



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, February 23, 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.*

- |          |      |   |
|----------|------|---|
| 6:30 pm  | 1.)  | Convene in Open Session and then Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6) to Consider the Purchase, Exchange, Lease or Value of Real Property in regard to the Municipal Pad and Town Green at Town Center |
| 7:00 pm  | 2.)  | Call to Order by Chair <ul style="list-style-type: none"><li>• Announcements; Review Agenda for the Public</li></ul>  |
| 7:02 pm  | 3.)  | Public Comment  |
| 7:10 pm  | 4.)  | Recognize Fire Chief Vincent Smith upon his Retirement for Thirty-Eight Years of Service to the Town of Wayland   |
| 7:20 pm  | 5.)  | Discussion and Potential Vote on Warrant Article, "Adopt Inspection Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems"  |
| 7:25 pm  | 6.)  | Ratify the Appointment of the Acting Fire Chief   |
| 7:30 pm  | 7.)  | Recess to Attend Finance Committee Budget Presentation  |
| 8:30 pm  | 8.)  | Reconvene for Consideration and Potential Vote to Approve Change of Manager Application, Bertucci's Restaurant, 14 Elissa Avenue  |
| 8:40 pm  | 9.)  | Update on Solar Project   |
| 8:50 pm  | 10.) | Discussion and Potential Vote to Increase FY15 Cap on Recreation Revolving Fund to \$595,862.92   |
| 9:00 pm  | 11.) | Discussion and Potential Vote on Warrant Article, "Fund Payment in Lieu of Sewer Betterment Assessment for Town Owned Buildings"  |
| 9:10 pm  | 12.) | Review and Approve Consent Calendar (See Separate Sheet)  |
| 9:15 pm  | 13.) | Review Correspondence (See Separate Index Sheet)  |
| 9:30 pm  | 14.) | Report of the Town Administrator  |
| 9:40 pm  | 15.) | Selectmen's Reports and Concerns  |
| 9:55 pm  | 16.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any   |
| 10:00 pm | 17.) | Adjourn   |

DATE: FEBRUARY 23, 2015

TO: BOARD OF SELECTMEN

FROM: NAN BALMER, TOWN ADMINISTRATOR

RE: RATIFICATION OF APPOINTMENT OF ACTING FIRE CHIEF

**REQUESTED ACTION: VOTE TO RATIFY APPOINTMENT OF DAVID HOUGHTON AS ACTING FIRE CHIEF EFFECTIVE 12:01 PM WEDESDAY FEBRUARY 25, 2015.**

**BACKGROUND:**

Fire Chief Vinnie Smith is retiring and relinquishing his duties on Tuesday, February 24<sup>th</sup> at midnight. I expect to announce my selection for a new Fire Chief by the end of next week. In accordance with the Town Administrator by-law, that appointment requires ratification by the Board of Selectmen. I plan to seek the Board's ratification at the March 2<sup>nd</sup> meeting.

For the interim period, I am appointing Deputy Chief David Houghton as Acting Fire Chief effective at 12:01 am on February 25<sup>th</sup>. He will be sworn-in by the Town Clerk at the start of the workday. I am requesting the Board's ratification of David Houghton's appointment as Acting Fire Chief.



SENT VIA OVERNIGHT – UPS

January 23, 2015

Town of Wayland  
Board of Selectmen  
41 Cochituate Rd.  
Wayland, MA 01778

Re: Bertucci's Restaurant Corp. – Change of Manager

Dear Board of Selectmen:

Enclosed please find the Change of Manager Application paperwork for our restaurant located at, 14 Elissa Ave., Wayland, MA. The following documents are enclosed:

- Retail Transmittal Form
- \$200 Check payable to MA ABCC
- Petition for Change of License
- Manager's Application
- Personal Information Form
- CORI Application
- Corporate Vote
- Resume for Michael J. Reilly
- Passport and Driver's License Michael J. Reilly

Please feel free to call me at 508-351-2577 or email at [swoodin@bertuccis.com](mailto:swoodin@bertuccis.com) if you need any additional information.

Sincerely,

Sandra Woodin  
Manager Real Estate/Licensing

**RECEIVED**

JAN 26 2015

Board of Selectmen  
Town of Wayland

1:31 PM

# Memorandum

2/11/2015

**To: MaryAnn DiNapoli**

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

**Subject: Background Check – Michael J. Reilly**

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A background check was conducted on Michael J. Reilly in regards to the change of manager application submitted by the Bertucci's Restaurant.

Mr. Reilly was convicted of Operating Under the Influence of Alcohol twice in 1991.

I met with Mr. Reilly on 2/11/2015 and we discussed his responsibilities as a manager at Bertucci's Restaurant. He was given a copy of the rules and regulations concerning the Provision and consumption of Alcoholic Beverages and I explained the compliance policy of the town.

I recommend Mr. Reilly for approval as a new manager of Bertucci's Restaurant.



*The Commonwealth of Massachusetts*  
**Alcoholic Beverages Control Commission**  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**PETITION FOR CHANGE OF LICENSE**

134000027  
 ABCC License Number

Wayland  
 City/Town

The licensee Bertucci's Restaurant Corp. respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Pledge of License/Stock
- Change of Corporate Name/DBA
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")
- Alteration of Premises
- Cordial & Liqueurs
- Change of Location

Change of Manager Last-Approved Manager: John H. Fradin

Requested New Manager: Michael J. Reilly

Pledge of License /Stock Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

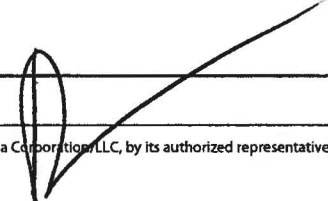
Change of License Type Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)  
 Description of Alteration:

Change of Location: (must fill out attached financial information form)  
 Last-Approved Location:  
 Requested New Location:

Signature of Licensee

  
 (If a Corporation/LLC, by its authorized representative)

Date Signed

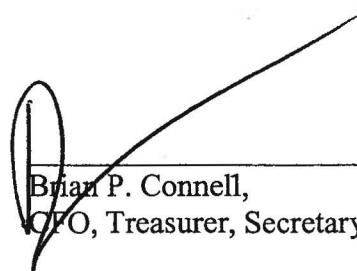
01/07/2015

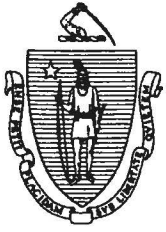
**BERTUCCI'S RESTAURANT CORP.**  
**d/b/a Bertucci's Italian Restaurant**  
**Secretary's Certificate**

The undersigned hereby certifies he is the CFO, Treasurer, Secretary of Bertucci's Restaurant Corp. (the "Company"), and that as such he is authorized to execute and deliver this Certificate on behalf of the Company; and the undersigned hereby further certifies that the following vote was duly adopted by the Company's Board of Directors effective as of January 7, 2015 and that such vote is in full force and effect on the date hereof:

VOTED:                      To remove John H. Fradin as manager of record and to appoint Michael Reilly, Canton, MA, as its manager of record with full authority and control of the premises known as Bertucci's Italian Restaurant located at 14 Elissa Ave., Wayland, Massachusetts, as further described in the Company's liquor license with respect to such premises, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts; and that a copy of this vote duly certified by the Clerk of the Corporation and delivered to said manager or principal representative shall constitute the written authority required by law.

IN WITNESS THEREOF, the undersigned has executed this certificate as of this 7th day of January 2015.

  
\_\_\_\_\_  
Brian P. Connell,  
CFO, Treasurer, Secretary



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**PERSONAL INFORMATION FORM**

Each individual listed in Section 10 of this application must complete this form.

**1. LICENSEE INFORMATION:**

A. Legal Name of Licensee	Bertucci's Restaurant Corp.	B. Business Name (dba)	Bertucci's Italian Restaurant	
C. Address	14 Elissa Ave.	D. ABCC License Number (If existing licensee)	134000027	
E. City/Town	Wayland	State	MA	Zip Code 01778
F. Phone Number of Premise	(508) 276-8235	G. EIN of License	[REDACTED]	

**2. PERSONAL INFORMATION:**

A. Individual Name	Michael J. Reilly	B. Home Phone Number	[REDACTED]	
C. Address	14 Hemlock Drive			
D. City/Town	Canton	State	MA	Zip Code 02021
E. Social Security Number	[REDACTED]	F. Date of Birth	[REDACTED]	
G. Place of Employment	Bertucci's Restaurant Corp.			

**3. BACKGROUND INFORMATION:**

Have you ever been convicted of a state, federal or military crime? Yes  No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

**4. FINANCIAL INTEREST:**

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

I, Michael J. Reilly, have no direct or indirect, beneficial or financial interest in this license

**IMPORTANT ATTACHMENTS (8):** For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

\*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Michael J Reilly Date 1/10/15  
 Title General Manager (If Corporation/LLC Representative)

**MICHAEL REILLY  
14 HEMLOCK DRIVE  
CANTON MA. 02021**

**QUALIFICATIONS:** Conscientious and self-motivated  
Excellent management skills  
Strong Communicator  
Adaptable to new situations  
Able to handle multiple responsibilities  
Dependable and accurate  
Knowledgeable with Posi-Touch and Aloha Systems and PowerPoint

**EXPERIENCE:**

11/2014-Present Bertuccis Italian Restaurant  
General Manager Wayland Bertuccis  
Oversee all day to day operations of the restaurant

11/2007-11/2014 Culinary Manager Waltham Bertuccis  
Work side by side with General Manager on daily operations for the restaurant  
Coordinate all ordering for food, liquor, and supplies  
Reconcile daily cash receipts  
Overseeing of personnel coverage and work schedules for entire restaurant  
Responsible for opening and closing restaurant and ensuring guest satisfaction

05/2005-11/2007 Captain Fishbones Restaurant, Quincy MA  
Assistant General Manager  
Work side by side with General Manager on daily operations for the restaurant  
Coordinate all ordering for food, liquor, and supplies  
Reconcile daily cash receipts  
Overseeing of personnel coverage and work schedules for entire restaurant  
Responsible for opening and closing restaurant and ensuring guest satisfaction

12/1999-08/2000 Rosarios Restaurant, Canton MA  
Bar Manager  
Coordinate inventory and purchasing  
Create and maintained work schedules for all bartenders  
Reconcile daily cash out receipts  
Responsible for opening and closing

**Education:**

10/2002-05/2004 Massasoit Community College, Canton MA  
Computer Information Systems

1984-1988 Blue Hills Regional Technical High School, Canton MA

**References:** Available upon request



## Executive Summary

The Metropolitan Area Planning Council (MAPC) issued a Request for Qualifications (RFQ) to Energy Service Companies (ESCOs) to provide for Comprehensive Energy Management Services for 14 of its member communities. Ameresco submitted a proposal and was subsequently awarded the program.

The procurement allows the participating member communities to enter into energy contracts without further solicitation. Ameresco is currently under contract with the Town for an Energy Services Agreement (ESA) which will enable the design and construction of Energy Conservation Measures (ECMs) through the municipal and school buildings.

Under this proposal, Ameresco offers to engineer, procure, and construct solar PV systems utilizing a Power Purchase Agreement (PPA) with the Town. Ameresco distinguishes itself by building 100% of the projects it is awarded, thus assuring the Town receives the expected solar PV benefits.

The PPA price is dependent on ever changing regulations for SRECs and Net Metering, which requires projects to move quickly from design, permitting, construction, utility witness test, and finally to the authorization to interconnect. Ameresco has the capital and lines of credit to move quickly to engineer and file the necessary permits to meet the regulatory deadlines.

## Proposed Solar PV Project

Ameresco propose to install four (4) solar PV systems for the Town of Wayland with a total capacity of **1,288.9kW\_DC** delivering **1,537,144kWh** of electricity in the first year. The projects will be engineering, designed, constructed, owned and operated by Ameresco and will required no upfront cost or capital expenditure from the Town of Wayland.. The following four (4) town of Wayland facilities are proposed:

- High School Parking Lot (Carport installation): 587.4kW\_DC
- Middle School Parking Lot (Carport installation): 230.6kW\_DC
- Town Building Parking Lot (Carport installation): 247.1kW\_DC
- DPW Building (Roof mounted installation): 223.8kW\_DC

The four proposed systems were evaluated with the assistance of Town committees including: Energy Committee, DPW, School Committee, Buildings Committee, and Conservation Committee. All systems are proposed to be interconnected to the existing utility grid to net meter electricity generated by the systems to existing Town of Wayland electric accounts. The Town of Wayland will be the Host Customer assigned to each new meter installed by the utility. The three carport systems will provide the Town of Wayland with a highly visible demonstration of its commitment to reducing the Town's dependence on traditional carbon emitting sources. The roof mounted system at the new DPW Facility will take advantage of design considerations incorporated into the building's construction to support a solar PV system on its roof. All of

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the projects will contribute to the project's economic benefit to the Town in the form of electricity cost savings and a structured tax payment to be paid to the Town by Ameresco.

### Proposed power purchase price:

- First Year Power Purchase Price: \$0.128/kWh, escalating 2% annually
- Fixed Tax Adder: \$0.0195/kWh
- Fixed Decommissioning Bond Adder: \$0.003/kWh
- Total First Year Purchase Price, \$0.1505/kWh

### Benefits to the Town:

- Annual tax revenue: \$30,000 per year
- First Year Electricity Savings: \$153,477
- Total First Year Benefit: \$183,477
- Estimated 20 Year Benefit (electric savings plus tax rev.): \$4,284,708

## Summary of Project Benefits

### Zero capital cost

Ameresco will finance and own the solar PV system – eliminating the need for the Town to use its capital or bonding authority.

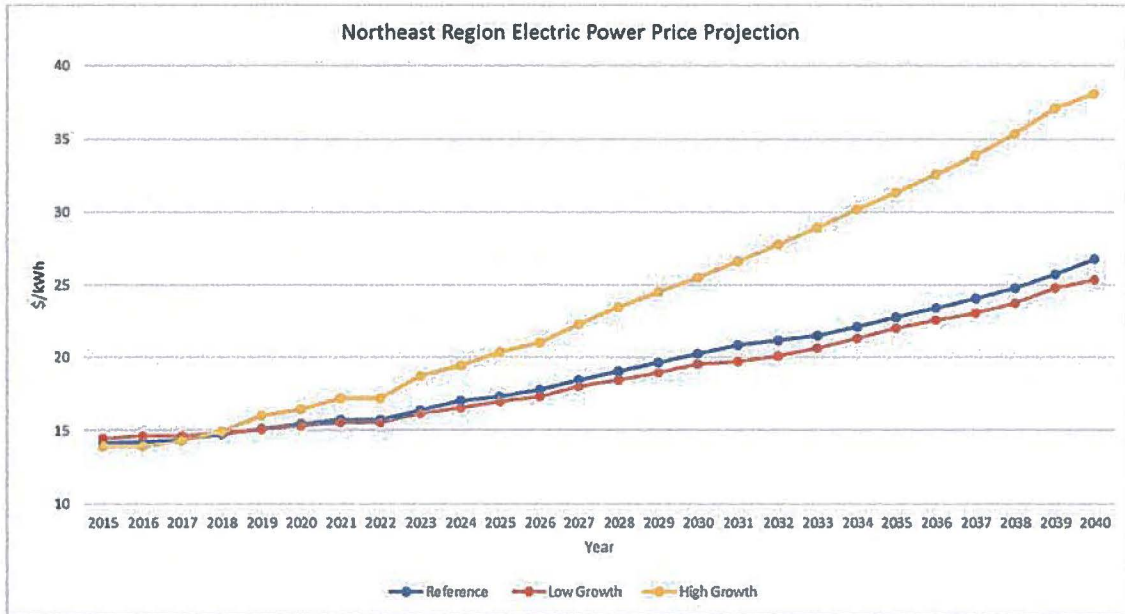
### Zero operation and maintenance cost

Ameresco will maintain, repair, and operate the system – eliminating this item from the Town's future operating budget.

### Electricity price hedge

The solar PV price is set by the PPA for 20-years and does not vary with the price changes in the future electricity market. The U.S. Energy Information Agency projects Northeast retail power pricing to escalated between 3% and 7% annually between 2015 and 2040.

> **Average Annual Electricity Price Growth Rates:**



<b>Average Annual Growth Rate (2015-2040)</b>		
Reference	Low Growth	High Growth
3.55%	3.04%	6.94%
<b>Average Annual Growth Rate (2015-2025)</b>		
Reference	Low Growth	High Growth
2.22%	1.75%	4.61%
<b>Average Annual Growth Rate (2025-2035)</b>		
Reference	Low Growth	High Growth
3.16%	2.97%	5.40%

Source: Energy Information Agency, 2015

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## Electricity cost savings

Utilizing Net Metering, the Town will receive cost savings each year during the life of the project, as shown below. Net Metering credits will be valued at the B5 rate by installing all systems in front of the meter, B5 net metering credit value is \$0.2504/kWh

### > Projected Project Benefits to Town of Wayland:

Town of Wayland Solar PV: Summary of Project Benefits										
Contract Year	kWh Produced	Net Metering Credit Rate	Power Price	Tax Adder	Decomm. Adder	Ameresco PPA Rate	Net Metering Credit Less PPA Rate	Yearly PPA/Net Metering Benefit	Annual Tax Payment	Total Benefit
1	1,537,144 kWh	\$0.2504 /kWh	\$0.1280 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1505 /kWh	\$0.0998 /kWh	\$153,477	\$30,000	\$183,477
2	1,529,458 kWh	\$0.2554 /kWh	\$0.1306 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1531 /kWh	\$0.1023 /kWh	\$156,453	\$30,000	\$186,453
3	1,521,811 kWh	\$0.2605 /kWh	\$0.1332 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1557 /kWh	\$0.1048 /kWh	\$159,469	\$30,000	\$189,469
4	1,514,202 kWh	\$0.2657 /kWh	\$0.1358 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1584 /kWh	\$0.1073 /kWh	\$162,527	\$30,000	\$192,527
5	1,506,631 kWh	\$0.2710 /kWh	\$0.1386 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1611 /kWh	\$0.1099 /kWh	\$165,627	\$30,000	\$195,627
6	1,499,097 kWh	\$0.2764 /kWh	\$0.1413 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1638 /kWh	\$0.1126 /kWh	\$168,770	\$30,000	\$198,770
7	1,491,602 kWh	\$0.2819 /kWh	\$0.1441 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1667 /kWh	\$0.1153 /kWh	\$171,957	\$30,000	\$201,957
8	1,484,144 kWh	\$0.2876 /kWh	\$0.1470 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1695 /kWh	\$0.1180 /kWh	\$175,187	\$30,000	\$205,187
9	1,476,723 kWh	\$0.2933 /kWh	\$0.1500 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1725 /kWh	\$0.1209 /kWh	\$178,463	\$30,000	\$208,463
10	1,469,340 kWh	\$0.2992 /kWh	\$0.1530 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1755 /kWh	\$0.1237 /kWh	\$181,783	\$30,000	\$211,783
11	1,461,993 kWh	\$0.3052 /kWh	\$0.1560 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1785 /kWh	\$0.1266 /kWh	\$185,150	\$30,000	\$215,150
12	1,454,683 kWh	\$0.3113 /kWh	\$0.1592 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1817 /kWh	\$0.1296 /kWh	\$188,564	\$30,000	\$218,564
13	1,447,409 kWh	\$0.3175 /kWh	\$0.1623 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1849 /kWh	\$0.1327 /kWh	\$192,026	\$30,000	\$222,026
14	1,440,172 kWh	\$0.3239 /kWh	\$0.1656 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1881 /kWh	\$0.1358 /kWh	\$195,535	\$30,000	\$225,535
15	1,432,972 kWh	\$0.3303 /kWh	\$0.1689 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1914 /kWh	\$0.1389 /kWh	\$199,094	\$30,000	\$229,094
16	1,425,807 kWh	\$0.3370 /kWh	\$0.1723 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1948 /kWh	\$0.1422 /kWh	\$202,703	\$30,000	\$232,703
17	1,418,678 kWh	\$0.3437 /kWh	\$0.1757 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.1982 /kWh	\$0.1455 /kWh	\$206,362	\$30,000	\$236,362
18	1,411,584 kWh	\$0.3506 /kWh	\$0.1792 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.2017 /kWh	\$0.1488 /kWh	\$210,072	\$30,000	\$240,072
19	1,404,526 kWh	\$0.3576 /kWh	\$0.1828 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.2053 /kWh	\$0.1522 /kWh	\$213,835	\$30,000	\$243,835
20	1,397,504 kWh	\$0.3647 /kWh	\$0.1865 /kWh	\$0.0195 /kWh	\$0.0030 /kWh	\$0.2090 /kWh	\$0.1557 /kWh	\$217,650	\$30,000	\$247,650
<b>Total</b>	<b>29,325,478 kWh</b>							<b>\$3,684,708</b>	<b>\$600,000</b>	<b>\$4,284,708</b>

## Sustainability Education: Online Environmental Benefits Display

Ameresco proposes to use Draker for Data Acquisition hardware and software. Draker (<http://www.drakerenergy.com/>), founded in 1999, is a global leader in performance monitoring and control of solar power systems. Draker was the first company in the U.S. to provide independent monitoring and performance analysis data of energy produced by solar PV arrays. To date, Draker's monitoring and management systems have been deployed at over 800 solar PV sites with more than 700MW under management.

Draker offers a suite of software solutions to monitor site specific actual kWh generation and actual weather data. The following images provide a sampling of analysis tools available on their dashboard.

Ameresco will install an LCD monitor at a location specified by the Town of Lenox to publically display all data collected by the DAS. Other municipalities have requested the installation of the LCD monitor to be at Town or City Hall, in schools, and other public buildings.

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## > Draker Dashboard



## Project Design and Construction

### > Carport Structures:

- **Summer Construction:** Project construction will be timed to prioritize the summer installation of systems at Middle School and High School parking lots to minimize disruption to parking and school access during the school year
- **Snow safety:** Canopy design will capture snow therefore avoiding the dangers of sliding snow into driving aisles or pedestrian areas
- **Canopy clearance:** 13'6" minimum at the High School and Middle School and 14'6" at the Town Offices to allow for passage of snow removal equipment, school buses and fire trucks

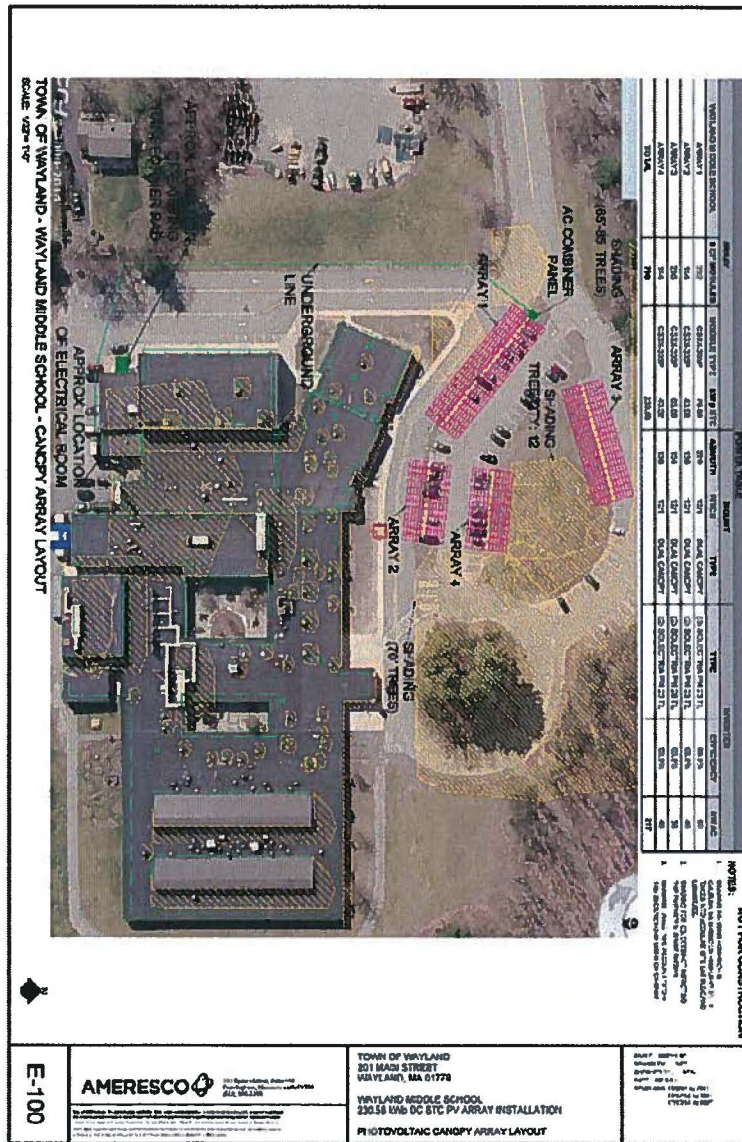
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## > DPW Roof Mounted System

- **Inside equipment/ conduit installation:** All equipment and conduit at the new DPW will be installed inside, to maintain the new structures aesthetics to the extent permitted by the Town's electrical inspector
- **No roof penetrations:** Panels will be attached to metal seam roof with non-penetrating and non-corrosive aluminum clamps
  - Only required penetrations will be to run conduit internally, as required by the DPW and Buildings Department
- **No leak issues:** In the event a roof leak occurs, Ameresco will be responsible to immediately fix the leak
- **Maintain existing warranty:** The installation of the solar PV system will not void any existing roof warranty
- **System interconnection to maximize savings:** System will be interconnected in front of the meter in between the existing utility meter and on site transformer to provide maximum net metering credit value to the town

**Proposed Solar PV System Locations<sup>1</sup>**

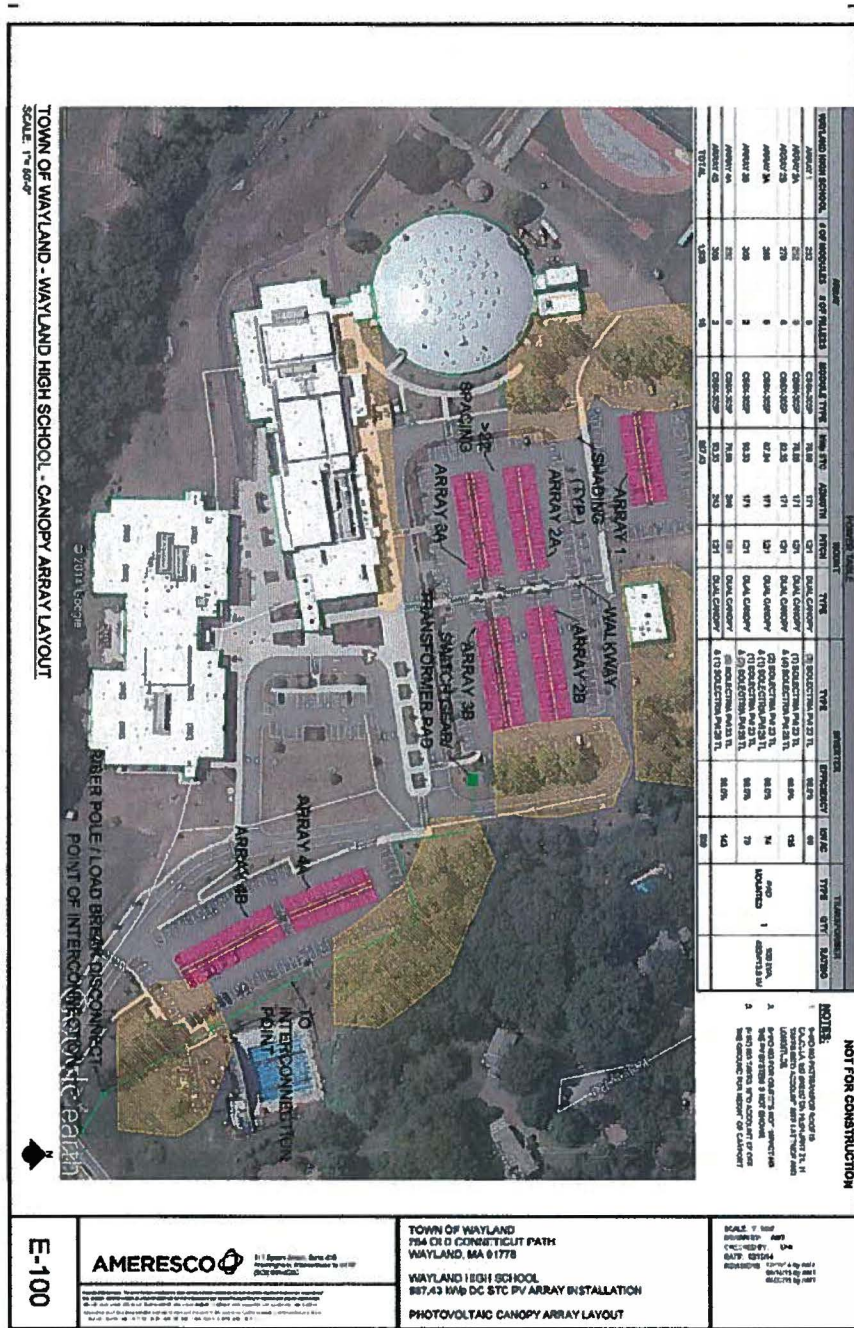
**> Wayland Middle School Elevated Carport**



<sup>1</sup> The magenta section is the approximate location of the solar PV system. The blue shading designates the shading profile of nearby obstructions.

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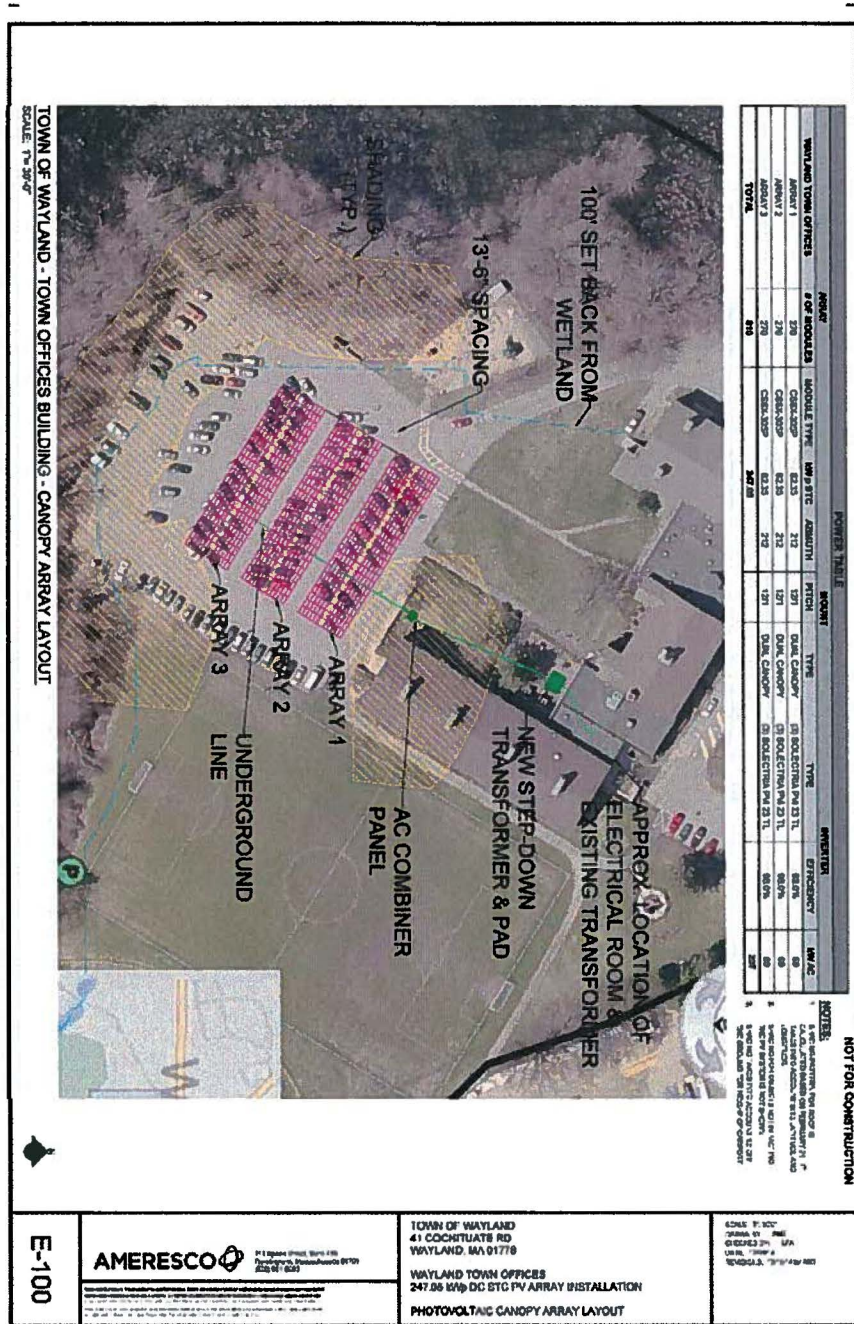
> Wayland High School Elevated Carport



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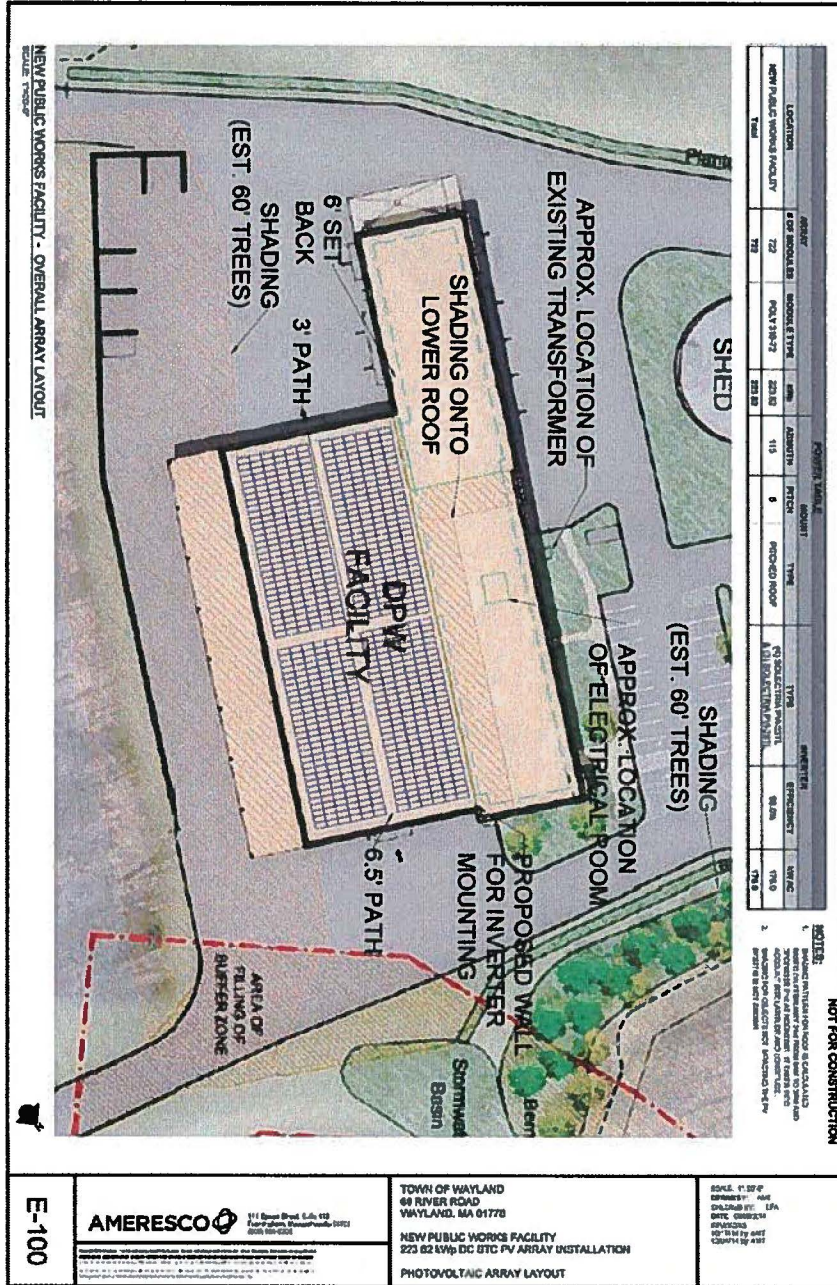


> Town Offices Elevated Carport



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> DPW Building



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## Next Steps:

- Ameresco and the Town of Wayland will extend existing LOI through June 1, 2015 (through Town Meeting approval and PPA execution)
- Ameresco will submit interconnection applications
- Hold Public Forum on March 18, 2015 on the solar PV projects
- Continue contract negotiation to achieve an executable contract by Town Meeting
- Present project at Town Meeting
- Execute PPA contract as soon as reasonably possible following Town Meeting Approval on April 6, 2015
- Finalize permitting process
- Begin construction in early summer 2015

## Pricing notes and assumptions:

- **Property Taxes:**  
Ameresco assumes a structure tax agreement with the Town of Wayland equal to an annual tax payment of \$30,000.
- **License/ Lease Payment:**  
The PPA price assumes no license or lease payment.
- **Permits:**  
The design and PPA price assumes that we will receive all necessary approvals for interconnection from Eversource, and all other permits and approvals from Authorities having jurisdiction.
- **Environmental Review:**  
Assumes suggested carport and ground mount areas for solar PV will not be excluded from solar PV installations due to existing environmental conditions. Our design is subject to change following an environmental review by an independent environmental engineer. Pricing assumes Best Management Practices to be finalized for the High School parking lot will not require any water management solutions at the proposed High School parking lot system.
- **End of Term Purchase Price:**  
In accordance with Internal Revenue Service (IRS) regulations, the Town may, but is not required to, purchase the PV systems at its fair market value price.
- **Decommissioning Costs:** Ameresco includes the cost of a decommission bond as an adder to the power purchase price. Our system removal cost is net of anticipated salvage value.
- **Regulatory Incentives (SRECS and Net Metering):** We have fully incorporated all financial benefits into our price proposals. These include: Massachusetts' SREC II Incentives, Investment Tax Credit, and RPS Class I Renewable Energy Credits, NStar net metering credits, and accelerated depreciation. The following list shows our assumptions that affect our PPA price Proposal and cost savings:
  - The PV System will be interconnected directly to the local utility, Eversource, and qualify as a public net metering facility with the Town of Wayland as the Host Customer. The projected savings assumes that the Town of Wayland awards the project on a timely basis so that Ameresco can quickly file for an interconnection application to start the interconnection approval process, which can take months at Eversource. Ameresco will file and pay for the interconnection application soon after award.
  - The SREC prices are assumed to be the SREC Clearing house Auction prices (floor price) outlined in the DOER's draft SREC II regulations released on February 12, 2014 for contract years 1-10. We assume that the DOER will change the incentive design to better support the SREC II floor price or auction price.
  - The SREC incentives are adjusted for a Commercial Operation one year after the beginning of SREC-II. For example, in the first year of operation (October 2015 through September 2016) the project will receive one quarter of SRECs at the 2015 Auction Floor Price and three (3) quarters of SRECs at the 2016 Auction Floor Price.
  - The REC eligible generation calculated using 1.0 SREC factor as outlined for parking canopy structures installed for solar PV units in the DOER's presentation from December 13, 2013.

"Page content is subject to Confidentiality Restrictions"

- The REC eligible generation calculated using 0.9 SREC factor as outlined for roof top and ground mounted unit with a capacity >25kW with 67% or more of electrical output on an annual basis used by an on-site load as proposed in DOER's presentation from December 13, 2013.
- In Contract Year 11, the generation will become 100% eligible for Class I RECs.

"Page content is subject to Confidentiality Restrictions"

## Why Ameresco: Size, Reputation, and Strength

Ameresco (NYSE: AMRC) is a leading publicly-traded energy services company headquartered in North America specializing in the development and implementation of energy services including energy generation, energy efficiency solutions and renewable energy systems. Ameresco has the skill, integrity, and financial strength to faithfully perform and complete the proposed work, as is shown by:

- **5 billion dollars of construction projects:** Ameresco has built three billion dollars of energy projects including solar PV, energy efficiency infrastructure improvements, landfill gas generation projects, biogas generation projects, bio-mass generation projects, and geothermal projects.
- **60+ MW of solar PV projects:** Our engineers and construction teams have designed and/or built forty-three megawatts of solar PV projects. Ameresco has financed and provided EPC services for projects in Massachusetts, Ontario, Arizona, Utah, Washington, DC, and other states that support solar PV.
- **62 offices in North America:** We have the depth and breadth of more than 900 employees, comprised of professional engineers, construction managers, finance and capital markets professionals, legal and regulatory professionals, and operation and maintenance staff.
- **Profitable, financially strong public company:** Ameresco (NYSE: AMRC) had a construction backlog as of the end of 2012 of \$1.5 billion. Our 2013 revenues were \$631.2 million and our net income for the year was \$18.4 million.
- **Operate and maintain our solar PV installations:** Ameresco has the in-house technology, staff, and systems to a) continuously monitor solar PV operations, b) report alarms and problems, and c) dispatch maintenance staff using our work order management system. We also test and re-commission each site once a year. This O&M experience provides feedback to our design engineers, creating a virtuous cycle for continuous design improvements.
- **International solar PV equipment distribution business.** Ameresco Southwest, a wholly-owned subsidiary of Ameresco, Inc. is a large, international distributor of solar PV equipment -- enabling us to procure PV panels, inverters, mounting racks, and other system components under high volume, low cost contracts.

***Ameresco provides technical, legal, regulatory, and financial expertise to complete projects and realize significant economic and environmental benefits for our customers.***

## Appendix A: Ameresco's Experience in Solar PV

Ameresco is dedicated to bringing green, renewable, solar energy installations to our customers. Ameresco has installed **60+ MWs of solar PV**. In North America, Ameresco has installed a total of 200 MW of renewable energy generating assets. The following tables summarize Ameresco's solar PV projects in Massachusetts:

Project	Number of Sites	Size kW DC	Location	Financing	Client
<i>Completed Projects</i>					
Fisher Road Solar I	1	6,000	Dartmouth, MA	PPA	Municipality
City of Waltham, Phase II	6	1,738	Waltham, MA	PPA, Grant	Municipality
City of Fall River	4	576	Fall River, MA	PPA	K-12, Municipality
Town of Natick, Phase II	3	522	Natick, MA	PPA	K-12
City of Newburyport	2	502	Newburyport, MA	PPA	K-12, Municipality
Massport - Logan International Airport	2	370	Boston, MA	PPA, Grant	State
City of Lowell, Phase I	5	348	Lowell, MA	PPA	K-12, Municipality
Town of Natick, Phase III	2	311	Natick, MA	PPA	K-12, Municipality
City of Englewood, CO	4	219	Englewood, CO	PPA	Municipality
Town of Natick, Phase I	1	213	Natick, MA	PPA, Grant	K-12
City of Waltham, Phase I	1	193	Waltham, MA	PPA	K-12
Milton Academy	1	192	Milton, MA	PPA	K-12
Bridgewater State University	1	103	Bridgewater, MA	PPA, Grant	Higher Education
Mt. Wachusett Community College	1	97	Gardner, MA	Turnkey	Higher Education
City of Revere	1	47	Revere, MA	ESPC	K-12
Canton Housing Authority	1	46	Canton, MA	PPA, Grant	Housing Authority
Cambridge Housing Authority	1	46	Cambridge, MA	ESPC	Housing Authority
Worcester State University	1	41	Worcester, MA	PPA, Grant	Higher Education
Brockton Transit Authority	1	20	Brockton, MA	Turnkey	Transit Authority
Town of Acton	1	1,592	Acton, MA	PPA	Municipality
City of Lowell, Phase II	1	1,502	Lowell, MA	PPA	Municipality
Town of Sudbury	1	1,502	Sudbury, MA	PPA	Municipality
City of Newton	4	686	Newton, MA	PPA	K-12
City of Melrose	1	301	Melrose, MA	PPA	K-12
Town of Lexington, MA	6	1,110	Lexington, MA	PPA	K-12
<b>Total</b>	<b>53</b>	<b>18,276</b>	<b>kW-DC</b>		
<i>In Construction</i>					
Braintree Electric Light Department	1	1,300	Braintree, MA	PPA	Utility
MassDOT	10	5,464	Various in MA	PPA	State
West Newbury, MA	1	440	West Newbury, MA	PPA	Municipality
<b>Total</b>	<b>12</b>	<b>7,204</b>	<b>kW-DC</b>		

References available upon request.

\*Page content is subject to Confidentiality Restrictions\*

## Appendix B: Accolades

Ameresco's commitment to being green, clean, and sustainable has been recognized in numerous awards and accommodations, including:

- **2012 Renewable Energy World Excellence in Renewable Energy Award**, Biogas Project of the Year: DOE Savannah River Site
- In 2003, 2004, 2007, and 2009 Ameresco and its projects were honored with awards from the **U.S. Environmental Protection Agency** for power generation projects that uniquely promoted and enhanced environmental protections and emissions reductions while delivering reliable base load generation to its municipal clients.
- The Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs awarded to the City of Lowell and Ameresco the **Leading by Example Award** for its energy efficiency performance project and solar PV projects at municipal and school buildings from.
- Ranked **7<sup>th</sup> in TheGreenJobBank's list of Top 10 Green Employers** of 2012. Ranking was based on number of green jobs posted online in 2012.
- Ranked **29<sup>th</sup> as part of The Boston Globe's 24<sup>th</sup> annual Globe 100 list** of top-performing public companies in Massachusetts.
- Renewable Energy World, 2012 Excellence in Renewable Energy Award Program, **Bioenergy Project of the Year Award**
- Climate Change Business Journal's **2010 Business Achievement Award for Growth in 2011**.
- Listed in **Forbes 100 List of America's Best Small Companies** of 2011.
- 2010 New England Energy Council **Employer of the Year**.
- **Association of Energy Engineers Project Awards** for Ameresco projects in Lowell, MA and Revere, MA

**"I applaud Ameresco, one of the nation's leading energy service companies, for its role in bring clean, renewable solar power to state agencies."**

Ian Bowles  
Former Massachusetts Energy and Environmental Affairs Secretary

**"We are pleased to continue and expand our partnership with Ameresco, which has already had a positive impact on our environment and our local economy. These new solar installations will allow for significant energy cost savings that can be redirected into the reinvestment and rebuilding of our community for all residents."**

—Bernie Lynch, Former City Manager, City of Lowell



DATE: FEBRUARY 23, 2015  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: RECREATION REVOLVING FUND CAP

**REQUESTED ACTION: VOTE TO INCREASE THE FY 15 RECREATION REVOLVING FUND CAP TO THE MAXIMUM ALLOWED, \$595,862.92.**

**BACKGROUND:**

The Finance Committee voted to increase the maximum cap on the Recreation Revolving Fund to \$595,862.92. Increasing the cap requires a separate vote of the Board of Selectmen.

Attached is the Finance Director's basis for the calculation which also includes identification of FY 15 indirect costs and OPEB costs.

I will work with the Recreation Director to work within these parameters for FY 15.

Included in the Finance Committee's FY 16 budget to be adopted by Town Meeting will be an increase in the Recreation Revolving Fund to the maximum cap.

By September 1, 2015, a Work Group will make a recommendation on the best vehicle to manage Recreation programs and funding for FY 17 forward.

	2015 Original Budget	2015 Revised Budget
	<hr/>	<hr/>
Operational Budget	450,000.00	505,000.00
Indirect Cost	-	88,027.00
OPEB Funding Current Year	-	1,948.00
	<hr/>	<hr/>
	<u>450,000.00</u>	<u>594,975.00</u>
		.
FY 2015 Tax Recap Total Tax		<hr/> <u>59,586,292.00</u>
53 1/2 allowable total - 1%		<hr/> <u>595,862.92</u>

Fiscal 2016 Omnibus Budget
----------------------------

General Fund	72,552,513.00
Enterprise Funds	4,117,178.00
Total	76,669,691.00
Revenues	
Taxation	68,275,892.00
	-
Ambulance	360,000.00
Premium on Bond	94,041.00
Other funds	1,322,580.00
Overlay	150,000.00
Unreserved Fund Balance	2,350,000.00
	-
Water Enterprise	3,332,654.00
Wastewater Enterprise	750,155.00
Septage	34,369.00
	-
	-
Total Revenues:	76,669,691.00

<b>53 E 1/2 Funds</b>	
<b>Transfer Station</b>	
Operations	500,000.00
Indirect Costs	47,726.00
OPEB	2,000.00
Total	549,726.00
<b>Recreation Revolving</b>	
Operations	502,000.00
Indirect Costs	91,215.00
OPEB	2,100.00
Total	595,315.00
<b>Council on Aging</b>	
	50,000.00

TOWN BUILDING SEWER CAPACITY:  
PAYMENT IN LIEU OF SEWER BETTER.

**Balmer, Nan**

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**From:** Fred Knight <fred@knightway.org> <fred.knightway@gmail.com>  
**Sent:** Friday, February 20, 2015 8:09 AM  
**To:** Balmer, Nan  
**Cc:** Ann F. Knight; Keefe, Ben; Cincotta, Cynthia; Karlson, Cherry; Mark Lanza; aida gennis  
**Subject:** Re: comments on Wastewater article for Library

Nan,

Here is a little on the outcome of Ben's and my discussion with the Library Trustees. Ann Knight summarized the discussion this way:

I think you could truthfully say that the presentation made by Mr. Keefe and Mr. Knight persuaded the Trustees that there would be sufficient capacity to accommodate an expanded library building at 5 Concord Rd. should the Town choose to expand at the current library site. Mr. Keefe told the Trustees that, in his opinion, there is currently sufficient design flow to accommodate all current and future town operations that might eventually be connected to the Wastewater Management District Commission, including a building at the new "Town Center" as well as an expanded library at 5 Concord Rd. In order to accommodate these expansions, however, underutilized capacity currently assigned to other Town-owned buildings might need to be reassigned to the new or expanded facilities. After listening to Mr. Keefe and Mr. Knight, the Trustees understood why Mr. Keefe is not recommending that the Town purchase the excess Wastewater capacity and are comfortable trusting his judgment in this matter.

Thus, I think it is appropriate for the BoS to vote to withdraw the article from the ATM Warrant. I can attend Monday's meeting if needed, but I think I don't need to be there.

The WWMDDC will revisit the method of advertising the availability of this design flow at our next meeting.

Fred

--

Fred Knight, [fred@knightway.org](mailto:fred@knightway.org), 508 358 0834

On Thu, Feb 12, 2015 at 9:30 PM, Fred Knight <[fred@knightway.org](mailto:fred@knightway.org)> <[fred.knightway@gmail.com](mailto:fred.knightway@gmail.com)> wrote:  
Nan and Ben,

Here is a write-up for the BoS meeting on Tuesday.

Fred

--

Fred Knight, [fred@knightway.org](mailto:fred@knightway.org), 508 358 0834

## TOWN ADMINISTRATOR'S REPORT

FOR THE WEEK ENDING FEBRUARY 20, 2015

### 1. POTENTIAL FUTURE MEETINGS AND KNOWN AGENDA ITEMS:

1. Monday March 2<sup>nd</sup>: OPEB: Presentation from Actuary / Final OPEB Article, Interview and appoint HDC members
2. Monday March 9<sup>th</sup>
3. Monday March 16<sup>th</sup>:
4. Monday March 23<sup>rd</sup>
5. Monday March 30<sup>th</sup> : Selectmen's Warrant Article Hearing

Other Matters to Be Scheduled:: Rivers Edge Committee: Presentation of Request for Proposal to Secure a Developer, Transfer of Rivers Edge Land from BOPW to BOS; Review of Committee Charges (Audit, PMBC, Municipal Building Planning); Review Environmental Bond Bill status for Rivers Edge Project, Vote Positions on Warrant Articles

2. **CONSERVATION COMMISSION STAFFING REQUEST:** Attached please find draft Job Description which will be reviewed by Personnel Board.
3. **WAYLAND CARES:** Attached please find a full report from Youth and Family Services about Wayland Cares, and its budget and grant for FY 16.
4. **INFORMATION TECHNOLOGY:** On February 18<sup>th</sup>, there was another attempt to transfer \$500,000 from the town's account that was stopped by Uni-Bank. The cause again was new malware on the Treasurer's computer. Working with Beth Doucette, who is now acting as the town's point of contact with the School IT department, we had pre-scheduled for February 19<sup>th</sup> the installation by Uni-Bank of a dedicated computer terminal (free of charge) to be used only for transactions with the town's 14 banks which uses "Iron Key" encryption software. The computer will be used under specific policies including that there be no e-mail or non-banking use of the internet. On February 19<sup>th</sup>, we convened with the bank's Cyber-Security specialist, the IT Director and local police to discuss IT requirements for the town system including 1) Malware, virus, and spam detection software and how these should be managed, 2) Patching Microsoft weekly ("Patch Tuesday"), 3) Regular reporting from detection software, 4) Segmentation of the network (vs. a "flat" system") so that hackers cannot move freely between parts of the network, and 5) Starting, in short order, an effective program of education for employees and training for IT personnel. Working through the Finance Department and Finance Committee we secured funding for a cyber-security audit. Beth and I interviewed 4 firms and selected a firm that will start the cyber security audit, working with the IT Director, on Monday February 23<sup>rd</sup> to look at the entire network and its documentation, confirm what caused the attacks, and make recommendations on the ongoing management of an IT security system. In addition to the attack on the Treasurer's office there was a ransomware attack on the accounting department. The consultant will determine whether town data was also hacked, although the Bank Cyber-Security specialist and the School IT Director do not believe the type of malware used in the attacks were geared for the purpose of data theft. The consultant will report to the Town Administrator during the engagement. Cyber-security will be considered in the planned project to prepare a new 3 year plan for IT capital investments, staffing requirements and organizational structure.

5. **MINUTEMAN:** Minuteman Representative Mary Ellen Castegno is planning the meeting between representatives of the town and the Superintendent of the Minuteman Regional Schools in mid-March. She also requested contact information for the Wayland students that attend Minuteman.
6. **EMERGENCY FUNDS – FEBRUARY 14<sup>TH</sup> STORM:** Chief Irving reports that no decision has been made by the Governor to extend the snow emergency through the February 14<sup>th</sup> storm.
7. **VALOR ACT - ADMINISTRATION:** John Senchyshn reports the point of customer service for the Valor Act will be supervised through him and that he will work with COA and Assessing to administer the program.
8. **SEWAGE SPILL AT PUBLIC SAFETY BUILDING REPORT FROM FACILITIES DIRECTOR:** On Thursday February 18, 2015 a sewage spill occurred at the Public Safety Building. Less than 20 gallons of sewage backed up into the basement of the building. Facilities, Board of Health and Building Department all responded. Investigation determined that both sewage ejection pumps had tripped the breakers. We were successful in resetting one of the pumps but the other is being priced for repairs. The system is currently operating on one ejector pump. The second pump will be repaired as soon as practical. Clean up was performed by a professional cleaning service. This incident is not connected to any of the previous flooding issues at the Public Safety Building. Repairs and improvements to the building's sewage system by installing a "tight tank" are anticipated and are included in FY16 Capital Budget. However I do not think the scheduled repairs would have impacted this isolated situation.
9. **WARRANT ARTICLES:** Attached is the latest draft summary.
  - a. Accept Gifts of Town Land Article: It was suggested by Town Counsel that the Board retain the article to acknowledge the major gift from John and Molly Beard of a conservation restriction at the end of FY 14.
  - b. Sell or Trade Vehicles: John Senchshyn is working with staff to determine the vehicles to be listed in the "Sell or trade vehicles article"
  - c. Sage Hill – Eminent Domain of Conservation land: I am in touch with Mike Stati to determine whether the abutters in Sage Hill are willing to sign releases so that this article can go through as a "friendly" eminent domain taking.
  - d. Rt. 27 / 30 Right of Way Acquisitions: Although voluntary releases are expected from abutters, DOT recommends setting aside additional funds for the Right of Way Acquisitions.
  - e. Glezen Lane: There was a plaintiff inquiry about why the estimate of \$100,000 for the Glezen Lane intersection improvements is \$100,000 since the initial estimate several years ago was \$44,000. The primary reason for the increase is that the initial 2009 estimate was based on the work being done by town forces. The DPW Director's recommendation is that the work is of sufficient magnitude to require a contractor.
  - f. Solar: The Chairman of the BOPW asked me to provide the attached pictures of snow as it relates to solar carports. Although, I believe BOPW expressed its support for the solar project, the DPW director has expressed concerns about snow plowing in parking lots. Modifications of the project to make snow plowing easier were discussed with Ameresco in a recent land use meeting. Attached are pictures taken earlier in the season provided by the Energy Committee showing a better snow plowing result on February 3<sup>rd</sup>. We will continue to keep town personnel involved in the design of the solar.

DRAFT:  
TO BE PRESENTED  
FOR APPROVAL TO  
PERSONNEL BOARD

## **PROPOSED POSITION DESCRIPTION**

### **Part-time Conservation Land Manager**

#### **Duties**

Under direction of the Conservation Administrator, maintain, protect, and improve all town conservation land and conservation restricted properties held by the Town. Monitor the lands for compliance with federal, state and town laws and regulations.

Work with the Dog Control Officer and Police and Fire Departments to keep conservation land safe through enforcement of trail and land use rules and regulations.

Organize and direct activities of volunteers, seasonal employees, contractors, and any interns on conservation land.

Work with Eagle Scout candidates on selecting, designing, and implementing projects on Conservation lands.

Coordinate and supervise community service activities with School Department, Youth & Family Services, and Police Department.

Manage visitor access to conservation land including monitoring, developing, marking and clearing of paths and trails, developing ADA-compliant trails, creating and updating maps, and improving such visitor amenities as kiosks, signage and parking.

Prepare and implement Land Management Plans for conservation land. Work governed by these plans includes invasive plant control, habitat restoration, inventorying biodiversity, field mowing, field renovation, dam maintenance, and scenic vista maintenance.

Under direction of the Conservation Administrator, develop and review Land Management policies, prepare annual Land Management budget, and seek out and apply for grants and other funding opportunities.

Work with the Conservation Administrator to inspect and assess potential land donations, purchases and conservation restrictions. Meet with landowners as required. Prepare Baseline Documentation Reports.

Work with the Conservation Commission to monitor and update the Open Space and Recreation Plan.

Monitor and implement contractual agreements with farmers using conservation land.

Monitor and manage Community Gardens including assignment and set up of plots, tilling fields, communications with gardeners, and enforcement of rules. Maintain and cleanup plots and common areas as required.

Perform basic maintenance and upkeep of conservation vehicles, power equipment, and the Conservation Department's storage facility.

Develop and deliver educational and passive recreational programs in schools and on conservation land.

Prepare monthly Land Management status reports and attend Conservation Commission meetings when requested.

Serve as the liaison to local boards and organizations on Land Management issues. Attend meetings when necessary.

Perform other related duties as assigned.

### **Basic Knowledge**

College or advanced degree in Botany, Forestry, Natural Resources Management, or Environmental Science plus knowledge of use and maintenance of land management equipment such as tractors, mowers, brush cutters, chain saws, and pruning tools. Computer literate with practical GIS and GPS experience.

### **Experience**

Two years of progressively responsible experience in natural resources conservation/management.

### **Independent Action**

Function independently in daily management activities and operations, referring to the Conservation Administrator on policy issues and proposed actions involving other Town departments.

### **Work Schedule**

Work some early mornings, evening, and weekends as required. Ability and willingness to work in all weather conditions is essential.

### **Supervisory Responsibility**

Seasonal employees, volunteers and any interns.



WAYLAND  
CARES

MEMORANDUM

To: Nan Balmer  
From: Lynn Dowd  
Date: February 17, 2015  
Subject: FY16 Funding for WaylandCares

An article was passed by Spring Town Meeting in 2014 to fund WaylandCares at \$88,400, for community level prevention programming to reduce youth substance abuse. The funds were to cover a 21 hour/week Prevention Specialist (new Town position), a \$5,000 stipend for a High School Youth Advisor, administrative support, and programming costs. This was a greatly scaled back program which was intended to continue prevention efforts previously funded, first by the Metrowest Health Foundation, and later by the federal government via the Drug Free Communities (DFC) Grant Program (Years 1 through 5; the DFC grant was for \$125,000 per year, funding a half-time Project Director, a half-time Program Coordinator, and a High School Youth Advisor, as well as programming). The Town Meeting article also located WaylandCares in the Youth and Family Services Department for the first time. Previously the School Department had been the grantee and fiscal agent under the grants. Reapplication for the DFC grant in Year 6 is a competitive process, and we were not awarded funding, thus the request that Town Meeting approve funding.

Meanwhile, in March, 2014, Betsy Meindl, previous WaylandCares Program Coordinator under the grant, reapplied for Year 6 of the DFC grant with a stronger proposal, and it was awarded on 9/30/14, for the federal FY15. Once again, the grant is for \$125,000 for the current federal fiscal year (9/30/14 – 9/29/15). It can be expended to pay for community level youth substance abuse prevention programming and staff, but cannot be used for any other purpose, or to supplant any funding that the Town has already appropriated and expended for substance abuse prevention. Again, Wayland Public Schools is the fiscal agent and formal grantee, but the program will be executed through the Youth and Family Services Department of the Town.

As part of the Town FY 2016 budgeting process, at the 1/20/15 meeting of the Finance Committee, Betsy Meindl and I requested that \$44,200 be included in Youth and Family Services Department budget within the FY16 omnibus budget for WaylandCares, to cover 21 hours per week of the Prevention Specialist's salary (\$39,200), and a \$5,000 stipend for the High School Youth Advisor. Keeping partial Town funding to support these positions is a demonstration of our commitment to sustainability (see below).

The remainder of the staff and operating budget of WaylandCares in FY16, including \$50,095 for salaries and \$74,905 for programs and initiatives to build prevention capacity and to reduce youth substance abuse, will be charged to the federal Drug Free Communities Grant. This is a (potentially) 10 year grant, and we are currently in year 6 after a hiatus in funding from 10/1/13 through 9/30/14. The grant is for \$125,000 per year. As long as the grant program is funded at the federal level, and we accomplish what we set forth in our action plan, we are likely to receive funding for years 7, 8, 9, and 10, pending a satisfactory continuation application each year. The grant will cover 9 hours per week of the Prevention Specialist's salary (and associated fringe) bringing it up to 30 hours per week, 19 hours per week for a Program Coordinator, \$5,000 to augment the High School Youth Advisor's time, and \$5,000 for a Middle School Youth Advisor. The remainder of the funds are designated for community education, student and staff training, and various other programming initiatives to increase protective factors and decrease risk factors for youth substance abuse. The purpose of the grant is to reduce substance abuse in youth, and to build our community's capacity to sustain prevention activities independently after the federal support is no longer available. These goals are reflected in the action plans and continuation applications we will be submitting each year through Year 10.

**Wayland Youth & Family Services Budget**

Categories	2012 app	2012 exp	2013 app	2013 exp	2014 app	2014 exp	2015 Y&FS app	2015 WaylandCares App*	2015 Combined	2016 Y&FS app	2016 WaylandCares app	2016 total requested appropriation	2016 DFC budget*
Salaries	151,014	151,012.99	153,350	153,348.85	156,285	157,401.08	159,653	59,500	219,153	160,853	44,200	205,053	50,095
Operating Expenses													
Contractua	1,850	431.78	850	673.83	850	877.33	850	4000	4,850	850	0	850	20,000
Training an	2,000	1,537.89	2,000	1,931.00	2,000	1,856.90	2,000	4,300	6,300	2,000	0	2,000	24,787
Supplies an	975	1,022.20	975	1,041.61	975	907.01	1,225	300	1,525	1,225	0	1,225	9,521
Total Operating Expen:	4,825	2,991.87	3,825	3,646.44	3,825	3,641.24	4,075	8,600	12,675	4,075	0	4,075	54,308
Fringe								20,300	20,300				20,597
Total WYFS	155,839	154,004.86	157,175	156,995.29	160,110	161,042.32	163,728	88,400	252,128	164,928	44,200	209,128	125,000

**\* The FY 2015 WaylandCares appropriation was through a separate article**

**Salaries under this article included:**

Prevention Specialist	36,000
High School Youth Advisor	5,000
Adjustments to current Y&FS staff salaries	18,500
	59,500

Fringe benefits were included in the WaylandCares appropriation since that amount would not have been included in the omnibus budget

DFC grant reimbursement for grant-related fringe benefits include healthcare expense for director/prevention specialist

*\*This represents the DFC 2016 budget as proposed only. It has not yet received grantor approval.*





## Balmer, Nan

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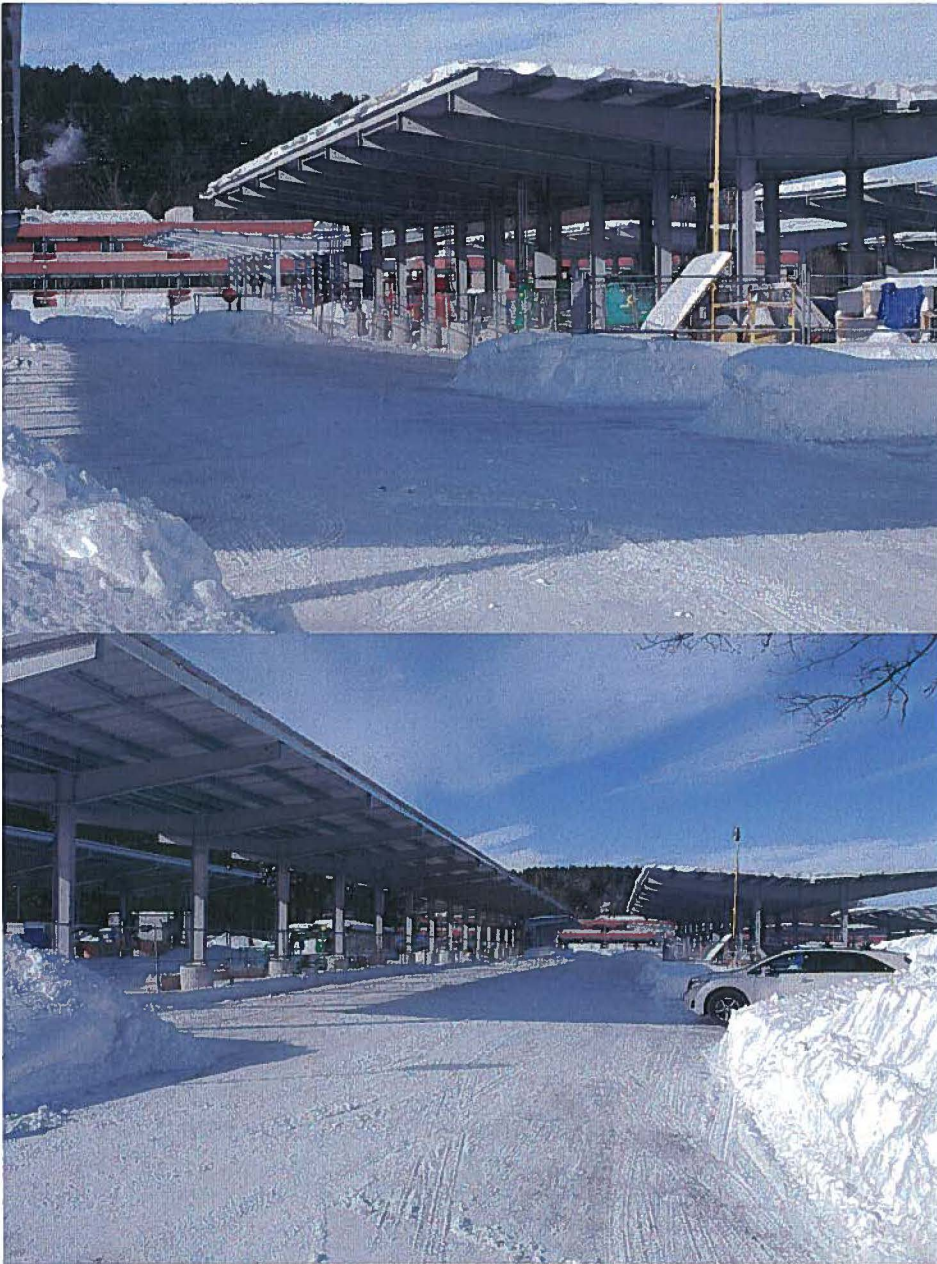
**From:** John Harper <jharper@birchtreecapital.net>  
**Sent:** Friday, February 20, 2015 9:34 AM  
**To:** ELLEN R TOHN  
**Cc:** Balmer, Nan; Karlson, Cherry  
**Subject:** Re: Panels at LS  
**Attachments:** L-S High School 2-3-2015 #5.JPG

One other one as a close-up to the pillars

*John*

John P. Harper  
Birch Tree Capital, LLC  
(w) 508/665-5898  
(c) 617/803-7338  
[jharper@birchtreecapital.net](mailto:jharper@birchtreecapital.net)  
[www.birchtreecapital.net](http://www.birchtreecapital.net)

On Fri, Feb 20, 2015 at 9:32 AM, John Harper <[jharper@birchtreecapital.net](mailto:jharper@birchtreecapital.net)> wrote:  
Good morning, Nan. I attach some pictures of the site taken on February 3rd after one of our prior storms. Looks like they cleared right up to the pillars, leaving only snow in areas not needed for construction purposes.



*John*

John P. Harper  
Birch Tree Capital, LLC  
(w) [508/665-5898](tel:5086655898)  
(c) [617/803-7338](tel:6178037338)  
[jharper@birchtreecapital.net](mailto:jharper@birchtreecapital.net)  
[www.birchtreecapital.net](http://www.birchtreecapital.net)

On Fri, Feb 20, 2015 at 9:19 AM, ELLEN R TOHN <[etohn@tohnenvironmental.com](mailto:etohn@tohnenvironmental.com)> wrote:  
Nan

These are under construction and I am not sure they are being plowed. It is worth talking to Sudbury about this. I would suggest Stubby give his DPW counterpart a call to hear about his experience.

## 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	
2	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	J. Nolan	T. Greenaway	5-0	
3	Current Year Transfers	Finance Committee	J. Nolan	T. Greenaway	5-0	
4	<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>		
4A	<del>Create Chapter 44 Section 53D Recreation Revolving Fund</del>	<del>Board of Selectmen</del>	<del>J. Nolan</del>	<del>C. Martin</del>		
5	OPEB Funding	Board of Selectmen	T. Boschetto	B. Steinberg		
6	FY 2016 Omnibus Budget	Finance Committee	T. Boschetto	T. Greenaway		
7	Compensation for Town Clerk	Board of Selectmen	C. Karlson	T. Greenaway	5-0	
8	Personnel Bylaw and Wage & Classification Plan	Personnel Board	C. Karlson	T. Greenaway	5-0	
9	Accept Valor Act to Establish Veterans Property Tax Workoff Program	Board of Selectmen	E. Collins	D. Watkins	5-0	
10	Resolution Regarding ESCO Project Changes	Board of Selectmen and Energy Initiatives Advisory Committee	C. Karlson	B. Steinberg		

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
11	Inspection Testing and Maintenance of Privately Owned Water Based Fire Suppression Systems	Board of Selectmen	E. Collins	N. Funkhouser		
12	Set Aside Community Preservation Funds for Later Spending	Community Preservation Committee	E. Collins	N. Funkhouser	5-0	
13	Set Aside for Later Spending \$2 Million for Open Space	Community Preservation Committee	E. Collins	N. Funkhouser		
14	Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund	Community Preservation Committee	E. Collins	N. Funkhouser	5-0	
15	Implement Solar Energy: Power Purchase and License Agreement and Authorization for PILOT	Board of Selectmen and Energy Initiatives Advisory Committee	C. Karlson	D. Watkins		
16	Fund Glezen Lane Traffic Control Measures	Board of Selectmen	E. Collins	B. Steinberg		
17	Land and Easement Acquisitions for Route 30 and 27 Intersection Improvements	Board of Selectmen	J. Nolan	T. Abdella		
18	Withdraw from Minuteman Regional Vocational School District	Board of Selectmen	T. Boschetto	G. Wolin	5-0	
19	<del>Amendments to the District Agreement for the Minuteman Regional Vocational School District</del>	Board of Selectmen	<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
20	Amend Bylaw re: Reconsideration of Articles by Town Meetings	Petitioners	C. Karlson	G. Wolin		
21	Amend Chapter 193 – Stormwater and Land Disturbance Bylaw	Conservation Commission	M. Antes	T. Greenaway		
22	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		
23	Fund Payment in Lieu of Sewer Betterment Assessment for Town Owned Buildings	Board of Selectmen	C. Karlson	T. Abdella		
24	Transfer Dudley Woods Parcels for Passive Recreation	Board of Selectmen	C. Karlson	C. Martin	4-0-1	
25	Design and Construct Trails and Signage at Dudley Woods	Community Preservation Committee	C. Karlson	C. Martin		
26	Acquire Open Space Parcel in Sage Hill Subdivision	Board of Selectmen and Conservation Commission	M. Antes	T. Abdella		
27	Construct Rail-Trail in Wayland	Community Preservation Committee	J. Nolan	B. Steinberg	5-0	
28	Acquire Municipal Parcel in Town Center and Convey Access Easement in Town Center	Board of Selectmen	C. Karlson	B. Steinberg		

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

Article	2015 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
29	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		
30	Amend Chapter 36 of the Current Bylaws	Petitioners	M. Antes	T. Greenaway		
31	Accept Chapter 390 of the Acts of 2014 to Establish a Tax Title Collection Revolving Fund	Board of Selectmen	T. Boschetto	G. Wolin		
32	Town will Enforce Lowest Speed Limit Allowed by Law	Petitioners	T. Boschetto	T. Greenaway		
33	Appropriate Funds to Create Stewardship and Land Management Plans for Conservation Land	Community Preservation Committee	M. Antes	N. Funkhouser		
34	Resolution to Continue Electronic Voting Through FY 2019	Petitioners	E. Collins	B. Steinberg		
35	Prohibit Roadside Distribution of Phone Books and Advertising	Petitioners	T. Boschetto	T. Greenaway		
36	Acquire Land and House at 246 Stonebridge Road	Community Preservation Committee	M. Antes	N. Funkhouser		

## ARTICLE LIST FOR 2015 ANNUAL TOWN MEETING

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



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN**  
**Monday, February 23, 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 Request of the "Our Promise to Nicholas" Board to Hold the John Tanner Memorial Run, a 5k Running Road Race, on Sunday, October 4, 2015, in Wayland, from the Wayland Town Building
3. Vote the Question of Approving the Request to Hold the Third Annual Pam's Run on Sunday, October 18, 2015, at 10:00 a.m. from the Claypit Hill School, Wayland, Proceeds to Benefit the Neighbor Brigade
4. Vote the Question of Approving the Minutes of November 17, 2014, November 24, 2014, December 1, 2014, December 8, 2014, and December 15, 2014

## DiNapoli, MaryAnn

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**From:** Noyes, Amy <Anoyes@congressasset.com>  
**Sent:** Thursday, December 18, 2014 11:43 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** Request for road race approval for Oct 4, 2015  
**Attachments:** wayland.doc

Dear MaryAnn,

My name is Amy Noyes and I am writing to request approval to hold a 5k road race/walk in Wayland on Sunday, Oct 4, 2015.

Please see the attached document for more information. 2015 will be the third John Tanner Memorial Run and I would anticipate roughly 160 runner/walkers to participate. We're very excited to start our plans for the 2015 race and look forward to hearing from you,

Thank you in advance,

Amy Noyes

Our Promise to Nicholas Foundation 501c3

617-407-5124

Confidentiality Notice: The electronic mail and/or documents accompanying this transmission contain confidential information belonging to the sender wh The information is intended only for the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure or taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately at (617) 428-4300 to arrange for return or to destroy the original document. Thank You.

**Mutual fund investing involves risk. Principal loss is possible.**

Quasar Distributors, LLC, Distributor

December 18, 2014

MaryAnn DiNapoli  
Executive Assistant  
Town of Wayland  
Office of the Town Administrator  
41 Cochituate Road  
Wayland, MA 01778

RE: Requesting approval for 5k Road Race on Sunday, October 4, 2015. (Third year in Wayland)

Dear Ms. DiNapoli and Wayland Board of Selectmen,

I am writing to request approval from the Wayland Board of Selectmen to hold a 5k running road race on Sunday, October 4, 2015 in Wayland. It will be named the:

**John Tanner Memorial Run**  
**To benefit the Our Promise to Nicholas Foundation**  
**To cure Batten's Disease**

Thank you in advance for considering our request. It is for a very good cause. All the proceeds from our fundraising will go to fund a cure for Batten's Disease. Our Foundation, The Our Promise to Nicholas Foundation 501c3 ([www.ourpromisetonicholas.com](http://www.ourpromisetonicholas.com)) will be organizing this event and will be working with Russell's Garden Center employees. Nicholas' grandmother has worked for Russell's Garden Center for 20 years and John Tanner also a long-time special employee at Russell's unexpectedly past away, two years ago, while running the NYC half marathon. John Tanner had been a long time competitive runner who devoted all of his races over the past 5 years to raising awareness about Nicholas and Batten disease.

With your permission, we would like to start and end the race behind the Wayland Town Hall.

The Race Route: Starts at Wayland Town Hall driveway - run West on Pelham Island Road – take a right onto Jeffrey Road and then a right back onto Pelham Island Road going West. The runners will turnaround somewhere between Griscom Road and Beckwith Street and run back on Pelham Island Road going East and finish behind the Wayland Town Buildings.

- Our race last October was a great success. We know and will again apply and pay for a police detail, 2 port-o potties, and insurance binders.

We look forward to hearing from you

Sincerely,

Amy B. Noyes

Our Promise To Nicholas Board Member

Cell: 617-407-5124; Work:617-428-4329

Email: [anoyes@congressasset.com](mailto:anoyes@congressasset.com)

[www.OurPromiseToNicholas.com](http://www.OurPromiseToNicholas.com) – PO Box 10106 Bedford NH 03110 EIN # 26-4605606

## DiNapoli, MaryAnn

---

**From:** Brodie, Jessica  
**Sent:** Tuesday, February 10, 2015 4:22 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** RE: Request for October Road Races

I wont know fall field schedules yet, so I will have to block their event on the calendar and not let teams use the field during that time.

### Jessica Brodie, CPRP

Director  
Recreation Department  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778  
508-358-3662 (phone)  
508-358-3665 (fax)

Visit our [Website](#)

Visit our [Facebook Page](#)

Register Online for Programs [here](#)

*"We do not stop playing because we grow old, we grow old because we stop playing"*

## DiNapoli, MaryAnn

---

**From:** Jayme Nowland <jayme.nowland@gmail.com>  
**Sent:** Wednesday, December 17, 2014 9:56 PM  
**To:** DiNapoli, MaryAnn  
**Cc:** Joanna Manikas  
**Subject:** Pam's Run 2015

*Hi MaryAnn,*

*Could you please submit the following to the Board of Selectman for approval of our 3rd annual Pam's Run?  
Thanks so much - Jayme*

Board of Selectman,

I am writing to request permission to hold the 3rd annual Pam's Run on Sunday, October 18, 2015 at Claypit Hill at 10am. Once again, proceeds of the race will go to Neighbor Brigade, an organization that Pam Washek began in Wayland and is now in over 40 other communities.

We are expecting approximately 1000 people to attend. We have reached out to Paul Stein and the Recreation Department to assure this date does not conflict with any of their programs.

We will look forward to hearing from you.

Sincerely,

Jayme Nowland and Joanna Manikas

Pam's Run Co-Directors





NAN BALMER  
TOWN ADMINISTRATOR  
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www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes November 17, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived 6:36 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland; and to Discuss Strategy with Respect to Pending Litigation and Collective Bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to Discuss Strategy with Respect to Contract Negotiations with Nonunion Personnel, and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: August 12, 2013, October 21, 2013, December 9, 2013, January 6, 2014, January 27, 2014, February 24, 2014, March 17, 2014, April 3, 2014; and to Discuss Strategy with Respect to Collective Bargaining with regard to the Teamsters Union** At 6:33 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session with the Wastewater Management District Commission 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 to discuss strategy with respect to pending litigation and collective bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to discuss strategy with respect to contract negotiations with nonunion personnel, and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: August 12, 2013, October 21, 2013, December 9, 2013, January 6, 2014, January 27, 2014, February 24, 2014, March 17, 2014, April 3, 2014; and to discuss strategy with respect to collective bargaining with regard to the Teamsters Union. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland; and pending litigation and collective bargaining; and contract negotiations with nonunion personnel, and the review and consideration of approval and potential release the following executive session minutes relative to the said subjects: August 12, 2013, October 21, 2013, December 9, 2013, January 6, 2014, January 27, 2014, February 24, 2014, March 17, 2014, April 3, 2014; and strategy with respect to collective bargaining with regard to the Teamsters Union, will have a detrimental effect on the bargaining or litigating position of the Town. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Sam Potter and Rick Greene, Town Administrator Nan Balmer, Town Counsel Mark Lanza, Assistant Town Administrator/Human Resources Director John Senchyshyn (arrived 7:11 p.m.) and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:39 p.m.

**A2. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:39 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public. M. Antes announced that a documentary about Wayland's history, "Five Miles Astride the River," will be

presented at Wayland High School at 7:30 p.m. on Friday, November 21, co-hosted by the Walden Forum.

**A3. Public Comment** Gail Shapiro, 201 West Plain Street, asked that the Annual Town Meeting not be held during religious holidays. Gil Wolin, 201 West Plain Street, and as a member of the Finance Committee, said he will not be able to perform his duties at the town meeting due to his religious obligations if the meeting is held over a religious holiday. Linda Segal, 9 Aqueduct Road, asked that the Board announce that the Tax Recapitulation hearing has been moved to December 1. In regard to capital improvement projects, she noted it is a work in progress, and she said that in regard to long-range planning, the potential zoning bylaw revisions are subject to change. She encouraged the Board to begin the 2015 Annual Town Meeting after school vacation. Susan Cummings, 6 Eden Road, asked that the speed limit at Damon Farms be changed to 20 MPH. Vijaya Ramesh, 17 Dean Road, said the speed limit should be as slow as possible. George Bernard, 103 East Plain Street, expressed his gratitude for the traffic mitigation at East Plain and School Streets; he also said some of the vehicles are not stopping at the stop sign. Susan Rufo, 22 Old Tavern Road, said she supports the lowering of the speed limit in Damon Farms.

**A4. Hearing on Violation of License for Sale of Second-Hand Articles, Michelle's Jewelry Boutique** The Board was joined by Michelle Metzler, owner of Michelle's Jewelry Boutique at 310 Boston Post Road, Town Counsel Mark Lanza, Police Chief Robert Irving, and Detective Sergeant Jamie Berger. C. Karlson moved, seconded by E. Collins, to open the hearing at 7:52 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chief Irving advised the Board that M. Metzler had submitted the mandatory reports of sales to the police department after the initial approval of her license, but recently the reports had stopped. On October 29, 2014, Sgt. J. Berger went to her establishment to ask if she had bought any gold or jewelry, and she said yes, although the police had not been notified and no paperwork was available for review. R. Irving said that M. Meltzer had violated the terms of her license, and the penalty for failure to comply must come from Board of Selectmen. M. Meltzer said she works alone, and it was an oversight. She said she found the terms for reporting unclear. The Board discussed the circumstances under which a sale must be reported. M. Lanza said the Board has the option to suspend her license or impose a probation period. E. Collins noted the bylaw doesn't specify the consequences for failure to comply.

J. Nolan opened the hearing to the public. There was no public comment. R. Irving recommended that the license for Michelle's Jewelry Boutique be suspended. M. Meltzer said she would no longer be able to take in jewelry and do custom work. C. Karlson moved, seconded by M. Antes, to close the hearing at 8:25 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto thanked M. Meltzer for bringing her business to Wayland, and he thanked the police department for doing its job. It was the sense of the Board that clearer guidelines were needed, with a structured schedule of penalties, and that probation was sufficient. E. Collins moved, seconded by T. Boschetto, to implement a probation period for Michelle Meltzer, and Michelle's Jewelry Boutique, to extend through April 30, 2015, with the protocol that a weekly report be forwarded to the police department. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Consideration of Speed Zoning Request for Damon Farms presented by Police Chief Robert Irving** Police Chief R. Irving appeared before the Board to consider the speed zone request of the Damon Farms neighborhood. He said that based on speed tables, he recommends requesting a 25 MPH speed limit. M. Antes asked if stop signs could be posted; R. Irving said they are not normally used to control speed. Vijaya Ramesh, 17 Dean Road, said Dean Road has a curve and a large SUV at 25 mph takes up the whole road. T. Boschetto moved, seconded by E. Collins, to approve the application to the state for a 25 MPH

speed limit in Damon Farms, and to communicate to the Board of Public Works the Board's support for traffic calming measures. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Report on Interim Traffic Mitigation at Route 30/West Plain Street/School Street** Police Chief R. Irving updated the Board on traffic mitigation at Route 30/West Plain Street/School Street. He said there has been no backup in traffic, and the feedback from The Villa and Mel's Commonwealth Café has been positive. He said that due to the coming winter weather, the cones must be removed and line painting should be added. T. Boschetto said he has spoken to residents who think it is more dangerous and confusing, and he agrees; he asked for copies of accident reports where there was personal injury. C. Karlson moved, seconded by M. Antes, to authorize the Chief of Police to work with the Board of Public Works to continue the current traffic configuration at Route 30/West Plain Street/School Street with signage and striping for the winter, with the recognition that the project can be suspended at any time and will continue to be observed and evaluated. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: E. Collins. Adopted 4-0-1.

**A7. Review Preliminary Planning Board Recommendation, Temporary Municipal Space Planning Committee** Colleen Sheehan, Chair, Planning Board, and also representing the working group, Temporary Municipal Space Planning Committee, appeared before the Board to make a presentation on long range planning. The Board discussed the process for the creation of the committee; C. Sheehan said a structure was needed. She said the presentation will also be made to the Planning Board on Thursday night. T. Boschetto suggested that an Interim Committee be more inclusive. J. Nolan said he had anticipated a summary of near-term priorities with which to create a scope and a committee. The Board discussed the use of staff rather than a committee, a process for coordinating plans, and the ability to create a consensus in time for the 2015 Annual Town Meeting. C. Karlson said she was expecting to consider a planning exercise for a town-wide discussion; she said the current presentation was too broad. Linda Segal, 9 Aqueduct Road, said it is an evolving process. T. Boschetto emphasized the need for a long-term strategy to provide context for short term decisions. C. Karlson suggested that CIP (Capital Improvement Projects) could be requested beyond ten years. M. Antes said the process will involve staff and residents as well. E. Collins expressed concern about the lack of structure. J. Nolan requested that a draft charge be created and more information be provided.

**A9. Review and Potential Vote to Appoint Special Counsel for the River's Edge Project** E. Collins recused himself from this agenda item and left the room at 10:25 p.m. C. Karlson moved, seconded by T. Boschetto, to appoint Anderson & Krieger LLP as the Special Counsel for the River's Edge Project. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: E. Collins. Adopted 4-0-1. T. Boschetto thanked the committee for its work. N. Balmer said the Town Counsel will review the contract. E. Collins returned to the meeting at 10:31 p.m.

**A8. Presentation of Highlights of FY16 Departmental Budgets Under Jurisdiction of Selectmen** Brian Keveny, Finance Director, presented a draft overview of the proposed FY16 departmental budgets. He said he is working with departments to reach his goal of a maximum 2% turnback. N. Balmer said she needs more information regarding personnel requests, and has asked J. Senchyshyn to discuss the issue at a future meeting. B. Keveny reviewed appropriations, projected revenues, retirement costs, long-term liabilities, general insurance, health insurance, medicare tax, unemployment tax, and the reserve for salary adjustment.

**A10. Discuss Funding for Affordable Housing Trust** The Board discussed the allocation of funds to the

Municipal Affordable Housing Trust Fund. T. Boschetto said the goal is to apportion a share of the community preservation funds. M. Antes noted that ten percent is set aside every year; she also said that Brian O'Herlihy, a member of the Municipal Affordable Housing Trust Fund Board, is investigating the funds set aside from the Mainstone project. It was noted that the allocation of funds from the Community Preservation account will be an Annual Town Meeting warrant article, and the Board expressed its support.

**A11. Reconsideration of Date for 2015 Annual Town Meeting** The Board discussed the date of the 2015 Annual Town Meeting. C. Karlson moved, seconded by M. Antes, to hold the Annual Town Election on Tuesday, March 31, 2015, and to begin the Annual Town Meeting on Monday, April 6, 2015, and continue on Tuesday, April 7, and Wednesday, April 8. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes said the Candidates' Night is tentatively scheduled for March 19, 2015.

**A12. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by E. Collins, to approve the consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Review Correspondence (See Separate Index Sheet)** The Board agreed to review the week's correspondence at the next meeting.

**A10. Report of the Town Administrator** N. Balmer reviewed the Planning Board's response to constructive approval at 150 Main Street, the placement of holiday lights, and the repair of the Claypit Hill School windows. She said the Facilities Director recommends that the town does not move forward with repairs to the town building under the Amereso project. She discussed the projects submitted for the environmental bond bill, the WaylandCares grant, and the request of the OPEB Advisory Committee for Special Counsel to review trust documents.

**A15. Selectmen's Reports and Concerns** E. Collins said the construction equipment at Old Connecticut Path and East Plain Street is backing up traffic and causing accidents. N. Balmer said the Chief of Police has been notified.

**A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Nolan said, "I know of none."

**A17. 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 11:48 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 17, 2014**

1. Email of 11/17/14 from Anne-Marie Aigner to Board of Selectmen re: Heather and Gary Wood
2. Public Comment received from November 15-17, 2014, re: Speed Limit in Damon Farms
3. Letter of 11/17/14 from Gail Shapiro to Board of Selectmen re: Request to Change the Date of 2015 Annual Town Meeting
4. Email of 10/9/12 from Michelle Meltzer, Michelle's Jewelry Boutique, to Detective Sergeant Jamie Berger, re: Understanding of Junk Dealers and Collectors Rules and Regulations
5. Draft overview of the Proposed FY16 Departmental Budgets presented by Brian Keveny, Finance Director

**Items Included as Part of Agenda Packet for Discussion During the November 17, 2014 Board of Selectmen's Meeting**

1. Memorandum of 10/31/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Michelle's Jewelry Boutique
2. Memorandum of 10/31/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Damon Farms Speed Zoning Study
3. Memorandum of 11/3/14 from Kevin R. Dandrade, TEC, to Stephen Kadlik, DPW Director, re: Route 30/East Plain Street/School Street
4. Memorandum of 11/17/14 from Nan Balmer, Town Administrator to Board of Selectmen re: FY16 Budget Process
5. Draft Presentation, Long-Range Planning Working Group Recommendation for a Process of Reviewing Town-Owned Land
6. Memorandum of 11/3/14 from Nan Balmer, Town Administrator to Board of Selectmen re: River's Edge Advisory Committee Special Counsel
7. 2015 Calendar and Email of 10/20/14 from Rev. Dr. Frederick Moser to Board of Selectmen re: Town Meeting Date
8. Town Administrator's Report, November 14, 2014



NAN BALMER  
TOWN ADMINISTRATOR  
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# TOWN OF WAYLAND

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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 Meeting Minutes November 24, 2014

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

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 6:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public.

**A2. Public Comment** John Dyer, 287 Cochituate Road, requested that the bronze plaque in the former septage facility be saved and given to the Historical Commission. He said the town should not demolish the facility, but rather clear the attachment to the Town of Sudbury and then put the building up for sale. Werner Gossels, 17 Bennett Road, said that any action in regard to the septage facility requires town meeting action, and the Board is acting without authority. He said the facility should be declared a nuisance by town meeting, the land should be restored to its original condition, and the inter-town agreement should be terminated. Bonnie Gossels, 15 Bennett Road, said that the Town of Sudbury must pay half the restoration cost; she noted that the building is blocking the land behind it and the town is losing the opportunity to have frontage along Route 20.

**A3. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Value of Real Estate (Wayland-Sudbury Septage Facility) and A4. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland** At 6:10 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the exchange, lease or value of real estate (Wayland-Sudbury Septage Facility). The Chair declares that a public discussion of strategy with respect to the exchange, lease or value of real estate will have a detrimental effect on the negotiating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/HE Director John Senchyshyn, Special Counsel Pat Kantor, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli.

At 6:11 p.m., J. Nolan moved, seconded by E. Collins, to enter into executive session with the Wastewater Management District Commission 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. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland, LLC, and the Town of Wayland and the Wastewater Management District Commission will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene, Town

Administrator Nan Balmer, Town Counsel Mark Lanza. The Board will reconvene in open session at approximately 6:55 p.m.

The Board returned to open session at 7:19 p.m.

**A5. Potential Vote on the Disposition of the Wayland-Sudbury Septage Facility** T. Boschetto moved, seconded by E. Collins, that the Board accept the October 20, 2014, appraisal from The Appraiser's Group, that the septage disposal facility formerly operated by the Town of Wayland and the Town of Sudbury on land owned by the Town of Wayland located on Route 20 at the Wayland-Sudbury town boundary has no market value, and that the Town of Wayland take all the necessary steps to demolish the facility, and notify the Town of Sudbury as to such lack of market value and intent to demolish and the Town of Sudbury's obligation to reimburse the Town of Wayland for half of the demolition cost, as provided in the Septage Disposal Agreement between Wayland and Sudbury dated June 4, 1991; and that the Board authorize counsel and the Assistant Town Administrator to work with Selectman Joseph Nolan to prepare the notice to Sudbury. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

**A6. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Nolan said, "I know of none."

**A7. Adjourn** There being no further business before the Board, M. Antes moved, seconded by T. Boschetto, to adjourn the meeting of the Board of Selectmen at 7:23 p.m. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: C. Karlson. ABSTAIN: none. Adopted 4-0.

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

1. Proposed Motion on the Disposition of the Wayland-Sudbury Septage Facility



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# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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

## Board of Selectmen Meeting Minutes December 1, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Open Meeting and Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland; and to Discuss Strategy with Respect to Pending Litigation and Collective Bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to Discuss Strategy with Respect to Contract Negotiations with Nonunion Personnel (Town Administrator), and to Review and Consider for Approval and Potential Release the Following Executive Session Minutes Relative to the Said Subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014** At 6:03 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session with the Wastewater Management District Commission 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 to discuss strategy with respect to pending litigation and collective bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to discuss strategy with respect to contract negotiations with nonunion personnel (Town Administrator), and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland; and to discuss strategy with respect to pending litigation and collective bargaining; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to discuss strategy with respect to contract negotiations with nonunion personnel (Town Administrator), and to review and consider for approval and potential release the following executive session minutes relative to the said subjects: August 26, 2013, April 8, 2014, April 28, 2014, May 5, 2014, May 12, 2014, May 19, 2014, June 23, 2014, and July 28, 2014, will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Sam Potter and Rick Greene, Town Administrator Nan Balmer, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:08 p.m.

**A2. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:09 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public.

**A3. Public Comment** Dennis Berry, 8 George Street, brought to the Board's attention the abandonment of a road authorized by town meeting in 1964, and said it needs Board of Selectmen action. Linda Segal, 9 Aqueduct Road, said the town needs a process to address the use of the municipal pad.



**A4. Consideration and Potential Vote to Approve Teamster's Memorandum of Agreement for a Successor Collective Bargaining Agreement Effective July 1, 2014** C. Karlson moved, seconded by M. Antes, that the Board of Selectmen approve the Memorandum of Agreement with Teamsters Local 170 dated September 10, 2014, as amended by the mediation agreement dated October 29, 2014, for a successor collective bargaining agreement dated effective July 1, 2014. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Consideration and Potential Vote to Allow Personnel Board to Access Special Labor Counsel to Review Open Meeting Law Complaint** The Board was joined by Assistant Town Administrator/Human Resources Director John Senchyshyn to discuss the Open Meeting Law complaint regarding Personnel Board minutes released with redactions. He said the issue is whether the redactions were too broad, and has asked the Attorney General for an opinion. He requested approximately two hours of Special Labor Counsel guidance, the results of which he will share with other boards. M. Antes moved, seconded by T. Boschetto, to approve the request of the Personnel Board to access Special Labor Counsel to review Open Meeting Law issues. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Tax Classification Hearing – Presentation by the Board of Assessors of Tax Classification Options; Potential Vote of the Board of Selectmen on Tax Classification; Review of Tax Recapitulation Sheets and Supporting Documents** E. Collins moved, seconded by M. Antes, to open the Tax Classification Hearing for 2015. The Board was joined by the Board of Assessors, Director of Assessing Ellen Brideau, and office staff Denise Ellis and Jessica Marchant. Susan Rufo, Chair, Board of Assessors, explained the purpose of the hearing, and said the new rate will be \$18.39. She reviewed comparables, and she noted that the reduction in commercial property was due to a reclassification of property in the town center. David Watkins, member of the Finance Committee, said it was the sense of the Finance Committee not to split the tax rate. T. Boschetto asked for more information on the residential exemption next year. George Harris, 8 Holiday Road, asked for the amount of the median tax bill; E. Brideau said she would provide those numbers to him. Linda Segal, 9 Aqueduct Road, asked why the residential units at 373 Commonwealth Road were not included; E. Brideau said it is not an active development. Anette Lewis, 33 Claypit Hill Road, noted that other factors in the calculations include the vote at town meeting and the overlay. C. Karlson moved, seconded by M. Antes, to establish the residential tax factor of 1.0. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by E. Collins, that the Board of Selectmen vote to not adopt a Residential Exemption. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote to not adopt a Small Commercial Exemption. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

At 7:58 p.m., C. Karlson moved, seconded by M. Antes, to close the hearing on the tax classification. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

At 7:59 p.m., M. Antes moved, seconded by C. Karlson, to open a hearing on the tax recapitulation. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board was joined by Finance Director Brian Keveny. He reviewed the FY2015 tax recapitulation sheet. A. Lewis said it was difficult to read, and asked that article numbers be included next year. She asked that the issue of free cash be addressed with the School Committee. T. Boschetto expressed concern that the overlay reserves were overestimated. S. Rufo reviewed the issues that were taken into

consideration when the overlay was determined. G. Harris noted the difference between the requested overlay and the actual liability, and T. Boschetto asked the Board of Assessors to be less conservative. The Board reviewed the state statutes, and S. Rufo reviewed the process. G. Harris said he spoke to the Director of Account Gerard Perry at the Department of Revenue, who said that most towns underestimate the overlay. B. Keveny said the Department of Revenue is prepared to certify the recapitulation sheet this week. T. Boschetto discussed the levy limit, and A. Lewis asked for confirmation that the expenses of enterprise funds were properly allocated. M. Antes moved, seconded by E. Collins, to close the hearing at 8:39 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Segal asked if the Board needs to vote to sign the tax recapitulation; E. Brideau said no action is needed by the Board of Selectmen.

**A7. Report from Building Commissioner Jay Abelli regarding Used Car Dealer Licenses** Jay Abelli, Building Commissioner, appeared before the Board to discuss used car dealer licenses. In regard to the auto dealer at 322 Commonwealth, J. Abelli said there were no more than five cars with "for sale" signs. The Board discussed the issue of the vehicles listed for sale on the internet, and the problem of noise. J. Abelli said no complaints have been received in writing, and the noise emanates from contractor's trucks which have no affiliation with the auto dealership. The Board asked about the appropriate process moving forward; J. Abelli said it is a zoning issue. The Board asked J. Abelli to work with the Town Administrator and Town Counsel to provide a standard procedure for the future and a process for bringing current license holders into compliance.

**A8. Review and Potential Vote to Appoint Melanson and Heath as Independent Auditor** Chris Cullen, Audit Committee, and Elizabeth Doucette, Financial Analyst, appeared before the Board to request the appointment of an independent auditor. They reviewed the background of the process and the option of including a CAFR (Comprehensive Annual Financial Report). T. Boschetto moved, seconded by M. Antes, that the Board authorize the appointment of Melanson Heath & Company PC, as independent auditor for FY15, with two one-year options to renew for FY16 and FY17, with the inclusion of CAFR in the audit report, and to authorize the Chair of the Board of Selectmen to execute the contract. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Review and Potential Vote to Open Warrant for 2015 Annual Town Meeting and Annual Town Election** M. Antes moved, seconded by T. Boschetto, to open the Warrant for the Annual Town Meeting to begin on Monday, April 6, 2015, at 7:30 p.m. in the Wayland High School, and the Annual Election to be held on Tuesday, March 31, 2015, at designated polling places. The warrant for said Annual Town Meeting will be open from Thursday, December 18, 2014, at 8:30 a.m., through Thursday, January 15, 2015, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Thursday, January 15, 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. T. Boschetto said he would prefer the meeting be scheduled later in April but would abide by the will of the majority. E. Collins noted the confusion about the appropriate agenda for each of several meetings leading up to the Annual Town Meeting. L. Segal suggested the petitioners' workshop be scheduled earlier, and suggested the use of mentors to help petitioners, as has been done in the past.

**A10. Review and Set Meeting Schedule for Board of Selectmen, December 1, 2014 through April 6, 2015** The Board reviewed and approved the meeting schedule for the Board of Selectmen from December 1, 2014, to April 6, 2015.

**A11. Authorize Chair to Sign Fee Agreement with the Firm of Anderson & Krieger LLP which Includes the Appointment of Counsel as Special Municipal Employee under Massachusetts General Laws Chapter 268A** E. Collins recused himself from the agenda item and left the room at 9:21 p.m. T. Boschetto moved, seconded by C. Karlson, to authorize the Chair of the Board of Selectmen to sign the fee agreement with the firm of Anderson & Krieger LLP, which includes the appointment of counsel as a Special Municipal Employee under Massachusetts General Laws Chapter 268A. YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: E. Collins. Adopted 4-0-1. The Board discussed the advisability of appointing counsel as Special Municipal Employee; N. Balmer said the Town Counsel had reviewed and approved the motion. E. Collins returned to the meeting at 9:24 p.m.

**A12. Review and Approve Consent Calendar (See Separate Sheet)** E. Collins moved, seconded by M. Antes, to approve the consent calendar. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A13. Review Correspondence (See Separate Index Sheet)** The Board reviewed the correspondence for the weeks ending November 17 and December 1. C. Karlson noted the need for long-term planning in regard to municipal properties, and asked for an update on conservation capital projects. E. Collins noted the letter from C. Peter R. Gossels in regard to the founding date on the town signs; M. Antes suggested the correct date is 1638.

**A14. Report of the Town Administrator** N. Balmer reported on the issue regarding the use of the field for the Wayland Warriors football game on November 29. She said she has begun preliminary budget work, and will begin to bring information to the Board next week. She said holiday lights will be installed at the Public Safety Building by a private contractor. The Board discussed the various methods of pursuing a long-term plan for the use of municipal property. N. Balmer discussed the search for a new Fire Chief, the flood damage at the WayCAM office, and the meeting next week with the Audit Committee. The Board discussed the creation of an enterprise fund for recreation, and agreed to discuss the issue further at a later meeting.

**A15. Selectmen's Reports and Concerns** M. Antes advised the Board that the town has been offered free membership in the MetroWest Visitors Bureau, and the Bureau requested the town's permission to be included in their directory; the Board offered its agreement.

**A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** J. Nolan said, "I know of none."

**A17. Adjourn** There being no further business before the Board, M. Antes moved, seconded by E. Collins, to adjourn the meeting of the Board of Selectmen at 10:01 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 1, 2014**

1. Email of 12/1/14 from Jean Milburn to Linda Segal re: Raytheon Info Meeting This Week December 3, 2014
2. Revised Powerpoint Presentation from Board of Assessors re: Fiscal Year 2015 Tax Classification Hearing
3. Tax Rate Recapitulation Fiscal Year 2015
4. Department of Revenue Information Guideline Release, Overlay and Overlay Surplus

**Items Included as Part of Agenda Packet for Discussion During the December 1, 2014 Board of Selectmen's Meeting**

1. Memorandum of 11/25/14 from John Senchyshyn, Asst Town Administrator/HR Director, re: Personnel Board Access for Special Labor Counsel
2. Fiscal Year 2015 Tax Classification Hearing Presentation
3. Letter of 11/24/14 from Jay Abelli, Building Commissioner, to Board of Selectmen re: 322 Commonwealth Avenue
4. Memorandum of 12/1/14 from Elizabeth Doucette, Financial Research/Analyst, re: FY15-FY17 Annual Audit Services Recommendation
5. Notice 12/1/14 from Board of Selectmen re: 2015 Annual Town Meeting and Annual Town Election
6. Draft Worksheet Article List for 2015 Annual Town Meeting
7. Memorandum of 12/1/14 from Nan Balmer, Town Administrator, re: Proposed Meeting Schedule
8. Memorandum of 12/1/14 from Nan Balmer, Town Administrator, re: Rivers Edge Project, Special Counsel Fee Agreement/Designation of Special Municipal Employee Status
9. Town Administrator's Report, December 1, 2014



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# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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

## Board of Selectmen Meeting Minutes December 8, 2014

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

**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Open Meeting and Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), with the Wastewater Management District Commission, to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland, LLC and the Town of Wayland** At 6:37 p.m., J. Nolan moved, seconded by M. Antes, to enter into executive session with the Wastewater Management District Commission 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. The Chair declares that a public discussion of strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland will have a detrimental effect on the bargaining or litigating position of the Town. Roll call vote: YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0. Chair J. Nolan invites attendance by Wastewater Management District Commission members Sam Potter and Rick Greene, Town Administrator Nan Balmer, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:05 p.m.

**A2. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:06 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public. J. Nolan thanked the town's public safety staff and the Town Administrator for taking part in a civics lesson for the Boy Scouts this past week.

**A3. Public Comment** Linda Segal, 9 Aqueduct Road, said the list of potential zoning articles in the Board packet had not been reviewed by the Zoning Board of Appeals. J. Nolan noted it was a very preliminary step. Richard Turner, 7 Nob Hill Road, said the Public Safety Building is very nicely decorated for the holiday.

**A4. Hearing on Liquor License Violation, China Rose LLC, 15 East Plain Street** J. Nolan opened the hearing on the liquor license violation of China Rose LLC at 7:12 p.m. The Board was joined by Police Chief Robert Irving, Detective Sergeant Jamie Berger, China Rose Manager Jaisy Deng and employee Ming Mei. R. Irving said he received a complaint from a Wayland resident expressing concern that the manager of record, Jaisy Deng, was not working at the restaurant. On November 14 and 15, 2014, Sgt. J. Berger determined that no manager was on the premises, no TIPS certification list was available, and two workers were serving alcohol without TIPS certified. R. Irving said the application for the ABCC (Alcoholic Beverages Control Commission) said the manager would be on site sixty hours per week. The ABCC confirmed that the lack of a manager on site is a violation of the license, and could be grounds for immediate suspension. M. Mei said his workers are TIPS certified, and J. Deng has a new baby and cannot be at the job all of the required time.

The Board asked for clarification of the regulations. M. Lanza said the manager requirement is an ABCC requirement and a state law; the owner does not have to be the manager, but both manager and owner must be United States citizens. The Board asked M. Mei about the ownership of the corporation; M. Mei said he and J. Deng are the owners and make the decisions. J. Nolan said he must file for a new manager, and it would be in his best interest to consult a lawyer as well. M. Mei agreed to appoint new manager. R. Irving recommended that the liquor license be suspended until such time as a new manager is approved. E. Collins moved, seconded by C. Karlson, to close the hearing at 7:57 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed possible actions. T. Boschetto moved, seconded by C. Karlson, to suspend the liquor license of China Rose for 24 hours, and that the application for a change of manager with all appropriate paperwork be filed within 48 hours, beginning on Tuesday morning, December 9, 2014, and that Jaisy Deng be on premises as manager until new manager is approved. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Discussion and Potential Vote on China Rose Application for an Entertainment License** The Board postponed the consideration of granting an entertainment license until a future meeting.

**A6. Hearing on Liquor License Violation, Post Road Liquors, 44 Boston Post Road** J. Nolan opened the hearing for a liquor license violation at Post Road Liquors at 8:13 p.m. The Board was joined by Police Chief Robert Irving, Detective Sergeant Jamie Berger, Attorney Steve Moore, and Michael Connell and John Recco from Post Road Liquors. R. Irving corrected the record; he said there was a manager on the premises, and the violation was for sale to an under-aged person only and a server not TIPS certified. On November 25, 2014, Sgt. J. Berger said Post Road Liquors failed a compliance check by selling alcohol to an under-age person. Attorney S. Moore said the staff person was part-time, and helping over the busy holiday week. M. Connell apologized to the town on behalf of all his family; he said the staff person was aware of her mistake and was terminated. R. Irving said that Post Road Liquors has passed every compliance check since 2008, and he recommended a suspension of one day on December 15, 2014, and a two-year probation, with a five-day suspension if it happens again under probation. M. Antes moved, seconded by C. Karlson, to close the hearing at 8:32 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by T. Boschetto, that, for allowing the sale of alcohol to an underage person and failure to maintain TIPS Certification on November 25, 2014, the liquor license for Post Road Liquors, 44 Boston Post Road, Wayland, be hereby suspended for a period of one day, on December 15, 2014. The liquor license of Post Road Liquors is also placed on probation for a period of two years, commencing on December 8, 2014, and ending on December 8, 2016. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages," will result in an automatic penalty of five days suspension of the liquor license for each separate violation. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Follow-up Discussion on Class II Used Car Dealer's License, Wayland Automotive Sales Inc., 322 Commonwealth Avenue** M. Lanza appeared before the Board to discuss Class II Used Car Dealer licenses. Attorney Steve Robertson, and Eli Elias and Richard Devlin, from Wayland Automotive Sales, were also present. M. Lanza advised that, at the time of license renewal, the Board renew under existing conditions, with two stipulations: if the Building Commissioner finds that a zoning special permit is necessary, they apply within thirty days, and that cars be clearly marked for sale. J. Nolan asked about internet sales; M. Lanza said the license only applies to cars physically on the premises. Attorney

S. Robertson asked, in the case of Wayland Automotive Sales, if the current license is acceptable for five cars without a zoning review. M. Lanza said a zoning modification is outside the jurisdiction of the Board of Selectmen, and must be determined by the Building Commissioner. J. Abelli said he will need to review all the addresses and site plans. J. Nolan said he encourages the Zoning Board of Appeals to take into account that these are businesses that have been a part of Wayland for many years. C. Karlson suggested allowing ninety days to apply for zoning approval. J. Nolan asked J. Abelli to draft a cover letter to all the current license holders.

**A8. Approval of Renewal of Liquor Licenses, Common Victuallers Licenses, Entertainment Licenses, and Used Car Dealer Licenses** C. Karlson moved, seconded by M. Antes, to approve the following licenses:

Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Liquor License On Premise All Alcoholic
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Pkg Store Wine & Malt
Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic
Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Pkg Store All Alcoholic
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Liquor License On Premise All Alcoholic
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Pkg Store All Alcoholic
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic
Sperry's Fine Wine Brew and Cigars (Eastbrook Inc.)	87 Andrew Avenue	Liquor License Pkg Store Wine & Malt
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Liquor License On Premise All Alcoholic
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Liquor License On Premise All Alcoholic
Wayland Variety and Deli Corporation	70 Boston Post Road	Liquor License Pkg Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Pkg Store All Alcoholic
Baypath Elder Services (Meals on Wheels)	33 Boston Post Road Marlborough MA	Victualler License
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Victualler License
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Victualler License
Dudley Chateau of Cochituate Inc.	20 Crest Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Victualler License
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License

The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Victualler License
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Victualler License
Panera Bread Bakery-Café (Panera LLC)	21 Andrew Avenue	Victualler License
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Victualler License
Starbucks Coffee Company	44 Main Street	Victualler License
Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Victualler License
The Villa Inc.	48 East Plain Road	Victualler License
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Victualler License
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Victualler License
Wayland Pizza House	336 Boston Post Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Entertainment License
The Local Restaurant of Wayland dba The Local	11 Andrew Avenue	Entertainment License
Primebar Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Entertainment License
Starbucks Coffee Company	44 Main Street	Entertainment License
The Villa Inc.	48 East Plain Road	Entertainment License
MetroWest Precious Metals LLC	241 Boston Post Rd Suite 5	Sale of Second Hand Articles
Michelle's Jewelry Boutique	310 Boston Post Road	Sale of Second Hand Articles
Herb Chambers of Wayland Inc. dba Aston Martin Boston, dba Bentley Boston, dba Rolls-Royce Motor Cars of New England, dba Herb Chambers Lamborghini of Boston, and dba Herb Chambers Maserati	533 Boston Post Road	Sale of Used Vehicles I

YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Potential Vote to Adopt Order of Abandonment for Dudley Street** Dennis Berry, 8 George Street, appeared before the Board to request that it vote to adopt an order of abandonment for Dudley Street. M. Lanza explained the process; he said that Dudley Street is not registered land, and the town is relinquishing any rights to it. T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen authorize the abandonment of any interest the Town may have in Dudley Street, containing approximately 9,000 square feet, and extending between East Plain Street and Center Street. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



**A10. Meet with Energy Initiatives Advisory Committee to Review Proposed Solar Projects** The Board was joined by Energy Initiatives Advisory Committee members Ellen Tohn and Tom Sciacca, Associate Member John Harper, and Mike Zimmer, project manager of Ameresco. E. Tohn reviewed the four sites that are proposed for solar projects. She said town meeting needs to vote to approve the lease of the land, and the payment in lieu of taxes. T. Boschetto asked if the energy will be used by the town; J. Harper said the town will buy the electricity, but the overage will provide a rebate from NSTAR. T. Boschetto asked if there was an installation cost; E. Tohn said no. M. Zimmer said there is an estimated annual savings of \$175,000, with no cost up front. E. Tohn said a financial analysis will be provided for town meeting, and the Board asked for input from the Finance Committee and the Board of Assessors. The Board discussed potential liability for damage, the cost of maintenance, impact of snow, and interference with any future plans. J. Nolan asked if the projects could be phased, and T. Sciacca said no, as the incentives will expire. The committee agreed to meet with the Board again in January.

**A11. Discussion with Treasurer/Collector Paul Keating regarding Tax Lien Program** Treasurer/Collector Paul Keating and Financial Analyst Beth Doucette appeared before the Board to discuss tax lien sales. P. Keating advised the Board that tax titles continue to grow every year; he said the town has pursued two foreclosures, which took approximately 12-18 months to complete. He described the process of a tax lien sale. The Board asked about exemptions for seniors and veterans, and the experience in other towns. J. Nolan expressed concern about the hardship on individuals, and said the Board needs a greater comfort level before moving forward. J. Nolan asked N. Balmer to evaluate the experience of similar towns for continued discussion at a later meeting.

**A12. Review FY16 Budget: Utilities** The Board was joined by Ben Keefe, Facilities Director, to review the FY16 utilities budget. J. Nolan said the Board is concerned that there is an accurate baseline to measure future savings. B. Keefe said he reviewed costs and spoke to suppliers in order to come up with the current numbers; he said there is an overall reduction in the budget, in spite of working with more conservative numbers than in the past. T. Boschetto asked about the impact of ESCO. B. Keefe said it is not prudent to use those estimates until there is a year's worth of results. C. Karlson said the projects wouldn't be complete until late 2016. E. Collins asked how the savings will be determined. C. Karlson discussed tracking by building, and separating product costs from delivery costs, noting the need to account for usage. T. Boschetto asked who would be responsible for managing the contract; C. Karlson said the procedures for tracking savings will be sent to N. Balmer, B. Keefe, and Financial Analyst Beth Doucette.

**A13. Review of Potential Zoning Articles for 2015 Annual Town Meeting** Colleen Sheehan, Chair, Planning Board, provided a list of fourteen potential zoning articles for future town meetings, and asked for a commitment from the Board of Selectmen that the five current articles being proposed will be approved for placement in the warrant for Annual Town Meeting. The Board said it would support articles that are fully prepared, and discussed the possibility of a fall town meeting if necessary. C. Karlson asked if the Planning Board had met with other boards; C. Sheehan said yes, and they have also met with legal counsel. E. Collins asked if the Planning Board was taking into consideration the state legislation regarding recodification. Dan Hill, member of the Planning Board, said they were aware of it, but noted the proposed changes were more substantive in nature. E. Collins asked the Board to ensure there was funding in their budget for recodification.

**A14. Review and Approve Consent Calendar (See Separate Sheet)** The Board recognized Allen Horine, Troop 1 Cochituate Boy Scouts, for achieving Eagle Scout. T. Boschetto moved, seconded by E. Collins, to approve the consent calendar. The Board recognized Horan for Eagle Scout. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A15. Review Correspondence (See Separate Index Sheet)** The Board discussed the week's correspondence. T. Boschetto noted the resident's concern regarding traffic at the intersection of West Plain Street and Old Connecticut Path. J. Nolan discussed the traffic calming design, and N. Balmer said the Chief of Police is aware of the traffic issue.

**A16. Report of the Town Administrator** N. Balmer reported on the recent meeting of department heads; she said participants discussed goals and improving communication. She said she has put together a group to talk about potential solar projects, and noted there is an issue regarding ice which will require a change in design. The Board reviewed future agenda items and a draft schedule for the 2015 Annual Town Meeting. She noted that the League of Women Voters candidates' night is scheduled for March 19, and the Town Moderator is considering a Moderator's hearing. The Board asked that E. Collins work with the Town Moderator to prepare a presentation to the Board for further discussion and clarification. Linda Segal, 9 Aqueduct Road, said that in the past, not all proponents have been present at the warrant hearing. She said there were also hearings in which the Town Counsel was not present.

**A17. Selectmen's Reports and Concerns** T. Boschetto said he received many compliments on the holiday lights. C. Karlson said there will be a School Committee Forum on December 11 to discuss Open Meeting Law complaints. C. Karlson reported on a tour of the River's Edge site, and her attendance at the Raytheon PIP meeting. T. Boschetto reported on a potential article for town meeting being circulated by the Minuteman Regional School.

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

**A19. 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 10:19 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 8, 2014**

1. Letter of 12/8/14 from Gaglini Law Group re: Request for Enforcement of Truck Exclusion, Danforth Green LLC Agreement
2. Draft 2015 Annual Town Election and Annual Town Meeting Schedule
3. Revised Memorandum of 12/8/14 from Office of the Board of Selectmen re: 2015 Licensing
4. Revised Abandonment and Release of Dudley Street, Wayland Massachusetts
5. Artist's Rendition of Proposed Solar Panels at Wayland High School presented by Ellen Tohn, Energy Initiatives Advisory Committee
6. List of Proposing Zoning Articles for 2015 Annual Town Meeting presented by Colleen Sheehan, Planning Board

**Items Included as Part of Agenda Packet for Discussion During the December 8, 2014 Board of Selectmen's Meeting**

1. Memorandum of 12/3/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Violations of Liquor License, China Rose
2. Application for Entertainment License, China Rose
3. Memorandum of 12/1/14 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Violations of Liquor License, Post Road Liquors

4. Memorandum of 12/8/14 from Nan Balmer, Town Administrator, re: Follow-up to Board Discussion on Wayland Automotive Auto Dealers License
5. Memorandum of 12/4/14 from MaryAnn DiNapoli, Executive Assistant, re: 2015 Licensing
6. Abandonment and Release of Dudley Street, Wayland
7. Proposed Solar Arrays on Wayland Lands and Buildings
8. Memorandum of 12/8/14 from Elizabeth Doucette, Financial Research/Analyst, re: Tax Title Sale
9. Memorandum of 12/5/14 from Ben Keefe, Facilities Director, re: Municipal Utilities Budget FY16
10. Town Administrator's Report, December 8, 2014



# 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

NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
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## Board of Selectmen Meeting Minutes December 15, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Chair J. Nolan called the open meeting of the Board of Selectmen to order at 7:04 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. He reviewed the agenda for the public.

**A2. Public Comment** Ellen Tohn, 5 Fields Lane, asked the Board to consider the construction of a facility for Wayland community boating on the river as part of the larger project at the town center. Heidi Seaborg, 26 Alpine Road, and member of the Wayland Children and Parents Association, expressed support for a multi-purpose community center, and distributed to the Board the responses she received from a survey to that effect. Scott Walters, 100 Draper Road, also encouraged the Board to approve a multi-purpose community center. He said he is a member of Wayland Dads, and would use the space to meet with other parents. Cliff Lewis, 33 Claypit Hill Road, and Chair of the OPEB Advisory Committee, requested that the Board approve an RFQ for Special Legal Counsel for a legal opinion regarding the advisability of establishing a trust for the OPEB funds. Duane Galbi, 190 Stonebridge Road, asked for the date of the petitioners' workshop. J. Nolan said January 5, 2015.

**A3. Potential Vote to Accept Conservation Restriction Donated by John and Mary Beard to SVT (Sudbury Valley Trustees) and the Town of Wayland - Vote to be Contingent Upon Conservation Commission Vote to Accept Conservation Restriction** Brian Monahan, Conservation Administrator, appeared before the Board to review 10.62 acres of land being donated near Hazelbrook Road. He said it has twenty-five miles of trails, will allow public access, has been fully vetted, and is being offered at no charge to the town. The Board thanked John and Mary Beard for their generosity. C. Karlson moved, seconded by M. Antes, to accept the conservation restriction being donated by the Beards to Sudbury Valley Trustees and the Town of Wayland contingent upon the Conservation Commission vote to accept the conservation restriction. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A4. Potential Vote to Approve Conservation Commission's Acceptance of Sage Hill's Open Space Parcel of Land- Vote to be Contingent Upon Conservation Commission Vote to Accept Land** N. Balmer advised the Board that Town Counsel is working with Sage Hill Development in regard to their offer of open space land, and due to a failure to come to terms on the issue of easements, this agenda item will be rescheduled for a later date.

**A5. Potential Vote to Approve Change of Manager Application for China Rose LLC, 15 East Plain Street, and Potential Vote to Renew Liquor License and Common Victuallers License for 2015** Ming Mei, owner of China Rose LLC, appeared before the Board to introduce Bei Huan Deng as the new manager. He confirmed that he is TIPS certified and will work full-time. T. Boschetto moved, seconded by E. Collins, to approve the Change of Manager application for the China Rose LLC, 15 East Plain Street, and the renewal

of the liquor license and common victuallers license for 2015. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Review and Potential Vote on Request of the Permanent Municipal Building Committee to Amend its Charge** Joe Lewin and Doug Goddard of the Permanent Municipal Building Committee appeared before the Board to discuss their request to amend the charge of the committee. J. Lewin said the committee provides technical advice, but does not want to provide advocacy. They discussed issues such as limiting their responsibility to capital projects and not maintenance, establishing a \$1.5 million threshold, and being provided with decision-making authority. D. Goddard said the new charge would not change its role as much as it would formalize it. J. Nolan asked that the proposed charge be simplified and presented in a standard format, and brought before the Board again for approval. The Board thanked them for their work.

**A7. Receive Council on Aging/Community Center Advisory Committee's Preliminary Report** The Board was joined by committee members Bill Sterling, Ken Isaacson, Jean Milburn, and Frank Kraisin to review the committee's preliminary report. B. Sterling discussed the setback requirements according to the Conservation Commission, and its impact on the proposed facility. He said the site is appropriate for a senior center/recreation center, and that the committee strongly recommends that the town proceed with further study. Participants discussed the size of the facility, the ability to provide expansion capacity, display space for the Historical Commission, classroom space, and the potential for a Veterans office. The Board asked about the proposed cost; B. Sterling said he was recommending funding through the design phase. S. Correia said the facility should be available to the entire community, and F. Kraisin said the need for recreation space is well documented. K. Isaacson noted the limitations of the proposed structure, and suggested that an assessment be made of other town resources. The Board asked the committee to come up with a dollar amount for town meeting, and come back with a detailed design at a later time. They also recommended that the committee consider the management of shared space, and the cost of staffing. M. Antes noted that Ellen Tohn, at public comment, had requested a boat house, and B. Sterling said the structure was included on the map. J. Nolan said the Board of Library Trustees supports this effort and is looking into other options for its own expansion. C. Karlson asked the committee to prepare an article for Annual Town Meeting, and request an extension of its charge.

**A8. Joint Meeting on FY14 Audit with Audit Committee** The Board was joined by Audit Committee members Chris Riley, Chris Cullen, Gordon Cliff, Auditor Scott McIntyre, and Finance Director Brian Keveny. C. Cullen said the committee has received the town response to the management letter. S. McIntyre reviewed the audit process. He discussed formalizing a fund balance policy, improving automation in the finance offices, ensuring the proper allocation of expenditures, improving the accounting for absences, and improving compliance with the Town's cash management practices and investment policy. He noted that these were recommendations, and that no deficiencies were found in the audit. He reviewed for the Board the new GASB 68 regulations coming from the state. E. Collins asked the Audit Committee if they had any dispute with the findings; C. Cullen said no. S. McIntyre reviewed the financial report; he said it went very well, and he received the full cooperation of the town. G. Cliff commented on the town's outstanding commitments. S. McIntyre acknowledged outstanding legal issues and said there is sufficient and appropriate disclosure. G. Cliff asked if the report reflects the investments recommended by the OPEB Advisory Committee; S. McIntyre said yes. T. Boschetto noted the substantial free cash balance. The Board thanked the committee and the auditor for their work.

**A9. FY16 Budget Review: New Personnel, Health Insurance** Assistant Town Administrator/Human Resources Director John Senchyshyn reviewed staffing requests. He said there are four positions being requested: a part-time project coordinator for the Council on Aging, a part-time Department Assistant for

the Town Clerk, a part-time Communication Specialist for the Library and a full-time Land Manager for Conservation. He said the Personnel Board recommended in favor of the Council on Aging position, and requested more preparation for the remaining three requests. Conservation has subsequently requested a part-time land manager. In regard to the Town Clerk position, the Personnel Board suggested using temporary help until the new Town Clerk is comfortable. T. Boschetto asked for a value statement on the land management job. M. Antes noted the town manages 1,000 acres of land with one administrator and one part-time assistant. J. Senchyshyn reviewed health insurance issues. He said the goal is to reduce the turnback on the health insurance budget; and secondly, to improve reporting in order to provide factual information upon request. He presented a spreadsheet that lists the increases in health costs and retiree plans. C. Karlson asked for comments on the format so it could be used as a template moving forward. The Board discussed the proper allocation of funds to meet the costs.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** N. Balmer noted the two requests for Special Counsel, and the changes to the conditions on the Auto Dealers Class II licenses. J. Nolan asked for further information regarding the scope of the proposed RFPs for Special Counsel. E. Collins said that, in regard to the request of the Planning Board to appoint Kopelman & Paige as Special Counsel, he would ask that the Planning Board add a condition that the Board of Selectmen be kept informed as to proposed Zoning Bylaw amendments. M. Antes moved, seconded by E. Collins, to approve the revised consent calendar with a correction to a typographical error, J.M. McKays to become J.J. McKays, and that the Planning Board add a condition to the RFP for Special Counsel that the Board of Selectmen be kept informed as to proposed Zoning Bylaw amendments. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence.

**A16. Report of the Town Administrator** N. Balmer advised the Board that the Building Commissioner has requested a waiver of the fee for current used car dealers to apply for a zoning application; the Board approved the waiver. She reviewed upcoming agenda items. E. Collins reported on a meeting with Town Moderator Dennis Berry regarding the proposed Moderator's Forum. He said budget articles and ceremonial articles will not be addressed, attendance is voluntary, and his goal is improved preparation for the Annual Town Meeting. He said D. Berry will appear before the Board on January 5. The Board agreed to post the timeline for Annual Town Meeting to the town website. N. Balmer reported on a meeting earlier in the day with the Chief of Police and residents of Glezen Lane.

**A13. Selectmen's Reports and Concerns** M. Antes reported on the School Committee's forum on the Open Meeting Law. C. Karlson said the Council on Aging/Community Center Advisory Committee will be contacting Facilities Director Ben Keefe for assistance. She asked the Board to consider addressing the ability of petitioners to change the language of their articles for town meeting as late as the printing of warrant; she suggested that the bylaw be revised.

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

**A15. 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 10:42 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of December 15, 2014**

1. Revised Consent Calendar for December 15, 2014
2. Handout at Public Comment, December 15, 2014, Responses from Survey of Wayland Parents regarding Council on Aging/Community Center
3. Site Plan, Wayland Town Center and Wayland Community Center
4. Draft Annual Financial Statements for the Year Ended June 30, 2014

**Items Included as Part of Agenda Packet for Discussion During the December 15, 2014 Board of Selectmen's Meeting**

1. Memorandum of 12/11/14 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Beard Conservation Restriction – 22 Hazelbrook Lane
2. Memorandum of 12/11/14 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Sage Hill Land
3. Change of Manager Application, 12/11/14, from China Rose LLC, and Memorandum of 12/10/14 from Police Chief Robert Irving re: Manager Change
4. Memorandum of 12/1/14 from Permanent Municipal Building Committee re: Proposed Revised Charge for the Permanent Municipal Building Committee
5. Letter of 12/15/14 from Nan Balmer, Town Administrator, to Melanson and Heath, re: Management Letter for the Year Ended June 30, 2014
6. Memorandum of 12/15/14 from John Senchyshyn, Asst Town Administrator/HR Director, re: FY16 Staffing Requests
7. FY15 Monthly Health Insurance Cost Reconciliation and Unclassified Budget – Insurance 32B
8. Report of the Town Administrator for the Week Ending December 12, 2014



# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO THE  
BOARD OF SELECTMEN FROM FEBRUARY 13, 2015, THROUGH  
AND INCLUDING FEBRUARY 19, 2015, OTHERWISE NOT LISTED  
AND INCLUDED IN THE CORRESPONDENCE PACKET FOR  
FEBRUARY 23, 2015**

### **Items Distributed To the Board of Selectmen – February 13-19, 2015**

1. Email of 2/16/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Minuteman Regional, Protocol of Simultaneously Adopting Amended Agreement and Withdrawing
2. Email of 2/15/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: RFP, LDA (Land Disposal Agreement) and Related Documents for Board Meeting
3. Email of 2/15/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: RFP, LDA (Land Disposal Agreement) and Related Documents for Board Meeting
4. Email of 2/17/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Recreation Revolving Analysis – Response to Questions
5. Email of 2/17/15 from Jessica Brodie, Recreation Director, to Board of Selectmen re: FY15 Revolving Fund Comparison and Expected Program Expenses

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 17, 2015**

1. Promotional Piece, Loose Change Campaign in Wayland, March 2-6, 2015

### **Items Included as Part of Agenda Packet for Discussion During the February 23, 2015 Board of Selectmen's Meeting**

1. Memorandum of 2/23/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Ratification of Appointment of Acting Fire Chief
2. Application for Change of Manager from Bertucci's Restaurant, 14 Elissa Avenue
3. Executive Summary from AMERESCO for the Town of Wayland, February 19, 2015
4. Memorandum of 2/23/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Vote to Increase the FY15 Recreation Revolving Fund Cap to the Maximum Allowed, \$595,862.92
5. Email of 2/20/15 from Fred Knight, Chair, Wastewater Management District Commission, to Nan Balmer, Town Administrator, re: Comments on Wastewater Article for Library
6. Report of the Town Administrator for the Week Ending 2/20/2015





NAN BALMER  
TOWN ADMINISTRATOR  
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# TOWN OF WAYLAND

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## BOARD OF SELECTMEN

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JOSEPH F. NOLAN

**BOARD OF SELECTMEN**  
**Monday, February 23, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CORRESPONDENCE

### Selectmen

1. Letter of 2/18/15 from Gloria and Phillip Villari to Board of Selectmen re: Willful Damages to the Property at the Corner of Route 27 and Winthrop Road by DPW
2. Letter of 2/11/15 from Nan Balmer, Town Administrator, to George Harris and Attorney General, re: Open Meeting Law Complaint filed January 29, 2015

### Conservation Commission

3. Determination of Applicability, 2/17/15, from Brian J. Monahan, Conservation Administrator, re: 17 Hazelbrook Lane

### Zoning Board of Appeals

4. Continued Hearing, February 24, 2015, 281 Concord Road

### Minutes

5. Economic Development Committee, June 12, 2014, July 17, 2014, August 14, 2014, September 23, 2014, October 23, 2014, November 13, 2014, December 11, 2014
6. Finance Committee, February 5, 2015
7. Housing Partnership, November 18, 2014, January 20, 2015
8. Board of Library Trustees, January 21, 2015

RECEIVED

FEB 18 2015

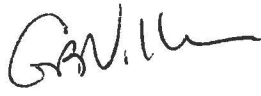
Board of Selectmen  
Town of Wayland

To: Nan Balmer, Town Administrator  
Wayland Board of Selectman  
Steven Kadlick, DPW

From: Gloria & Phillip Villari  
3 Winthrop Road  
508-358-5964  
[gwillari@comcast.net](mailto:gwillari@comcast.net)

Date: February 18, 2015

Re: Willful Damages to the property at the corner of Route 27 and Winthrop Road by DPW



On January 29<sup>th</sup>, 2015, 3 days after our first major snowstorm, I noticed that snow had been piled up high against our fence at the corner of Winthrop Road and Route 27. I was alarmed and sent a message to the DPW Director, Mr. Steven Kadlick and a copy to the town administrator, Nan Balmer. My concern was that one fence panel had bowed under the weight and that the structure had been in that position for over 31 years and that we had never seen it used in this manner, as a snow retaining wall. Mr. Kadlick replied that it appeared that the fence was improperly placed and that he would send a surveyor to determine if the fence was on town owned land. I was also informed that I could file a claim with the town.

The purpose of my original communication was to raise awareness that damage was imminent and to avert further damage. The response appeared punitive and threatening and I did let Mr. Kadlick know I felt that his response was a major disappointment and that I felt bullied.

On February 9, at 7:15 AM, my husband was snow blowing the driveway and I was on our front porch roof. I had a bird's eye view of the street. I noticed 2 DPW vehicles parked at the corner of Winthrop Road and Winthrop Place. The pickup truck was facing the 27 exit of Winthrop Road and the large plow truck must have just driven down Winthrop Road in that direction. They conversed for a moment and then I noticed the large plow truck back out of the entire length of Winthrop Road onto 27 with its plow facing our fence. The woman driving the plow was the same woman who happened to witness me taking the first pictures of the damage that I sent with my first letter. I watched the plow truck drop its plow and repeatedly plow into the corner, pushing snow onto our fence, once, twice and many more times. It felt like I was watching a person being lashed with a whip.

I vowed to ignore this either ignorant or vindictive act, because my last attempt to communicate had clearly made our situation worse. However, I can't ignore it because it is nothing but wrong. Why would you repeat something you know is harming private property? Why is it better for the town to incur expenses for the damages caused rather than figure out a way to do it differently? (Has anyone noticed how there is an empty field across the street and it would be just as easy to put snow there, and it wouldn't be in anyone's field of vision? Why is it our responsibility to come up with another solution?) I don't want to be in a position to file a claim against the town. Shouldn't I expect town officials to want to partner with me to solve a problem? Why do I need a lawyer to get attention? Isn't this an added expense to the town? What is the total cost of improper snow plowing and private property damage to the town?

I had made it clear with my first communications that damage had already been done to one panel. Yesterday, I reluctantly went out to look at the fence and there are now 5 panels that are severely bowed.

This corner had repeatedly been featured in the Wayland Town Crier, once as a full-page picture with the summer flowers in bloom. We didn't work the corner to be a part of Wayland Beautification. We just took pride in our town center. That corner will now be a symbol of complete and utter disrespect for private property by the employees of Wayland. And for this, I will not be proud.

Perhaps we should leave it in disrepair as a reminder that it is better to partner with others than to show your muscle. What would you do?



# 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

February 11, 2015

Mr. George H. Harris  
Attorney At Law  
8 Holiday Road  
Wayland, MA 01778

***RE: Open Meeting Law Complaint Filed January 29, 2015***

Dear Mr. Harris:

On behalf of the Wayland Board of Selectmen, I am writing in response to your Open Meeting Law complaint filed on January 29, 2015. Your complaint states that since September 15, 2014, the Board did not approve minutes in a timely way. You request that: 1) The Board acknowledge that it violated the Open Meeting Law, 2) Within the next 30 days, The Board should review and approve all meeting minutes held from 9/15/14 through 12/8/14 and, 3) The Board shall comply with the Open Meeting Law by timely creation and approval of minutes.

1. The Board acknowledges that minutes of meetings from 9/15/14 through 12/8/14 were not approved within seven weeks under the definition you provided of timely approval as stated as an OML requirement in OML 2013 – 31 from the MA Division of Open Government.
2. On February 3, 2015, the Board approved regular session minutes for 9/15/14, 9/29/14, 10/6/14, 10/20/14, 10/27/14, and 11/3/14. On February 17, 2015, the Board will be presented with minutes for approval for 11/17/14, 11/24/14, 12/1/14, 12/8/14 and 12/15/14. All open session minutes through 12/15/14 will then be up-to-date. Over the next 60 days, the minutes for the 13 Executive Session meetings for the period from 9/15/14 through 12/8/14 will be presented to the Selectmen for approval. Because staff resources are limited while preparing for Town Meeting, we need adequate time to complete these minutes.
3. The Board has directed me to develop and provide the Board with a plan for timely creation and approval of meeting minutes to comply with the Open Meeting Law. This may require personnel and procedural changes in our office.

Please feel free to call me to discuss this matter further.  
Thank you.

Sincerely,

Nan Balmer

Town Administrator

CC: Board of Selectmen

2



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

February 13, 2015

Jonathan Sclarsic  
Assistant Attorney General  
Division of Open Government  
Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston MA 02108

Dear Mr. Sclarsic:

Enclosed is the response of the Town of Wayland to the Open Meeting Law complaint filed with the Wayland Board of Selectmen by George Harris on January 29, 2015.

Sincerely,

MaryAnn DiNapoli  
Executive Assistant

enc: Harris Complaint dated January 29, 2015  
Board of Selectmen Response dated February 11, 2015

cc: Wayland Town Clerk  
George Harris

**GEORGE H. HARRIS**  
ATTORNEY AT LAW  
8 HOLIDAY ROAD  
WAYLAND, MASSACHUSETTS 01778

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Tel & Fax: (508) 358-2379

E-mail: [geoharris2@gmail.com](mailto:geoharris2@gmail.com)

January 29, 2015

By Electronic Mail

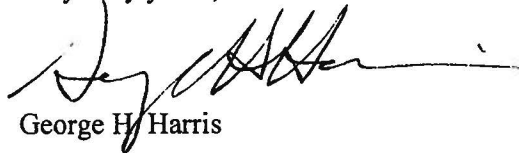
Joseph F. Nolan, Chair  
Wayland Board of Selectmen  
Town Building  
41 Cochituate Road  
Wayland, MA 01778

Dear Chair Nolan:

I am filing herewith an Open Meeting Law complaint pursuant to G. L. c. 30A, § 23(b) and 940 CMR 29.05(3).

Your response to the complaint is required by statute within 14 business days. Thank you.

Very truly yours,



George H. Harris

Enclosure (complaint)

cc: Town Clerk (w/ encl) (by electronic mail)



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: +1 (508) 358-2379 Ext. \_\_\_\_\_

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

### Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Wayland Board of Selectmen

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: Various

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

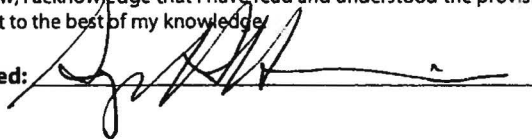
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 01-29-2015  
For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:

## OPEN MEETING LAW COMPLAINT

This is a complaint that the Wayland Board of Selectmen (Board) violated the Open Meeting Law, G. L. c. 30A, §§ 18-25, by failing to approve meeting minutes in a timely manner.

The Board is a five-member elected public body. The chair is Joseph F. Nolan.

The Board has met 14 times since September 15, 2014.<sup>1</sup> Despite the fact that the Board meets almost on a weekly basis, it has approved only the meeting minutes of September 23, 2014 during the past four months. Ordinarily, during meetings, draft minutes are recorded contemporaneously by the executive assistant to the Board using a laptop computer. All of these unapproved minutes presently exist in draft form.

During the 14 times the Board has met since September 15, 2014, it has held 13 executive sessions.<sup>2</sup> It has approved none of those 13 executive session minutes.

Minutes of open sessions must be created and approved in a timely matter. G. L. c. 30A, § 22(c). Although the Open Meeting Law does not define "timely manner," the Division of Open Government recommends that minutes of a meeting be approved at the next meeting, whenever possible. OML 2014-62; OML 2013-98; OML 2013-31; OML 2012-91. In addition, the Division recommends that executive session minutes be approved in a timely manner as well. OML 2014-85; OML 2013-195; OML 2013-180.

In OML 2013-31, the Division found that the Ashfield Board of Selectmen violated the Open Meeting Law by failing to timely approve minutes. At issue were the minutes for the June 13 and 20, 2012 meetings. On July 30, 2012, the Ashfield Board provided draft minutes of its June 13, 2012 meeting, and on August 20, 2012, it provided draft minutes of its June 20, 2012 meeting. The Ashfield Board had thus failed to approve its June 13 meeting minutes within seven weeks and had failed to approve its June 20 meeting minutes within nine weeks. The Ashfield Board generally meets on a weekly basis, like the Wayland Board.

The Wayland Board's failure to timely approve open session minutes is far more serious than is the case of OML 2013-31. The Board has yet to approve the minutes of 10 meetings within seven weeks after each meeting.<sup>3</sup> Indeed, some minutes have not been approved as much as four months later. The Board has also failed to approve the minutes for 11 executive sessions

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<sup>1</sup> These 14 meetings were held on September 15, 23, 29, 2014; October 6, 20, 27, 2014; November 3, 17, 24, 2014; December 1, 8, 15, 2014; and January 5, 12, 2015.

<sup>2</sup> The Board did not hold an executive session at its meeting on December 15, 2014.

<sup>3</sup> These 10 meetings took place during the period from September 15 through December 8, 2014.



seven weeks afterwards. Because the Board meets so regularly, it has had numerous opportunities to approve minutes in a timely manner.

Based on OML 2013-31, I have used the failure to act within seven weeks after a meeting as indicative of lack of timely approval of minutes, where a public body meets nearly weekly. However, seven weeks is not necessarily the ultimate criterion of timeliness. Arguably, to be timely, minutes should be approved in fewer than seven weeks.

In conclusion, the Board has not reviewed and approved multiple sets of open session minutes in a timely manner in violation of the Open Meeting Law. Despite its failures, I believe the Board could not have been unaware of its obligations in this regard.

#### ACTIONS REQUESTED

1. The Board shall acknowledge that it violated the Open Meeting Law as alleged above.
2. Within the next 30 days, the Board shall review and approve all minutes of meetings held from September 15, 2014 through and including December 8, 2014.
3. The Board shall henceforth comply with the Open Meeting Law by timely creating and approving minutes of meetings.



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

February 17, 2015

Anne Gilson  
17 Hazelbrook Lane  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-855] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 17 Hazelbrook Lane, Wayland

Dear Ms. Gilson:

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 home construction project at 17 Hazelbrook Lane in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

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

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

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

RECEIVED

FEB 17 2015

Board of Selectmen  
Town of Wayland

3



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

*Selectmen*

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

**FEBRUARY 17, 2015**

**POSTED**

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

**continued hearing on**

**FEBRUARY 24, 2015**

**at**

**8:30 p.m.**

**for the applicant**

**ROGER WIEGAND & PHYLLIS JEAN MILBURN  
(15-01)**

**281 CONCORD ROAD**

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

**RECEIVED**

**FEB 17 2015**

Board of Selectmen  
Town of Wayland

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## TOWN OF WAYLAND

NAME OF BOARD: **Wayland Economic Development Committee (EDC)**  
PREPARED BY: Rebecca Stanizzi, Chair  
DATE OF MEETING: Thursday June 12, 2014  
TIME OF MEETING: 8:30 a.m.  
PLACE OF MEETING: Wayland Town Building  
SUBJECT: Meeting Minutes

### MINUTES

Meeting called to order @ 8:45 am in Town Building.

Members present: Stanizzi, Milburn, Watkins

Sarkis Sarkisian present for majority of meeting.

Guests: Ted St. John and Nancy Boyle of Wayland Business Association

- 1) Public Comment – collaboration between EDC and WBA was discussed; suggested that WBA have a member on EDC to further collaboration, including publicizing Wayland businesses.
- 2) Approve Meeting Minutes – May 15 approved 3-0 (Watkins motion; Milburn second); May 28 approved 3-0 (Watkins motion; Milburn second).
- 3) Supercommittee representative. It was moved by Mr. Watkins to recommend Ms. Stanizzi as EDC representative to supercommittee. Seconded by Ms. Milburn, approved 3-0.
- 4) BOS meetings. Reviewed that River's Edge has been discussed at BOS meetings in terms of supercommittee, legal counsel, budget for remaining services and Sudbury resolution. All pending. Applications for supercommittee due by end of June.
- 5) EDC Goals for 2014-2015. Draft list reviewed, to be updated and circulated for review next meeting.

The meeting adjourned at 9:47 am.

## TOWN OF WAYLAND

NAME OF BOARD/COMM: **Wayland Economic Development Committee**

Prepared by: Jean Milburn

DATE OF MEETING: Thursday, July 17, 2014

TIME OF MEETING: 8:30 a.m.

PLACE OF MEETING: Wayland Town Building

Meeting was called to order at 8:37 a.m.

Present: Jim Grumbach, Jean Milburn, Becky Stanizzi, San Potter. Guests included: David Larsen of Joint Ventures, Nancy Boyle, Molly Upton, Cherry Karlson

Public Comment: Cherry Karlson talked about the recent Fin Com planning meeting which was attended by approx. 30 persons. Fin Com would like to know EDC's recommendations about a future development mix that might support growth in commercial tax revenue. There will be another such Fin Com meeting on Sept 17.

The minutes of the June 12 meeting were read and approved. Motion to approve by Milburn, second by Grumbach, passed 0-3. Two members of the Wayland Business Association present opened a discussion about the Wayland Business Association and whether or not that body might wish to have a representative seated on EDC. No conclusions were made. The discussion moved to selection of new EDC goals for the next year. Molly Upton asked why Wayland gets so little PR and/or media coverage, and, what might be done to improve the situation.

Becky asked if EDC might wish to work with Gretchen Schuler to develop a plan to keep a financially viable commercial farm at Mainstone. Jean Milburn will contact Gretchen and report back.

Cherry Karlson indicated that there are applicants for the public seats on the River's Edge super-committee and they will be interviewed later this summer.

Becky mentioned that the RFP for legal counsel on the River's Edge project has gone out.

Pat Cantor has issued an opinion to BOS on strategy for negotiations with Sudbury on the Septage facility. BOS will discuss under executive session, and meetings with Sudbury will be initiated.

Mass Works has a state program with a budget of \$50M that will be issuing grants of \$1M to \$2M. We might pursue this funding water/sewer-related items at River's Edge.

The discussion returned to goals. We spoke about selecting specific properties and working with the owners to improve the buildings' appearance. The committee adjourned at 10:30 a.m. Minutes submitted by Jean Milburn.

## Minutes

### Economic Development Committee

Wayland MA

August 14, 2014

Present: Jim Grumbach, Jean Milburn, Becky Stanizzi, Sam Potter

Guests: Cherry Karlson, Nancy Boyle

The meeting was called to order at 8:30 a.m. The Minutes of the July 17 meeting were approved 4-0. It was noted that EDC needs additional members; interested parties are coming forward, next step is to get them to visit an EDC meeting and/or otherwise meet them. Nancy Boyle has submitted a letter of interest.

The next topic was River's Edge and the formation of the REAC. Most members have been identified. We hope that the group will soon convene and receive its charge from BOS. Interested legal firms are required to respond to RFP for legal services by August 31. Discussions about settling legal arrangements related to the septage facility are underway – initial BOS outreach has occurred with Sudbury.

Per the housing seminar that Becky and Sam attended over the summer, Becky noted that the Town is required to do a property appraisal of the River's Edge site per 30B public bidding regulations. This should be completed just before the RFP goes to developers – interestingly, it must be public record, which any bidder will be able to access.

Sam Potter raised concerns about a new inter-agency agreement at the state level which may put pressure on the River's Edge project to raise the number of 3BR units in the project to 10% of the total number of units. (The Patrick administration has been seeking ways to increase the number of family-friendly affordable units in the state.) This matter will be addressed as the project moves forward; goal is to secure a formal exemption letter to recognize that River's Edge is grandfathered. Sam and Becky to pursue with Sarkis.

Discussion turned to possible future projects. Among those of interest is the potential Mainstone conservation restriction on the farm owned by Dev Hamlin – also the potential introduction of a true working farm. EDC to stay informed and to help CPC/BOS if possible.

Sarkis is planning to submit a MassWorks grant application seeking funding for water and waste-water infrastructure for River's Edge, based on the specific direction from state officials that infrastructure requests should be tied to housing to be considered this year. Hopefully data can be available from Tata & Howard review in time; however scope has not been released yet by John Moynihan. Becky to pursue.

The meeting adjourned at 10: 15 a.m. Respectfully submitted, Jean Milburn

MINUTES  
Economic Development Committee  
Town of Wayland, MA  
September 23, 2014

Members present: Jim Grumbach, Sam Potter, Jean Milburn, Becky Stanizzi

Guests: Nancy Boyle, Cherry Karlson

The meeting began at 7:09 p.m.

No public comment.

The group reviewed the minutes of the last meeting. Jean moved to approved. Jim made the second motion. The vote was 3 to 0.

The committee's annual report draft is complete and was reviewed. Jim made a motion to accept the report for distribution. Jean made the second motion. The vote was unanimous.

The chairwoman stated that there appear to be three additional people interested in serving on EDC, Ben Downs, Seth Roman, Nancy Boyle. We hope that they will apply to the BoS soon.

Regarding River's Edge (RE). The RFP for Legal Services needed in the RE project has drawn 9 bidders. The law requires that all bidders be interviewed (all or none). The River's Edge Advisory Committee (REAC) will need to review promptly, or, select a subcommittee to do so. If REAC asked EDC to act as their interview committee would we be willing to do so? Becky moved that EDC volunteer to do the review of legal firms if asked by REAC, as a backstop, just so by the end of the first REAC meeting, either REAC or EDC will be in place to review the legal bids. Jean seconded. 4-0 affirmative.

In the near future, Becky will need to appear before the BoS to report on EDC expenses related to the RE project. EDC did not spend all \$360,000 as allocated by TM, but a routine accounting procedure "swept back" the unused monies out of our account. Those monies will be needed for last tasks including follow-on engineering and legal work, so the matter will be discussed with BoS, and ideally, funds will be reestablished to complete last tasks based on a finalized budget, including legal work.

There was some general discussion of various law firms that might have the appropriate staffing to serve REAC and BoS well. In addition, there was general discussion of MassWorks grants for water infrastructure work. It was noted that there are new volunteers on Con Com who will need to learn about the conservation/environmental concerns related to RE; EDC will be moving ahead to file the ANRAD for the site. The long-awaited Tata & Howard proposals for the ANRAD work and water/wastewater analysis are to be approved by BOS and work should begin shortly thereafter.

Jim Grumbach, who is a lawyer and mediator, questioned whether owners of the Finnerty's property and the surrounding neighbors who object to a CVS being located on that site, might find mediation with an experienced mediator helpful. The disagreements over the fate of that property have gone on for

many months, and the property still sits in disarray; perhaps mediation could bring this matter to a close. It has stirred up much ill-feeling in the neighborhood which cannot have a favorable impact on the health of the local businesses.

Goals for EDC were agreed to be tabled until next meeting, when ideally new EDC members will be in place to round out the discussion.

Jim moved that the meeting be adjourned, Jean seconded the motion. Affirmative vote 4-0. The meeting adjourned at 9:05 p.m.

Respectfully submitted by: Jean Milburn



**Minutes**  
**Economic Development Committee**  
**Town of Wayland**  
**October 23, 2014**

**Present:** Nancy Boyle, Becky Stanizzi, Jean Milburn, Sean Fair, Seth Roman, Cherry Karlson -  
BoS Liaison

The meeting convened at 8:50 a.m. in the Town Planner's Office.

No public comment.

Becky Stanizzi, chairwoman, welcomed the new members of the committee and reminded them to visit the Town Clerk and be sworn in.

Becky described the recent meeting of REAC, the committee that is in charge of the River's Edge project, explaining the charge of that committee to the new members. The RFP for legal services attracted several bidders. Nan Balmer will review the bids and a recommendation will go forward to BoS soon. The new members asked about the history of the former septage treatment plant on the River's Edge site. Other due diligence was described, such as the ANRAD process, need for curb cut approvals. The MassWorks grant program was mentioned as a possible source of grant money for water-related development challenges.

Jean Milburn asked that, at a future meeting, the entire group could receive a "waste-water tutorial" to further understanding of how water and sewage systems affect business development opportunities in Wayland.

Becky distributed copies of the table that we compiled listing various projects that could be undertaken by the EDC this year. The group will discuss this document at the next meeting on Nov 13, at 8:30 a.m.

Becky moved for adjournment. Jean seconded. Vote unanimous.

Meeting adjourned at 10:20 a.m.

Respectfully submitted,

Jean Milburn

## Minutes

November 13, 2014

Economic Development Committee

Town of Wayland, MA

Present: Jean Milburn, Jim Grumbach, Sam Potter, Seth Roman, Sean Fair

The meeting was called to order at 8:44 a.m. in the office of the Town Planner. There was no public comment.

The minutes of the Oct 23 2014 meeting were approved as read. The motion to approve was made by Jim Grumbach. The motion was seconded by Seth. The vote was 4 to 0 in favor of approval.

Jean Milburn gave the group a brief update on the activities of the CoA/CCAC committee. It appears that the committee will recommend that a community center be built at the so-called municipal pad location at Town Center. She anticipates that the additional activity that a community center would bring to the location would have a beneficial effect on the businesses located there. Seth mentioned that the addition of a boathouse nearby would also draw activity to the location.

Jim Grumbach talked about the continuing strife related to the former Finnerty's property. Jim is an experienced mediator and spoke with the representing attorneys on both sides of the issue, hoping to persuade them to locate a mediator and consider mediation as an alternative to prolonged court activity. His comments were received courteously, but it is his impression that the parties are unlikely to opt for mediation in the near future. Clearly, this contentious activities may be having a dampening effect on other potential investors' interest in Wayland, but there seems to be nothing that EDC can do to change the situation.

Jean Milburn asked Sam Potter to provide some background on the current wastewater concerns at the Town Center, as further background for our new members. Sam described the various factors at play and indicated that further resolution cannot occur until the DEP performs the necessary paperwork. Wayland's documentation has been submitted and is waiting in a long queue for attention.

Sean expressed interest in obtaining a list of all businesses in Wayland organized by their industry codes. He feels that getting out and meeting the business owners would be a good step toward understanding their needs. Perhaps we should ask Sarkis to present an overview to the committee since he has regular contact with business owners who are seeking his assistance. Discussion of committee goals is deferred to a future meeting when more members will be present.

The next meeting was set for Thursday Dec 11, 2014, 8:30 a.m. The meeting was adjourned at 10:00 a.m. Respectfully submitted, Jean Milburn

## Minutes

### Economic Development Committee

Wayland MA

December 11, 2014

Present: Nancy Boyle, Sean Fair, Jim Grumbach, Jean Milburn, Sam Potter, Seth Roman, Sarkis Sarkisian, Becky Stanizzi

The meeting was called to order at 8:40 a.m. in the office of the Town Planner. There was no public comment.

The minutes of the November 13, 2014 meeting were approved after Seth commented that Sean, not Seth, expressed interest in obtaining a list of all businesses in Wayland organized by industry codes. The motion to approve as amended was made by Jim Grumbach. The motion was seconded by Jean. Vote was unanimous in favor of approval.

Becky Stanizzi provided an update on River's Edge. The River's Edge group toured Shillman House, Avalon in Natick, and Concord Mews to get a sense of other towns' developments. Becky also noted that legal counsel has been hired. In addition, a site tour has been scheduled for the selectmen, discussions with Sudbury are ramping up, and a draft of the RFP will be available on December 12 for discussion at a meeting scheduled for December 16 or December 17.

Jim Grumbach followed with an update on the Finnerty's property, no forward motion. Jim expressed that the committee is only looking for a solution that enhances the property and avoid the status quo of the property becoming a fire hazard.

Jean Milburn commented that the owner of the proposed hardware store in Wayland Town Center will attend the next EDC meeting. The expected move in date for the hardware store is August 2015.

Sam Potter indicated that the owner of Wayland Town Center has the property up for sale with 2 potential buyers looking at the property.

Jean also provided update on the COA/CCAC committee as it pertains to the municipal pad at Wayland Town Center. The committee is attending the December 15 board of selectmen meeting to provide an update on their findings. There is considerable discussion about using the space as a community center with various parties (COA, WCPA, and Conservation Commission) expressing their respective views of the use of the property. Expansion of the existing space and parking capacity remain outstanding items that need to be discussed and resolved.

Becky asked everyone about goals what we expect to accomplish for 2015. Becky will be working on River's Edge. Sean expressed interest in developing a plan to create a long-term vision for the town. Sarkis indicated that the town has a committee in the works to accomplish something quite

similar. Sam will continue to focus on wastewater. Jim will focus on Finnerty's. Nancy noted that Arts Wayland is working with Wayland Town Center to create a town fair. Seth expressed interest in reconnecting the EDC with the Wayland Business Association and working with Ellen Tohn to add a boathouse to the proposed community center in Wayland Town Center. Sean proposed working with the Boy Scouts to help Wayland become a Tree USA town. Jean remains focused on the development of the community center in Wayland Town Center.

The next meeting was set for Thursday, January 8, 2015, 8:30 a.m. The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Seth A. Roman



# Town of Wayland Massachusetts

## **Finance Committee**

Thomas Abdella  
Nancy Funkhouser (Vice Chair)  
Thomas Greenaway (Chair)  
Carol Martin  
Bill Steinberg  
Dave Watkins  
Gil Wolin

## **Finance Committee Meeting Minutes, February 5, 2015**

Attendance: T. Greenaway (Chair), C. Martin, B. Steinberg, G. Wolin, Dave Watkins, Tom Abdella Nancy Funkhouser, Nan Balmer (partial) and Finance Director Brian Keveny.

### **I. Call to Order**

The meeting was called to order at 7:00 PM in the small conference room upstairs in the Wayland Town building. The meeting was video taped.

### **II. Public Comment**

Ken Isaacson, Lakeshore Drive presented a petition in which 275 petitioners request a level funded school budget to the extent it can maintain services.

### **III. Budget Deliberations:**

We are still being asked to entertain the ConComm's request for another PT employee. The Con Comm will be presenting their case at the Personnel Board hearing on 2/9/15. Members commented on the efficacy and timing of the Personnel Board's process, in that it seems late in the budgeting process to be deliberating about adding positions. Discussion about the school budget process and timing ensued about considering FTE's, students per teacher, peer towns, teachers populations, and actuarial analysis as well as issues around longevity and pay, net savings at retirement for new hires. The Chair mentioned that Brad Crozier has much analysis around many demographics...

**Town Clerk Budget:** Town Clerk COLA increase is budgeted at the same as the union salary increase at roughly 1.5%. Given the backgrounds and experience and training of the employees in that department, the work is greater than before and there may be a need for a longer term conversation around adding more staff.

**Overlay:** There was a question about our expectations for the overlay this year.

**Legal Budget:** There was discussion about lowering our budget for legal expenses given that costs associated with the lawsuit for WW, and firing the previous TA are mostly behind us. After discussion, the Committee agreed to lower the legal budget to \$175,000.

**IT:** Dave reported that the IT department believes it would be prudent to create a master plan and would like to add a \$35K CIP to engage for the production of one. Discussion ensued around the

merits of proceeding with the CIPS as previously presented and the IT plan while simultaneously pursuing completion of a master plan. It was decided to add a master plan CIP alongside approval of the existing CIPs, understanding that timing and completion of the other CIPs would be based on further analysis.

**Recreation Fund:** Brian and Carol briefed us on the Recreation discussion to occur at our next meeting regarding maintaining a 53 E ½ status or changing to an enterprise fund. Additionally, there will be discussion around accounting for salary being charged back to 2011, releasing parks employees to the DPW and adding money to 32B among other items.

**IV. Members Reports:** None

**V. Chair's Update:** None

**VI Adjournment:** At 10:17 pm Bill Steinberg moved to adjourn the meeting and Tom Abdella seconded the motion. The motion was approved unanimously (7-0).

Respectfully submitted,

Nancy Funkhouser

## WAYLAND HOUSING PARTNERSHIP

Minutes – November 18, 2014

Submitted by Rachel G. Bratt

Approved February 17, 2015

Attending: Mary Antes, Chris DiBona, Kathy Boundy, Rachel Bratt, Marty Nichols, Armine Roat, Betty Salzberg, Fred Moser

At 7:50, Rachel called the meeting to order.

Marty moved to accept the minutes of September 30; Mary seconded. Accepted unanimously by all those present who had been at the meeting.

There was a brief discussion on the outcome of the Covered Bridge proposal. Developers withdrew their proposal to locate the affordable units required as part of that development. The two units will be located on-site and will be rentals; ownership will be retained by Mr. Hamlen. Rachel read a letter that she had submitted to the Town Crier in response to a quote in the paper (Nov. 13) indicating that property values would “take a hit” if more affordable housing were to be located in Cochituate. Her letter (published in Nov. 20 Town Crier) is pasted in below:

In the Nov. 13, 2014, Town Crier (“No off-site units” by Susan L. Wagner), one of the Cochituate neighbors is quoted as suggesting that if additional affordable units are located in that part of town, homeowners will suffer by taking a “hit” in terms of decreased property values. I disagree with this view. A number of sophisticated research studies have concluded that if housing is well designed, fits in with the surrounding neighborhood, and managed well, affordable housing does not result in negative impacts on the property values of neighboring single family homes. Although I, along with the Wayland Housing Partnership and Wayland Housing Authority, agreed with the neighbors that it was more appropriate to locate the affordable units on-site, at the Covered Bridge location, rather than off-site, this position was based on the intent and specifications of the Town’s Inclusionary Zoning by-law and on the Planning Board’s own guidelines. Our position was not based on concerns about adverse impacts on property values, since such outcomes have not been documented.

Armine was not at the last Housing Trust committee meeting. Mary Antes, who is also a member, reported that there had been 3 meetings so far. The Trust is now an official entity. She reported that they had met with a member of the Sudbury Housing Trust, which has been in existence for 6 years. They feel that the best strategy is to purchase a single house at a time. They buy relatively inexpensive homes (~\$300K) and do only modest repairs (~\$15K). The trust never takes possession of the home, but it does provide a subsidy of about \$185K/unit. They are hoping to hear from members of other local housing trusts. The Wayland Trust may be able to draft an article in time for Town Meeting in the spring that would involve the transfer of CPA money for affordable housing to the Trust.

Chris reported that the River’s Edge committee had reviewed the 9 proposals for legal representation. Anderson and Krieger has been selected and they will help to develop the RFP that will be used to select the developer. The committee will be going on a field trip to see developments, to get ideas. The hope is that the RFP will be ready by mid-spring and that a developer will be selected by the summer.

No major updates about Habitat. One house should be ready to be “buttoned up” for the winter and the foundation for the second should be laid soon. They seem to be doing a better job of accommodating volunteers.

Rachel was asked to clarify when the 40B permit for the “Kathryn Barton” site expires, since nothing is being done there. She will follow up with Sarki.

Fred gave an update of the Clergy Association’s work with homeless families as part of the Family Promise initiative. Local congregations will be involved in January in hosting homeless families, within their houses of worship, for several weeks.

The next meeting will take place on either January 13 or 20, pending a response from the Planning Board about a joint meeting with the WHA, Town Administrator, Town Planner, and WHA Executive Director.

(The meeting was subsequently set for Jan. 20 at 7:30).

At 9:00 Kathy made a motion to adjourn, seconded by Chris.



**WAYLAND HOUSING PARTNERSHIP**  
**Minutes – January 20, 2015**  
Submitted by Rachel G. Bratt  
Approved February 17, 2015

Joint meeting with other Town boards and committees.

In attendance: Sarkis Sarkisian, Town Planner; Nan Balmer, Town Administrator; Brian Boggia, Executive Director, Wayland Housing Authority; Becky Stanizzi, Economic Development Committee. From the Wayland Planning Board: Kevin Murphy (also representing Housing Trust), Ira Montague, Colleen Sheehan, Daniel C. Hill and Andrew Reck. From the Wayland Housing Authority: Susan Weinstein (also representing Housing Trust, Mary Antes (also representing Housing Partnership and Housing Trust) and Jackie Ducharme (also representing Housing Trust); From the Wayland Housing Partnership: Armine Roat (also representing Housing Trust) Rachel Bratt, Kathy Boundy and Fred Moses. From the Municipal Affordable Housing Trust: Stephen A. Greenbaum and Brian O'Herlihy.

Rachel Bratt called the meeting to order at 8:10

All participants introduced themselves.

The meeting then followed the posted agenda, as follows.

- Accomplishments in producing affordable housing/ongoing challenges; this included a short slide presentation by Brian Boggia of some of the Town's affordable housing
- Role of each of the committees directly involved with housing
- Town's goals for affordable housing
- Monitoring and maintaining affordable units (Brian)
- Policy changes to advance the Town's affordable housing goals
- Next steps & educating the community about affordable housing goals

At the end of the meeting we agreed to create working groups, which would meet a few times over the next few months only, to explore several issues. Would each Board/Committee appoint one person to sit on each of these three Working Groups? The first two groups would start their deliberations as soon as possible; however, the third group will likely not be able to get its work done until Group #1 has produced its findings. In a follow-up memo Rachel asked all committee/board chairs to submit names of possible participants on these working groups by Feb. 27.

- Defining a shared vision and priorities for affordable housing that will help guide decisions (recommendations for future housing initiatives should prioritize the various options, including, but not limited to:
  - preference for rental vs. homeownership;
  - senior vs. family housing;
  - for family housing, optimal number of bedrooms desired;
  - need for additional group homes;
  - need for housing for households with incomes about 80% of area median income;
  - preference for new construction vs. re-use of existing homes for affordable housing).
- Monitoring and preserving existing affordable housing, including but not limited to:
  - identification of major issues involved with monitoring the non-public housing stock;

- going forward, how to assure that monitoring agents will be locally-based;
- identify affordable units where residents are currently over-income and
- better understand implications and options;
- assess future capital needs of public housing stock and develop plan for funding)
- Assessing whether there is a need for new zoning or overlay districts, as outlined in Master Plan, and defining which of the options presented in the Master Plan, or other alternatives, are the most desirable. This should include, but not be limited to:
  - Assessing whether there is a need for new zoning or overlay districts, as outlined in Master Plan and defining which of the options presented in the Master Plan, or other alternatives, are the most desirable.
  - The above should include recommendations about: mixed use zoning for 1-2-3-4 family conservation cluster developments; Planned Development Districts; senior and family Housing Overlay Districts; permit housing on the upper floors of buildings in the Business A/B Districts; and accessory dwelling units in single family neighborhoods.

After all 3 groups have completed their work, Rachel proposed in a subsequent memo that the joint boards/committees meet again as a large group, before June 2015, if possible, to review the output of these three working groups.

Some of the issues discussed at the meeting include:

#### **GOALS, PRODUCTION, and PRIORITIES**

- 1) The Town has made important strides in meeting housing needs, particularly since it lacks a Town-wide sewer system.
- 2) If we are able to make significant progress toward meeting the statewide 10% affordable housing goal (.50 % of the number of year-round units, or 25 units), we will be exempt from 40B developments that the Town feels are not in our best interest.
- 3) Is the Town interested in producing units targeted at households at 100 -120% of area median income, even though they would not count toward the 10% goal?
- 4) Should we be focusing future production on rental vs. homeownership?
- 5) Should a key strategy be to purchase lower cost homes for re-sale as affordable homeownership units? In recent years there have been 49 homes sold under \$300K. This, however, also creates fewer opportunities for lower end market-rate homebuyers.
- 6) In doing new production projects, such as River's Edge, we should partner with some of the professional, well-seasoned nonprofit groups in the area that are familiar with the Low Income Housing Tax Credit program (LIHTC).
- 7) The new Housing Trust Fund will have flexibility. Funds will come from the Town Center developer (\$537,000), CPA funds, and private donations. In the future, the Trust Fund will be the main driver of affordable housing. Housing proposals will not be going to the CPA.
- 8) What would each of us recommend if we had \$500K to spend on housing?
- 9) A newly formed Land and Building Capital Planning Committee will be assessing some large-scale concerns and housing issues are likely to arise (e.g., if Town Building were to be relocated, the existing structure could be used for housing).
- 10) We need a diverse "tool box" for meeting the Town's housing needs.

### **MARKETING, PRESERVATION and MONITORING OF AFFORDABLE UNITS**

- 1) There are ongoing problems with the affordable homeownership units in Town, in terms of marketing new and re-sale units to eligible households, and monitoring compliance with deed restrictions. Other towns are facing the same challenges due to the small window available for ownership per the regulations. It is unclear what may happen to homeownership units currently counted toward the 10% goal that have been re-sold to households whose incomes are above 80% AMI. It has been a challenge at times to find buyers who both qualify under the income guidelines and who are still able to get a mortgage.
- 2) Owners of affordable units are not supposed to rent their homes (let alone to market-rate tenants) and they should not be taking out second mortgages or refinancing based on market value.
- 3) There are questions about whether some of the out-of-town monitoring agents are really suitable for this task. WHA agreed that rental management is not a significant burden, but for-sale units are.
- 4) The Housing Authority is trying to raise the funds for a Fire Suppression System. While the federal government has been good about providing funds for repairs for the public housing units in Town, this system goes beyond federal standards. However, the Town would like to install, to better safeguard residents. The cost would be about \$1 million.

### **PLANNING BOARD, RULES and POSSIBLE ZONING CHANGES**

- 5) The Planning Board would like help in clarify their Rules and Regulations regarding comprehensive permits, particularly as they relate to the "exceptional circumstances" for an exemption from the on-site requirement? When would off-site housing be a desirable option?
- 6) What level of financial compensation would be a good deal for the Town, in allowing off-site units? Perhaps in the range of \$400-500K?
- 7) The Town has no zoning for multifamily housing or duplexes, yet the Master Plan called to look at this. These types of units are therefore not buildable "by right." Under current zoning, to achieve higher density and to build multifamily housing, the Town has to create conservation clusters or overlay districts. Should more such districts be created? Where?
- 8) We need to make sure that the Housing Partnership and Housing Authority are brought into discussions early in the process of Planning Board reviews of housing proposals requiring special permits or requests to build inclusionary units off-site. For projects that continue over several years, with plan changes along the way, the Planning Board should suggest that additional meeting between the developer and the Housing Partnership take place to provide updates and solicit feedback.

### **EDUCATION & OUTREACH**

- 9) It is important that we educate the Board of Selectmen about all the housing issues.
- 10) We should open the discussion to the broader community, but probably not until we have some clearer guidelines and working documents.

Rachel moved to end the meeting at 9:50; seconded by Chris.

# Housing—Wayland, MA (slightly revised, 1/23/15)

January 20, 2015

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**GOAL:** Discuss housing needs and goals; key boards' responsibilities; and plan future agenda.

<b>1) Introductions</b>	<b>8:00 - 8:10</b>
<b>2) Accomplishments in producing affordable housing/ongoing challenges</b>	<b>8:10 – 8:30</b>
<b>3) Role of each of the committees directly involved with housing</b>	<b>8:30 – 8:50</b>
<b>4) Town's goals for affordable housing</b>	<b>8:50 - 9:10</b>
<b>5) Monitoring and maintaining affordable units (Brian)</b>	<b>9:10 – 9:30</b>
<b>6) Policy changes to advance the Town's affordable housing goals</b>	<b>9:30 - 9:45</b>
<b>7) Next steps &amp; educating the community about affordable housing goals</b>	<b>9:45 –10:00</b>

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## **Invited Participants** (\*attended meeting)

### **Town employees**

- \*Sarkis Sarkisian, Town Planner
- \*Nan Balmer, Town Administrator
- \*Brian Boggia, Executive Director, Wayland Housing Authority

### **Wayland Planning Board**

- \*Kevin Murphy                      \*Ira Montague
- Kent Greenawalt                  \*Colleen Sheehan, Chair
- \*Daniel C. Hill
- \*Andrew Reck, Vice Chair

### **Wayland Housing Authority**

- Kevin Goodwin, Chair              \*Susan Weinstein, Vice Chair
- Russell Ashton                    \*Mary Antes
- \*Jackie Ducharme

### **Municipal Affordable Housing Trust Board**

- \*Jackie Ducharme, Clerk
- \*Stephen A. Greenbaum, Vice Chair
- \*Brian O'Herlihy, Treasurer
- \*Kevin Murphy                    \*Armine Roat
- \*Susan Weinstein                \*Mary M. Antes, Chair

### **Wayland Housing Partnership**

- \*Armine Roat                      Martin S. Nichols
- \*Kathleen Boundy                \*Rachel G. Bratt, Chair
- \*Mary M. Antes                  \*Christine DiBona
- \*Fred Moser                        Patricia Mottla Harlan
- Betty Salzberg

- \*Becky Stanizzi, Economic Development Committee

**Background Information for January 20, 2015 Wayland, MA Meeting on Housing**  
**Compiled by Rachel G. Bratt, Chair, Wayland Housing Partnership**  
 (with input and assistance from: Mary Antes, Brian Boggia, Sarkis Sarkissian, Gretchen Schuler, Colleen Sheehan, Susan Weinstein)

**Accomplishments and Challenges**

**Accomplishments:**

- **Affordable housing production**
  - 200 units of affordable housing have been produced;
  - this is 4% toward state-mandated 10% goal; [however, most of these units (111) are in two development (Bent Park and Cochituate Village) that were built in 1974 and 1983, respectively;
  - A major achievement for the town was the development of 16 units at former Nike site, including 11 affordable and 5 affordable to moderate-income households;
  - the Town’s first group home for intellectually disabled residents was developed with 5 units –all these units count toward the 10% goal;
  - Construction underway for Habitat for Humanity project; 4 affordable homeownership units under construction
- **Passage of Inclusionary Zoning by-law**
  - Inclusionary zoning by-law, adopted May 3, 2005; for every 6 units built in a single development, an additional 1 must be set aside as affordable. There is currently 1 unit in Wayland (Sage Hill) built as a result of the Inclusionary Zoning statute, with at least 3 additional units anticipated (1 at Michael Road and 2 at Covered Bridge).
- **Passage of Community Preservation Act**
  - The Community Preservation Act (CPA) is a tool to help communities preserve open space, historic sites, create affordable housing and recreational facilities. Wayland voted to adopt the CPA tax in 2002.<sup>1</sup> State matching funds have also been provided; amounts have varied each year. At least 10% of each year’s tax and matching funds must help produce or maintain housing affordable to low and moderate income households. About \$1.5 million was allocated to various tasks related to the Nike site development. An additional \$250,000 has been appropriated for other housing-related projects.
  - Of the total CPA funds expended or earmarked (\$5, 998,930), housing has received a total of \$1,751,108 or 29% of this amount, as follows:

Open space and recreation	= \$3,118,911	52%
Historic preservation	= \$1,068,911	18%
Housing	= \$1,751,108	29%
Admin. (appraisals, etc.)	= \$ 60,000	1%
<b>TOTAL</b>	<b>= \$5,998,930</b>	<b>100%</b>

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<sup>1</sup> The CPA surcharge is added to each Real Estate Tax bill. The tax is calculated as follows:

- Reduce the assessed value by \$100,000
- Multiply the reduced value by the current tax rate
- Multiply the recalculated tax by 1.5%

- The CPA has raised a total of \$12,800,721 (with 59% coming from the Town and the remainder in state matching funds— 35%; and interest—6%)
  - \$6,801,791 (53%) of the total amount of CPA funds that have been collected are not yet allocated/expended.
- **Passage of Municipal Affordable Housing Trust Fund article, 2014**
    - The details of how the Trust will operate are being developed. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing. Initial funds are being donated by the developer of Wayland Center, as part of their regulatory agreement.
- **Pre-production projects**
    - Approval of River’s Edge development, 2014. Although the final plan has not been completed, it is possible that this will add up to 190 affordable units to our inventory.
    - Kathryn Barton site had been approved for 52 affordable rental units, but with new ownership of the parcel, it is not clear whether or how much of this will get built.
- **Advocacy efforts for affordable housing**
    - The WHA and WHP were united in their support for the adoption of the Municipal Affordable Housing Trust, in articulating their support for housing on the town-owned parcel at Dudley Pond, and in advocating for the housing at the Covered Bridge development to be located on-site.
- **Membership in HOME Consortium**
    - Wayland is a new member of the West Metro HOME Consortium, having joined in July 2011. Consortium participation allows Wayland to receive an annual allocation of federal HOME Investment Partnership Program funds that can be used for a wide range of affordable housing activities.
    - Since 1992, the Consortium, through Newton as the lead member, has received and distributed over \$27 million in HOME funds to its members. The Consortium has provided grants and loans of HOME funds to for-and non-profit developers and directly to low-income households to create over 550 units of affordable housing. The developers have used these HOME funds to leverage over \$12.5 million in other funds to produce this housing.  
[http://www.newtonma.gov/gov/planning/hcd/westmetro\\_home\\_consortium .asp](http://www.newtonma.gov/gov/planning/hcd/westmetro_home_consortium .asp)
    - Wayland is slated to receive its first payment of \$8,000 this year.
    - As recipients of HOME funds, the Town understands that it is obligated to affirmatively further fair housing, which entails: 1) having a current Analysis of Impediments to Fair Housing Choice; 2) taking appropriate actions to overcome the effects of any impediments identified through the analysis; and 3) maintaining records reflecting the analysis and actions taken to improve fair housing choice in the community.

## **Challenges:**

**Wayland's Affordable Housing Inventory: Wayland is not in compliance with the state-mandated 10% affordable housing goal. Most other neighboring towns have better records.**

- Lincoln and Lexington exceed 10%; Westwood is very close;
- Until the Town achieves the 10% goal, it is vulnerable to development plans that may not be viewed as being in the Town's best interests;
- So-called "friendly 40B" projects, through the state's Local Initiatives Program, allow the Town to work out a plan for a 40B project that is viewed as desirable.

(See Appendix I for tables on Wayland's affordable housing production.)

**Housing Production Report, August 2010 (excerpts from Executive Summary); Summary of Housing Objectives and Development Challenges** "Despite significant progress, it will be a great challenge for Wayland to create enough affordable housing to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of current constraints to new development that include certain zoning regulations, natural resources that limit development (wetlands, floodplains, sensitive habitats and ecosystems, etc.), limited availability of open space and publicly-owned property, and infrastructure limitations such as the lack of Town sewer service."

The Town has no zoning for multifamily housing or duplexes. These types of units are therefore not buildable "by right." Under current zoning, to achieve higher density and to build multifamily housing, either the Chapter 40B comprehensive permit process must be used or the Town has to create conservation clusters or overlay districts.

How to maintain all of the existing affordable units, particularly homeownership units, is another challenge (see section on Monitoring and Maintaining Affordable Units).

### **Lack of consensus on affordable housing preferences:**

- Need for rental vs. homeownership?
- Preference for 1, 2, or 3BR units?
- Preference for volume of units vs. number of bedrooms vs. rental vs. ADA compliant?
- Preference for housing in town centers vs. diversification of locations?
- For inclusionary units:
  - how much money would be needed to make off-site housing a desirable option?
  - clarification of what constitutes "exceptional circumstances" for allowing off-site housing in lieu of on-site housing in compliance with Inclusionary Bylaw.
  - Preference for building on-site vs. building Trust Fund?
- Assess whether the Planning Board's Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) needs to be clarified.
- Promote affordable housing for households with incomes 100-120% of Area Median Income?

## **Role of Each of the Committees Directly Involved with Housing**

**Wayland Housing Authority:** The WHA is an elected body comprised of five commissioners, four are elected and one is appointed by the Governor. Its authority comes from the U. S. Housing Act of 1937, and state enabling statutes. Since its incorporation in 1970, the WHA has provided, maintained, administered, and advocated for housing for low- and moderate-income people in Wayland. The WHA, as a public authority constituted under Massachusetts General Laws Chapter 121B, administers several housing programs for the Town, including: Bent Park Elderly And Disabled Housing; Cochituate Village Apartments Elderly And Disabled Housing; Family Scattered Site Public Housing, 25 units; and Section 8 Voucher Rental Assistance Programs, a federal program that pays rent to private landlords for qualified low-income tenant (officially the Housing Choice Voucher Program). Section 8 units do not count in the state's Subsidized Housing Inventory, since these are not deed-restricted units. None of the WHA's units are under state subsidy programs; they fall under federal jurisdiction.

**Wayland Housing Partnership:** The Wayland Housing Partnership was created by the Board of Selectmen to study the need for affordable housing and to recommend procedures for the implementation of Wayland Affordable Housing policy. The partnership acts as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in allowed density or other variances in return for said provision of affordable housing. In this context, the partnership serves as a preliminary negotiating agency. The partnership may also initiate action intended to create affordable residential, consistent with Town policy.

The WHP works with the community to lead and support efforts to meet the affordable housing needs of the Town of Wayland. Specifically, the Housing Partnership works with the town to develop affordable housing action plans based on housing needs studies; establish criteria to evaluate affordable housing proposals; make recommendations on the pros and cons of affordable housing proposals; identify local, state and federal housing resources to further development; locate available land suitable for development; review land use regulations and zoning bylaws; work with developers of affordable housing; increase public awareness through forums and other events.

**Wayland Municipal Affordable Housing Trust Fund Board:** The Trust Fund was created by the Town in 2014. Its purpose is to provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low and moderate income households. The Trust is governed by a Board consisting of seven trustees appointed by the Board of Selectmen. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing.

**Wayland Planning Board:** The Planning Board is the permitting body for housing (and other) development. It provides approvals for subdivisions and plans that conform to zoning. It works to protect, and where possible, enhance our natural resources and preserve the quality of life for the citizens of Wayland. The state directs planning boards to develop master plans that, among a variety of components, should include a housing element, which "identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens."



- In recent discussions regarding Covered Bridge offsite affordable housing, the Planning Board's Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) proved not to provide the clarity necessary for an effective decision making process.
- Considerations proposed in the Master Plan Housing section:
  - Mixed use zoning for 1-2-3-4 family conservation cluster developments
  - Planned Development Districts
  - Senior and Family Housing Overlay Districts
  - Permit housing on the upper floors of buildings in the Business A / B Districts.
  - Accessory Dwelling Units in single family neighborhoods

**Zoning Board of Appeals:** The ZBA gives permits for a substitution, or an extension or alteration to, an existing building, whether conforming or non-conforming. It also considers and grants special permits, including comprehensive permits under Chapter 40B.

**Community Preservation Committee:** Administers the Town's funds raised through the Community Preservation Act. At least 10 percent of each year's funds must be used for "community housing" – housing affordable to low and moderate income households.

## **Town Affordable Housing Goals and Needs**

In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town. One element of that goal was the preparation of a housing plan based on the housing component of the Master Plan. On January 4, 2005 the Town completed its first Comprehensive Housing Plan for submittal to the state Department of Housing and Community Development (DHCD) and subsequently received approval. It also submitted the Plan to the U.S. Department of Housing and Urban Development (HUD) in order for the Town of Wayland to become eligible to participate in the WestMetro HOME Consortium (see above). The Wayland Comprehensive Housing Plan was also designed to establish a framework for implementing the Town's Master Plan and reasserts Wayland's commitment to encouraging diversity among its residents in terms of age, education, employment, and racial, ethnic, and economic backgrounds. The Town's Housing Production Plan was completed in 2010 and submitted to the DHCD; this plan is currently being revised and will be submitted to the state in 2015.

The Town of Wayland, through various official documents, including the Master Plan Advisory Committee Report and the Housing Production Report, has repeatedly stated that a key goal is to provide a diverse array of housing opportunities.

Many family members of current Town residents and Town employees cannot afford market-priced homes in Wayland. Some existing residents are struggling to maintain their homes and may be in need of more affordable options.

There are particularly serious problems facing residents with disabilities and households wanting to rent, rather than buy, particularly at affordable costs. Senior housing needs represent a growing concern. According to Brian Boggia: "Rental remains the most equitable way to effectively provide and preserve affordable housing. Unlike homeowners, renters are required to certify their income and eligibility on an annual basis. Affordable two and three-bedroom rentals remain the greatest need in Wayland."

(For more information, see Appendix II)

Despite the apparent needs, there have been some difficulties finding suitable buyers and tenants for affordable units that have been available. After two years of marketing, one homeownership condominium unit remains unsold at Post Road Village. Also, concerning the slow pace of rentals in the Town Center development, the location (above stores) and the fact that they were just 1-BR might have dampened the demand for these units.

Probably the key constraint is related to the narrow band of income eligibility required by federal guidelines. Further inquiries on this issue would be important. Brian Boggia has offered this summation of the problem:

As in all Chapter 40B communities across the state, affordable units are increasingly difficult to rent and sell. The state has been losing affordable units from its inventory. There are many factors that contribute to this. Renters and buyers need sufficient income such that no more than 40% of income goes toward housing, yet income can't be higher than 80% AMI. This leads to a narrow income window of opportunity that makes qualification difficult. Another contributing factor is that banks and mortgage lenders have tightened credit making it more difficult to obtain a mortgage. DHCD needs to reassess its affordable housing program guidelines to meet actual housing need and to keep-up with changes in affordable and market trends.

## **Monitoring and Maintaining Affordable Units**

Affordable housing units that are built and managed through the Wayland Housing Authority automatically maintain their affordability in perpetuity. However, for units built by private developers, continuing affordability must be monitored by a third party. Due to various constraints in the programs described below, in a few cases "affordable homeownership units" have not been able to be re-sold to income-eligible households (those earning 80% or less of area median income (AMI)).

The following is a list of various problems related to the monitoring of affordable units; compiled by Brian Boggia:

- Three affordable units were recently resold at Trout Brook (Nike). Two units were sold to ineligible homebuyers at 120% of the area median income (AMI). One 100% AMI unit was sold to an eligible buyer.
- Two affordable units at Willowbrook continue to be rented at the market price. Even so, the units remain in the Town's affordable housing inventory. These units are now assessed at the market value rather than the deed restricted value. Wayland Town Counsel has initiated actions to further correct this.
- The older deed restrictions at Willowbrook and Green Way are based on a discounted percentage of the appraised market value at resale. Units based on this formula are at risk of coming out of the affordable housing inventory at future re-sales. Future resale prices will place these units above affordable levels making it almost impossible for 80% AMI applicants to purchase.
- Despite annual reminders and certifications some homeowners have refinanced their mortgages without DHCD and Town permission. Some have refinanced above the appraisal price.

- Wayland Commons and Post Road Village have named entities from the South Shore and Cape Cod to serve as Monitoring Agents. This arrangement is not providing adequate compliance monitoring. We also wonder whether their efforts in marketing Post Road Village have been sufficiently vigorous, given the distant geographic location. Future comprehensive permits should name the Town of Wayland or its designee to serve as the Monitoring Agent.

Another problem related to the existing stock of affordable homeownership units relates to condominium fees. Although affordable homeowners pay lower condominium fees (based on their percentage beneficial interest), they are having trouble keeping up with payments. Several affordable homeowners are in arrears. In addition, market owners are complaining about having to pay higher condominium fees to what appears to them as effectively subsidizing the affordable homeowners.

## **Policy Changes and Options to Advance the Town's Affordable Housing Goals**

**The following are some strategies that should be discussed and prioritized:**

- Locate and develop vacant land.** If not owned by the Town, the land could be purchased. If land is owned by the Town, permission could be granted to transfer or sell to private developer, either for-profit or nonprofit (e.g., Habitat for Humanity). Development could then proceed, likely using 40B process.
- Purchase existing low cost homes and sell to low-income households.** There are very few houses for sale under \$300K; many homes in lower price ranges need significant repairs, thereby boosting total cost considerably. Town would have to provide at least \$100K, from CPA funds/home to make the units affordable to household earning < 80% AMI.
- Purchase existing low cost homes, with management by the Town of Wayland or a nonprofit organization; rent to very low-income households.** However, under such an arrangement the rental units would need to be self-supporting, since no state or federal subsidies to cover operating expenses would be available.

## Appendix I: Statewide Housing Goal

Chapter 40B, Section 20, of the General Laws of Massachusetts was enacted in 1969 as a mechanism to address zoning barriers that made it difficult or impossible to build subsidized housing in many communities. At the time of its enactment, much of the subsidized housing in Massachusetts was concentrated in 15 older, poorer cities. In an effort to counter exclusionary zoning practices in cities and towns, Chapter 40B mandates a simple formula: each municipality is directed to have 10% of its year-round housing stock earmarked as affordable housing.

### Chapter 40B

Under Chapter 40B, a developer can propose a development that may not conform to existing zoning, as long as a certain number of units are set aside as affordable and subsidized through one of several local, state, or federal programs or initiatives. If a local zoning board of appeals denies a builder a comprehensive permit, the state-created Housing Appeals Committee may override the local zoning and permit the development at higher densities, or in other ways that do not conform to the local zoning act. The statute has been credited with stimulating the production of over 58,000 units of housing.

The extent to which municipalities are attaining the 10% goal is noted in the state's Subsidized Housing Inventory (SHI), which is maintained by the Massachusetts Department of Housing and Community Development. The affordable units in each city and town are self-reported, with DHCD monitoring compliance. The SHI also lists the total number of year-round housing units as of the most recent census for which data was available; these numbers are then used as the basis for determining the extent to which the 10% goal is being achieved. All rental units built through the Chapter 40B process, whether they are actually affordable or market-rate, are included in the SHI. In homeownership developments, only those units that are actually affordable are so counted.

All developments built through the 40B process must be in compliance with environmental, health, and safety regulations and requirements.

***Wayland is not in compliance with 10% goal. Except for Weston, all other neighboring towns have better records.***

**Table 1: Wayland's Affordable Housing Inventory Compared with Neighboring Towns**

	2100 Census Year Round Housing Units	Subsidized units	%
<b>Wayland</b>	<b>4,957</b>	<b>200</b>	<b>4.0%</b>
Concord	6,852	710	10.4%
Lexington	11,946	1,329	11.1%
Lincoln	2,153	238	11.2%
Sudbury	5,921	354	6.0%
Wellesley	9,090	561	6.2%
Weston	3,952	142	3.6%
Westwood	5,389	493	9.1%

Source: Department of Housing and Community Development: December 5, 2014  
Chapter 40B Subsidized Housing Inventory (SHI)  
<http://www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf>

**Table 2: Existing Units Counted Toward 10% Goal**

	<b>Public Housing</b>	<b>Units</b>	<b>Year</b>	<b>Program</b>
Bent Park Bent Ave.	Elderly/disabled rental	56	1974	Public housing (elderly/disabled)
Cochituate Village/Schoolyard 105 Main Street	Elderly/disabled rental	55	1983	Public housing (elderly/disabled)
Scattered site 36 Mitchell and other sites	Family rental	25	1980-81	HUD grant
	<b>Private developments/ publicly subsidized</b>			
Millbrook	Homeownership	2	1995	40B
Willow Brook	Homeownership	6	1997	Overlay zoning district
Paine Estate/Greenways	Homeownership	4	2000	Overlay zoning district
Plain Road	Homeownership	1	2002	40B
89 Oxbow/Nike*	Homeownership	11	2009	40B
Wayland Gardens	Homeownership	3	2009	40B
Wayland Commons	Homeownership	11	2011	40B
Sage Hill	Homeownership	1	2012	Inclusionary zoning
Group Home (for Retarded Citizens)	Rental	5	2012	Zoning as of right
Post Road Village 137 Boston Post Road	Rental	4	2013	40B
Town Center	Rental	12	2013	Overlay zoning district
Stonebridge Road (Habitat)	Homeownership	4	2015 (not yet completed)	40B
<b>TOTAL</b>		<b>200</b>		

\*There were a total of 16 units, but 5 were not affordable to households below the 80% of AMI threshold. Unlike the other non-affordable units produced through various programs, these were affordable to households at somewhat higher (moderate) income limits, not market-rate.

**200/4,957 (no. year-round housing units in Wayland as of 2010 census) = 4.03%**

**10% of 4,957= 496 units. To attain the 10% goal, we need an additional 296 units; there are only 5 certain additional units in the production pipeline.**

**Table 3: Wayland Units Not Counted in the Subsidized Housing Inventory (all private)  
(being developed/planned/possibilities but not guaranteed)**

		No. possible units	No. definite units
Michael Road	Homeownership	1	1
Craftsman Village (formerly called Tripolis)	Homeownership	2	2
Commonwealth Residences (Kathryn Barton site)	Rental	A comprehensive permit for 52 rental units was issued under Chapter 40B. At least 25% of the units would have to be affordable. As rental units, however, all would could toward the 10% goal. The original owner did not proceed with this plan. Property recently sold to new owner; not clear whether any or how many units will be built.	??
Hamlen/Covered Bridge	Homeownership or rental??	2 on-site	2
River's Edge	Rental	Up to 190 units have been approved by Town Meeting; 25% of the units would be affordable. However, since this is a rental development all units would count toward the 10% goal.	??
TOTAL			5 + Commonwealth Residences (?) and River's Edge (?)

## APPENDIX II: Housing Needs

### Master Plan Advisory Committee, August 2010

“The most pressing task is to address the housing needs of its seniors and low and moderate-income households.”

### Housing Production Report, August 2010

p.1 (of full report): “In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town.

### Housing Production Report, August 2010 (excerpts from Executive Summary)

#### Summary of Housing Objectives and Development Challenges (emphasis in original)

p. 1: “Housing choice”... means variety in housing types, a range of prices and access to ownership and rental opportunities, including special needs housing, so that people have meaningful choices about where they will live and will not be spending too much to do so. Wayland embraced the central principles of housing choice when the Town adopted its Master Plan in 2001, followed by the Comprehensive Housing Plan in 2005 that articulated the following major housing objectives:

- Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families.
- Leverage public and private resources to the greatest extent possible.
- Ensure the creation of new housing that is compatible with the existing community and helps promote open space.
- Make steady progress toward the state standard for affordable housing of 10%.
- Produce affordable housing that equals ½ of 1% of the town’s housing stock in order to be housing certified under MGL Chapter 40B 760 CMR 56.00, which is 24 units per year based on the 2000 US Census for year-round housing units in the Town of Wayland.”<sup>2</sup>

### Housing Production Report, August 2010 (excerpts from Executive Summary)

#### Summary of Housing Objectives and Development Challenges

p. 3: “The 2000 census indicates that there were 1,289 individuals living in Wayland who claimed a disability suggesting that some accommodation for individuals with special needs should be integrated into the housing stock through handicapped accessibility and/or supportive services.

- Despite considerable wealth, there remains a highly vulnerable part of the community with limited financial means. For example, 383 or 8.3% of all households had incomes of less than \$25,000 in 2000.
- In 2000, there were 77 families and 322 individuals who were living below the poverty level, which was \$10,850 for an individual and \$18,310 for a three-person household, as of 2009. While there are no updated figures available, given economic circumstances since 2000, it is likely that the financial situations of these residents may not have improved substantially and some may have been forced to relocate.”

...

p. 3: “There is a severe shortage of rental housing in Wayland and neighboring communities, and very few housing units that are accessible to persons with disabilities....

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<sup>2</sup> Based on the 2010 Census, there are 4,957 year-round housing units in Wayland.

[Note: The annual statewide production goal is 0.50% of its year-round units; translating into 25 affordable units per year]

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

...

p. 3: “...affordable family housing, housing for senior citizens and ‘empty nesters,’ and small housing units suitable for smaller households, including special needs housing, are the greatest housing needs in Wayland. Such housing must include rental housing targeted to the most financially vulnerable residents in the community.”

...

#### **Additional details from Section 6: Summary of Housing Needs**

p. 34: “[There will be a] much greater demand for senior housing, including independent living, assisted living, and nursing homes...the demand for large single-family homes will decrease while the need for smaller starter homes and apartments will grow.”

#### **p. 35: Affordable and Subsidized Housing**

“The Town needs to provide additional affordable housing so that it can meet the housing needs of young families, including those who grew up in the area or who have a Wayland connection, those who work in Wayland or the MetroWest area, in addition to making progress toward meeting its 10% affordable housing requirement...”

#### **Senior Housing and Special Needs Housing**

“To address the needs of [elderly residents], the Town should allow the development of a variety of senior housing opportunities, including more affordable independent and assisted living. In addition, the Town should explore housing in all price ranges for people of all ages with physical and mental disabilities and for persons with debilitating illnesses.”

#### **Town Employee Housing Needs**

“The place of residence of all Town employees, including the schools, was also compiled and 75.4% of all Town employees (513 out of 680) reside outside of the Town of Wayland...there is a need for employee housing within the Town and steps should be taken to construct a broad range of housing so that employees such as teachers and policemen can reside in the Town in which they work.”



**Wayland Free Public Library  
Board of Library Trustees  
Minutes of Meeting January 21, 2015  
Raytheon Room, Wayland Free Public Library**

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

**Call to Order:** 8:13 a.m.

**Visitors and Public Comment**

Ben Keefe, the Town's Public Buildings Director, joined the Trustees for a portion of the meeting, as did Library consultant Thomas Jewell. There were no other visitors and no public comment.

**Minutes of Previous Meeting(s)**

The minutes for the meeting of December 17, 2014 were approved unanimously.

**Financial and Statistical Reports**

Circulation was up again in December compared to the last two years, and electronic circulation in the OverDrive collection again posted an all-time high, but year-to-date circulation trails last year's totals by a little. Trustees asked that the Circulation Report be reformatted to better show monthly and year-to-date comparisons and to highlight any trends.

Library visits recorded by the Library's "people counter" declined slightly (about 1%) in 2014 compared to the year before, but still averaged 2,119 visits per week. Monthly attendance at events in the Raytheon Room climbed steadily throughout the fall, peaking at 672 attendees in December.

Halfway through the fiscal year, expenditures are on track with budgeted amounts.

**Retirement of Pam Sway**

Mrs. Knight announced that Pam Sway, our Assistant Youth Services Librarian, will retire on March 20, 2015 after many years of service. Trustees agreed on a retirement gift, to be paid from Trustees' personal funds.

**Library Planning Committee**

On a motion by Mrs. Lipcon, seconded by Mrs. Cartwright, Trustees approved a list of 17 prospective members for the Library Planning Committee. Mrs. Gennis will send out letters of appointment the week of January 26. In the meantime, Mrs. Jahnke and Mr. Thompson will seek 2-3 additional members to represent young families in the community, working from recommendations from the Children's Librarian and through lists provided by the Wayland Children and Parents Association. The committee is scheduled to have its first meeting on January 29.

**Library Building and Grounds**

Trustees reviewed two lighting fixtures for the Library's Main Level proposed by Mr. Keefe as alternatives to fixtures originally suggested by Ameresco, the energy consulting firm that is implementing a

town-wide energy efficiency upgrade. The Trustees had asked to see alternative designs that might be more consistent with the architectural style of our historical building.

Trustees preferred the bowl-shaped design to the chandelier design offered, and specified the bronze-like paint finish. Mr. Keefe will determine any cost differential or changes to the original work schedule, but he expects the new fixtures to come in near budget and in reasonable time. Mrs. Gennis asked that Mr. Keefe confirm that the chosen fixtures will deliver the same light levels specified by the Library's earlier lighting consultant, who worked with the Trustee's volunteer designer, Elizabeth von Goeler, in 2012, and he said he would look into it.

Mr. Keefe reported that the new gas-fired boiler will be installed after the heating season. In answer to a question from Mrs. Knight, Mr. Keefe reported that he is now seeking certification as an Owner's Project Manager and as a certified Purchasing Agent, standings that could be helpful if the Town undertakes a project under the Massachusetts Public Library Construction Program.

### **Community Survey Update**

The Trustees' 2015 Community Survey is now being developed by the University of Massachusetts Donahue Institute. Mrs. Knight will circulate the first draft of the survey to Trustees for comment by Friday, January 23. The purpose of the survey is (1) to identify the community's needs and priorities both for Library services and for the Library building itself, (2) to guide the work of the Library Planning Committee, and (3) to satisfy requirements of the Massachusetts Board of Library Commissioners in the event the Town should apply for a state library construction grant.

### **Operating Budget Request**

Mrs. Gennis and Mrs. Knight presented the Trustees' Operating Budget Request to the Finance Committee on January 20 and were cordially received.

### **Website and Logo Update**

Work has begun on the redesign of the Library website and Library logo.

### **Wastewater Treatment Connection**

Mrs. Knight explained that there has been discussion between the Board of Selectmen and the Wastewater Management District Commission of a possible Town Meeting article that would reserve additional wastewater capacity for town-owned buildings, including perhaps the Library; such an article and its possible sponsors are still under discussion. On a motion by Mrs. Lipcon, seconded by Mrs. Cartwright, Trustees voted to support the article at Town Meeting if requested to do so.

### **Wayland Reads**

Mrs. Cartwright reported that plans for this winter's Wayland Reads program are on track.

### **Library Building Program**

Mr. Jewell presented his draft Library Building Program and was roundly praised for his careful documentation and evenhanded account of the Library's strengths and weaknesses. After some late edits, the final document should be available by the end of January.

Mr. Jewell confirmed that with completion of the Library Building Program and the earlier completion of

the Library's current Long-Range Plan, the Library now satisfies two of the three criteria for application for a Massachusetts Public Library Construction Program grant, which could reimburse approximately 45% of construction costs for Library renovations or a new building project; the third criterion is identification of a building site, either the current Concord Road site or another site in town. In order for consideration of a grant application to go forward, the Library would also need to demonstrate the Town's commitment to fund its portion of the construction costs.

In answer to a question from Mrs. Gennis, Mr. Jewell catalogued some re-uses of historic library buildings that he is familiar with, including relocation of municipal historical societies and arts commissions, and various leasing arrangements with outside commercial and nonprofit organizations.

The Trustees thanked Mr. Jewell for the benefit of his very valuable experience and for his fine report.

### **Long-Range Planning for Town-Owned Parcels**

Mrs. Lipcon reported on the final meetings of the group considering what to do with Town-owned parcels; she also presented a resolution the committee has drawn up for consideration by the Board of Selectmen calling for the formation of a Town Land and Buildings Capital Planning Committee. Town boards with interests in Town-owned parcels, like the Library Board of Trustees, are not expected to have seats on the new committee, which will make its recommendations to the Planning Board. Mrs. Lipcon noted that there has been discussion in these preliminary meetings of placing a moratorium on capital projects while the new Town Land and Buildings Capital Planning Committee does its work.

### **Late Topics Not Reasonably Anticipated by the Chair**

Mrs. Gennis reported on discussion at the Wayland Historical Society about opening a walkway from the Grout Heard House Museum down to the trail along the abandoned rail bed and to the parking lot adjacent to the Freight Shed. Such a path would improve access between the Library and the Museum. Trustees endorsed the idea, but asked that the walkway not sacrifice any of the parking spaces in the lot which, though owned by the Town, is regularly used by Library patrons for overflow parking.

**The Meeting Was Adjourned** at 11:12 a.m.

### **Documents for This Meeting**

1. Agenda of Meeting 01/21/15
2. Minutes of Meeting December 17, 2014
3. Director's Report, December 2014-January 2105
4. December Circulation Report
5. Financial Report, "Summary Reports as of 2015.01.20"
6. Quarterly Report, "People Counter Summary" through December 2014
7. Quarterly Report, "Raytheon Room Attendance , Fourth Quarter 2014"
8. Materials for two proseed lighting fixtures for the Main Level:
  - a. JPEG, "Chandelier," a brass-toned fixture with 12 lights
  - b. Specification sheet, "Canby Interior Pendant AIP9959"
9. Resolution [drafted by the Long Range Planning Working Group for Town Owned Parcels] titled "Town Land and Buildings Capital Planning Committee," marked "1.6.15 FINAL"
10. Memo from the Long Range Planning Working Group for Town Owned Parcels to the Board of Selectmen titled "Creation of the Town Land and Buildings Capital Planning Committee," dated January 13, 2015

11. Draft, "Wayland Public Library Building Program," prepared by Thomas N. Jewell, Library Consultant, December 2014
12. List of Library Planning Committee members to date, January 21, 2015
13. List of Wayland Reads events to date titled "Wayland Reads 2015, *The Opposite of Loneliness, by Marina Keegan, Events*"

**Next Meetings**

- Wednesday, February 18, 8 a.m., Raytheon Room, Wayland Free Public Library
- Monday, March 16, 6:30 p.m., Town Building room to be announced
- Wednesday, April 22, 8 a.m. Raytheon Room (tentative), Wayland Free Public Library
- Monday, May 18, evening, to be announced
- Wednesday, June 17, morning, to be announced

Respectfully submitted by Nan Jahnke, Trustee, Board Secretary