603 CMR 4.10 in effect prior to September 1, 2003 or by meeting the requirements for a professional license under 603 CMR 4.00.~~

~~(g) An educator must apply for licensure by September 1, 2004 in order to qualify for licensure under the provisions of 603 CMR 4.10 in effect prior to September 1, 2003.~~

~~(12)~~ (11) Commissioner's Determination. The Commissioner, for good cause, may determine which specific requirements for licensure set forth in 603 CMR 4.07, 4.08, 4.09, 4.11, 4.12 and 4.13 (3) shall apply and/or be modified for applicants who have submitted evidence that they have either substantially met the requirements for licensure prior to a change in the regulations or that they would have met the requirements but were unable to do so because of extreme hardship. No modification of the requirements will be granted without satisfactory evidence that the applicant has made a good faith effort to complete the requirements for licensure. The Commissioner, at his discretion, may impose reasonable conditions upon any modification granted. The decision of the Commissioner shall be final.

...

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*Please respond to Quincy*

January 26, 2015

Dr. Edward Bouquillon  
Superintendent-Director  
Minuteman Regional Vocational School District  
758 Marrett Road  
Lexington, MA 02421

**Re: Process for Withdrawal under the current Regional Agreement**

Dear Dr. Bouquillon:

As we well know, the Minuteman Regional School Committee has submitted to the towns which currently are members of the Minuteman Regional School District (hereinafter "the District") a proposed Amended Regional Agreement (hereinafter the "Amended Agreement"). It is my understanding that the Town Meetings in ten (10) of the current member communities have voted to approve the Amended Agreement, and six (6) have not yet approved it. Because there appears to be some confusion on the part of local officials in some of the remaining six towns concerning the process by means of which a member community would be able to withdraw from the District under the current Regional Agreement, you have asked that I give an overview of that process, as well as the likely time lines for that process.

In regard to this question, there are two things that are controlling. The first is "Section IX Withdrawal" of the current Regional Agreement, which I have appended to this letter as Attachment A, and the second thing that must be factored in are regulations that have been promulgated by the Department of Elementary and Secondary Education (hereinafter "DESE"), appearing at 603 CMR 41.00 et seq., portions of which I will cite in the body of this letter.

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

Dr. Edward Bouquillon  
Superintendent-Director  
January 26, 2015  
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Under the terms of Section IX of the current Regional Agreement, the first step in the withdrawal process appears in the second sentence of subsection (A), and reads as follows: "Any member town seeking to withdraw shall by vote at an annual or special town meeting, request the committee to draw up an amendment to this agreement setting forth the terms by which such town may withdraw from the District..."<sup>1</sup> The term "committee" that appears in this sentence, and throughout the Regional Agreement, means the Regional District School Committee.

The second step in the process, which appears in the first sentence of subsection (B), calls for the clerk of the town seeking to withdraw to "...notify the Committee in writing that such town has voted to request the Committee to draw up an amendment to the agreement..." What makes this requirement somewhat ambiguous, however, is the parenthetical that appears at the end of this sentence that reads, "...(enclosing a certified copy of such amendment)..." (I have added the underlining for emphasis). The ambiguity arises from the fact that, based on the language of subsection (A), it is the District School Committee's job, and not the withdrawing town's job, to draft an amendment to the Agreement "setting forth the terms by which such town may withdraw from the District." The more likely the intention of the drafters of this language is that the town clerk would enclose a certified copy of the town meeting vote.

In any event, once the amendment has been drafted by the Committee, the second sentence of subsection (B) requires that the amendment be submitted to the Board of Selectmen in each member town (which presumably includes the Selectmen in the town which is seeking to withdraw). Upon receiving the amendment from the Committee, the second sentence of subsection (B) requires the following: "The selectmen of each member town shall include in the warrant for the next annual or special town meeting called for the purpose an article stating the amendment or the substance thereof." As noted earlier, this submission to town meetings presumably would include a submission to the town meeting in the town seeking to withdraw, because the earlier vote taken by this town would simply have been a vote to request that the Committee draft an amendment to the Regional Agreement setting forth the terms for the withdrawal, and was not, therefore, a vote on the amendment itself. The third sentence of subsection (B) then states: "Such amendment shall take effect upon its acceptance by all of the member towns acceptance by each town to be by a majority vote at a town meeting as aforesaid."

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<sup>1</sup> It should be noted that the operative vote to be taken by the town seeking to withdraw would be a vote requesting that the District School Committee "...draw up an amendment to this agreement setting forth the terms under which such town may withdraw from the District..." The town conceivably could also take a vote to withdraw from the District, but such a vote would be irrelevant to the required withdrawal process and would not in any way accelerate the process.

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

Dr. Edward Bouquillon  
Superintendent-Director  
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Despite this language of the third sentence of subsection (B) regarding when it is that the amendment would take effect, there is something else that needs to be taken into account, and that is the regulatory language appearing in 603 CMR 41.00 et seq. Under 603 CMR 41.03 (4), any amendment to a regional agreement needs to be approved by the Commissioner of Education, and this includes an amendment allowing a community to withdraw from a District. Additionally, 603 CMR 41.03 (2) allows admittance to or a withdrawal from a District to become effective only as of July 1 of a fiscal year, and this regulation requires that, "...all requisite approvals for such admission or withdrawal, including the Commissioner's approval, shall be obtained no later than the preceding December 31<sup>st</sup>."

In terms of a timetable, therefore, the fastest that the above process could realistically play out would be as follows. A member town at an upcoming 2015 spring town meeting could vote to request the Regional School Committee to draft an amendment setting out the terms for withdrawal. The process for the Committee to agree on the wording and content of an amendment will take some time. Once the draft of an amendment is approved by the Committee, it would then be submitted to the Selectmen in all sixteen towns. It is conceivable that some towns may act on the amendment at special town meetings in the fall of 2015, but it is likely that some may not act on it until their annual town meetings in the spring of 2016. If such were the case, and even if we were to assume that all sixteen town meetings were to approve the amendment by the spring of 2016, and even if we further assume that the Commissioner will then similarly approve it, the December 31 deadline that appears in 603 CMR 41.03 (2) means that the earliest that the withdrawal of the community could take effect would be July 1, 2017. Additionally, to note the obvious, this entire process would be stymied if even one town were to decline to approve the amendment setting forth the terms of the withdrawal.

During the above process the town in question would remain a member of the District, and, consistent with the language in Section IX, subsection (A), "...shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District."<sup>2</sup> Because the town in question would remain a member of the District during this entire process, the town would not, under the terms of G.L. chapter 74, and the guidelines from DESE, be free to send its resident students to other regional vocational

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<sup>2</sup> This responsibility for debt could be a very real burden for the withdrawing town into the future if the District were to gain approval for the incurring of debt for a new school via G.L. Chapter 71, section 16 (n), which involves a district-wide ballot question. Such an approval process could well go forward despite the protestations of an individual community, such as a community seeking to withdraw. Even if that community were allowed to withdraw, under the terms of the current agreement they would continue to share a portion of the indebtedness.



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

Dr. Edward Bouquillon  
Superintendent-Director  
January 26, 2015  
Page 4

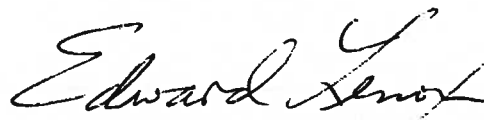
school districts, and they would not realistically be able to become members of other regional vocational school districts.

The above elements in the current Regional Agreement clearly make it extremely difficult for a member community to withdraw from the District. Thus, one of the goals for the proponents of the proposed Amended Agreement has been to create a "clear path" for withdrawal for communities that want to leave the District. Under the language of Section IX of the proposed Amended Agreement, the withdrawal by a member community need only be approved by a majority of the other member communities (as compared to all of the member communities under the current Agreement) and, very importantly, under the Amended Agreement a failure of the legislative body of a member community to vote disapproval of a requested withdrawal written sixty (60) days would constitute approval of the withdrawal. Moreover, under the Amended Agreement a withdrawing community will have no responsibility for a share of debt that is incurred after the member has given a notice of withdrawal.

Thus, if the Amended Agreement is approved by the remaining six communities, the town meeting of any member community could vote to withdraw from the District.<sup>3</sup> So long as the vote at that town meeting was by a two-thirds margin, and so long as the notification process in subsection (A) of Section IX is followed, the withdrawal will go forward to the Commissioner as long as it is approved by a majority of the other members, and a failure to disapprove within 60 days will constitute approval by a member. This is a much clearer path for withdrawal than exists under the current Agreement.

Please contact me should you desire additional reactions or comment.

Very truly yours,



Edward F. Lenox, Jr.

EFL/sjb  
833038v1

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<sup>3</sup> Such a vote to withdraw could even be taken at the very same town meeting at which the Amended Agreement is approved. Such a combination of actions has already occurred in one of the member towns.

## **SECTION VIII ADMISSION OF NEW TOWNS**

By an amendment of this Agreement adopted under and in accordance with Section VII above, any other town or towns may be admitted to the regional school district. The effective date for the admission of each such new member town shall be the July 1 following the adoption by the District of such an amendment and the acceptance by the town of this Agreement as so amended. Such admission also shall be subject to compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.

**(Amendment #2-2/20/79)**

## **SECTION IX WITHDRAWAL**

### **(A) Limitations**

The withdrawal of a member town from the District may be effected by an amendment to this agreement in the manner hereinafter provided by this section. Any member town seeking to withdraw shall by vote at an annual or special town meeting, request the committee to draw up an amendment to this agreement setting forth the terms by which such town may withdraw from the District, provided that the said town shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District.

### **(B) Procedure**

The clerk of the town seeking to withdraw shall notify the Committee in writing that such town has voted to request the Committee to draw up an amendment to the agreement (enclosing a certified copy of such amendment). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member towns acceptance by each town to be by a majority vote at a town meeting as aforesaid.

### **(C) Cessation of Terms of Office of Withdrawing Town's Members**

Upon the effective date of withdrawal the terms of office of the member serving on the regional district school committee from the withdrawing town shall terminate and the total membership of the Committee shall be decreased accordingly.

### **(D) Apportionment of Capital Costs after Withdrawal**

The withdrawing town's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be not less than the average of such town's annual capital cost apportionment percentages for the three years next preceding the year in which its withdrawal becomes effective, or, in case such withdrawal becomes effective, the withdrawing town's annual share of such future installments of principal and interest shall be not less than the average of such town's annual capital cost apportionment percentage for such of the year or years preceding the year in which its withdrawal becomes effective for which an apportionment of capital costs shall have been made. The remainder of any such installment after subtracting the share of any town or towns which have withdrawn shall be apportioned to the remaining member town or towns in the manner provided in sub-section IV(D) or as may be otherwise provided in the amendment providing for such withdrawal.

## **SECTION X TUITION STUDENTS**

The Committee may accept for enrollment in the regional district school pupils from towns other than member towns on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under subsection FV(E) to the member towns.

## **SECTION XI FISCAL YEAR**

Except as may otherwise be provided by law, the fiscal year of the district shall be the same as the fiscal period of the member towns and the work year or fiscal year as it relates in this agreement to a fiscal or budget period shall mean the fiscal year of the District.

If the fiscal year of the District shall be other than the calendar year, the dates on or before which the respective percentages of the annual share of each member town shall be paid as provided in



Excerpt from May 20, 2014 SC Meeting Minutes

**8. SUPERINTENDENT'S REPORT (continued)**

**b. Communications Update: Regional Agreement**

**1. Town Meeting Results/Next Steps**

The Superintendent continued his report, noting that most Town Meeting votes are in regarding the Regional Agreement. The results to date are that 10 towns have approved it, 4 passed over, 1 rejected, and 1 vote (Belmont) is still pending. He noted that Belmont will take the item up during the first week of June.

**2. Correspondence: Wayland, Sudbury, Weston (re Needham Resolution)**

The Superintendent called attention to the correspondence included in the packet. He noted that the major concern raised by Mr. Boschetto (Wayland) will be addressed during the discussion on Final Design Enrollment. The Superintendent will draft a response to Mr. Boschetto. He also explained that the "Needham Resolution", originally put forward by Needham Board of Selectman member Dan Matthews, has been passed by eight towns (Arlington, Bolton, Boxborough, Concord, Dover, Lancaster, Needham, and Weston). The resolution reads:

Resolved: That in the event of ratification of the revised the Minuteman Regional Vocational School District agreement as approved by the Regional School Committee on March 11, 2014, and in the event of notice of desire to withdraw by one or more members of the District given within one year of the effective date of the revised Agreement, the Board of Selectmen will not place a warrant article disapproving such withdrawal in a Town Meeting warrant, unless required by law, and will oppose such a disapproval article or motion in any event.

Specifically, the resolution states that a Board of Selectmen that has adopted this resolution will not call a Town Meeting to block an exit, except as required by law (in the case of a citizen petition), should another Town decide within a year of the passage of the Regional Agreement, to leave the District.

Community	TM Start Date (2014)	Type of Town Meeting	Revised Agre Vote	Needham Resolution Passed
Acton	4/7/2014	Open	Yes	
Arlington	4/28/2014	Representative	Yes	Yes
Belmont	5/5/2014	Representative	Pass	
Bolton	5/5/2014	Open	Yes	Yes
Boxborough	5/12/2014	Open	Pass	Yes
Carlisle	5/27/2015	Open	Yes	Yes
Concord	5/4/2014	Open	Yes	Yes
Dover	5/5/2014	Open	Pass	Yes
Lancaster	5/5/2014	Open	Yes	Yes
Lexington	3/24/2014	Representative	Yes	
Lincoln	3/29/2014	Open	Pass	
Needham	5/5/2014	Representative	Yes	Yes
Stow	3/10/2015	Open	Yes	NO
Sudbury	5/5/2014	Open	Pass	
Wayland	4/3/2014	Open	No	
Weston	5/12/2014	Open	Yes	Yes

Majority = 9

To: Board of Selectmen, Town Manager  
From: Dan Matthews, Selectman  
Re: Minuteman Regional School District Agreement - Proposed Resolution  
Date: April 4, 2014

In working on ratification of the proposed revised Minuteman Regional School District Agreement, it has become apparent that some towns considering *approving the new agreement* in order to be able to *withdraw from the district* are concerned that once the agreement is approved, other towns may object to their withdrawal.

Under the new agreement, blocking a withdrawal would require an affirmative “no” vote by each of eight town meetings (half of the district members). Although boards of selectmen cannot bind their town meetings, the board as warrant committee could decline to put such an article in the warrant unless required by law, as in a citizens petition, and could commit to oppose a blocking vote in any case.

As background, in drafting the new agreement, the municipal representatives on the Agreement Study recommended that towns have a *unilateral* right to withdraw from the district (subject to reasonable notice and payment of outstanding capital shares). Waiving exercise of the blocking provisions in this instance would allay community concerns in the ratification process.

In that context, this is to recommend that the boards of selectmen of each of the member towns, including those considering withdrawing from the district, consider voting a resolution in substantially the following form:

*Resolved: That in the event of ratification of the revised the Minuteman Regional Vocational School District agreement as approved by the Regional School Committee on March 11, 2014, and in the event of notice of desire to withdraw by one or more members of the District given within one year of the effective date of the revised Agreement, the Board of Selectmen will not place a warrant article disapproving such withdrawal in a Town Meeting warrant, unless required by law, and will oppose such a disapproval article or motion in any event.*

**TOWN OF WAYLAND  
ANIMAL CONTROL SUMMARY REPORT  
FEBRUARY, 2015**

**TOTAL NUMBER CALLS HANDLED 38**

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# Complaint Calls	2
# Lost Dog Calls	3
# Lost Cat Calls	1
# Other Cat related calls	
# Animal / Wildlife Calls	1
# Miscellaneous Calls	23

**TOTAL # DOGS PICKED UP**

Total # not licensed  
Total # dogs not claimed  
# still in dog officer custody  
#surrendered to Humane Shelter

**TOTAL # HUMAN BITE CALLS 1**

**TOTAL # ANIMAL -> ANIMAL BITE**

10 Day Quarantine Order -Human Bite	ISSUED 1 / RELEASED 1
10 Day Quarantine Order -Animal Bite	ISSUED / RELEASED
45 Day/6 Month Quarantine Orders	ISSUED 3 / RELEASED 2

**TOTAL # CITATIONS ISSUED**

# No license citations  
# Leash Law/Dog not under owner control  
# Other Offense  
# Court summons processed

Submitted by:  
Jennifer A. Condon  
Animal Control Inspector/Officer

9



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Monthly Update

### February 2015

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MAR -5 2015

Board of Selectmen  
Town of Wayland

During the month of February, officers responded to a total of 39 motor vehicle crashes. Many of the traffic accidents had the contributing factor of snowy or icy roads. In addition, the poor visibility, caused by the many large snowbanks, contributed to several other accidents. The police department encourages all motorists to reduce their speed and keep distance between vehicles when roads may be ice and snow covered. Many crashes occur when a vehicle slides into a stopped car due to the need for increased stopping distance on slick roads.

On February 8<sup>th</sup>, a Wayland man was arrested for domestic assault and battery after officers responded to a domestic disturbance at his home. On February 22<sup>nd</sup>, a Lynn man was arrested for an outstanding warrant after a traffic stop on West Plain Street. On February 23<sup>rd</sup>, a Saugus man was also arrested for an outstanding warrant after a traffic stop on Route # 20.

Two people were arrested for Operating Under the Influence of Alcohol during the month. On February 7<sup>th</sup>, a 66 year old Natick man was arrested for O.U.I. after an officer observed him driving erratically on Main Street. On February 19<sup>th</sup>, a 21 year old Sudbury woman was arrested for O.U.I. after she lost control of her vehicle and crashed into a snowbank on Old Connecticut Path. The department has seen an uptick in Operating Under the Influence arrests so far this year.

Two new police recruits began their first full month at the Boylston Police Academy. The two recruit officers, Colin Fitzpatrick and Justin Kazan, will attend the police academy for five months, followed by two to three months of field training. It is expected they will be ready to assume their duties as patrol officers in September.

Wayland J.C.C. dispatcher, Joshua Jones, resigned in February in order to pursue other endeavors. The department will begin the hiring process for a new dispatcher in March.

  
Robert Irving  
Chief of Police

**Wayland Police Department Detective Division Report of February 2015**

**INVESTIGATIONS**

Credit Card Fraud – Andrew Avenue  
Credit Card Fraud – Andrew Avenue  
Larceny over \$250 – Lakeview Avenue  
Larceny over \$250 – Forest Hill Road  
Larceny over \$250 – Grove Street  
Computer Crime/Attempted Larceny over \$250 – Cochituate Road  
Computer Crime/Attempted Larceny over \$250 – Cochituate Road

**MEETINGS/TRAININGS**

Loker School Council  
Security Audit meeting with Dr. Stein  
Alice Training – Town Hall  
Acton Detective Meeting  
CrossMatch Training  
Commonwealth Fusion Center Meeting  
In-Service Training – Boylston Police Academy

**MISCELLANEOUS**

Framingham District Court – M/V Hearings & Criminal Hearings  
RAD – WHS  
Goddard School visit  
Fire Chief Candidate Background Investigation



***Wayland Police Department  
Monthly Training Report***

Officers of the Wayland Police Department attended the following training programs during the month of February 2014:

***In-Service***

MPTC  
Reading Academy

Lynnet Sloan  
Jennifer Ordway

February 2-5, 2015  
February 9-12, 2015

***In-Service***

MPTC  
Boylston Academy

Jamie Berger  
Charles Akins

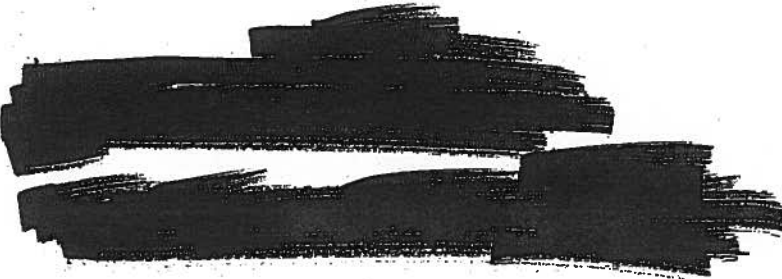
February 2-5, 2015

***Executive Leadership***

F.B.I. – Law Enforcement Executive Development Association  
Andover, MA

Sean Gibbons

February 2-5, 2015



Many Thanks for  
helping me out  
on Thursday.

You were prompt,  
efficient &  
compassionate -

Good to know  
all of you are  
there when we  
need YOU -

---



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

February 25, 2015

A.Ludwig  
c/o Conservation Department  
41 Cochituate Road  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-856] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – Lundy Lane Walkway, Wayland

Dear Mr. Ludwig:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved raised walkway/bridge project at Lundy Lane in Wayland on land under the care and custody of the Conservation Commission. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

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

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

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

RECEIVED  
FEB 27 2015  
Board of Selectmen  
Town of Wayland

11



# TOWN OF WAYLAND

MASSACHUSETTS  
01778

## BOARD OF APPEALS

RECEIVED

MAR 16 2015

Board of Selectmen  
Town of Wayland

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

### DECISION NO. 15-01

#### NAME OF APPLICANT:

ROGER WIEGAND and PHYLLIS JEAN MILBURN

#### APPLICATION FOR:

Any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% and greater than 175 square feet (construct a 16' x 32' detached one-story garage and construct a 12' x 30' one-story addition to an accessory structure) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2 and 401.1.3.2 and 1604.2. The property is located at 281 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and ACQUIFER PROTECTION DISTRICT. (15-01)

#### DATES OF HEARING:

February 10, 2015, continued to February 24, 2015 for lack of a quorum.

#### BOARD CONDUCTING HEARING AND RENDERING DECISION:

Aida Gennis, Eric Goldberg, Thomas White, Michael Connors, Argie Shapiro

#### DECISION:

Special Permit granted, with conditions.

#### VOTE OF THE BOARD:

Unanimous (5-0).

#### CONDITIONS:

1. Construction shall be in substantial conformity with the plans and specifications filed with the Building Department:
2.
  - a. A set of plans prepared by Associate Designs, Inc. 1100 Jacobs Dr., Eugene, Oregon, for Roger Wiegand, 281 Concord Rd., Wayland, MA, dated 8/28/14, revised 9/5/14, and revised 9/11/14 and revision of #20-090; project #20-146 consisting of 4 pages: p.1 Front Elevation and Standard Construction Notes, p.2 Elevations, p.3 Floor Plan, Electrical, Roof Framing, p. 4 Section A-A, Foundation Plans and Details, received and date stamped by the Building Department on January 4, 2015 and again on January 7, 2015;
  - b. 3 pages of schematic drawings with dimensions titled 281 Concord Road Proposed Barn Addition, p. 1 Floor Plan, p. 2 Right Side View, p. 3 Back View, received and date stamped by the Building Department on January 4, 2015 and again on January 7, 2015;

(12)

Submitted with a Foundation As Built Plan, 281 Concord Road, Wayland, MA by Feldman Land Surveyors, 112 Shawmut Ave., Boston, MA 02118, dated September 19, 2014, showing the proposed 1 story shed with dimensions of 12' x 32.3' and a proposed 1 story garage with dimensions of 16' x 32'. Note that the Board approves in this Decision a proposed 1 story shed of smaller dimensions: 12' x 30'. Received and date stamped by the Building Department on January 4, 2015 and again on January 7, 2015.

3. The applicant must obtain any other necessary permits and approvals from other municipal boards having jurisdiction over this matter as may be required.

### FACTS AND REASONS:

The subject property, 281 CONCORD ROAD, is a single family dwelling in a neighborhood of similar residences. The Applicant seeks zoning relief to add an addition to an existing barn built in 1910 and to build a detached one-story garage. The Applicant proposes to add a 12' x 30' addition to the rear of an accessory structure, a barn, and proposes to build a 16' x 32' garage detached from and to the front of the existing barn and proposes to construct it on an existing driveway. Both structures will be unheated and unplumbed. Both structures meet all side-yard and rear yard setbacks for accessory structures.

The Applicant wishes to construct the addition to the rear of an existing barn for storage of equipment and recreational equipment, he wishes to construct a new garage for the storage of the Diamond Jubilee Fairground Organ Trailer. Currently the organ is stored on the driveway in front of the existing barn and protected by a tarpaulin.

The Applicant is before us as the property is non-conforming as to its frontage with 134 feet of frontage in a district requiring 180 feet and the Applicant proposes to increase the gross floor area of the existing barn and construct a new garage and thereby increase the square footage on his property by 872 feet [(16. x 32') + 12' x 30')] which is greater than 20% of the existing structure and greater than the 175 accessory structure that is allowed as of right in the by-law..

The property is also in an aquifer protection district. The Applicant stated that the new barn will be sited on the existing driveway which is a non-permeable surface, and the proposed addition to the existing barn will not be sited on an impermeable surface, but the square footage of the lot is so great that threshold for section 1604.2 does not come into consideration.

Because the Applicant proposes to increase the gross floor area in existence by an amount exceeding 20 percent and because the proposed garage will be greater than 175 sq. ft., a special permit is required pursuant to **Section 198-401.1.3.2 of the bylaw** and the Applicant must therefore demonstrate to the Board that the proposal "shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood," as required by **Section 401.1.2 of the bylaw**. Under **Section 198-203 of the bylaw**, in order for the Applicant to receive a special permit, he must further demonstrate that "the use of the premises [as altered] . . . shall not be against the public interest, 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 property is located in an Aquifer Protection District, **Section 1604.2 of the bylaw**, restricts the amount of impervious surface of any use to no more than 15% of the lot or 2,500 square feet, whichever is greater, otherwise the use will require site-plan approval under this section.

A Board of Health approval is dated December 17, 2014 and date stamped by the Building Department on January 7, 2015 and is conditioned on a new plan being provided showing an appropriately sized reserve area and states too that all additions are for unheated storage.

A neighbor, John Penders, 29 Marshall Terrace, is not opposed to this proposal but is here to inquire about the color for the proposed garage and whether the Applicant will be planting any vegetative screening beside the proposed garage which abuts Mr. Penders' property. The Applicant and Mr. Penders agreed to work together about his concerns.

The Board determined through site visits that the neighborhood contained a mix of styles and house sizes and that the proposed addition and the new barn would be consistent with the scale and character of the other residences in the neighborhood.


By a unanimous vote, on a motion by Michael Connors, seconded by Thomas White, the Board finds that although the proposed constructions will increase the existing nonconformity, they will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.

The Board finds that the proposed addition 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. Upon further motion by Michael Connors, seconded by Aida Gennis, the Board voted unanimously to approve the Special Permit subject to the conditions set forth herein.

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD OF APPEALS**

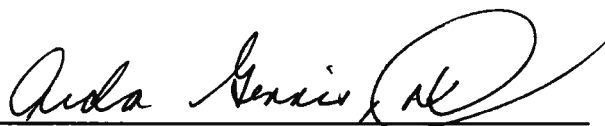
MARCH 5, 2015

  
\_\_\_\_\_  
Aida Gennis, Member

**CERTIFICATION:**

The Board of Appeals, by delivery of a copy of this decision to the applicants, ROGER WIEGAND and PHYLLIS JEAN MILBURN, does hereby certify that copies of 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**

  
\_\_\_\_\_  
Aida Gennis, Member



**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 MARCH 24, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following applications at the time indicated:

8:20 p.m. Application of ROBERT and CAROLINE HIGGINS for any necessary approvals, special permit, 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) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3,. The property is located at 26 PARKLAND DRIVE which is in a SINGLE RESIDENCE DISTRICT(15-04).

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**

E. Michael Thomas  
Eric Goldberg  
Aida Gennis  
Thomas White  
Michael Connors

**RECEIVED**

**MAR - 6 2015**

Board of Selectmen  
Town of Wayland

(13)



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

*Selectmen*

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

**FEBRUARY 27, 2015**

**POSTED**

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

**continued hearing on**

**MARCH 10, 2015**

**at**

**8:30 p.m.**

**for the applicant**

**NIKLAS & KATHRYN ANDERSSON  
(15-02)**

**65 GLEZEN LANE**

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

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TOWN OF WAYLAND  
TOWN CLERK  
2015 FEB 27 AM 9:09

**RECEIVED**

**MAR -2 2015**

Board of Selectmen  
Town of Wayland

(14)





# Town of Wayland Massachusetts

## **Finance Committee**

Thomas Abdella

Nancy E. Funkhouser

Thomas Greenaway (Chair)

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

## **Finance Committee**

### **Meeting Minutes**

**Tuesday, February 3, 2015**

Attendance: T. Greenaway, N. Funkhouser, C. Martin, D. Watkins, G. Wolin and B. Keveny (Finance Director). B. Steinberg joined the meeting at 7:20pm. Not attending: T. Abdella

The meeting was called to order in the Senior Center at the Town Building at 7:03pm when a quorum was present. Chair Greenaway announced that the meeting was being recorded for broadcast by WayCAM and may be recorded by others.

**PUBLIC COMMENT:** A. Lewis, Claypit Hill Road, urged the Finance Committee (FinCom) to drill down while developing the omnibus budget. She particularly requested the FinCom look at the School's administration costs, staffing additions and seek opportunities to make budget cuts.

**FINCOM MEMBERS' RESPONSE TO PUBLIC COMMENT:** None

**ANNUAL TOWN MEETING ARTICLE HEARING:** Chair Greenaway announced the FinCom would begin its formal hearing of the warrant articles submitted for consideration at the upcoming FY15 Town Meeting at 7:15pm. Chair Greenaway distributed a copy of the articles and explained the purpose of article hearing is to allow article sponsors to opportunity to explain their article. He further stated the Board of Selectmen (BoS) were running late and their articles would be revisited when they arrived.

**C: Current Year Transfers:** Chair Greenaway indicated current year transfers would include snow removal as the DPW director has indicated his FY15 snow budget has been depleted.

**D: FY16 Omnibus Budget:** Chair Greenaway stated once the FinCom has completed its deliberations and voted a draft budget, the Committee would hold a budget hearing.

**E: Compensation for Town Clerk:** John Senchyshyn, Assistant Town Administrator explained the Town Clerk's proposed salary increase was 1.5%, the same as being given to all non-union staff members.

**F: Personnel By-Laws and Wage and Classification Plan:** Mr. Senchyshyn explained this is a standard article. The Personnel Board has implemented a 1.5% increase for non-union staff. He further stated the article contains no other language changes.

**G: Rescind Authorized but Unused Debt:** None. Chair Greenaway reported this article has been pulled.

**H: Transfer Dudley Woods Parcels for Passive Recreation:** Mr. Senchyshyn indicated the intent of this article is to transfer the two remaining articles in Dudley Woods to the Recreation Commission.

**I: Acquire Open Space Parcel in Sage Hill Sub-Division:** Brian Monahan, Conservation Department, indicated this article pertains to an easement issue.

**K: Accept Valor Act to Establish Veterans Property Tax Workoff Program:** Mr. Senchyshyn explained adopting this Bylaw which would allow Wayland veterans an opportunity to earn a \$500 real estate property tax exemption. Ms. Lewis asked if this exemption was income based and/or cumulative with other Town property exemption programs.

**L: Inspection Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems:** Fire Chief Smith stated 99 hydrants throughout town are sited on private property. Adopting this Bylaw would allow the Town to conduct an annual test and perform any necessary maintenance on these hydrants.

**M: Implement Solar Energy Power Purchase and License Agreement and Authorization for PILOT:** John Harper of the Energy Committee explained this article seeks authorization for the Board of Selectmen (BoS) to enter into a 20 year agreement with Amersco to provide solar arrays at the High School, Middle School, DPW and Town Building which are expected to save the town money on future utility bills. Chair Greenaway suggested including the proposed savings. Ms. Lewis questioned how these facilities will be maintained, the associated costs and responsibility for these costs.

**A: Recognize Citizens and Employees for Particular Service to the Town:** Selectman Cherry Karlson stated this is a standard TM article.

**B: Pay Previous Fiscal Year Unpaid Bills:** Ms. Karlson indicated the Town and School Department have \$46,224 of unpaid bills from previous fiscal years.

**J: Land and Easements Acquisitions for Route 30 and 27 Intersection Improvements:** Joe Nolan, Chair of the BoS explained in order for the Route 30 and 27 intersection to qualify for State funds, additional land is needed. He estimated the cost as minimal. Linda Segal, Aqueduct Road asked if this article included a map outlining the land taking for easements.

**N: OPEB Funding:** Cliff Lewis, Chair of the OPEB committee reported the biannual actuarial study currently being undertaken will determine the amount the Town should contribute in FY16 and FY17. Mr. Lewis indicated he would report back to the FinCom once the report was received.

**O: Withdraw from Minuteman Regional Vocational School District:** Selectmen Tony Boschetto, stated this article is similar to last year's article. He explained if Wayland were to withdraw membership from Minuteman, Wayland students could still attend Minuteman at non-member rate. He added

withdrawing would offer our students a greater choice in selecting a vocational school.

**P: Amendments to the District Agreement for the Minuteman Regional Vocational School District:** Mr. Boschetto stated this article is also similar to one submitted and reviewed at last year's TM and although the proposed amendments to the member agreement are slightly different this year, essentially the end result remains the same: Wayland would most likely incur a hefty capital assessment.

**Q: Appropriate Funds for Due Diligence and Feasibility Design for a Proposed Council on Aging/Community Center at Wayland Town Center.** Bill Sterling, Chair of the CoA/CCAC explained this article consists of two components: A feasibility study of the Municipal Pad to determine any site issues and the maximum size building that can be built on the pad and a design study to assess the needs of interested parties including the Council on Aging and Recreation.

**R: Acquire Municipal Parcel in Town Center and Convey Access Easement in Town Center:** Ms. Karlson indicated that part of the development agreement Twenty Wayland made with the Town included a Municipal pad. She stated this article offers the opportunity for the Town to explore where the Municipal pad will be sited and whether to pursue a lease or sale of the parcel. Betty Salzburg requested this article include a map.

**S: Fund Glezen Lane Traffic Control Measures:** Selectmen Ed Collins reported traffic studies have triggered the need to reconstruct this intersection.

**T: Accept Chapter 390 of the Acts of the 2014 to Establish a Tax Title Collection Revolving Fund:** Mr. Boschetto and Treasurer Paul Keating stated this article will contain the costs involved in tax title collection in a separate fund versus the current practice of running these costs through the Treasurer's budget.

**U: Create Chapter 44 Section 53F½ Recreation Enterprise Fund:** Mr. Nolan indicated the Recreation Department's financial model is currently under review. This article is a placeholder until the appropriate FY16 financial model for Recreation's revolving fund is determined.

**V: Create Chapter 44 Section 53D Recreation Revolving Fund:** Mr. Nolan indicated the recreation financial model is currently under review. This article is a placeholder until the appropriate FY16 financial model for Recreation's revolving Fund is determined.

**W. Fund Payment in Lieu of Sewer Betterment Assessment for Town Owned Buildings:** Ms. Karlson reported the Wastewater Commission has excess capacity and has offered it to the Town for future use at the Library. She further stated a number of issues remain to be discussed and researched. Ms. Lewis questioned the existence of excess capacity. She added there is a state statute that prohibits Towns from paying betterment fees. Ms. Segal asked if it would be possible to share the excess capacity with outside interested parties.

**X: Resolution Regarding ESCO Project Changes:** Anne Harris of the Energy Committee indicated the Facilities Director has suggested forgoing the ESCO projects approved for the Town Building at FY14 TM. This article shifts those funds to ESCO suggested projects of equal value at Claypit and Loker schools.

**Y: Amend Chapter 194-Stormwater and Land Disturbance Bylaw:** Mr. Monahan explained this Bylaw change lowers the storm water threshold of Town's current Bylaw to be consistent with the current standard. He indicated if approved, public meetings would be held to gather feedback.

**Z: Set Aside Community Preservation Funds for Later Spending:** Gretchen Schuler, Chair of Community Preservation Community (CPC) stated this standard article sets aside funds for future spending.

**AA: Set Aside for Later Spending \$2 Million for Open Space:** Ms. Schuler stated \$2M of the CPC funds will be moved from the uncommitted fund to open space fund for future spending.

**BB: Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund:** Ms. Schuler reported the CPC proposes transferring its \$397,794 Housing Funds balance to the Affordable Housing Trust.

**CC: Appropriate Funds to Create Stewardship and Land Management Plans for Conservation Land:** Ms Schuler stated this \$35K request is to create stewardship and land management report for Herd Farm and other Town owned conservation commissions properties.

**DD: Acquire Land and House at 246 Stonebridge Road:** Ms. Schuler reported Conservation Commission seeks to acquire this property. She reported negotiations were on going, the Town could not pay more than the current appraisal and project includes \$25K to demolish existing building.

**EE: Appropriate Funds to Stabilize Two Arches of Stone's Bridge:** Ms. Schuler stated this bridge has fallen into disrepair. Stabilizing the arches will allow access once again to the park. It was suggested that Framingham be approached to determine their interest in this project.

**FF: Construct Rail Trail in Wayland:** Ms. Schuler explained this project proposed by the Friends of the Rail Trail will construct a three mile rail trail on the old Central Rail line in Wayland. A copy of the Wayland Rail Trail Cost Estimate was distributed that included both CPC funds and Private Funding Sources.

**GG: Design of a Multi-Use Grass Playing Field at Oxbow Meadows (Former Nike Site):** Ms. Schuler presented this article for design funds to convert the former Nike Site to a multi-use grass playing field.

**HH: Design and Construct Trails and Signage at Dudley Woods:** Ms. Schuler reported the Recreation Commission would like to construct a loop of ADA accessible trails on the Dudley Woods land transferred to Recreation at 2014 ATM. She further reported the CPC felt the proposal submitted was too "urban", suggested a smaller scale project and reduced the \$110K budget to \$85K.

**II: Authorization for the Town of Wayland to Grant an Additional License for the Sale of All Alcoholic Beverages not to be Drunk on the Premises:** Attorney William Brewin of Marlboro stated the Petitioner, Eastbrook, Inc., located at 20 Wayland currently has a Wine and Malt License. Eastbrook is requesting TM start the process to authorize an additional full-service liquor license in Wayland.

**JJ: Amend Bylaw re: Reconsideration of Articles by Town Meetings:** Lead Petitioner George Harris of Holiday Road, stated the current Bylaw allows reconsideration of a TM article if new substantial information is available. Mr. Harris proposes to amend that language to state the new information had to be available at time article was voted at TM. This amendment will also change the quantum of vote from 2/3 to 4/5<sup>th</sup>.

**KK: Amend Chapter 36 of Current Bylaws:** Lead Petitioner Alice Boelter, Lake Shore Drive, proposes to change the date of Annual Town meeting from April 1<sup>st</sup> - May 15<sup>th</sup> to the fourth (4<sup>th</sup>) Thursday in April.

**LL: Increase Water Rates for High Density Housing:** Lead Petitioner Duane Galbi of Stonebridge Road

explained his proposal is to increase the water rates for properties that exceed twelve (12) bedrooms. He further stated he is looking for a board or commission sponsorship and would most likely drop this article if no board support was forthcoming.

**MM: Town will Enforce Lowest Speed Limit Allowed by Law:** Lead Petitioner Duane Galbi, Stonebridge Road, stated this article will ensure the lowest speed limit on Wayland roads are the default speed limit.

**NN: Prohibit Roadside Distribution of Phone Books and Advertising:** Lead Petitioner Tom McGonegal of Cochituate Road explained this article is to stop unrequested landscape advertising that is being dropped at the end of driveways throughout Town.

**OO: Resolution to Continue Electronic Voting Through FY2019:** Alan Reiss of the ELVIS committee stated this article is determine whether TM will continue its support of electronic voting.

**PP: Choose Town Officers: Hear Reports:** Chair Greenaway reported this is a standard TM article.

**QQ: Sell or Trade Vehicles and Equipment:** None. Chair Greenaway reported this article has been pulled.

**RR: Accept Gifts of Land:** None. Chair Greenaway reported this article has been pulled.

**SS: Hear Reports:** Mr. Greenaway reported this is a standard TM article.

At 10:00pm, Chair Greenaway announced the Warrant Article hearing had concluded and the Committee would take a short recess. At 10:08pm Mr. Greenaway reconvened the meeting and announced the Committee would not enter into Executive Session.

**Fiscal 2016 Proposed Health Insurance:** Mr. Senchyshyn stated West Suburban originally had indicated there would be a 10% increase in non-Medicare health insurance and 7% for Medicare plans. West Suburban's actual costs have been higher. Mr. Senchyshyn stated for FY16 the Town is facing a 13% premium increase in non-Medicare plans which translates into a 7% increase over FY15 as shown in the FY14-FY16 Health Insurance Costs spreadsheet he distributed.

**ASSIGNMENT OF ARTICLES TO FINCOM MEMBERS FOR COMMENT:** The Committee discussed the list of articles to be reviewed at Town Meeting and article write ups were assigned as follows:

Greenaway:	Articles:	A, B, C, D, E, F, Y, KK, PP, SS
Funkhouser:	Articles:	L, Z, AA, BB, CC, DD, EE
Steinberg:	Articles:	N, Q, R, S, X, FF
Abdella:	Articles:	I, J, W
Wolin:	Articles:	O, P, T, U
Watkins:	Articles:	K, M, II, OO
Martin:	Articles:	H, Q, R, U, V, GG, HH

The Committee determined to take a No Comment position on articles LL, MM and NN.

**BUDGET DELIBERATIONS:** Due to the lateness of the meeting, Chair Greenaway announced budget deliberations would be deferred.

**REPORT OF THE FINANCE DIRECTOR:** Finance Director Brian Keveny stated in an effort to maintain

Free Cash at 7% of budget, he had updated the FY16 Budget Worksheets and is suggesting the use of \$2.3M of Free Cash in the operating budget. He also suggested the Committee revisit the Legal Budget to determine if there were any available savings.

**CHAIR'S UPDATE:** Chair Greenaway distributed a draft copy of the Report of the Finance Committee for review and discussion at a future meeting. He also distributed two graphs: Cumulative Percentage Change of Valuations & Tax Levy between FY05-Fy15 and also FY10-FY15 for the Committee's review. Mr. Greenaway stated the Committee would begin reviewing warrant article write-ups on February 23<sup>rd</sup>.

Regarding the Public Records OML Request, Chair Greenaway stated he had spoken with the Secretary of State's office and indicated that all the requested emails had been sent to Finance Director Brian Keveny who given them to the complainant. From that discussion Mr. Greenaway had agreed to poll the Committee once again to ascertain compliance with the requested public records. All Committee members stated they had complied with the request.

**MINUTES:** Due to the lateness of the meeting, Chair Greenaway deferred minutes to a future meeting.

**ADJOURN:** At 11:08 a motion was made and seconded to adjourn. Vote: 6-0.

Respectfully Submitted,

Carol Martin

Documents:

Distributed by T. Greenaway

Article List for 2015 Annual Town Meeting

Draft: Report of the Finance Committee

Graph: Cumulative Percentage Change of Valuations & Tax Levy since FY05

Graph: Cumulative Percentage Change in Valuations & Tax Levy since FY10

Distributed by John Senchyshyn: Line 32B/Insurance Costs FY14-FY16

Distributed by Friends of Rail Trail: Wayland Rail Trail Cost Estimate



# Town of Wayland Massachusetts

## Finance Committee

Tom Abdella  
Nancy E. Funkhouser  
Tom Greenaway (Chair)  
Carol Martin  
Bill Steinberg  
David Watkins  
Gil Wolin

### MINUTES

Tuesday, February 10, 2015, 7:00 P.M.

Mr. Greenaway called meeting to order at 7:00 PM in the Senior Center at the Wayland Town Building. The meeting was recorded by WayCam. All members of the Committee were present.

#### **Public Comment:**

Dave Bernstein, speaking on his own behalf, urged the Finance Committee to ensure that a multi-year technology plan is in place before the Finance Committee or Town Meeting vote to go forward with the various IT items in the Capital Improvement Plan. He promised to move to amend the capital budget on Town Meeting floor if his recommendation was not followed. Discussion followed.

Anette Lewis reported to the Committee that the School Committee represents five different FTE totals on its website, from 383 to 392, a wide range. These numbers are not consistent with the DESE numbers, either. She urged the Finance Committee to get more involved in the preparation of the School budget in order to find efficiencies.

Nancy Funkhouser reported that the Finance Committee received between 5-10 emails since the last meeting, all in support of a level services School budget.

#### **Joint Meeting with Recreation Commission**

Brud Wright spoke on behalf of the Recreation Committee and in favor of an interim operating model that carries direct and indirect personnel expense in the General Fund, and all other operating expenses in the Recreation Revolving Fund. He explained that the Recreation Revolving Fund had already expended \$350,000 through January (78% of its \$450,000 spending cap), and that last fiscal year, the Recreation Revolving Fund expended about \$216,000 from February to June. On that basis, the Recreation Commission thinks that the Recreation Revolving Fund does not have enough capacity to support both its operating expenses and the indirect expense allocation. Discussion followed. Mr. Greenaway told the Recreation Commission that once FY15 expenses from the Recreation

Revolving Fund hit \$450,000, the cap imposed by the 2014 Annual Town Meeting, the Finance Director will stop paying bills unless the Recreation Commission requests, and the Selectmen and Finance Committee agree, to raise the spending cap.

A consensus emerged on the Finance Committee that materially correct annual expense budgeting for Recreation Revolving Fund was required in order to properly evaluate any request from the Recreation Committee to lift the spending cap for FY15, to make a budget recommendation for FY16, and to evaluate long-term financial operating models for the Recreation Commission. Discussion continued. Brud Wright, Jessica Brodie, Recreation Director, and Anna Meliones, Recreation Commissioner, all explained how difficult it was to recreate actual expense data for prior years. Mr. Abdella and Ms. Funkhouser offered suggestions on the level of detail required to satisfy the Finance Committee. Mr. Greenaway suggested that the expense history should be worked out at the staff level: if the Finance Director and the Recreation Director could come to an agreement as to the historical recurring expenses of the Recreation Revolving Fund, the Finance Committee would probably use that information as the baseline to evaluate any requests. Mr. Wolin suggested that the Recreation Commission needs a P&L (a profit and loss statement). Mr. Steinberg noted that all other departments in town government use the discipline of the budgeting process.

Mr. Greenaway set out the four financial items the Recreation Commission should address, in order:

1. Prepare support for current fiscal year expenses and request that the Selectmen and the Finance Committee raise the FY15 spending cap to match expected expenses (excluding the indirect expense allocation) before expenses hit the \$450,000 cap.
2. Prepare an FY16 expense budget for the Recreation Revolving Fund before 2015 Annual Town Meeting.
3. Work with representatives of the Selectmen and FinCom to reach a consensus, if possible, on the permanent operating model for Recreation (i.e., revolving fund, enterprise fund, etc.) by September 2015.
4. Consider how the Recreation Commission plans to reimburse the General Fund over time for the roughly \$662,000 in personnel expense from 2012-2015. The \$662,000 is net of \$355,000 in prior Recreation reimbursements and Sudbury reimbursements.

### **FY16 Capital Budget**

The Committee discussed the items on the FY16 capital budget, and assigned funding sources to each of the items. The Committee noted that several items had either dropped off the capital budget altogether or had moved to stand-alone articles in the Warrant (such as the CPC articles). Mr. Watkins led an extended discussion on the IT items. Mr. Steinberg spoke in favor of moving the funding source for several of the items from free cash to borrowing, using more free cash to support the operating budget. Ms. Martin and Mr. Wolin expressed concern about the debt service levels being too close to the 10% policy threshold. No action was taken. Mr. Greenaway asked Mr. Keveny, the Finance Director, to amend the capital budget to reflect the discussion, and the Committee would vote the clean capital budget at a later meeting.



### **Other Warrant Articles**

Committee members circulated draft write-ups for several of the articles in the Warrant. The Committee and Mr. Reiss, lead petitioner, discussed the Electronic Voting resolution Article. After a motion and a second, the Committee voted to recommend approval of the article (5-1-1). The Committee and Mr. Lewis, Chair of the OPEB Committee, discussed the OPEB article. No action was taken. Mr. Greenaway presented the following standard articles: Recognize Citizens, Pay Previous Year Unpaid Bills, Current Year Transfers, Personnel Bylaw, Choose Town Officers, and Hear Reports. After a motion and a second, the Committee unanimously voted to recommend approval of all these standard articles (7-0). The Committee discussed several other articles, but no action was taken with respect to those articles. Mr. Greenaway encouraged members to read the draft Report of the Finance Committee and offer review notes and suggestions.

### **FY16 Operating Budget**

Ellen Grieco, chair of the School Committee, reported that the School Committee had voted to recommend to the Finance Committee an FY16 Budget in the amount of \$36,719,239 and to continue to work on additional savings to bring the budget closer to a compromise between a level service and a level funded budget without cutting services. Mr. Greenaway thanked Ms. Grieco and the School Committee for their hard work. Mr. Greenaway noted that the Committee planned to vote an operating budget at its next meeting.

The Committee discussed the upcoming schedule. After a motion and a second, the Committee voted to adjourn at 10:35 PM.

Respectfully submitted,

Tom Greenaway

#### **Documents:**

1. A. Lewis handout
2. Emails in support of School Budget
3. Email plus attachments from Jessica Brodie to Nan Balmer dated February 6, 2015, 12:38 PM.
4. Capital Budget Workpaper
5. ATM Article Summary
6. Draft Article write-ups (Articles A, B, C, D, E, F, K, N, X, OO, PP, SS)
7. Draft Report of the Finance Committee Report

West Suburban Veterans District – January 8, 2015

Location: Wellesley Town Hall, Great Hall

Present: Kate Fitzpatrick, Donna VanderClock, Hans Larsen, John Senchyshyn

Also present: Chris Coleman, Matt Ching, Dale L. Kurtz, Stanley Spear, and Sally Rose

Call to order: Meeting called to order at 4:00 pm.

Business:

1. **Citizen Speak**

None

2. **Minutes**

***The Board voted (3-0-1) to approve the minutes of the October 2, 2014 meeting. Ms. VanderClock abstained as she was not present at the meeting.***

3. **Director's Update**

Mr. Spear and Ms. Rose confirmed that all member towns are up-to-date with regards to Chapter 115 benefit status and are in good shape for the remainder of FY15.

Mr. Larsen reviewed the status of the proposed WSVD FY16 budget. ***The Board voted (4-0) to approve the FY16 budget contingent on an adjustment in the budget line for Financial Support, which includes clerical, accounting and treasurer support.*** (Note: On Friday, January 9, 2015 Mr. Larsen emailed a revised FY16 WSVD budget, totaling \$202,398, which is \$2,190 less than the \$204,588 budget presented at the meeting.) Mr. Larsen said that he is happy to further discuss the budget at the next meeting on April 2, 2015; otherwise the staff will move forward under the assumption that the Board is happy with the revised budget.

Mr. Spear briefly mentioned the Annual VSO training that was held in Leominster, MA on October 27-30<sup>th</sup>. Both Mr. Spear and Mr. Ching attended the entire conference; Ms. Rose attended for one day when Chapter 115 benefits were being discussed. They all found the conference informative and worthwhile. Mr. Spear described that all VSO's will soon be required to pass a three part certification exam on the computer. The three sections cover M.G.L. Chapter 115 Benefits, CMR 108 and Use of Resources (Shine, Medicare Parts B, D (Medigap), and Medicaid) In preparation for the exam Mr. Ching intends to attend, commuting daily, the winter training conference in Yarmouth on February 2-5<sup>th</sup>.

Mr. Larsen mentioned that the District's state certification expires at the end of the current fiscal year and that we need to reapply by the end of May. Before the April meeting a draft of a request for recertification will be prepared for the Board's review.

Mr. Spear mentioned that Governor Baker has appointed Mr. Francisco Urena as the new Secretary of Veterans' Services. He replaces Mr. Coleman Nee. Mr. Urena is a veteran of Operation Iraqi Freedom and was the VSO for the city of Lawrence and the Commissioner in Boston. Mr. Ching was very positive about Mr. Urena saying that he had gone on an honor flight with him.

On separate occasions Mr. Ching met with Mr. Coleman and Needham's COA Director Jamie Brenner Gutner, and also with Mr. Senchyshyn and Wayland's COA Director Julie Secord to talk about the Valor Act. Mr. Ching has talked with Senator Mike Rush about the Valor Act and he will be meeting with him on January 21<sup>st</sup>. Questions still come up regarding whether or not this is a taxable benefit, i.e., is the impact on taxable income the same as with the senior work-off program? Currently Wellesley has no one covered by the Valor Act. To qualify you must be on the deed of a house, so younger veterans still living with their parents are ineligible. In contrast with the senior work-off program, the Veterans' program has no age or income restrictions. A veteran can participate in both a Senior program and the Valor Act.

#### **4. District Budget**

See Director's Update above.

Mr. Ching is now on a Town of Wellesley cell phone plan and the cost of this plan is fully funded by the District.

#### **5. Other**

Wayland and Weston are interested in evening office hours to be held one evening per month. This will start on a trial basis the last week of April (Monday April 27<sup>th</sup> in Wayland, and Tuesday, April 28<sup>th</sup> in Weston). The offices will be open from 5:00 – 7:00 pm each time. Sally will make up a notice and send it to Mr. Senchyshyn and Ms. VanderClock to distribute.

Mr. Kurtz talked about the State's desire to create more districts to better serve the needs of veterans. Mr. Spear mentioned that recently there had been 5 cases of Dover residents contacting the District regarding veteran services and for help applying for benefits. In the past Dover used to pay a small stipend to Natick and Needham to offset their assistance serving veterans. Ms. Fitzpatrick agreed to talk with Mr. David Ramsay, the Dover Town Administrator, about this situation. Dover is not in compliance with state law as they do not have a VSO available to adequately serve Dover residents. Their website currently lists Mr. Paul Carew, the Natick VSO; however both Mr. Spear and Mr. Ching have taken calls and met with Dover residents.

Mr. Spear distributed a brochure created by Mr. Ching informing residents about the WSVD. More brochures will be printed and 25-50 will be provided to each location.

#### **6. Old/New Business**

The Board agreed the next meeting will be on Thursday, April 2<sup>nd</sup>, 2015 at 4:00 p.m. in the Great Hall at Wellesley Town Hall.

The meeting was adjourned at 5:15 pm.



# Town of Wayland Massachusetts

## Finance Committee

- Tom Abdella
- Carol Martin
- Nancy Funkhouser
- Bill Steinberg
- Gil Wolin
- Tom Greenaway (Chair)
- David Watkins

## MINUTES

Thursday, February 26, 2015

*Note: The meeting was videotaped for later broadcast by WayCAM.*

The meeting was called to order at 7:00pm in the Selectmen's Meeting Room at the Town Hall. Present: Funkhouser, Greenaway, Martin, Watkins, Wolin, Brian Keveny, Finance Director. Absent: Abdella, Steinberg

**Public Comment:** Anette Lewis spoke on the question of the number of FTEs in the School Department and urged the Finance Committee to post its budget documents online. Mr. Greenaway noted that Ms. Lewis' comment on the posting of the budget documents was well taken, and he asked the Finance Director to ensure the documents were posted.

**Discuss & Vote Article Recommendations & the Report of the Finance Committee:** (Note: Some article numbers may not match the numbers in the warrant because of late article drops)

The Committee discussed Article 21, *Amend Chapter 193 – Stormwater and Land Disturbance Bylaw*. Sherre Greenbaum and Brian Monahan had circulated a document that responded to several of the questions that had been raised at Monday's meeting. Discussion followed. After a motion and a section, the Committee voted to recommend approval of Article 21 at Annual Town Meeting. Vote: 4-1.

The Committee next discussed Article 33, *Appropriate Funds to Create Stewardship and Land Management Plans for Conservation Land*. Gretchen Schuler, Sherre Greenbaum, and Brian Monahan explained the purpose and the history behind the article. Mr. Watkins inquired about follow-up planning or actions to follow this planning exercise. After discussion, a motion, and a second, the Committee voted to recommend approval of Article 33 at Annual Town Meeting. Vote: 5-0.

The Committee next discussed Article 18, *Withdraw from Minuteman Regional Vocational School District*. Mr. Wolin presented the writeup. Mary Ellen Castagno, the Wayland Representative to the Minuteman School Committee, also spoke, in favor of the article. Mr. Watkins suggested a con argument be added to the writeup, to which Mrs. Castagno objected. After discussion, the Committee added the suggested "con" argument to the writeup, and at Mrs. Castagno's request, removed any mention of the fact that Wayland's representative to Minuteman supports the passage of the article. After further discussion, a motion, and a second, the Committee voted to recommend approval of Article 18 at Annual Town Meeting. Vote: 4-0-1.

The Committee next discussed Article 30, *Amend Chapter 36 of the Current Bylaws*, which would change the window in which Annual Town Meeting could be held. Alice Boelter, lead petitioner, discussed the article with the Committee, and Ms. Lewis added some perspective on the historical timing of Annual Town Meeting. After discussion, a motion, and a second, the Committee voted to recommend approval of Article 30 at Annual Town Meeting. Vote: 3-2.

The Committee next discussed Article 20, *Amend Bylaw re: Reconsideration of Articles by Town Meetings*, which would change the standard and quantum of vote for allowing reconsideration at Annual Town Meeting. George Harris, lead petitioner, explained the purpose for and his understanding of the article with the Committee. After discussion, a motion, and a second, the Committee voted to recommend approval of Article 20 at Annual Town Meeting. Vote: 4-1.

The Committee next discussed Article 15, *Implement Solar Energy: Power Purchase and License Agreement and Authorization for PILOT*. John Harper, member of the Energy Committee, discussed the article with the Committee. After discussion, a motion, and a second, the Committee voted to defer recommendation of the Article until Annual Town Meeting, in order to allow Mr. Watkins to refine his evaluation of the proposal.

The Committee next discussed Article 32, *Town will Enforce Lowest Speed Limit Allowed by Law*. Duane Galbi, lead petitioner, explained the purpose for and his understanding of the article with the Committee. After discussion, a motion, and a second, the Committee voted to take no position on Article 32 at Annual Town Meeting. Vote: 5-0.

The Committee voted to reconsider the FY16 Operating Budget after a motion and a second, (vote 5-0) in order to include the final retirement assessment from West Suburban, which varied by \$4,600 from the draft assessment the Committee had been carrying in the prior budgets. After a brief discussion, a motion, and a second, the Committee voted to approve the revised operating budget of \$76,759,962. Vote 5-0.

Mr. Watkins left the meeting soon after 9:00 pm.

The Committee next discussed Article 16, *Fund Glezen Lane Traffic Control Measures*. Mr. Greenaway presented the writeup. Members of the Committee inquired as to whether there were any mitigation or other funds available to fund the work. After a brief discussion, a motion, and a second, the Committee voted to recommend approval of Article 16 at Annual Town Meeting. Vote: 3-1.

The Committee next discussed Article 31, *Accept Chapter 390 of the Acts of 2014 to Establish a Tax Title Collection Revolving Fund*. Mr. Wolin presented the writeup. After a brief discussion, a motion, and a second, the Committee voted to recommend approval of Article 31 at Annual Town Meeting. Vote: 4-0.

The Committee then discussed the Draft Report of the Finance Committee. Mrs. Martin made several suggestions for points of emphasis to include in the report, including capital fund closeouts, listening to taxpayers with respect to the unexpected bond premium, bringing the capital budget forward, and the long-range planning project. After further discussion, a motion, and a second, the Committee approved the Draft Report for inclusion in the Warrant, authorizing Mr. Greenaway to make final revisions. Vote: 4-0.

After a motion and a second, the Committee voted to adjourn at 10:08 PM.

Respectfully submitted,  
Tom Greenaway, Chair

Wayland Historical Commission Meeting Minute – January 12, 2015

Wayland Town Building, 7:30 pm

Minutes: approved as amended

Attendees: Sheila Carel, Rick Conard, John Dyer, Tonya Largy, Elisa Scola, Gretchen Ryder Sharry, Mike Lowry (Associate Member)      Guests: Jennifer Koeller

Chairperson Elisa Scola called the meeting to order

1. Minutes of the December 15, 2014 meeting were approved as amended
2. Public Comment: Comment made: "Wayland Historical Commission is awesome."
3. Archaeology Update: (Tonya)

The gravestone condition assessment is finished and the WHC has been billed. We have not received the report. The contract states a 1/31/15 deadline. Barbara Donohue would like an extension due to the amount of work--possible March deadline. WHC would like a letter regarding this. Discussion as to CPC funds and timing.

Question raised as to Rail Trail bike path going from Cow Commons to Town Center. Sheila talked to Sarki regarding archaeological monitoring, finding specific rock features, Native American artifacts and railroad artifacts. Discussion as to importance of "clinkers" and mile posts. WHC wants a monitor while trail is being built. Sheila offered to photograph RR artifacts/items/significant areas. Suggested a walk with Rick.

Tonya talked with Sherry Greenbaum and says ConComm is responsible for overseeing the project. Sheila suggested asking Sarkis to let us know what areas are being worked on and stages. Sheila will follow up, talk to Sarkis, and get back to WHC. Need to find out who is getting CPC funds and make sure there is archaeological monitoring. Dudley Woods request will have monitor included.

4. Railroad Update: (Rick)

Nothing new to update. Elisa mentioned CPC \$10,000 for monitoring.

5. CPC Update: (Elisa)

Projects requesting funds: Dudley Woods, Rail Trail/Bike Path already mentioned under previous updates

CPC suggested request for Stone's Bridge to be for ½ of the Bridge to be repaired (up to \$480,000) as opposed to just the first arch. This will be brought up at Town Meeting. Discussion as to amending the request to be for ½ of the Bridge.

Motion made to support an article for \$480,000 to repair ½ of Stone's Bridge comprised of 2 arches. Motion approved: 6 Yes, 0 No

Discussion regarding education of the public to include a series of articles and pictures in the Town Crier: oldest dry stone arch (non-masonry) bridge, the history of the bridge, technical part of building the bridge, grant written and used for clean-up in past years, put engineer's report on the website.

CPC will present an article at Town Meeting to re-set funds at correct percentages.

#### 6. Ceremonial Landscape Update: (Sheila)

Sheila noticed specific rock article on walk at/near Cow Common. Wants to do a "walk over" at Dudley Woods with Tribal Preservation Officer. Will take photographs, decide if there are things of interest. If required, will ask for Ceremonial Landscape survey/mapping. Doing a "walk over" (having expert eyes saying need to look more in depth or it is not needed), will save the Town money. Sheila wrote a letter to the Board of Selectmen re: the DPW site being a successful project of working together and the site had been protected.

#### 7. New business and other items not identified prior to submission of Agenda:

John brought up the topic of "the soft side of history." Many organizations that impact the town appear and disappear. There should be a way to capture their place in the town's history. Some examples are: SOS, Spread the Bread, Angel network. Is there a way to track this? Do all of these organizations have to register with the town? Suggestions...having a form to include the name of the organization and the mission, talk to Kevin Delaney (WHS teacher) who coordinated the Wayland History project. John is in contact with Kevin.

Elisa brought up that the clock on the Community Methodist Church belongs to the Town and they are looking to get it repaired.

Question regarding the signage project and Wayland 375. John has talked to Mary Antes and 375 has no final financial report. He will follow through and it may be necessary to ask for CPC funding.

Last month Tonya lent Mike Lowery an Archaeology Report. Mike digitized it. Discussion regarding how and where to put it on the web site. Tonya will follow up with Mike and give to Maryann Dinapoli to link to WHC site. Discussion as to other articles that should be included and how to do it.

Next Meeting: Monday, February 9, 2015 at 7:30 PM

Meeting adjourned: 8:55 PM

Respectfully submitted,

Gretchen Ryder Sharry

Wayland Historical Commission



# Town of Wayland Massachusetts

## OPEB Advisory Committee

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

### Minutes of February 25, 2015 Committee Meeting (as approved March 2, 2015)

In attendance were Cliff Lewis, Kent George and Jay Sherry. Maryanne Peabody and David Gutschenritter were absent. The meeting was videotaped and is currently available on WayCAM On Demand at:  
<http://waycamtv.pegcentral.com/player.php?video=773082f1e39fb49032a5c960b9ce1e11>

The meeting was called to order at 7:01 PM by Chair Cliff Lewis in the Selectman's Conference Room on the first floor of the Wayland Town Building. The following Agenda topics were addressed:

1. **Public Comment:** There were no members of the public present at this meeting.
2. **Review of the document "Town Meeting Warrant Article OPEB Funding Revision 5"**

Cliff suggested a few minor edits to the document that dealt with extra spaces between words. After minimal discussion, Jay moved that the Committee approve Revision 5 as amended, seconded by Kent George. The motion was approved 3 – 0. Cliff commented that it is now the task of Jay to complete the article and send a copy to Dave who will forward it to the FinCom for submission into the Town Warrant.

### 3. **Discussion of the Report of the OPEB Committee for the Town Meeting Warrant**

Cliff presented a draft of the OPEB Committee report. There was a general discussion that centered around the level of detail and the math calculations. It was generally agreed that the draft was too detailed and contained too many calculations for the general reader. Cliff agreed to redraft the report and have it ready for review at our March 2<sup>nd</sup> meeting.

The Committee voted 3-0 to adjourn the meeting at 8:10 PM.

Respectfully submitted,

Cliff Lewis, Chair



Personnel Board Meeting  
Wayland Town Building – Large Hearing Room  
Meeting Minutes  
January 12, 2015 7:00 pm

RECEIVED  
MAR - 9 2015  
Board of Selectmen  
Town of Wayland

Members Present:

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

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:00 pm

Executive Session

JG made a motion to enter executive session pursuant to MGL Ch30A, Sec 21(2) to discuss contract negotiations and employment agreements for the DPW Director, Police Chief, Asst. Town Administrator and Town Administrator; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Negotiations with Library, SEIU, Police, Fire, Teamsters, AFSCME, Teachers, WESA, Custodian and Food Service Unions; Discuss SEIU, Teamster and AFSCME Grievances; Discuss an SEIU Wage Settlement; Discuss MOAs with SEIU, Teamsters; AFSCME, Police and Fire; Review and Potential Vote to Approve Executive Session Minutes of 10/20/14, 11/24/14 and 12/8/14 and to Review and Potentially Vote to Release the Following Executive Session Minutes:

11/21/11	6/24/13	2/24/14
12/12/11	8/5/13	3/31/14
10/15/12	11/1/13 (2)	5/5/14
2/11/13	12/16/13	6/2/14
3/18/13	1/15/14	8/6/14
4/19/13	1/27/14	8/11/14
4/22/13	2/10/14	

MJ seconded the motion.

JG took a roll call vote:

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

The Board having voted 5-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 90 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:05 pm.

The Board returned to Open Session at approximately 8:45 pm.

Public Comment

None.

Review of December 8, 2014 Meeting Minutes

The following amendments were made:

...where seasonal laborers ...

...comprehensive ~~plan~~ work plan ...

... an "Act Relative to Domestic Violence" ...

... the practice is ~~draconian~~ and does ...

... probation ~~often~~ lasts ...

... Library, SEIU ...

PS moved to approve the draft minutes of December 8, 2014 as amended. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.

Starting Wage Rate and Service Credit for DPW Water Superintendent

JS informed the Board that Don Millette was offered the position of DPW Water Superintendent. Millette had worked for the Town previously as the DPW Water Superintendent. JS requested a starting wage rate of G9, Step 9. JS noted that Millette was compensated at Step 9 prior to leaving Wayland. Members inquired why he wanted to return. JS stated that the treatment aspect was of interest to him as his current employer is on the MWRA system and treatment is not a significant part of the job. MP inquired if he was Superintendent when the Water Department theft occurred. JS responded that he was not. JS also asked the Board to consider crediting Millette with his previous Wayland service for vacation accrual purposes. Millette has 8 years, 10 months of service in Wayland. DC inquired if there are any contractual provisions for previous service. JS stated there are not. DC noted that such an approval should not create a precedent or past practice.

MP moved to approve the starting rate for Don Millette as DPW Water Superintendent at G9, Step 9 and to approve crediting his previous service of 8 years, 10 months provided that AFSCME agrees that crediting the previous service will not create a precedent or past practice. MJ seconded the motion. Five members voting in the affirmative, the motion passed.

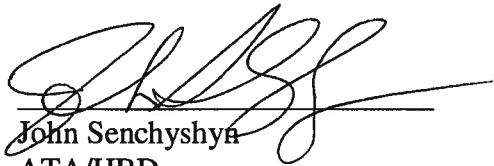
Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance

JS reported that he met with the Town Administrator and Fire Chief earlier in the day regarding the search process for the next Fire Chief. He is requesting a representative from the Personnel Board serve on the interview committee that will be established. PS volunteered to represent the Board and the other members concurred.

Next Meeting

There was a discussion of potential topics for the next meeting. It appears to be a full agenda. The Board confirmed their plans to meet again on 1/26/15.

MJ moved to adjourn. DC seconded the motion. Five members voting in the affirmative, the motion passed. The Board adjourned at 9:05 pm.

  
John Senchyshyn  
ATA/HRD

**Documents From Personnel Board Meeting**

**Regular Session**

**January 12, 2015**

Document:

Draft Minutes 12/8/14

D. Millette Resume

Personnel Board Meeting  
Wayland Town Building – Large Hearing Room  
Meeting Minutes  
February 12, 2015 8:15 am

RECEIVED

MAR - 9 2015

Board of Selectmen  
Town of Wayland

Members Present:

M. Peabody (MP), P. Schneider (PS), M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

MP called the meeting to order at 8:25 am

ConCom Staffing Request – PT Land Manager

Sherre Greenbaum, Betty Salzberg and Brian Monahan participated in the meeting. Greenbaum reviewed the 1/21/15 memo from the ConCom outlining the changes made in the staffing proposal, several at the request of the Personnel Board. PS inquired as to the ConCom's mission. Monahan responded that the regulatory mission is the protection of natural resources. That is one of the core reasons ConComs were formed. Wayland's By-law also stipulates a goal of the preservation of passive recreation for the ConCom. Further discussion ensued on the participation of High School students in the care of land.

Board members discussed the merits of the request for a PT, 19 hour/week Land Manager. Members were supportive of the request.

MJ moved to recommend to the Finance Committee the establishment of a PT, 19 hour per week Land Manager position. PS seconded the motion. Three members voting in the affirmative, the motion passed.

Greenbaum, Salzberg and Monahan left the meeting.

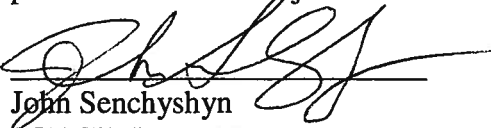
Topics not Anticipated 48 Hours in Advance

JS updated the Board on the Fire Chief interviews from the previous day. Two candidates were recommended as finalists. The next round of interviews is planned for Wednesday 2/18. JS noted that PS would not be able to represent the Board. He inquired if another member would be able to participate. MJ indicated that she would check and advise.

Next Meeting

The next meeting is planned for 2/23/15. Discussion ensued on the best way to plan for snow cancellations. JS would poll the members as to their availability.

MJ moved adjourn. PS seconded the motion. Three members voting in the affirmative, the motion passed. The Board adjourned at 8:50 am.

  
John Senchyshyn  
ATA/HRD

**Documents From Personnel Board Meeting**

**Regular Session**

**February 12, 2015**

Document:

Memo Dated 1/21/15 from ConCom on PT Land Manager  
PT Land Manager Draft Job Description



# Town of Wayland Massachusetts

Members: Christine DiBona  
 Anthony Boschetto  
 Jerome Heller  
 Daniel Hill  
 Robert Morrison

Rebecca Stanizzi  
 William Steinberg  
 William Sterling  
 Michael Wegerbauer

River's Edge Advisory Committee ("REAC")  
 Meeting Minutes for Meeting of Thursday, 19 February 2015

Attending: Jerry Heller (chair, JH), Rebecca Stanizzi (RS), Bill Steinberg, Bill Sterling, Mike Wegerbauer (partial), Rob Morrison

The meeting was called to order at 7:05 PM in the Planning Office of the Wayland Town Building.

No public comment.

Meeting Minutes of January 8, 2014 were reviewed, amended and voted approved unanimously as amended.

Meeting Minutes of January 29, 2014 were reviewed, amended and voted approved unanimously as amended.

Brief discussion on a recent DEP meeting topic:

- A portion of the River's Edge land was site assigned as landfill but it was not recorded, and it was never used as landfill. The section of land in question was part of the septage facility.
- Overlay for existing use does not lift site assigned use. How to lift site assigned use?
- RS to verify property ownership.
- Ask Anderson & Kreiger (A&K) to lay out the issues and discuss options for approach
  - i.e., file with DEP, Presumptive Approval, A&K to draft letter to Town Administrator

Lease versus Sell issue:

- Put this on the agenda for next meeting
- Circulate memo from A&K
- REAC consensus is to make a recommendation on this issue to the Board of Selectmen

RFP publishing and logistics discussion:

- Need to think about logistics for question and answer sessions and setting up the calendar for these sessions
- Decisions on publishing the RFP:
  1. Print a limited number of entire RFP paper copies that will be in the "RFP war room" along with all Exhibits.
  2. Entire RFP should be available on line.
  3. JH will ask A&K for their recommendation on the best way to publish the documents and to put them on-line.
    - Where is the web site, who loads documents, who manages it, etc.?
    - Two possibilities are: Projectdog & Firmex

Review of RFP (A&K draft dated 3 February 2015), Appendix I: Evaluation Criteria

- REAC reviewed and revised this Evaluation Criteria document. Our revisions are incorporated in the attached redlined RFP document.

19

- The REAC consensus is that it will not assign a weight to any criterion unless it becomes necessary for a tie breaker.

Review of River's Edge Design Guidelines (version 10, dated 25 February 2014)

- REAC reviewed and revised this version of the Design Guidelines document. Our revisions are incorporated in the attached redlined document.
- RS to research the percentage of site that must be reserved for open space. (Section 12.b.)

Next Meeting:

- Scheduled for 5 March 2015 at 7 PM
- Agenda items:
  - RFP- "Final review before it goes to Board of Selectmen"
  - Land Lease v. Sell issue

Meeting was adjourned at 9:37 PM. Motion to adjourn by JH, seconded by RS.

Respectfully submitted by R. Morrison

**Attachments:**

- 1.) Redlined RFP (from A&K, draft dated 3 February 2015), Appendix I: Evaluation Criteria
- 2.) Updated/Redlined River's Edge Design Guidelines (updated redline of version 10, dated 25 February 2014)

**Handouts:**

- 1.) Agenda of this meeting