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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

## BOARD OF SELECTMEN Wednesday, June 24, 2015 Wayland Town Building Selectmen's Meeting Room

### Proposed Agenda

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

- 6:00 pm 1.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3), to Discuss Strategy with Respect to a Pending Action regarding the Glezen Lane Judgment, and to Discuss Potential Litigation regarding Affordable Housing Restrictions; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(2), to Discuss the Septage Meeting with Sudbury (re: Value of Real Estate/Disposition); and Pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3), to Discuss Collective Bargaining Strategy with the Police Union
- 7:00 pm 2.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) Vote to Appoint John Senchyshyn, Assistant Town Administrator/ Human Resources Director, as Town Representative to School Committee Negotiations with Custodians
- 7:15 pm 5.) Discussion of Wayland's Flexible Spending Plan and Potential Vote to Amend the Policy to Provide for an Increase in the Federal Limit
- 7:20 pm 6.) Review and Potential Vote to Increase Compensation for Election Workers
- 7:25 pm 7.) Introduction of New Treasurer/Collector and Report on Treasurer's Office
- 7:40 pm 8.) Meet with Wayland Business Association regarding Planned Events on Town Green Beginning July 15, 2015; Potential Vote to Approve One Day Liquor License and Entertainment License
- 7:55 pm 9.) Committee Vacancy Interviews and Potential Votes to Appoint
- Carol Martin, Finance Committee
  - Anette Lewis, Finance Committee
  - Gordon Cliff, Finance Committee
  - Barbara Howell, Conservation Commission
  - Sean Fair, Conservation Commission
  - Lou Marcoccio, Council on Aging/Community Center Advisory Committee
- 8:25 pm 10.) Vote to Transfer Two Dudley Woods Parcels to the Recreation Commission

**BOARD OF SELECTMEN  
Wednesday, June 24, 2015  
Wayland Town Building  
Selectmen's Meeting Room**

**Proposed Agenda Page Two**

- 8:35 pm 11.) Vote to Petition State Legislature for Additional Liquor License for Town Center
- 8:50 pm 12.) Discussion with Town Counsel regarding License for the Use of Town Green and Obligation under the Master Special Permit
- 9:05 pm 13.) Vote to Adopt a Confirmatory Eminent Domain Taking for 246 Stonebridge Road
- 9:15 pm 14.) Review and Vote Funding for Environmental Phase I Proposal for Municipal Pad and Adjoining Parcels as Recommended by the Council on Aging/Community Center Advisory Committee
- 9:30 pm 15.) Vote Charge of WRAP (Wayland Real Assets Planning Committee) and Confirm Appointments of Committee Designees
- 9:45 pm 16.) Discuss and Review Final Draft of River's Edge RFP and Vote to Authorize Chair to Sign Application to Department of Environmental Protection for Presumptive Approval to Change Site Assignment at River's Edge Property
- 10:05 pm 17.) Review and Approve Consent Calendar (See Separate Sheet)
- 10:10 pm 18.) Review Correspondence (See Separate Index Sheet)
- 10:20 pm 19.) Report of the Town Administrator
- 10:30 pm 20.) Selectmen's Reports and Concerns
- 10:40 pm 21.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:45 pm 22.) Adjourn

(4) APPOINT  
JOHN SENCHYSHYN  
AS  
TOWN REP

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **BOS' REPRESENTATIVE TO CUSTODIAN NEGOTIATIONS**

**REQUESTED ACTION:**

**I MOVE THAT THE BOARD OF SELECTMEN VOTE TO APPOINT JOHN SENCHYSHYN TO SERVE AS THE BOARD'S DESIGNEE TO THE WAYLAND SCHOOL COMMITTEE FOR THE PURPOSES OF COLLECTIVE BARGAINING WITH PUBLIC EMPLOYEES' LOCAL 1116, CUSTODIANS AND MAINTENANCE UNION; SUCH DESIGNATION IS PURSUANT TO AND WITH THE POWERS AND AUTHORITIES PROVIDED BY MASSACHUSETTS GENERAL LAWS CHAPTER 150E, SECTION 1.**

**BACKGROUND:**

Under M.G.L. the BOS are entitled to have a representative at School negotiations and cast a vote when the final memorandum is brought before the School Committee. Negotiations are currently underway with the Custodians. In the past, the Asst. Town Administrator/HR Director has served as the BOS' representative.

(5) FLEXIBLE  
SPENDING  
PLAN

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: FLEXIBLE SPENDING PLAN UPDATE

**REQUESTED ACTION:**

**I MOVE THAT THE BOARD OF SELECTMEN VOTE TO UPDATE WAYLAND'S FLEXIBLE SPENDING PLAN TO RECOGNIZE THE INSERTION OF THE LANGUAGE "FEDERAL LIMIT" AND "FEDERAL ALLOWABLE LIMIT" IN PLACE OF SPECIFIC DOLLAR AMOUNTS.**

**BACKGROUND:**

Wayland provides employees with a Flexible Spending Plan which allows for Federal established pre-tax maximum set-asides for out-of-pocket medical and dependent care expenses. Monies set aside by employees for these purposes are on a pre-tax basis. There is no cost to the Town.

The Federal allowable maximum for medical expenses was increased in 2015 from \$2,500 to \$2,550. There is no change in the maximum dependent care allowance.

The plan updates remove specific dollar limits from the plan and replace the amounts with more flexible references to "Federal limit" and "Federal allowable limit". The plan updates appear as strikethroughs with the new language highlighted. Updates are found on pages 12, 13, 14 and 16.

Attached are excerpts from IRS bulletin IR-2014-104 and IRS Publication 503, as well as a Flexible Spending Account synopsis from the Society for Human Resource Management which identifies both the medical and dependent care allowable limits.

**TOWN OF WAYLAND  
MEDICAL FLEXIBLE SPENDING ACCOUNT  
AND  
DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT**

- Approved by Board of Selectmen on April 3, 2014 -

- Revision Approved by Board of Selectmen on June 24, 2015 -

Plan Documents and Summary Plan Descriptions

Effective: June 1, 2014

***Updated: January 1, 2015***

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MEDICAL FLEXIBLE SPENDING ACCOUNT AND  
DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT**

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## **PURPOSE OF THE PLAN: ADOPTION OF THE PLAN DOCUMENT**

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### **What is the purpose of the "Plan"?**

The Town of Wayland (the "Plan Sponsor") has adopted this Medical Flexible Spending Account and Dependent Care Flexible Spending Account Plan (the "Plan") as set forth herein and as amended from time to time for the exclusive benefit of eligible employees. The purpose of this Plan is to allow eligible employees to pay eligible qualified medical flexible spending expenses and qualified dependent care flexible spending expenses using pre-tax dollars.

The intention of the Plan Sponsor is that the Plan qualifies as a "cafeteria plan" within the meaning of Code § 125 and the Plan shall be construed in a manner consistent with that Section. The tax implications of this Plan, however, are subject to rulings, regulations, and the application of the tax laws of the state and federal government. Although it may anticipate certain tax consequences as being likely, the Plan Sponsor does not represent or warrant to any participant that any particular tax consequence will result from participation in this Plan. By participating in this Plan, each participant understands and agrees that, in the event the Internal Revenue Service or any state or political subdivision thereof should ever assess or impose any taxes, charges and/or penalties upon any benefits received under the Plan, the recipient of the benefit will be responsible for those amounts, without contribution from the Plan Sponsor.

This Plan is intended not to discriminate as to eligibility or benefits in favor of the prohibited group(s) under the Code §§ 105 and 125.

### **Effective date**

This summary plan description is effective as of June 1, 2014, and each amendment is effective as of the date set forth therein (the "effective date").

### **Adoption of the summary plan description**

The Plan Sponsor, as the settler of the Plan, hereby adopts this summary plan description as the written description of the Plan. This summary plan description amends and replaces any prior statement of the benefits contained in the Plan or any predecessor to the Plan.

**IN WITNESS WHEREOF**, the Plan Sponsor has caused this Plan Document to be executed.

## GENERAL PLAN INFORMATION

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<b>Name of Plan:</b>	Town of Wayland Medical Flexible Spending Account Plan and Dependent Care Flexible Spending Account Plan
<b>Plan Sponsor:</b>	Town of Wayland; 41 Cochituate Road, Wayland, MA 01778
<b>Plan Administrator: (Named Fiduciary)</b>	Town of Wayland; 41 Cochituate Road, Wayland, MA 01778
<b>Plan Sponsor ID No. (EIN):</b>	046001341
<b>Plan year:</b>	June 1 - May 31; Subsequent plan years June 1 - May 31
<b>Plan Type:</b>	Medical Flexible Spending Account, Dependent Care Flexible Spending Account
<b>Participating employer:</b>	Town of Wayland
<b>Agent for Service of Process:</b>	Town of Wayland; 41 Cochituate Road, Wayland, MA 01778

## Discrimination Disclaimer

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### Nondiscrimination Requirements

- **Intent to be nondiscriminatory.** It is the intent of this Flexible Spending Account not to discriminate in violation of the Code and the Treasury regulations thereunder.
- **Adjustment to avoid test failure.** If the Administrator deems it necessary to avoid discrimination under this Flexible Spending Account, it may, but shall not be required to, reject any elections or reduce contributions or Benefits in order to assure compliance with this Section. Any act taken by the Administrator under the Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reject any elections or reduce contributions or Benefits, it shall be done in the following manner. First, the Benefits designated for the Flexible Spending Account by the member of the group in whose favor discrimination may not occur pursuant to Code Section 105 that elected to contribute the highest amount to the fund for the Plan Year shall be reduced until the nondiscrimination tests set forth in this Section or the Code are satisfied, or until the amount designated for the fund equals the amount designated for the fund by the next member of the group in whose favor discrimination may not occur pursuant to Code Section 105 who has elected the second highest contribution to the Flexible Spending Account for the Plan Year. This process shall continue until the nondiscrimination tests set forth in this Section or the Code are satisfied. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and credited to the benefit plan surplus.



## DEFINITIONS

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In this section, you will find the definitions for the “words” found throughout this summary plan description. There may be additional words or terms that have a meaning that pertains to a specific section, and those definitions will be found in that section. These definitions should not be interpreted as indications that charges for particular care, supplies or services are eligible for payment under the Plan; please refer to the appropriate sections of this summary plan description for that information.

**“Active employment”** means performance by the employee of all the regular duties of his or her occupation at an established business location of the participating employer, or at another location to which he or she may be required to travel to perform the duties of his or her employment. An employee will be deemed active employee if the employee is absent from work due to a health factor.

**“Administration Fee”** means an annual fee of \$48 for the administration of the plan.

**“Code”** means the Internal Revenue Code of 1986, as amended.

**“Dependent”** means any of the following:

- Individuals who meet the definition of “dependent” under Internal Revenue Code Section 152, thereof;
- Any child, adopted child, or eligible foster child (as each is defined in Code §152(f)(1)) of the Participant who as of the end of the taxable year has not attained age 27; or

**“Dependent care center”** means any facility which:

- Complies with all applicable laws and regulations of the state and unit of local government in which it is located;
- Provides care for more than six individuals (other than individuals who reside at the center); and
- Receives a fee, payment or grant for providing services for any of such individuals (regardless of whether such facilities operated for profit).

**“Employee”** shall mean (1) a person who is a regular full-time Employee or (2) part-time Employee who works at least twenty (20) hours each week.

**“Flexible Spending Enrollment Election Form” (Section 125 Cafeteria Plan)** means a written agreement by a participant to reduce his or her salary or wage in order to fund a qualified medical flexible spending account or a qualified dependent care flexible spending account. This written agreement can be in the form of a paper-based election or a web-based election made by the participant as provided for by the employer.

**“FMLA”** means the Family Medical Leave Act of 1993, as amended.

**“FMLA Leave”** means a leave of absence which the participating employer is required to extend an employee under the provisions of FMLA.

**“Health Breach Notification Rule”** requires HIPAA covered entities and their business associates to provide notification following a breach of unsecured protected health information.

**“Health care expense”** means an expense incurred for the diagnosis, cure, mitigation, treatment or prevention of disease, or for the purpose of affecting any structure or function of the body. A health care expense is not one that is merely beneficial to the general health of an individual.

**“HIPAA”** means the Health Insurance Portability and Accountability Act of 1996, as amended.

**“Incurred”** means the date the service is rendered or the supply is obtained. With respect to a course of treatment or procedure that includes several steps or phases of treatment, expenses are incurred for the various steps or phases as the services related to each step are rendered and not when services related to the initial step or phase are rendered. More specifically, qualified medical flexible spending expenses for the entire procedure or course of treatment are not incurred upon commencement of the first state of the procedure or course of treatment.

**“Open enrollment period”** means the month of April each year when eligible employees may enroll for participation and make elections under the Plan for the following plan year.

**“Participant”** means an eligible employee who is participating in the Plan.

**“Participating employer”** means the Town of Wayland.

**“Plan”** means the Town of Wayland, Medical Flexible Spending Account Plan and Dependent Care Flexible Spending Account Plan.

**“Plan Administrator”** means the Town of Wayland.

**“Plan Sponsor”** means the Town of Wayland.

**“Plan year”** means the period from June 1 through May 31.

**“Privacy standards”** means the final rule implementing HIPAA’s Standards for Privacy of Individually Identifiable Health Information, as amended.

**“Qualified dependent care flexible spending account”** means the account established by the Plan Administrator on behalf of a participant who elected to have amounts withheld from his or her salary in order to pay qualified dependent care flexible spending expenses.

**“Qualified dependent care flexible spending expenses”** means employment-related dependent care expenses which are eligible for reimbursement under the Plan as determined under Code §§ 129(e)(1) and 21(b). Such expenses include amounts paid for household services and for the care of qualifying individuals enabling the participant to be gainfully employed.

**“Qualified medical flexible spending account”** means the account established by the Plan Administrator on behalf of the participant through which the participant may elect to reduce his or her salary in order to pay qualified medical flexible spending expenses.

**“Qualified medical flexible spending expenses”** means a health care expense which is excludable as income according to Code § 105(b). Qualified medical flexible spending expenses are not otherwise reimbursable under the benefit plan or other plan or by another entity and may not be claimed as a tax deduction by the participant. Qualified medical flexible spending expenses do not include the cost of insurance premiums.

**“Qualified reservist distribution”** means, any distribution to an individual of all or a portion of the balance in the participant’s qualified medical flexible spending account if:

- Such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 180 days or for an indefinite period; and
- Such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangements for the plan year which includes the date of such order or call.

**“Qualifying individual”** means:

- A dependent of a participant (as defined in Code § 152(a)(1) who is under the age of 13;
- A dependent of a participant, regardless of age, who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the participant for more than one-half of the tax year; or
- The spouse of a participant who is physically or mentally incapable of caring for himself or herself who has the same principal place of abode as the participant for more than one-half of the tax year.

**“Qualifying event”** means any of the following with respect to participation in the Plan:

- The termination of coverage due to the death of a participant;
- The termination of coverage due to the voluntary or involuntary termination of employment (other than by reason of gross misconduct) or reduction in hours of a participant;
- The divorce or legal separation of a participant from his or her spouse;
- Reduction or addition in covered participant’s hours of employment;
- Birth of a child
- Death of the covered participant;
- A participant’s entitlement to Medicare coverage; or
- A dependent child ceasing to be a dependent child.

## **ELIGIBILITY FOR PARTICIPATION**

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### **Am I eligible to participate in the Plan?**

You are eligible to participate in the Plan if you are a Town of Wayland full-time Employee or part-time Employee who works at least twenty (20) hours each week.

### **When will my participation begin?**

If you are a new employee, your entry date for the Plan is contingent upon completion of the eligibility requirements outlined above. If you are a new employee who is eligible to participate, your entry date is the first day that you become eligible, provided that you have completed a Flexible Spending Enrollment Election Form. You must complete a Flexible Spending Enrollment Election Form within 30 days from your original eligibility date in order to participate in the Plan for the plan year.

After year one, if you are enrolling during an open enrollment period, our entry date will be June 1, following the open enrollment period, provided that you have completed a Flexible Spending Enrollment Election Form.

By completing the Flexible Spending Enrollment Election Form you will be enrolling in this Plan. Pre-taxed dollars are used if you elect to contribute to a qualified medical flexible spending account or a qualified dependent care flexible spending account. Eligible employees who do not participate may not pay qualified medical flexible spending expenses or qualified dependent care flexible spending expenses using pre-tax dollars.

If you do not submit a Flexible Spending Enrollment Election Form to the Plan Administrator within 30 days of becoming eligible, or during the open enrollment period, it will be assumed that you have decided not to participate in the Plan, and you will not have the opportunity to enroll until the next open enrollment period or following a change in status event described below.

### **May I elect not to participate in the benefit plan?**

Yes, if you do not submit a Flexible Spending Enrollment Election Form with the Plan Administrator within 30 days of your original eligibility period or at an open enrollment period, you will not be enrolled.

### **May I make mid-year changes in my Plan elections?**

Generally, you cannot change your election to participate in the Plan or decrease or increase the amount you have elected to contribute to your account(s) once the plan year begins. However, you may make a mid-year election change if you experience a change in status event listed below, if that change in status event affects the eligibility for benefits of you, your spouse, or your dependent, and if the election change you make is consistent with the change in status event. Change in status events include:

- Marriage, or divorce, legal separation or annulment
- A significant change in the cost of dependent care
- Birth, adoption or placement for adoption, or acquisition of a dependent
- Dependent reaches ineligible age
- Reduction or increase in hours of employment by you or your spouse (meaning a change from full-time to part-time employment status or vice versa)
- Employee's employment status change which affects benefit eligibility: part-time under 20 hours to 20 hours or more (or vice versa)
- Death of a spouse or dependent
- Commencement or return from an unpaid leave of absence by you or your spouse

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- Termination or commencement of employee's or spouse's employment which affects eligibility

If you experience such a change in status and wish to change your level of coverage you must submit written notification to the Plan Administrator within 30 days of your change in status, as well as a Flexible Spending Enrollment Election Form reflecting your new contribution elections. The Plan Administrator reserves the right to require you to submit proof of any change in status at your expense. The change in coverage becomes effective with the first pay period following the date the written notification is received by the Plan Administrator, except that coverage for birth, adoption, or placement for adoption becomes effective the date of the event. Any such change will remain in effect for the remainder of the plan year.

**Must the election change be consistent with the change in status?**

You will be permitted to change an election during the plan year and make a new election for the remainder of the plan year only if the change you make is consistent with the event. For example, you can only change your election to the qualified medical flexible spending account if:

- The change in status results in you or your spouse, gaining or losing eligibility for health coverage under our health plan or your spouse's health plan; and
- The election change corresponds with that gain or loss of coverage.

**When does my participation end?**

If you terminate employment with the Town of Wayland, your participation in this Plan will terminate on the last pay period. Any qualified medical flexible spending expenses or qualified dependent care flexible spending expenses incurred during the plan year prior to the date of termination will be reimbursed by the Plan in accordance with the guidelines in the section, "Benefits". Your participation in this Plan will also terminate if the Town of Wayland decides to terminate this Plan, or if you voluntarily decide not to participate under the terms of this Plan.

If your employment terminates, and you return to eligible employment with the Town of Wayland more than 30 days following termination of your participation, you may rejoin the Plan and make a new election for the remainder of the plan year, as long as the termination was not for the purpose of altering the original election.

## **BENEFITS**

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### **Qualified medical flexible spending expenses**

If you elect to contribute to a medical flexible spending account, the Plan will reimburse you for qualified medical flexible spending expenses which are incurred by you, your spouse, or dependent during the plan year.

Reimbursement for qualified medical flexible spending expenses is limited to the annualized amount you elected under your Flexible Spending Enrollment Election Form for the plan year to contribute to your qualified medical flexible spending account. It is important to keep in mind that you cannot use amounts contributed to a qualified medical dependent care flexible spending account to pay qualified medical flexible spending expenses.

### **What are qualified medical flexible spending expenses?**

Qualified medical expenses are health care expenses which are excludable as income according to Code § 105(b). Qualified medical flexible spending expenses may not be otherwise reimbursable under the benefit plan or other plan or by any other entity, and they may not be claimed as a tax deduction by the participant. Qualified medical flexible spending expenses do not include the cost of insurance premiums.

### **What are examples of qualified and non-qualifying flexible spending expenses?**

The examples listed in this section are intended only to give you a convenient reference to the types of expense that may be eligible for reimbursement. Determination of qualified medical flexible spending expenses will be in accordance with those expenses incurred for medical care, as defined in Code § 213(d) of the Internal Revenue Code as stated at the time the expense was incurred.

*Examples of qualified medical flexible spending expenses include:*

- Acupuncture
- Alcoholism treatment
- Allergy tests and shots
- Ambulance services
- Artificial limbs
- Blood pressure monitoring devices
- Blood sugar kits and test strips
- Birth control pills
- Braille materials (books and magazines)
- Chiropractic services
- Christian Science practitioner fees
- Co-payments
- Contact lenses and supplies
- Crutches
- Deductibles on your and your spouse's group plan
- Dental services (not cosmetic)
- Dentures
- Eyeglasses, including examination fees
- Flu shots and other immunizations
- Hearing aids and batteries
- Hospital costs not covered by a group health plan
- Insulin

- Laboratory fees
- Laser eye surgery
- Mental health care and fees
- Obstetrical expenses
- Orthopedic shoes prescribed by a physician
- Oxygen
- Physician, podiatrist, and osteopath fees not covered by medical plan
- Prescription drugs
- Prosthesis
- Radial keratotomy
- Rehabilitation therapies, including speech therapy, physical therapy, and occupational therapy
- Rental of medical equipment
- Routine physical examinations
- Smoking cessation programs, only if monitored by a licensed practitioner
- Special communications equipment for the deaf
- Therapeutic are for substance abuse (drug or alcohol)
- Weight loss programs prescribed by physicians for specific health problems
- Wheelchairs

*Examples of non-qualified medical flexible spending expenses include:*

- Cosmetic surgery, except those procedures necessary to improve a deformity arising from, or directly related to, a congenital abnormality, or personal injury resulting from an accident or trauma, or a disfiguring disease
- Funeral expenses
- Health insurance premiums
- Massage therapy, except for massages recommended by a physician to treat a specific injury or trauma
- Maternity clothes
- Nursing home expenses
- Weight loss programs prescribed by physicians for general health improvement

This list should not be considered all-inclusive, and determination of non-qualified expenses will be in accordance with Internal Revenue Code §§ 105(b) and 213(d) in effect at the time the expense is incurred.

#### **Over-the-Counter Drugs or Medicine**

Effective January 1, 2011, medical care expenses eligible for reimbursement under the Plan shall include expenses for medicines incurred after December 31, 2010, only if the medicine is a prescribed medicine (determined without regard to whether the medicine is otherwise available without a prescription) or is insulin. The Plan Administrator shall have sole discretion to determine, on a uniform and consistent basis, whether a particular item is a medicine subject to this rule and whether the requirement of a prescription has been satisfied. The Plan Participant must provide documentation that the item was prescribed. Generally, this will be a receipt for the medicine that includes a prescription number.

#### **Qualified dependent care flexible spending expenses**

If you have elected to contribute to a dependent care flexible spending account, the Plan will reimburse you for qualified dependent care flexible spending expenses which are incurred by you during the plan year.

Reimbursement for qualified dependent care flexible spending expenses is limited to the annualized amount you elected through your Flexible Spending Enrollment Election Form to contribute to a qualified dependent care flexible spending account for the plan year. It is important to keep in mind that you cannot use amounts contributed to a qualified medical flexible spending account to pay qualified dependent care flexible spending expenses.

**What are qualified dependent care flexible spending expenses?**

Qualified dependent care flexible spending expenses are employment-related dependent care expenses eligible for reimbursement under the Plan as determined under Code §§ 129(e) (1) and 21(b). Such expenses include amounts paid for daycare services for the care of qualifying individuals enabling you to be gainfully employed.

**What are examples of qualified and non-qualified dependent care spending expenses?**

The examples listed in this section are intended only to give you a convenient reference to the types of expenses that may be eligible for reimbursement. Determination of eligible expenses will be in accordance with Code §§ 21 and 129, in effect at the time the expense is incurred.

*Examples of qualified dependent care flexible spending expenses include:*

- Fees of a licensed dependent care center that cares for your dependent child.
- After-school care expenses.
- Wages of individuals who provide care inside or outside your home for your dependent child under age 13 or a qualifying individual over age 13 who is incapable of self-support.
- Day camps.
- Pre-school or nursery school tuition.

*Examples of non-qualified dependent care flexible spending expenses include:*

- Educational expenses for a child in Kindergarten or above.
- Transportation, entertainment, food or clothing.
- Household expenses which are not attributable at least in part to the care of the qualifying individual.
- Expenses for a camp where a qualifying individual spends the night.

This list should not be considered all-inclusive, and determination of non-qualified expenses will be in accordance with Code §§ 21 and 129, as stated at the time the expense is incurred.

**How do I file a claim for benefits under a qualified medical flexible spending account?**

You must submit a properly completed Flexible Spending Claim Form to:

Town of Wayland – Finance Office  
41 Cochituate Road  
Wayland, MA 01604

Flexible Spending Claim Form (attached as Appendix A) must include the following information:

- Part 1: Employee Information – Name and Employee number
- Part 11: Claim Information – Service Date, Name of Provider, Name of Receiver, Service Description and Amount of expense.
- Part 111: Employee Signature – Signature and Date



The claim must also include written evidence from an independent third party documenting the above information required by Part 11. If the expenses are not reimbursable under any benefit plan, include a copy of the provider's statement that shows the date(s) of service, an explanation of services, and the name of the provider, along with Payment Documentation.

The Plan Administrator, in its sole discretion, reserves the right to verify to its satisfaction the eligibility of all claimed expenses prior to reimbursement and to refuse to reimburse any amounts that it determines are not eligible for reimbursement under this Plan or are available under another benefit plan.

The Plan will pay properly submitted claims for reimbursement at such intervals as the Plan Administrator may consider appropriate.

**How do I file a claim for benefits under a qualified dependent care flexible spending account?**

You must submit a properly completed Flexible Spending Claim Form to:

Town of Wayland – Finance Office  
41 Cochituate Road  
Wayland, MA

Flexible Spending Claim Form (attached as Appendix A) must include the following information:

- Part 1: Employee Information – Name and Employee number
- Part 11: Claim Information – Service Date, Name of Provider, Name of Receiver, Service Description and Amount of expense.
- Part 111: Employee Signature – Signature and Date
  
- Claim must also include written evidence, signed by an independent third party stating the expenses have been incurred, the amount of such expenses, the date of service(s), name of provider, and such other information as the Plan Administrator in its sole discretion may request.

You must also attach a paid receipt from your day care provider or from the individual who provides the care. The social security number or the federal tax identification number of the provider must appear on the claim form or receipt. The individual who provides the care cannot be your spouse or a dependent under the age of 19.

The Plan Administrator, in its sole discretion, reserves the right to verify to its satisfaction the eligibility of all claimed expenses prior to reimbursement and to refuse to reimburse any amounts that it determines are not eligible for reimbursement under this Plan or are available under another benefit plan.

The Plan will pay properly submitted claims for reimbursement at such intervals as the Plan Administrator may consider appropriate.

**Is there a time limit for filing claims?**

All claims for reimbursement must be submitted within 30 days following the end of the plan year or earlier, or the claims will be denied.

**Rollover Option**

Participants may carry over up to \$500 the Federal limit of unused Health/Medical FSA balances (effective 2014 plan year) from one plan year to the next.

**What if my qualified medical flexible spending account balance or my qualified dependent care flexible spending account balance is less than my claim?**

Reimbursement for qualified medical flexible spending expenses is limited to the annualized amount that you have elected to reduce your salary or wages and contribute to the qualified medical flexible spending account for the plan year under a valid Flexible Spending Enrollment Election Form. Reimbursements for qualified dependent care flexible spending expenses is limited to the amount that you have elected to reduce your salary or wages to contribute to the qualified dependent care flexible spending account for the plan year under a valid Flexible Spending Enrollment Election Form for that plan year.

To the extent that it is not used to pay claims, the amount of contributions to your qualified dependent care flexible spending account will also accumulate throughout the plan year. If you submit an eligible claim during the plan year in an amount that exceeds your current qualified dependent care flexible spending account balance, the Plan will reimburse your claim expense up to the total amount of contributions in your qualified dependent care flexible spending account, less any amounts already used to pay claims plus Administration Fee (\$48 Annual Fee). As contribution amounts become available in your qualified dependent care flexible spending account, they may be used to reimburse any unpaid balance from a previously submitted qualified dependent care flexible spending expense. At no time during the plan year will the amount paid for claims exceed the amount of contributions made to the qualified dependent care flexible spending account.

In no instance can amounts contributed to a qualified medical flexible spending account be used to reimburse qualified dependent care flexible spending expenses, or vice versa.

**May I withdraw any or all of the balance of qualified medical flexible spending account for expenses other than qualified medical expenses?**

No. The only exception to this rule is for qualified reservist distributions.

**What if I do not use all of the money in my qualified medical flexible spending account?**

You have 30 days after the end of the plan year to file any qualified medical flexible spending expenses incurred for that year. If you fail to file for reimbursement within this time limit, or if you did not incur enough qualified medical flexible spending expenses to meet your annual salary contribution amount, you may carry over up to **\$500 the Federal limit** of unused Health Flexible Spending Account balances to the next Plan Year (Rollover Option.) Unused funds in your account exceeding **\$500 the Federal limit** will be forfeited.

**What if I do not use all of the money in my qualified dependent care flexible spending account?**

You have 30 days after the end of the plan year to file any qualified dependent care flexible spending expenses incurred for that year. If you fail to file for reimbursement within this time limit, or if you did not incur enough qualified dependent care flexible spending expenses to meet your annual salary contribution amount, you forfeit any unused funds in your account.

## FUNDING

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### **How is a qualified medical flexible spending account funded?**

Your qualified medical flexible spending account is funded by the amounts that you elect to contribute to the account by executing a valid Flexible Spending Enrollment Election Form. Qualified medical flexible spending expenses will be reimbursed to you to the extent of the amount you have elected to reduce your salary or wages for the plan year under a valid Flexible Spending Enrollment Election Form.

Your annual salary or wage will be reduced in an amount as you elect not to exceed **\$2,500 the Federal limit**. The salary contribution amount elected will be funded pro rata over the number of consecutive pay periods in the plan year.

The Plan Administrator will establish an individual qualified medical flexible spending account for each participant, and will credit to each participant's account the salary contribution amounts elected.

The Plan will reimburse you for qualified medical flexible spending expenses as described in the "Benefits" section.

### **How is a qualified dependent care flexible spending account funded?**

Your qualified dependent care flexible spending account is funded by the amounts that you elect to contribute to the account by executing a valid Flexible Spending Enrollment Election Form. Qualified dependent flexible spending expenses will be reimbursed to you to the extent of the amount you have elected to reduce your salary or wages for the plan year under a valid Flexible Spending Enrollment Election Form.

Your salary or wage will be reduced in an amount you elected under the Flexible Spending Enrollment Election Form. The salary contribution amount elected will be funded pro rata over the number of consecutive pay periods in the plan year.

The Plan Administrator will establish an individual qualified dependent care flexible spending account for each participant, and will credit to each participant's account the salary contribution amounts elected.

The Plan will reimburse you for qualified dependent care flexible spending expenses as described in the "Benefits" section.

### **How much can I elect to contribute to my qualified dependent care flexible spending account?**

If you are not married you may contribute up to **\$5,000 the Federal limit**, to a qualified dependent care flexible spending account; however, in the event that your earned income is less than **\$5,000 the Federal limit**, you may contribute an amount not to exceed your earned income for the taxable year. If you begin participation in the middle of the plan year (pro-rating based on enrollment date), you may contribute up to **\$5,000 the Federal limit**, or **\$2,500 the Federal allowable limit**, if you and your spouse file separately, less any amounts that you have contributed to any other qualified dependent care flexible spending account during the plan year.

If you are married, you may contribute an amount up to the lesser of the earned income of you or your spouse, not to exceed **\$5,000 the Federal limit**. If you and your spouse file separate tax returns, you may elect to contribute an amount up to **\$2,500 the Federal allowable limit**, to the Plan. If you begin participation in the middle of the plan year (pro-rating based on enrollment date), you may contribute to up to **\$5,000 the Federal limit**, or **\$2,500 the Federal allowable limit**, if you and your spouse file separately, less any amounts that you have

contributed to any other qualified dependent care flexible spending account during the plan year.

If your spouse is a full-time student, for each month in which he or she is a full-time student, for the purpose of determining how much you can contribute under this plan, he or she will be considered to be gainfully employed, and to have earned income of not less than \$250 per month if there is one qualifying individual with respect to the taxpayer for the taxable year and not less than \$500 per month if there are two or more qualifying individuals with respect to the taxpayer for the taxable year.

If your spouse is a qualifying individual, for the purpose of determining how much you can contribute under this plan, he or she will be considered gainfully employed, and to have earned income of not less than \$250 per month if there is one qualifying individual with respect to the taxpayer for the taxable year and not less than \$500 per month if there are two or more qualifying individual with respect to the taxpayer for the taxable year.

### **Accounting**

The Plan Administrator will maintain complete records of all amounts to be credited as a contribution or debited as a reimbursement of qualified medical flexible spending expenses or qualified dependent care flexible spending expenses on behalf of each participant. All contributions will be held as part of the general assets of the Town of Wayland. No trust fund will be established and no other segregation or investment of assets will be made to maintain accounts of contributions under this Plan.

## **SALARY CONTRIBUTION**

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### **Election period for salary contribution**

In order to fund a qualified medical flexible spending account or qualified dependent care flexible spending account for a plan year, you must complete and file with the Plan Administrator an appropriate Flexible Spending Enrollment Election Form as described in the section, "Eligibility for Participation". You should consider carefully the amount of salary contribution you elect for each account per year.

Qualified medical flexible spending participants can use the "Rollover Option" (up to \$500 the Federal limit of unused Health FSA balance can be carried over.)

Qualified dependent care flexible spending participants will forfeit any unused amount at the end of the Plan Year.

### **Termination, revocation, or amendment of salary contribution elections**

Your Flexible Spending Enrollment Election Form for a plan year will terminate at the end of the plan year. You must make an affirmative election for a new salary contribution for each plan year.

Termination, revocation, or amendment of a Flexible Spending Enrollment Election Form may only be made by you in accordance with the section, "Eligibility for Participation", "May I make mid-year changes?"

### **Forfeiture of salary contribution amounts**

If you fail to claim any amounts in the qualified medical flexible spending account and qualified dependent care flexible spending account with the time limits specified in the section, "Benefits", "Is There a Time Limit for Filing Claims?", such amounts will be forfeited by you to the Plan Sponsor.

### **Determination of noncompliance**

In the event that a determination is made that all or any part of the contributions to the Plan do not qualify as non-taxable contributions to a "cafeteria plan" under Code § 125, the affected contributions made by any participant will be treated as salary, and any unpaid balance in the qualified medical flexible spending expense account and the qualified dependent care flexible spending account will be returned to the participant.

The participant must pay:

- Any state or federal income taxes due with respect to such amount, together with any interest or penalties imposed;
- The participant's share (as determined in good faith by the Town of Wayland) or any applicable FICA or FUTA contributions which would have been withheld from such amounts by the Town of Wayland had such amounts been treated as salary and not as qualified medical flexible spending expense or qualified dependent care flexible spending expenses; and
- An amount (as determined in good faith by the Town of Wayland) equal to the portion of any applicable penalties and interest payable by the Town of Wayland as the result of the failure to withhold and pay such amounts to the appropriate payee allocable to the participant.

## **PLAN ADMINISTRATION**

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### **Who has the authority to make decisions in connection with the Plan?**

An individual or entity may be appointed by the Plan Sponsor to be Plan Administrator and serve at the convenience of the Plan Sponsor. If the Plan Administrator resigns, dies, is otherwise unable to perform, is dissolved, or is removed from the position, the Plan Sponsor will appoint a new Plan Administrator as soon as reasonably possible.

The Plan Administrator will administer this Plan in accordance with its terms and establish its policies, interpretations, practices, and procedures. It is the express intent of this Plan that the Plan Administrator will have maximum legal discretionary authority to construe and interpret the terms and provisions of the Plan, to make determinations regarding issues which relate to eligibility for benefits (including the determination of what services, supplies, care and treatments are not qualified medical flexible spending expenses or qualified dependent care flexible spending expenses), to decide disputes which may arise relative to a participant's rights, and to decide questions of Plan interpretation and those of fact relating to the Plan. The decisions of the Plan Administrator as to the facts related to any claim for benefits and the meaning and intent of any provision of the Plan, or its application to any claim, shall receive the maximum deference provided by law and will be final and binding on all interested parties. Benefits under this Plan will be paid only if the Plan Administrator decides, in its discretion, that the participant is entitled to them.

The duties of the Plan Administrator include the following:

- To administer the Plan in accordance with its terms;
- To determine all questions of eligibility, status and coverage under the Plan;
- To interpret the Plan, including the authority to construe possible ambiguities, inconsistencies, omissions and disputed terms;
- To make factual findings;
- To decide disputes that may arise relative to a participant's rights;
- To prescribe procedures for filing a claim, to review claim denials and appeals relating to them and to uphold or reverse such denials;
- To keep and maintain the Plan documents and all other records pertaining to the Plan;
- To perform all necessary reporting;
- To delegate to any person or entity such powers, duties and responsibilities as it deems appropriate; and
- To perform each and every function necessary for or related to the Plan's administration.

### **May changes be made to the Plan?**

The Plan Sponsor expects to maintain this Plan indefinitely; however, the Plan Sponsor may, in its sole discretion at any time, amend, suspend or terminate the Plan in whole or in part. This includes amending the benefits under the Plan.

Any such amendment, suspension or termination shall be enacted, which shall be acted upon as provided in the Plan Sponsor's articles or bylaws, as applicable, and in accordance with the applicable federal and state law.

If the Plan is terminated, the rights of the participants are limited to expenses incurred before termination. All amendments to this Plan shall become effective as of a date established by the Plan Sponsor.

**Additional operating rules**

A participant's salary contribution amount will not be subject to federal income tax withholding or to applicable Social Security (FICA or FUTA) tax withholding. Salary contribution amounts will not be subject to any state income tax withholding unless otherwise prohibited by applicable state law.

Salary contribution amounts under this Plan shall not reduce salary or wage for purposes of any other employer sponsored employee benefit programs unless the provisions of those programs otherwise provide.

## **MISCELLANEOUS INFORMATION**

### **Will the Plan release my information to anyone?**

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For the purpose of determining the applicability of and implementing the terms of these benefits, the Plan Administrator may, without the consent of or notice to any person, release or obtain any information necessary to determine the eligibility of any applicant or participant for benefits under this Plan. In so acting, the Plan Administrator shall be free from any liability that may arise with regard to such action; however, the Plan Administrator at all times will comply with applicable privacy standards. Any participant claiming benefits under this Plan shall furnish to the Plan Administrator such information as may be necessary to implement this provision.

### **What if the Plan makes an error?**

Clerical errors made on the records of the Plan and delays in making entries on such records shall not invalidate participation nor cause participation to be in force or to continue in force. Rather, the effective dates of participation shall be determined solely in accordance with the provisions of this Plan regardless of whether any contributions with respect to participants have been made or have failed to be made because of such errors or delays. Upon discovery of any such error or delay, an equitable adjustment of any such contributions will be made.

In the event it's determined that the Plan Administrator has mistakenly reimbursed an expense which did not qualify under the terms of the Plan, the Plan Administrator may adjust your account and appropriately adjust the qualified medical flexible spending account or qualified dependent care flexible spending account .

### **What if the employee makes an error?**

In the case of an employee mistake, a correction will only be allowed as permitted by law.

### **Will the Plan conform to applicable laws?**

This Plan shall be deemed automatically to be amended to conform as required by an applicable law, regulation or the order or judgment of a court of competent jurisdiction governing provisions of this Plan, including, but not limited to, stated maximums, exclusions or limitations. In the event that any law, regulation or the order or judgment of a court of competent jurisdiction causes the Plan Administrator to pay claims that are otherwise limited or excluded under this Plan, such payments will be considered as being in accordance with the terms of this summary plan description.

### **How will this document be interpreted?**

The use of masculine pronouns in this summary plan description shall apply to persons of both sexes unless the context clearly indicates otherwise. The headings used in this summary plan description are used for convenience of reference only. Participants are advised not to rely on any provision because of the heading.

The use of the words, "you" and "your" throughout this summary plan description applies to participants.

### **Is this summary plan description a contract between the employer and participants?**

This summary plan description and any amendments constitute the terms and provisions of coverage under this Plan. The summary plan description shall not be deemed to constitute a contract of any type between the Town of Wayland and any participant or to be consideration for, or an inducement or condition of, the employment of any employee. Nothing in this summary plan description shall be deemed to give any employee the right to be retained in the service of the Town of Wayland or to interfere with the right of the Town of Wayland to discharge



any employee at any time.

**What if my claim is for non-U.S. providers?**

Qualified medical flexible spending expenses or qualified dependent care flexible spending expenses for care, supplies or services which are rendered by a provider whose principal place of business or address for payment is located outside the United States (a “non-U.S. provider”) may be reimbursed under the following conditions:

- The participant is responsible for making all payments to non-U.S. providers and for submitting receipts to the Plan for reimbursement;
- Benefit payments will be determined by the Plan based upon the exchange rate in effect on the incurred date;
- The non-U.S. provider shall be subject to, and in compliance with, all requirements under Code § 105; and
- Claims for benefits must be submitted to the Plan in English.

**How will the Plan recover payments made in error?**

Whenever the Plan pays benefits exceeding the amount of benefits payable under the terms of the Plan, the Plan Administrator has the right to recover any such erroneous payment directly from the person or entity who received such payment and/or from the participant on whose behalf such payment was made.

A participant that receives a payment made in error under the terms of the Plan shall return the amount of such erroneous payment to the Plan within 30 days of discovery or demand. The Plan Administrator shall have obligation to secure payment for the expense for which the erroneous payment was made or to which it was applied.

The person receiving an erroneous payment may not apply such payment to another expense. The Plan Administrator shall have the sole discretion to choose who will repay the Plan for an erroneous payment and whether such payment shall be reimbursed in a lump sum, payroll deduction, or other arrangement.

Participants accepting payment from the Plan, in consideration of such payments, agree to be bound by the terms of this Plan and agree to submit claims for reimbursement in strict accordance with the requirements of this Plan. Any payments made on claims for reimbursement not in accordance with the above provisions shall be repaid to the Plan within 30 days of discovery or demand or incur prejudgment interest of 1.5% per month. If court action is necessary to recover any erroneous payment, the Plan shall be entitled to recover its litigation costs and actual attorney’s fees incurred.

**Will the Plan provide a statement of benefits?**

Throughout the plan year, the Plan Administrator will provide each participant under the Plan a statement which shows monthly payroll deductions, amounts paid, and/or the expenses incurred for qualified dependent care flexible spending expenses and qualified medical flexible spending expenses. In the fourth quarter of the plan year, the Plan will provide a statement outlining funds not yet used.



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## In 2015, Various Tax Benefits Increase Due to Inflation Adjustments

IR-2014-104, Oct. 30, 2014

WASHINGTON — For tax year 2015, the Internal Revenue Service announced today annual inflation adjustments for more than 40 tax provisions, including the tax rate schedules, and other tax changes. Revenue Procedure 2014-61 provides details about these annual adjustments.

The tax items for tax year 2015 of greatest interest to most taxpayers include the following dollar amounts -

- The tax rate of 39.6 percent affects singles whose income exceeds \$413,200 (\$464,850 for married taxpayers filing a joint return), up from \$406,750 and \$457,600, respectively. The other marginal rates – 10, 15, 25, 28, 33 and 35 percent – and the related income tax thresholds are described in the revenue procedure.
- The standard deduction rises to \$6,300 for singles and married persons filing separate returns and \$12,600 for married couples filing jointly, up from \$6,200 and \$12,400, respectively, for tax year 2014. The standard deduction for heads of household rises to \$9,250, up from \$9,100.
- The limitation for itemized deductions to be claimed on tax year 2015 returns of individuals begins with incomes of \$258,250 or more (\$309,900 for married couples filing jointly).
- The personal exemption for tax year 2015 rises to \$4,000, up from the 2014 exemption of \$3,950. However, the exemption is subject to a phase-out that begins with adjusted gross incomes of \$258,250 (\$309,900 for married couples filing jointly). It phases out completely at \$380,750 (\$432,400 for married couples filing jointly.)
- The Alternative Minimum Tax exemption amount for tax year 2015 is \$53,600 (\$83,400, for married couples filing jointly). The 2014 exemption amount was \$52,800 (\$82,100 for married couples filing jointly).
- The 2015 maximum Earned Income Credit amount is \$6,242 for taxpayers filing jointly who have 3 or more qualifying children, up from a total of \$6,143 for tax year 2014. The revenue procedure has a table providing maximum credit amounts for other categories, income thresholds and phaseouts.
- Estates of decedents who die during 2015 have a basic exclusion amount of \$5,430,000, up from a total of \$5,340,000 for estates of decedents who died in 2014.
- For 2015, the exclusion from tax on a gift to a spouse who is not a U.S. citizen is \$147,000, up from \$145,000 for 2014.
- For 2015, the foreign earned income exclusion breaks the six-figure mark, rising to \$100,800, up from \$99,200 for 2014.
- The annual exclusion for gifts remains at \$14,000 for 2015.
- The annual dollar limit on employee contributions to employer-sponsored healthcare flexible spending arrangements (FSA) rises to \$2,550, up \$50 dollars from the amount for 2014.
- Under the small business health care tax credit, the maximum credit is phased out based on the employer's number of full-time equivalent employees in excess of 10 and the employer's average annual wages in excess of \$25,800 for tax year 2015, up from \$25,400 for 2014.

Details on these inflation adjustments and others not listed in this release can be found in [Revenue Procedure 2014-61](#), which will be published in Internal Revenue Bulletin 2014-47 on Nov. 17, 2014. The [pension limitations for 2015](#) were announced on Oct. 23, 2014.

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Page Last Reviewed or Updated: 30-Oct-2014

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## Dependent Care Benefits

If you receive dependent care benefits, your dollar limit for purposes of the credit may be reduced. See [Reduced Dollar Limit](#), later. But, even if you cannot take the credit, you may be able to take an exclusion or deduction for the dependent care benefits.

**Dependent care benefits.** Dependent care benefits include:

1. Amounts your employer paid directly to either you or your care provider for the care of your qualifying person while you work,
2. The fair market value of care in a daycare facility provided or sponsored by your employer, and
3. Pre-tax contributions you made under a dependent care flexible spending arrangement.

Your salary may have been reduced to pay for these benefits. If you received benefits as an employee, they should be shown in box 10 of your Form W-2, Wage and Tax Statement. See [Statement for employee](#), later. Benefits you received as a partner should be shown in box 13 of your Schedule K-1 (Form 1065) with code O.

Enter the amount of these benefits on Form 2441, Part III, line 12.

**Exclusion or deduction.** If your employer provides dependent care benefits under a qualified plan, you may be able to exclude these benefits from your income. Your employer can tell you whether your benefit plan qualifies. To claim the exclusion, you must complete Part III of Form 2441. You cannot use Form 1040EZ.

If you are self-employed and receive benefits from a qualified dependent care benefit plan, you are treated as both employer and employee. Therefore, you would not get an exclusion from wages. Instead, you would get a deduction on Form 1040, Schedule C, line 14; Schedule E, line 19 or 28; or Schedule F, line 15. To claim the deduction, you must use Form 2441.

The amount you can exclude or deduct is limited to the smallest of:

1. The total amount of dependent care benefits you received during the year,
2. The total amount of qualified expenses you incurred during the year,
3. Your earned income,
4. Your spouse's earned income, or
5. \$5,000 (\$2,500 if married filing separately).

The definition of earned income for the exclusion or deduction is the same as the definition used when figuring the credit except that earned income for the exclusion or deduction does not include any dependent care benefits you receive.

# Society For Human Resources Management

## For 2015, FSA Contribution Limit Rises to \$2,550

By Stephen Miller, CEBS 10/30/2014

 Permissions

For tax year 2015, the Internal Revenue Service announced the inflation-adjusted contribution limit for health flexible spending accounts (FSAs) will go up by \$50, to \$2,550.

...

Revenue Procedure 2014-61 provides the following employee benefit adjustments:

### **FSAs**

The annual dollar limit on employee contributions to employer-sponsored health care FSAs **risks to \$2,550** in 2015, up from \$2,500 in 2014. Both employer and employee may contribute to an employee's health FSA, but contributions from all sources combined must not exceed the \$2,550 annual limit for 2015.

The annual limit for dependent care FSAs or dependent care assistance plans (DCAPs) will **remain at \$5,000** for qualifying individuals and those who are married and file a joint return, and will **remain at \$2,500** for those who are married and file separate returns.

Beginning in 2014 but expected to be more widely adopted in 2015, the U.S. Treasury Department and the IRS altered the long-standing "use it or lose it" rule, allowing employers to offer a carryover of up to \$500 in unused health FSA funds to the following year or to continue a grace period option giving employees a two-and-a-half month extension to spend remaining FSA funds. FSAs cannot have both a carryover and a grace period option, and employers are not obligated to offer either extension.

(6) ELECTION  
WORKERS

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **COMPENSATION FOR ELECTION WORKERS**

**REQUESTED MOTION:**

**I MOVE THAT THE BOARD OF SELECTMEN VOTE TO SET NON-EMPLOYEE COMPESATION FOR ELECTION WORKERS AS FOLLOWS: \$9.00/HOUR FOR INSPECTORS, NIGHT TELLERS, BALLOT BOX WORKERS AND ALL TRAINING SESSIONS; \$9.50/HOUR FOR CLERKS; AND \$10.00/HOUR FOR WARDENS.**

**BACKGROUND:**

Election Workers compensation is set by the BOS per M.G.L. Chapter 54, Section 22. However, Election Workers are not considered employees under Chapter 151A, Section 6A. The Town Clerks proposals would pay Election Workers in concert with current minimum wage, even though municipalities are exempt from the minimum wage provision. Taking the action at this time will make the new wage applicable to certain state reimbursement for 3 hours of operating expenses.

To: Board of Selectman  
From: Beth R. Klein, Town Clerk  
Date: June 17, 2015  
Re: Election Official Salaries

The last time the Wayland Election Officials received a salary increase was in January 2007. Listed below are the amounts they are currently receiving.

Inspector/Night Tellers/ Ballot Box	\$8.00/hr. or \$112.00/day
Clerk	\$8.50/hr. or \$119.00/day
Warden	\$9.00/hr. or \$126.00/day

The above figures are based on a 14-hour day, but could be more depending on hours worked.

Taking into consideration the new minimum wage increase that went into effect January 1, 2015, I would like to propose the following increases. Effective June 30, 2015 as follows:

Inspector/Night Tellers/ Ballot Box	\$9.00/hr. or \$126.00/day
Clerk	\$9.50/hr. or \$133.00/day
Warden	\$10.00/hr. or \$140.00/day
Training sessions for all election workers	\$9.00/hr.

The funds for this increase will have to come from the current budget. My 2016 budget includes sufficient funds to pay for the wage increase for two elections.

The raise will increase each worker's salary by \$14.00 per election. This will bring up the hourly rate to current minimum wage levels although by 2016 the minimum wage will increase again. Since municipal employees are exempt from the new minimum wage increases I do not plan on asking for additional increases.

I think that it is necessary to increase the rates as it has been getting more difficult to get qualified workers. The Presidential Primary and the Town Election are coming up and I am planning on recruiting new poll workers this summer so I will have enough to work both elections. In addition the state is requesting Towns to submit their election costs for the 2016 elections by July 17, 2015 in order to receive reimbursement for the Uniform Polling Hours mandate. The State is reimbursing Towns for 3 hours of operating expenses for all state and national elections in 2016. See

attached. I will be out of the office from July 13-17, and will need to submit everything to the state by July 10<sup>th</sup>.

I have also attached a copy of MGL 54, Sec. 22 which authorizes the Board of Selectman to approve wages for election workers.

If there is any other information you need let me know.



**PART I** ADMINISTRATION OF THE GOVERNMENT

**TITLE VIII** ELECTIONS

**CHAPTER 54** ELECTIONS

**Section 22** Compensation of election officers

Section 22. Election officers shall receive such compensation as the city council or the selectmen respectively may determine; but no deputy officer shall receive compensation except for attendance at the opening of the polls or for services in place of an absent officer.



**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XXI** LABOR AND INDUSTRIES**CHAPTER 151A** UNEMPLOYMENT INSURANCE**Section 6A** Other service not included in "employment"

Section 6A. The term "employment" shall not include service performed by an individual in the employ of the commonwealth or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of any of the foregoing and one or more states or political subdivisions or Indian tribes if such individual performed such services as:

- (1) an elected official; or
- (2) a member of, a legislative body; or
- (3) a member of the judiciary; or
- (4) a member of the National Guard or Air National Guard; or

*[ Clause (5) effective until March 24, 2015. For text effective March 24, 2015, see below.]*

(5) an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

*[ Clause (5) as amended by 2014, 144, Sec. 40 effective March 24, 2015. See 2014, 144, Sec. 81. For text effective until March 24, 2015, see above.]*

(5) an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;

*[ Clause (6) effective until March 24, 2015. For text effective March 24, 2015, see below.]*

(6) an employee serving in a position which, under or pursuant to the laws of the commonwealth or tribal law, is appointed to either a nontenured policymaker or advisor, or in a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.

*[ Clause (6) as amended by 2014, 144, Sec. 41 effective March 24, 2015. See 2014, 144, Sec. 81. For text effective until March 24, 2015, see above.]*

(6) an employee serving in a position which, under or pursuant to the laws of the commonwealth or tribal law, is appointed to either a nontenured policymaker or advisor, or in a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or

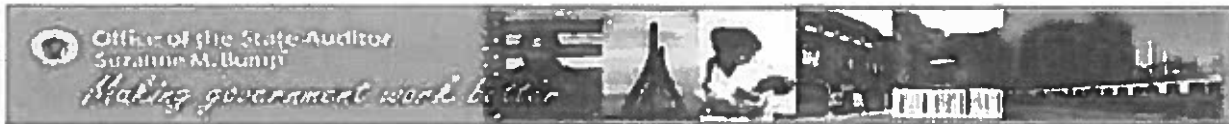
*[ Clause (7) added by 2014, 144, Sec. 41 effective March 24, 2015. See 2014, 144, Sec. 81.]*

(7) an election official or election workers if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000.

**Klein, Beth**

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**From:** CostCertification, DLM (SAO) <dln.costcertification@state.ma.us>  
**Sent:** Friday, June 05, 2015 9:04 AM  
**To:** Klein, Beth  
**Subject:** STATE FUNDING FOR THE 2016 MARCH PRESIDENTIAL PRIMARY AND FALL STATE ELECTIONS - CLAIMS DUE BY JULY 17, 2015



**TO:** Municipal Elections Officials

**FROM:** The Division of Local Mandates, Office of the State Auditor

**DATE:** June 5, 2015

**RE: STATE FUNDING FOR THE 2016 MARCH PRESIDENTIAL PRIMARY AND FALL STATE ELECTIONS – CLAIMS DUE BY JULY 17, 2015**

The State Auditor's Division of Local Mandates (DLM) is beginning the process of certifying state mandated costs resulting from the Uniform Polling Hours Law for the 2016 election cycle. The attached electronic claim form will allow you to electronically submit your expenses for the Uniform Polling Hours mandate. Your prompt response will enable DLM to forward certified costs to the Secretary of State's office by the statutory deadline of September 15, 2015.

Our form concerns the Uniform Polling Hours law, Chapter 503 of the Acts of 1983, which requires that all polling places for state and national elections open no later than 7:00 a.m. and remain open until 8:00 p.m. Since state law prior to Chapter 503 allowed polls to open as late as 10:00 a.m., three hours of mandated election expenses are eligible for state funding under the Local Mandate Law for each of these elections. As a result, the information you provide DLM will ensure that your community receives a total of six hours of state funding to support the mandated costs for the state elections in September and November 2016. The information that you provide will also serve as the basis for state distributions to support three hours of mandated costs for the Presidential primary in March 2016 as well.

As in past years, your municipal treasurer should receive funding by check or wire transfer to cover the first three hours of operating polling places shortly before the March 2016 Presidential primary. Distributions to cover the first three hours of both the September state primary and November final elections should go out in August 2016. State law provides that this funding will be earmarked to support the Chapter 503 mandate.

The Office of the State Auditor has certified \$22 million for direct distributions of state funding to cities and towns for the Uniform Polling Hours mandate since 1984.

**Please review the instructions for completing and returning the claim form along with the certification clause. Once the form is returned to DLM, our staff will review the data and certify funding for your community.**

The electronic form is easy to use and asks for the same type of data that we have requested in prior years. If you do have a substantive or technical question, please call Anthony D'Aiello at 857-242-5425, or email [DLM.CostCertification@sao.state.ma.us](mailto:DLM.CostCertification@sao.state.ma.us). **The deadline to submit certification forms is July 17, 2015.**

You may access the form by clicking on the following link: [Uniform Polling Hours Election Certification Form](#)

Thank you. We look forward to working with you to ensure full and timely certification of these election expenses for every community.

Anthony D'Aiello  
Assistant Director  
Division of Local Mandates  
Office of the State Auditor, Suzanne M. Bump  
One Winter Street, 9<sup>th</sup> Floor  
Boston, MA 02108  
Tel: 857.242.5425  
Fax: 617.727.0984  
[Anthony.D'Aiello@sao.state.ma.us](mailto:Anthony.D'Aiello@sao.state.ma.us)

(7) NEW  
TREASURER

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **INTRODUCTION OF NEW TREASURER/COLLECTOR**

**REQUESTED ACTION:**

**NONE.**

**BACKGROUND:**

Zoe Pierce has been appointed as the new Treasurer/Collector for Wayland. We would like to introduce her to the Board and allow her to review her observations to date.



**Town of Wayland**  
**Treasurer/Collector's Office**  
41 COCHITUATE ROAD  
WAYLAND MASSACHUSETTS 01778  
www.wayland.ma.us TEL. 508-358-3633

Date: June 18, 2015

TO: Nan Balmer, Town Administrator

FROM: Zoe Pierce, Treasurer/Collector

RE: Initial Impressions

Following are my initial impressions and observations of the Treasurer/Collector's office. These are the five issues that I feel need to be prioritized and addressed:

- **Cash Control Procedures**  
Currently there is not a method to report consolidated collections on a daily basis. There is not a uniform turnover policy for the funds collected by other town departments.
- **Banking**  
The Town currently banks with 14 different financial institutions. We need to assess our set up and better manage our accounts.
- **Tax Taking**  
There is no uniform policy regarding collection procedures with respect to Tax Title accounts. A defined policy needs to be implemented and acted upon as soon as possible.
- **General Collection Procedures**  
There are delinquent accounts that are not in tax title. Policies and procedures should be put in place, not only regarding payment plans, but also laying out the necessary steps the town needs to take to protect its interests.
- **Security**  
Steps have been taken to ensure that our on-line banking is secure. Protective software has been upgraded and control over access has been implemented. Limiting open access to the Treasurer/Collector's office is being considered.

As I become more familiar with the procedures in the office, I will have additional observations to review with you.

(8) TOWN GREEN  
SUMMER  
EVENTS

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **TOWN CENTER SUMMER EVENTS SPONSORED BY THE WAYLAND BUSINESS ASSOCIATION**

**REQUESTED ACTION:**

**POTENTIAL APPROVAL OF ENTERTAINMENT LICENSE**

**BACKGROUND:**

The Wayland business Association (WBA) would like to sponsor a series of public events at Town Center. The first event is planned for Wednesday, July 15<sup>th</sup>. David Larson would like to brief the Board on the WBA's plans. An entertainment license would require approval by the Board for the events to proceed. If the application is not ready, the application could be approved on July 13<sup>th</sup>.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

TEL. (508) 358-7755  
www.wayland.ma.us

## APPLICATION FOR ENTERTAINMENT LICENSE

The undersigned hereby applies for a License for an Entertainment License in accordance with the provisions of the Statutes relating thereto:

Name of Applicant (must be an individual): DAVID LARSON

Name of Company: TOWN CENTER BUSINESSES

If Business is a Corporation, Corporate Name and Officers: \_\_\_\_\_

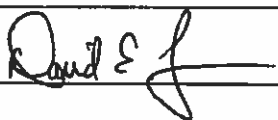
Address: 400 BOSTON POST ROAD, WAYLAND, MA 01778

Mailing Address (if different from establishment): my local address in 109 Andrew Ave, Suite 102 Wayland, MA, 01778 as the owner of Joint Ventures Physical Therapy, but this is not specifically a Joint Ventures event.

Email Address: dave.larson@jointventurespt.com

Telephone Number: 617-536-1161, ext 1 Fax Number: 617-536-1165

Description of Entertainment: SEE ATTACHED

Signature of Applicant:  Date: 6/11/15

***A certificate of insurance, showing evidence that the applicant has workers' compensation insurance, must be included with this completed application.***





June 15, 2015

RE: Wayland Town Center Summer Event Series

To Whom It May Concern:

Over the past 3 months, a subset of business owners and decision makers at the Wayland Town Center have been meeting to brainstorm ideas to host a summer event series at the Wayland Town Center. We have bonded over the common goal of increasing traffic to the Town Center.

With input from many, I present today our initial plans:

We would like to host a recurring series of family friendly events on the Town Green at the Wayland Town Center. This would be a privately funded series of "open to the public" events. We are anticipating holding these events every other Wednesday starting July 15<sup>th</sup> for a total of 2-4 events (pending participations and interest).

We're hoping to attract approximately 100 people – focusing on families with children high school aged and younger, but accepting anyone -- from Wayland, Weston, and Sudbury.

The content of each event would be 1-2 "main attractions" – we're considering things such as local bands (playing family friendly music), a Wayland High School singing or dancing group, a dunk tank, a comedian, maybe a movie night, an open mic night, etc. as well as other family friendly activities (face painters, balloon artists, art projects for kids – making hats or necklaces, etc). The food establishments of the Town Center would also provide food, drinks, and yogurt on a complimentary or cash basis.

The subset of Town Center businesses I have been working with would be funding any expenses related to hosting each event. In exchange for their financial support, they would be allowed to market their business to the attendees through live reads, signage, tables on the Town Green, and complimentary food distribution to attendees. We also plan to offer beer and wine for sale.

We're hoping people would bring their own lawn chair or picnic blanket and sit on the Town Center green and enjoy some entertainment, let the kids run around and try some fun activities, have some food and a drink, and enjoy the community we're trying to create at the Wayland Town Center.

Here are the logistics we have considered at this time:

We have received a written “blessing” from the property owner, KGI Properties, for hosting this event series. They have requested a few stipulations about insurance coverage and cleaning up the space after the events that seem agreeable to us. They have also provided a very small amount of financial support to encourage us along the way.

We anticipate having a one-day insurance policy -- that would include both general liability insurance and worker’s compensation insurance coverage -- by the end of this week.

We have a completed Town of Wayland Entertainment License (we’re just waiting to include our certificate of insurance before filing) and will have a completed Town of Wayland One Day Liquor license by the end of the week (again, we’re just waiting to include our certificate of insurance before filing).

We would be renting a small generator to supply power for any amplified music / microphone needs.

We would encourage attendees to park in the large parking lot in front of Stop and Shop. We will get Stop and Shop’s approval before advertisements go out.

Each business looking to have a presence at the event, would supply their own tables, chairs, marketing supplies, etc. Any additional “attractions” or “activities” the business would like to have (e.g. face painters, balloon artists, craft tables) would be at their own expense and must be fully cleaned up at the conclusion of the event.

Food vendors would have a table to distribute their food from or would walk around the crowd to give out complimentary samples. Any food sold or supplied at the events would be prepared at the currently established Town Center businesses. No food would be prepared onsite at the Town Green.

Though the event would be free of charge to any attendees, any financial transactions necessary from an individual business would go through the individual businesses. It would probably be best to be a cash only event due to the lack of electricity on the Town Green.

We are about to reach out to a few local refuse businesses to see if they would donate trash cans and recycle bins to the event and clean them up afterwards in exchange for some live plugs to the attendees. We will keep the Town Green clean.

We are about to reach out to a few local mosquito control businesses to see if they would donate a treatment on the Town Green prior to the event to improve the comfort of attendees. We want people to return for future events.

We are planning to ask KGI properties to mow the lawn on the Town Green just prior to the event to improve the comfort of attendees.

We would make an effort to reach out to each of the Town Center businesses and residents to let them know about the events. Whether they would like to participate or attend or not, we would like to create a positive environment surrounding these events.

Questions at this time:

Would we need any specific Board of Health permits or approvals to serve food in the capacity indicated above?

Would we need any special permits for "noise" levels?

Would we need any special police, fire or building permits or approvals? Would we need any police or fire presence at the event?

Any other permits or considerations we need to complete prior to hosting our first event on July 15<sup>th</sup>, 2015.

We realize that our first event date is 30 days away, so time is of the essence for making sure we have "all of our bases covered". But I am confident that we have a committed core of Town Center business owners and decision makers that are ready to leverage some of their business and personal connections in order to ensure this is a safe, fun, family appropriate and positive community event.

Please reach out directly to me at the contact information below if you have any specific questions or have any recommendations or know of any additional permits or sign-offs we would need.

Thank you for your time,



David E. Larson, MSPT  
Owner  
Joint Ventures Physical Therapy and Fitness  
Wayland Town Center  
617-536-1161, ext 1.  
Dave.Larson@JointVenturesPT.com

## **Senchyshyn, John**

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**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 10:28 AM  
**To:** Senchyshyn, John  
**Cc:** Karlson, Cherry  
**Subject:** FW: Town Green Improvements

**Categories:** Red Category

Update on Town Green improvements

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**From:** Sarkisian, Sarkis  
**Sent:** Thursday, June 11, 2015 10:24 AM  
**To:** Balmer, Nan  
**Subject:** FW: Town Green Improvements

FYI regarding the Town Green Improvements.

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**From:** Frank Dougherty [<mailto:f.dougherty@kqiproperties.com>]  
**Sent:** Thursday, June 11, 2015 9:25 AM  
**To:** Sarkisian, Sarkis  
**Subject:** Town Green Improvements

Sarkis,

I spoke to Tony this morning regarding the Town Green improvement program. We have already give the Tenants permission to hold a number of events on the green this summer. I believe they met with the BOS a couple of weeks ago.

We will not allow any construction on the green this summer. We can re-visit the concept after Labor Day.

**Frank Dougherty**  
Director of Development  
KGI Properties, LLC  
10 Memorial Boulevard, Suite 901  
Providence, RI 02903

Office: 401.273.8600  
Cell: 617.548.8416  
E-mail: [f.dougherty@kqiproperties.com](mailto:f.dougherty@kqiproperties.com)

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# (9) INTERVIEWS AND APPOINTMENTS

DATE: JUNE 19, 2015

TO: BOARD OF SELECTMEN

FROM: JOHN SENCHYSHYN, ASSISTANT TOWN ADMINISTRATOR/  
HUMAN RESOURCES DIRECTOR

RE: COMMITTEE INTERVIEWS AND REAPPOINTMENTS

## **ACTIONS REQUESTED:**

- 1. INTERVIEW AND POTENTIAL VOTE TO REAPPOINT CAROL MARTIN TO THE FINANCE COMMITTEE**
- 2. INTERVIEW AND POTENTIAL VOTE TO APPOINT ANETTE LEWIS TO THE FINANCE COMMITTEE**
- 3. INTERVIEW AND POTENTIAL VOTE TO APPOINT GORDON CLIFF TO THE FINANCE COMMITTEE**
- 4. INTERVIEW AND POTENTIAL VOTE TO REAPPOINT BARBARA HOWELL TO THE CONSERVATION COMMISSION**
- 5. INTERVIEW AND POTENTIAL VOTE TO APPOINT SEAN FAIR TO THE CONSERVATION COMMISSION**
- 6. INTERVIEW AND POTENTIAL VOTE TO APPOINT LOU MARCOCCIO TO THE COUNCIL ON AGING/COMMUNITY CENTER ADVISORY COMMITTEE**

## **BACKGROUND:**

1. Openings for vacant appointed committee and board positions and for positions held by members with expiring terms were advertised on the Town Bulletin Board and website and a notice was placed in the Town Crier that the town is seeking volunteers.
2. Members seeking reappointment were asked to respond by May 30 if they did not want to be reappointed.
3. The Board decided at its June 1st meeting to interview only members seeking reappointment from Finance Committee, Personnel Board, Conservation Commission and Zoning Board.
4. Finance Committee interviews on June 24: There are two vacancies on the Finance Committee, each for a three-year term. One vacancy is created by the end of the term of Carol Martin, who wishes to be reappointed. The

**COMMITTEE INTERVIEWS AND REAPPOINTMENTS  
PAGE TWO**

second vacancy is created by the resignation of Tom Greenaway, who declined to be reappointed. Two appointments to be made:

- a. Carol Martin – Interview for reappointment for a three-year term
  - b. Anette Lewis – Interview for appointment as a new member for a three-year term
  - c. Gordon Cliff – Interview for potential appointment as a new member for a three-year term
5. Conservation Commission Interviews on June 24: There are two vacancies on the Conservation Commission, each for a three-year term. One vacancy is created by the end of the term of Barbara Howell, who wishes to be reappointed. The second vacancy is created by Bob Goldsmith, currently a member of the Conservation Commission, who declined to be reappointed but has offered to serve for one more year if necessary. He will not be available for an interview on June 24. Two appointments to be made:
- a. Barbara Howell – Interview for reappointment for a three-year term
  - b. Sean Fair – Interview for appointment for a three-year term
6. Council on Aging/Community Center Advisory Committee Interview on June 24: There is one vacancy on the committee for a member-at-large.
- a. Lou Marcoccio – Interview for appointment for a term to expire upon the final recommendation and report of the Committee at Town Meeting
7. Recommendations were requested from Committee chairs and received from:
- a. Email of 6/1/15 from Sherre Greenbaum, Chair, Conservation Commission, in support of Barbara Howell and Bob Goldsmith

## Balmer, Nan

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**From:** Sherre Greenbaum <sherregreenbaum@gmail.com>  
**Sent:** Monday, June 01, 2015 4:40 PM  
**To:** Balmer, Nan  
**Cc:** Monahan, Brian  
**Subject:** Conservation Commission reappointments

Nan-

As chair of the Conservation Commission, I completely support the reappointment of both Barbara Howell (3-year term) & Bob Goldsmith (1-year term).

I have learned from experience on the Commission that Barbara is essentially indispensable to its work. She is a highly dedicated and dependable resource on the conservation areas. She has a phenomenal historical memory of projects and knowledge of the laws and regulations governing the Commission's jurisdiction. She fully researches/reviews applications and contributes meaningfully during hearings and meetings.

Bob likewise is a great contributor. He can always be called on to do the extra work that may be required to understand the background and implications of a project. He brings a technical expertise which the Commission can rely upon. He is dedicated to the Commission's work, and we would be very fortunate to have the benefit of his skills for another year.

Please share these comments with the Selectmen during the reappointment process.

Thank you.  
Sherre

May 21, 2015

To: Nan Balmer, Town Administrator  
From: Carol Martin

RE: Re-appointment to Finance Committee

Nan -

My term on the Finance Committee expires on June 30, 2015. It has been an honor to serve and I respectfully request the Board of Selectmen authorize my reappointment. For your review and consideration, an updated resume is attached.

Thank you. Please call me at 508/655-8058 with any questions.

Carol Martin

Request interview w/ if possible



**Carol B. Martin**

42 Lake Road  
Wayland, MA 01778

508/655-8058

carolbmartin@verizon.net

**Summary of Qualifications:** 25 year successful Sales and Marketing career that culminated in early retirement. Utilized analytical and creative skills to consistently achieve or exceed sales goals, develop viable marketing plans and effective budgets.

**Experience**

**2009-Present**

**Volunteer, Town of Wayland, Wayland, MA**

2012-Present: Member, Finance Committee

2011 & 2012: Member, Council on Aging

2010 & 2011: Member Senior Property/Tax Relief

2009-2013: Senior Tax Workoff: Board of Health

2009 -2013: Polls/ATM Aide: Town Clerk.

**2009-2010**

**Marketing Consultant/Fundraiser, Strategic Sales & Marketing, Wayland, MA**

Provided marketing plan development, consulting and fundraising support to wide variety of clients including Cmarket, RF Interiors and Riverside Art Gallery.

**2004-2008**

**Marketing Consultant/Fundraiser, Boston Globe, Boston, MA**

Assisted Marketing team in securing funding to support Newspaper in Education program. Initiatives introduced included a Sign on to Literacy campaign, writing grant requests and producing the annual online auction.

**1991-2004**

**Circulation Sales & Marketing Manager, Telegram & Gazette, Worcester, MA**

plan

Maintained and increased circulation by expanding marketing from a spring/fall sequence to a 12-month/52-week program. Created online auction and implemented Sign on to Literacy campaign to achieve Newspaper in Education funding goals. Developed and managed \$4M budget and staff of 35.

**1976-1989**

**Human Resource, Town of Wellesley, Coatings Engineering & 1<sup>st</sup> American Bank.**

copy, job  
labor

Over course of 15 years, was responsible for recruitment, writing ad description development & benefits administration. Assisted in contract negotiation and administration.

**Education**

**M.B.A., with distinction**  
Babson College  
Wellesley, MA

**Bachelor of Arts, cum laude**  
Bridgewater University  
Bridgewater, MA

**Languages**

Working knowledge of French and Spanish

ANETTE LEWIS  
33 CLAYPIT HILL ROAD  
WAYLAND, MA 01778

PH: 508/358-4973

[astewis33@verizon.net](mailto:astewis33@verizon.net)

June 1, 2015

Board of Selectmen  
c/o Nan Balmer, Town Administrator  
Wayland Town Hall  
Wayland, MA 01778

RE: Finance Committee Appointment

Dear Members of the Board of Selectmen:

I hope you will look favorably on my application for appointment to the open position on the Finance Committee.

I have attended practically every Finance Committee meeting for the past three years and can hit the ground running. I am well versed in the intricacies of the municipal budgeting process both as an involved Wayland citizen for the past 36 years and from my 10-years of service as a Wayland Road Commissioner. I know what it takes to prepare an operating budget, manage to that budget, and how to assess a cost/benefit analysis in support of capital expenditures. I understand how the Finance Committee tries to balance the need for services against the desire to control tax increases. And, I have had front-line responsibility for just such things on numerous elected and appointed boards and committees and for clients in my legal practice. I am also reasonably well versed in municipal finance.


The Massachusetts Department of Revenue (DOR), Division of Local Services issues numerous publications to assist local governments in carrying out their financial management responsibilities. In *A Guide to Financial Management for Town Officials*, at Section 5.1, the DOR states,

The finance committee is the official fiscal watchdog for a town. Because it is difficult for all taxpayers to be completely informed about every aspect of a town's finances, finance committees were established so a *representative* group of taxpayers could conduct a through review of municipal finance questions on behalf of all citizens (emphasis supplied).

My goal is always to work collaboratively with all constituencies and, when on a board, to be a productive member of a team. Over the past three years, I have developed a good working relationship with the members of the Finance Committee and staff.

Enclosed, please find a brief resume of my professional background. Also enclosed is a summary of some of my volunteer civic activities and the boards on which it has been my privilege to serve as both an elected and an appointed town official (see "Service to Wayland Community"). I am not currently serving on any town board or committee.

I appreciate your consideration,

  
Anette Lewis

Enclosures (2)

**ANETTE SELTZER LEWIS**  
33 Claypit Hill Road  
Wayland, MA 01778

508/358 - 4973

aslewis33@verizon.net

### **HIGHLIGHTS**

- Seasoned environmental, land use, and regulatory attorney
- Proficient in development of effective product safety and regulatory compliance strategies for national retailing and manufacturing operations re: CPSC, FTC, EPA, FDA, DOT
- Proven ability in fast-track licensing and permitting of major construction projects
- Experienced in community and government relations
- Skilled in preparing and managing detailed budgets
- Accomplished contract negotiator for purchases of services and major equipment
- Competent litigator before federal and state agencies and federal district courts
- Guest lecturer at various seminars on product safety and environmental law
- Member of International Energy Agency's Environmental Task Force – published 2 volumes on use of coal and country-specific environmental laws

### **PROFESSIONAL EXPERIENCE**

**PRIVATE LAW PRACTICE** – Environmental boutique with national practice (1995 to present)

**THE FOXBORO COMPANY** – Director of Special Projects - Environmental (1995 to 1998)

**GOODWIN, PROCTER & HOAR** – Environmental & Regulatory Counsel (1988 to 1995)

**NEW ENGLAND ELECTRIC SYSTEM** – Environmental & Procurement Counsel (1979 to 1988)

**MONTGOMERY WARD & CO., INC.** – Senior Attorney Regulatory (1976 to 1979)

**U.S. CONSUMER PRODUCT SAFETY COMMISSION, BUREAU OF COMPLIANCE** – Trial Attorney (1974 to 1976)

**HON. WILLIAM VOGEL, PENNSYLVANIA COURT OF COMMON PLEAS** – Law Clerk (1973 to 1974)

### **PUBLICATIONS**

Co-author, *The Law of Hazardous Waste: Management, Cleanup, Liability and Litigation* (Matthew Bender & Co., Inc., 1988)

Co-author, *Coal Use and the Environment*, Environmental Task Force of the International Energy Agency's Coal Industry Advisory Board, Organization for Economic Cooperation and Development (Paris, 1983)

### **EDUCATION**

Syracuse University College of Law (J.D. 1973). Scholarship; Research Assistant.

Boston University (B.A. 1970, Philosophy-Government). Fels Foundation Fellowship.

### **BAR ADMISSIONS**

Massachusetts; District of Columbia; Pennsylvania; U.S. Court of Appeals, First Circuit; U.S. District Court Mass. and E.D. Pa.

*See Addendum "Service To Wayland Community"*

**Anette Lewis –  
Resident Since 1979**

**SERVICE TO WAYLAND COMMUNITY**

- |                |  |
|----------------|--|
| 1987 – 1989    | Wayland Early Childhood Advisory Council (initial Children's Way Board of Directors) |
| 1993 – 1996    | Girl Scout Troop Leader  |
| 1998 – 1999    | Girl Scout Silver Award Leader for Wayland   |
| 2000 – 2009    | Board of Road Commissioners (elected 4 terms)  |
| 2001 – 2008    | Associate Member of Planning Board (elected 2 terms)                                 |
| 2002 – 2005    | Master Plan Advisory Task Force  |
| 2006 – Present | Wayland Garden Club – Chair Heard House Decorations, Programs, Workshops, Board      |
| 2007 – 2008    | DPW Assessment Committee   |
| 2008 – Present | Election Worker – Inspector, Warden, Clerk   |
| 2010 – 2013    | Town Meeting Procedures Subcommittee   |
| 2010 – 2013    | Town Meeting Advisory Committee  |
| 2014 – 2015    | Long-Range Planning Working Group – Town-Owned Land                                  |
| 2014 – 2015    | Moderator's Wayland Town Meeting Rules Advisory Committee                            |

June 1, 2015

Board of Selectmen

Town of Wayland

I would like to volunteer for a position on the Finance Committee (“FinCom”). I have been a member of Wayland’s Audit Committee since it was formed. I was initially designated by the FinCom for the Audit Committee in 2012 and redesignated in 2014. I feel that I am now ready and interested in moving to role on the FinCom.

I have significant experience that indicates that I would be a good FinCom member. I served in various senior management roles in the finance function of a major management consulting firm from 2007-14, including being the head of the Financial Planning & Analysis department. In that role I was responsible for overseeing all aspects of the Firm’s annual planning and budgeting process, as well as overseeing projects and initiatives to reduce costs and operate more efficiently. Prior to that I led a major business unit at Household International and spent more than 15 years as a management consultant helping companies and organizations design and implement programs to reduce cost, operate more efficiently, and improve performance.

I also have relevant credentials. I am a Certified Financial Analyst, which means I have significant expertise in reading and analyzing financial statements. I have an MBA from Harvard Business School and majored in Economics at Williams College.

The FinCom is one of our Town’s most important Committees. It is vital that members of the FinCom have the required expertise but also good listening skills to make sure that all points of view are considered in developing recommendations that are in the best interest of Wayland. As a member of the FinCom I will be committed to listening and giving due consideration to all points of view, including actively reaching out to members of the community to gain additional insights and perspectives whenever possible.

Attached is a copy of my resume. Please let me know if you have any questions/concerns.

Sincerely,

Gordon Cliff

Highfields Road

## **(DAVID) GORDON CLIFF**

2 Highfields Road, Wayland, MA 01778

Cell: 508 463-5311 Home: 508 276-1641 gordoncliff59@gmail.com

### **SUMMARY**

Hands-on and results-oriented Risk Management and Finance executive. Combine extensive Risk Management and Finance experience with strategy, problem-solving, communication, collaboration, and leadership skills to drive step-function improvements in performance.

**MCKINSEY & COMPANY**, Waltham, MA/New York, NY

#### **Senior Manager, Risk Advanced Analytics**

**2014-Present**

Support a global team of over 120 partners, consultants, and modelers focused on scaling-up McKinsey risk advanced analytics client service.

- **Client development** – Help access and develop risk advanced analytic materials used to win new client assignments. Debrief teams after completed assignments to identify and crystallize lessons learned.
- **Knowledge development** – Provide support on key knowledge investment efforts. Developed a client survey tool to assess major banks performance and improvement opportunities in stress testing and regulatory compliance.
- **External reputation building** – Assist in developing articles and materials for publications. Helped write an editorial that appeared in the European edition of the Wall Street Journal on the impact of the new Single Supervisory Mechanism.
- **People management** – Worked with consultants and modelers to develop a systematic and detailed understanding of statistical modeling skills, tools, and techniques. Resulted in over 60 Risk AA focused bios ready for inclusion in client documents.
- **Practice administration** – Provide action-oriented pipeline, resource availability, utilization, and financial reporting. Prepare agenda pre-reads, presentation materials, and debriefs for leadership meetings and other practice-building conferences and events.

#### **Director of Financial Planning and Analysis**

**2007-2013**

Lead a 30 member global team responsible for Board support, Firm-wide financial planning, M&A, special projects, staff function oversight, monthly reporting, and talent management.

- **Board support** – Provide analytical, administrative, and presentation support to the Finance Committee of the Board; participated in over 25 Finance Committee meetings.
- **Planning** – Helped design and implement a new planning process that has reduced operating expenses by 15%, shortened the cycle, and increased satisfaction at all levels.
- **M&A** - Supported the design of the Firm's M&A strategy and the execution of 5 transactions; helped monitor the integration and performance of completed deals.
- **Systems** - Led a \$20+ million/100+ FTE/60+ country/2+ year program to upgrade financial systems to Oracle R12. Eliminated customizations and massively reduced complexity (e.g., revenue accounts 700+ to 3, fixed assets 1,900+ to 120).
- **Special initiatives** – Co-led a project on billing and collection that reduced working capital by 20% by identifying best practices and providing actionable MIS.
- **Staff function oversight** - Provided financial oversight of \$375 million of administration functions including IT, Finance, HR, and Legal.
- **Monthly reporting** – rationalized reports, automated production, and architected an information environment to enable drill-down capabilities throughout the organization.
- **Talent management** - Reduced and upgraded staff, including position eliminations, staff redeployments, training, and hiring stronger replacements in lower cost markets.

**BCD Financial, North Attleboro, MA****2004-2007**

Served as an independent consultant while earning CFA and CFP certifications. Developed a program enabling tax professionals to improve client acquisition and retention. Redesigned back-office processes and systems to improve operational efficiency at an equity hedge fund.

**HOUSEHOLD INTERNATIONAL, Prospect Heights, IL****1999-2004****Managing Director – Direct Lending and Customer Retention (2001-2004)**

Started and led a start-up business unit (grew to over 250 employees) focused on acquiring new customers through the internet, referral relationships, direct mail solicitations, telemarketing, and other non-branch channels. Originated \$800 million in receivables and generated \$15 million in net income. Increased branch customer retention by 5% by targeted programs to retain at risk customers.

**Managing Director – Strategy and Development (1999-2000)**

Responsibilities included designing and implementing initiatives to increase cross-business unit cross-selling, driving growth and revenue enhancement initiatives, evaluating potential acquisitions, and overseeing the strategic planning process.

**ACCENTURE, New York, NY****1996-1999****Senior Partner**

Advised financial institutions on technology and operational improvement programs. Used IT and change management disciplines to increase the impact of strategic initiatives.

**MCKINSEY & COMPANY, New York, NY****1985-1996****Partner**

Advised financial institutions and other clients on strategy, and profit improvement programs. Used a strategic orientation and problem-solving skills to help clients design and implement change programs.

**MORGAN STANLEY & COMPANY, INC., New York, NY****1981-1983****Analyst - Mergers and Acquisitions**

Assisted clients on a wide variety of acquisition and divestiture assignments. Rated in the top quartile of analysts based on performance.

**EDUCATION****Harvard Business School, Cambridge, MA****M.B.A. Strategy and Finance, 1983-1985**

Earned Baker Scholar honors (top 5% of class in both years).

**Williams College, Williamstown, MA****B.A. Economics, 1977-1981**

Earned *Phi Beta Kappa* and *magna cum laude* honors

Captain of the swimming and water polo teams. Teaching assistant in econometrics.

**Other:** Chartered Financial Analyst (“CFA”), Certified Financial Planner (“CFP”), Professional Risk Manager, Town of Wayland Audit Committee member, contract bridge enthusiast



06/16/15

To whom it may concern,

I would like to add my name to the list for the open position on the Conservation Commission for the town of Wayland. My wife and I moved to Wayland 2 years ago with our new son. There we many aspects of the town that we fell in love with including the open spaces and natural setting that Wayland offers. I would be honored to give back to the town and serve on this committee.

Sincerely,

Sean Fair

## SEAN P. FAIR

**OBJECTIVE** To obtain a position on the Conservation Commission for the town of Wayland.

---

**EXPERIENCE** **CO-FOUNDER/MANAGING PARTNER, WAYMARK WEALTH MANAGEMENT LLC**  
2012-Current  
We are a fee based private wealth management firm based out of Westborough, MA. Other than being the Managing Partner I also specialize in SRI (Sustainable, Responsible, Impact Investing). I am also a member of the US SIF.

**FOUNDER/PRESIDENT, THE FAIR GROUP**  
2008-2012  
The Fair Group was a fee based private wealth management firm based out of Austin, TX specializing in SRI (Sustainable, Responsible, Impact Investing).

**DISTRICT MANAGER, AMERIPRISE FINANCIAL**  
2003-2008  
I was a district manager in charge of managing a group of advisors. I was ranked in the top 1% of all managers in the country.

---

**EDUCATION** **HAMILTON COLLEGE, CLINTON, NY, 1999-2003**  
Graduated with concentrations in Foreign Relations, Economics and Philosophy.

---

**COMMUNICATION** My partners and I were featured on the cover of On Wall St. in 2012

---

**LEADERSHIP** Wayland Economic Development Committee member 2014-Present  
US SIF investment board/member  
Sudbury Valley Trustees Land Steward  
John Muir Society of the Sierra Club  
Captain of Hamilton's Varsity Tennis team  
Lead trumpet player in Hamilton's Orchestra

---

**REFERENCES** **MICHAEL SCOTT**  
Co-founder/partner, Waymark Wealth Management LLC  
508-621-5621

## Senchyshyn, John

---

**From:** Balmer, Nan  
**Sent:** Monday, June 15, 2015 8:49 PM  
**To:** Senchyshyn, John; Karlson, Cherry  
**Subject:** Fwd: Committee Vacancy

Sent from my iPhone

Begin forwarded message:

**From:** Louis Marcoccio <[artlover2333@me.com](mailto:artlover2333@me.com)>  
**Date:** June 15, 2015 at 8:31:13 PM AST  
**To:** "Balmer, Nan" <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>  
**Subject:** Committee Vacancy

Hi Nate,

I am interested in being considered for the vacancy on the Council on Aging/Community Center Advisory Committee. Please let me know what is required to be considered for this position.

Regards,  
Lou Marcoccio

**My Background Overview:**

Deloitte and Touche - Partner  
Gustin Partners - Principal  
Fidelity Investments - VP of Strategic Technologies  
Virtusa - EVP and CTO  
Gartner Group - Analyst and Research Director  
Hewlett-Packard - Worldwide Marketing Manager and Chief Corporate Architect  
Simplex/Gould - Engineer and Director of Engineering  
Naval Underwater Systems Center - Engineer and Director of Engineering - Weapon Systems  
General Dynamics - Instructor - Nuclear Submarines  
Teacher - Roger Williams College (Engineering and Design)  
Hub and Die Cutter and Industrial Designer - Textron Inc.  
Landscape Architect  
Mechanic and Tow Truck Driver  
Home Inspector  
Commercial and Residential Building Contractor  
Landscape Developer and Excavator  
Heavy Construction Equipment Operator  
Carpenter  
Land Surveyor

Other:

Evaluated, inspected, built, and purchased quite a few houses

Income Qualifies for Federal and State Aid

Volunteering

National Women Business Owners Corp

The Salvation Army Children's Camp

Deloitte & Touche Impact Day Program (Repairing Homes of the Poor)

College Student Mentor Program

MSAA Donation of Goods

World Wildlife Organization

Save The Bay

Environmental Impact Group

Save The Elephants

Save the Bees

US Forest Service Programs

Conservation of MA

Greenpeace

Cure Bee Decline and CCD

International Disaster Relief Organization

Free Arts for Abused Children

Rhode Island Senior Citizen Launch Program

American Cancer Society

Friends of Boston Homeless

Teen Mentoring and University Mentoring Program

Education:

Rhode Island College - BS Degree

Teaching and Environmental Studies

Rhode Island School of Design

Providence Urban Planning Project

(10) TRANSFER  
DUDLEY WOODS  
PARCELS

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **TRANSFER CUSTODY OF 6 DUDLEY WOODS PARCELS TO THE RECREATION COMMISSION**

**REQUESTED MOTION:**

**I MOVE THAT THE BOARD OF SELECTMEN TRANSFER THE CARE, CUSTODY, MANAGEMENT AND CONTROL OF THE PARCELS OF LAND BEING PART OF THE AREA KNOWN AS "DUDLEY WOODS" AND SHOWN AS PARCELS 47B-055A, 47B-055E, 47B-055D, 47B-055C, 47B-055B AND 47B-056G ON THE PLAN ENTITLED "PLAN OF LAND IN WAYLAND, MASSACHUSETTS PREPARED FOR DORAN-DUDLEY POND COMPREHENSIVE FEASIBILITY STUDY" DATED SEPTEMBER 30, 2010 TO THE RECREATION COMMISSION FOR PASSIVE RECREATION PURPOSES, AND FOR THE PURPOSE OF THE CONSTRUCTION, INSTALLATION, OPERATION, REPAIR AND REPLACEMENT OF A SUBSURFACE COMMUNITY WASTEWATER DISPOSAL SYSTEM UNDER SAID PARCELS OF LAND, AS LONG AS SAID SYSTEM DOES NOT INTERFERE WITH SUCH RECREATIONAL USE OF THE LAND.**

**BACKGROUND:**

With the deposit of \$600,000.00 to the Affordable Housing Trust, the 6 Dudley Woods parcels are to be transferred to the Recreation Commission. The Trust currently has \$598,518.26 on deposit. Another unit at Town Center has sold and the Town is poised to receive an additional \$12,791.43 for the Trust. Should those funds be received and deposited prior to the June 24<sup>th</sup> BOS meeting, the transfer can be voted. If the funds are not received and deposited prior to the BOS meeting, the transfer will be delayed until the next BOS meeting which is scheduled for July 13<sup>th</sup>.

TOWN CENTER CONDO SALES						
Address	PAYOR	GIFT CONTRIBUTION	AFFORDABLE HOUSING	Check#	Deposit Date	
9 Lillian Way	Lloyd Teitelbaum PC	\$ 40,000.00	\$ 12,791.43	25162	11/25/14	
5 Lillian Way	Najarian Law Offices	\$ 40,000.00	\$ 12,791.43	1278	02/06/15	
4 Lillian Way	Canner Law & Assoc. PC	\$ 40,000.00	\$ 12,791.43	1281	02/17/15	
1 Lillian Way	Kellem & Kellem LLC	\$ 40,000.00	\$ 12,791.43	12322	02/04/15	
8 Lillian Way	Tenant & Ewer, PC	\$ 40,000.00	\$ 12,791.43	15895	03/23/15	
11 Lillian Way	Rogaris Law Office	\$ 40,000.00	\$ 12,791.43	5278	05/19/15	
10 Lillian Way	William F. Brewin Jr.	\$ 40,000.00	\$ 12,791.43	10629	05/05/15	
15 Lillian Way	White, Freeman & Winter	\$ 40,000.00	\$ 12,791.43	9567	04/29/15	
3 Lillian Way	Hurly Shah LLP	\$ 40,000.00	\$ 12,791.43	10107	5/19/205	
12 Lillian Way	Kertzman & Weil	\$ 40,000.00	\$ 12,791.43	9331	06/04/15	
7 Lillian Way		\$ 40,000.00	\$ 12,791.43		Pending	
		<b>\$ 400,000.00</b>	<b>\$ 127,914.30</b>			
			\$ 76,748.58		Sales 11/25/14 - 3/23/15 (6 Units)	
			\$ 51,339.00		Funded 2014 ATM	
			\$ 128,087.58			
			\$ 419,202.00		Funded 2015 ATM	
			\$ 547,289.58		Total initial deposit on 5/11/15	
			\$ 62.96		Interest through 6/12/2015	
			\$ 51,165.72		Deposit 6/12/15 - Sales 5/5/15 - 6/4/15 (4 Units)	
			\$ 598,518.26		Total on deposit through 6/12/15	
			\$ 12,791.43		Pending 7 Lillian Way (1 Unit)	
			\$ 611,309.69		Total on deposit through 6/24/15	

(11) ADDITIONAL  
LIQUOR  
LICENSE

DATE: JUNE 19, 2015  
TO: BOARD OF SELECTMEN  
FROM: JOHN SENCHYSHYN, ASSISTANT TOWN ADMINISTRATOR/  
HUMAN RESOURCES DIRECTOR  
RE: PETITION STATE LEGISLATURE TO ENACT A SPECIAL ACT  
RE: AN ADDITIONAL PACKAGE STORE LICENSE.

**ACTION REQUESTED:**

**I MOVE THAT THE BOARD OF SELECTMEN PETITION THE GENERAL COURT OF THE COMMONWEALTH PURSUANT TO THE PROVISIONS OF CLAUSE (1) OF SECTION 8 OF ARTICLE 2 OF THE AMENDMENTS TO THE CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS AND ALL OTHER APPLICABLE LAWS TO ENACT A SPECIAL ACT AUTHORIZING THE BOARD OF SELECTMEN TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 138 SECTION 15 TO BE EXERCISED BY A LICENSEE AT A PREMISES LOCATED IN THE WAYLAND TOWN CENTER MIXED USE DEVELOPMENT SITE, WHICH IS SHOWN ON ASSESSORS MAP 23 AS PARCELS 52, 52C, 52 E THROUGH 52S, AND 165 THROUGH 206, SUBSTANTIALLY THE SAME AS THE SPECIAL ACT PRINTED ON PAGE 90 OF THE WARRANT FOR THE 2015 ANNUAL TOWN MEETING, AS REVISED AT SAID TOWN MEETING**

**BACKGROUND:**

The above motion was prepared by Town Counsel to authorize the Selectmen to petition the legislature for a liquor license consistent with the vote taken at Town Meeting, a certified copy of which is attached.



# TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

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

ASSISTANT TOWN CLERK

Diane M. Gorham

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

TOWN BUILDING  
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

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

## ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 6, 2015, the following business was transacted under Article 20:

**ARTICLE 20: AUTHORIZATION FOR THE TOWN OF WAYLAND TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES**

Voted that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or to take any action relative thereto.

**AN ACT AUTHORIZING THE TOWN OF WAYLAND TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

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

### SECTION 1.

- a) Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Wayland may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said Chapter 138, to an establishment located in the new Town Center. The license shall be subject to said Chapter 138, except said section 17;
- b) Upon the issuance of the license authorized by this act, licensee shall surrender to the licensing authority the license currently held for the sale of wines and malt beverages not to be drunk on the premises, if any;
- c) The licensing authority shall not approve the transfer of the license to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the Department of Revenue



and the department of unemployment assistance indicating that the licensee is in good standing with those entities, and that all applicable taxes have been paid;

- d) If the license granted under this act is cancelled, revoked, or no longer in use, it shall be physically returned with all legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

**SECTION 2.**

This action shall take effect upon its passage.

**VOTED ON MAIN MOTION AS AMENDED:**

IN FAVOR	140
OPPOSED	107 MOTION PASSED

A true copy, Attest:



Beth R. Klein  
Town Clerk

BOARD OF SELECTMEN MEETING - ~~JUNE 8, 2015~~

MOTION TO PETITION STATE LEGISLATURE TO ENACT A SPECIAL ACT RE: AN ADDITIONAL PACKAGE STORE LICENSE.

I move that the Board of Selectmen petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws to enact a special act authorizing the Board of Selectmen to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to Massachusetts General Laws Chapter 138, Section 15 to be exercise by a licensee at a premises located in the Wayland Town Center Mixed-Use development site substantially the same as the special act printed on Page 90 of the Warrant for the 2015 Annual Town Meeting, as revised at said town meeting.

ADD  
LOCATION

MARK

## Senchyshyn, John

---

**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 2:50 PM  
**To:** Senchyshyn, John  
**Subject:** FW: Liquor License - Police Chief

**Categories:** Red Category

John

Please include the e-mail below in the information provided to the Board on the liquor license.

Thanks

Nan

---

**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 10:26 AM  
**To:** Gordon Cliff ([gordoncliff59@gmail.com](mailto:gordoncliff59@gmail.com)); Anderson, Lea  
**Cc:** Karlson, Cherry  
**Subject:** FW: Liquor License

Good Morning,

The Chief's response regarding the Liquor License is below. Please let me know if you have any other questions for the Chief.

Thanks

Nan

---

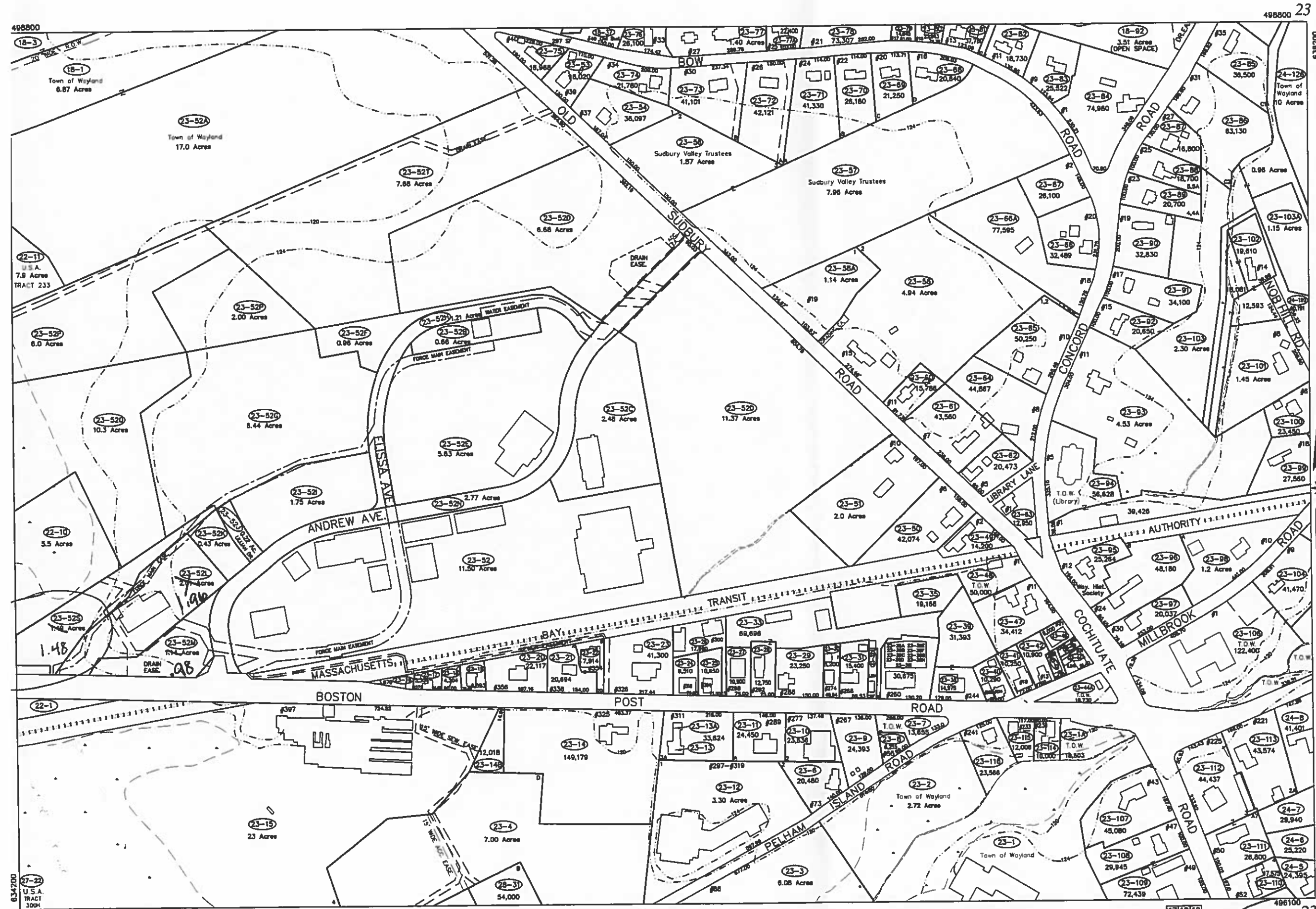
**From:** Irving, Robert  
**Sent:** Tuesday, June 09, 2015 3:08 PM  
**To:** Balmer, Nan  
**Subject:** RE: Liquor License

I have no issues.

---

**From:** Balmer, Nan  
**Sent:** Tuesday, June 09, 2015 2:57 PM  
**To:** Irving, Robert  
**Subject:** Liquor License

BOS asked last night if you have anything to say about the LL at Town Center going from wine and malt to all alcoholic?



Fy 16  
Per Plan  
295-

498100 ① PARCEL IDENTIFICATION NUMBER

--- 184 --- DENOTES FLOOD PLAIN

TOWN OF WAYLAND



17 18 19  
22 23 24  
27 28 29

2015

(12) LICENSE  
FOR USE OF  
TOWN  
GREEN

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: LICENSE FOR TOWN GREEN

**REQUESTED ACTION:**

**DISCUSSION WITH TOWN COUNSEL.**

**BACKGROUND:**

The Board discussed the Town Green on May 11, 2015. A number of questions remained. The Board requested that Town Counsel provide a better understanding of the Town's obligations under the Master Special Permit for the Town Green, to include operations and maintenance. In addition to the aforementioned, Mark Lanza will be addressing the purpose of a Town Green license, any obligations on 20 Wayland's part with respect to a license, and the pros and cons of a license.

## **Senchyshyn, John**

---

**From:** Mark J. Lanza <mjlanza@comcast.net>  
**Sent:** Friday, June 19, 2015 10:33 AM  
**To:** Balmer, Nan; Senchyshyn, John  
**Subject:** Town Green - Wayland Town Center

Nan & John –

The following is my response to the Board of Selectmen's inquiries about the (1) Town's obligations under the Town Center Project Master Special Permit (MSP) relative to the Town Green; (2) Twenty Wayland, LLC's obligations relative to a license; and (3) the advantages and disadvantages of a license.

### Town's obligations under the MSP

With respect to the Town Green, the MSP provides, among other things, that the Town Green shall be open to public use, subject to such reasonable rules and requirements as Twenty Wayland, LLC may establish in accordance with a plan for the operation and maintenance of the Town Green to be prepared by Twenty Wayland, LLC in consultation with the Park & Rec. Comm. or its successor. As to the Town Green, the Board of Public Works is the Park & Rec. Comm.'s successor since the public use of the green will be in the nature of a park use. The MSP expressly provides that the Town shall not have any legal responsibility for the operation, maintenance, repair or replacement of any land, buildings or infrastructure in the Town Center Project, except for land, buildings, improvements, facilities, easements and restrictions owned or held by the Town. Thus, the Town has no obligation under the MSP to maintain or operate the Town Green. However, the Town could agree to assume such obligations in a contractual agreement with Twenty Wayland, LLC.

### Twenty Wayland, LLC's Obligations Relative to a License

The MSP also provides that Twenty Wayland, LLC and the Town may enter into a lease, license or indemnification agreement with respect to any portion of the Town Green. Twenty Wayland, LLC is not required to provide a license to the Town to use the Town Green. It is only required by the MSP to make the Town Green open to use by the Town as part of the general public.

### Pro's and Con's of a License

The advantages of a license for the Town are:

1. No town meeting authorization is needed.
2. No land ownership obligations (repair, maintenance, insurance, etc.), unless agreed to in the license.
3. No land ownership liabilities, unless they are assumed in the license.
4. Usually, no fee or "rent" is required to use the land.

The disadvantages of a license for the Town are:

1. A license may be terminated or revoked at the will of the landowner.
2. They are not binding upon subsequent property owners, unless the successor agrees to abide by them.
3. They provide no property rights, only permission to use property.

Please let me know if additional clarification is needed before the BOS's meeting. I will present at the BOS meeting to answer questions about this matter.

Thanks.

Mark

(13) STONEBRIDGE  
ROAD

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: 246 STONEBRIDGE ROAD TAKING

**REQUESTED MOTION:**

**I MOVE THAT THAT THE BOARD OF SELECTMEN ADOPT AND EXECUTE THE ORDER OF TAKING OF 246 STONEBRIDGE ROAD, WAYLAND, MASSACHUSETTS DATED JUNE 24, 2015 PREPARED BY TOWN COUNSEL.**

**BACKGROUND:**

As of the date of this memo, the closing on the property is scheduled for June 23<sup>rd</sup>. Included in the packet is the "Order of Taking" prepared by Town Counsel.



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

TOWN OF WAYLAND

ORDER OF TAKING - 246 STONEBRIDGE ROAD, WAYLAND, MASSACHUSETTS

WHEREAS, by virtue of Massachusetts General Laws Chapter 40, Section 14, the Town of Wayland, with the authorization of Town Meeting, acting by and through its Board of Selectmen, is authorized to take by eminent domain under Massachusetts General Laws Chapter 79 the fee or any lesser interest in any land located in the Town of Wayland for conservation and other municipal purposes; and

WHEREAS, the acquisition and taking by eminent domain of the parcels of land described below for conservation purposes was authorized by more than a two-thirds super-majority vote of the 2015 Town of Wayland Annual Town Meeting; and

WHEREAS, the acquisition and taking by eminent domain of the fee in the parcels of land described below, for conservation purposes, is in the best interests of the Town of Wayland.

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Board of Selectmen of the Town of Wayland, by virtue of and in exercise of and in part the execution of the power and authority conferred by said statutes, hereby adjudges that public necessity and convenience require that the land hereinafter described be taken by eminent domain for conservation purposes.
2. The Town of Wayland, acting by and through its Board of Selectmen, by virtue of and in exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 79 and all and every other power and authority it does possess, DOES HEREBY TAKE BY EMINENT DOMAIN, for conservation purposes, in perpetuity, the fee in the following described parcels of land:

DESCRIPTION OF LAND

A certain parcel of the land, with the buildings thereon, known and numbered as 246 Stonebridge Road, Wayland, Middlesex County, Massachusetts and being shown as Lots 11, 12, 12C and 20 on a plan entitled "Wayland, Mass. Plan of Riverview Terrace" dated May, 1924, Edward H. Howard, Cons. Engr., recorded with the Middlesex South Registry of Deeds in Plan Book 339, Page 41, to which plan reference is hereby made for a more particular description of said parcel of land.

Said parcel of land contains 15,850 square feet of land, more or less.

Together with the fee in (1) the way shown as Potter Street or Stone's Bridge Road to the centerline thereof where said way abuts Lots 11, 12, 12C, and 20, which way and lots are shown on said plan; and (2) the Sudbury River to the centerline thereof where said lots abut said river

All trees and structures located on said land are included in this eminent domain taking.

Said parcels of land are taken subject to and with the benefit of any utility and drainage easements of record insofar as the same are in force and effect.

This taking confirms and makes clear the Town Wayland's title to the above-described parcels of land conveyed to the Town of Wayland by deed from Jay J. Lander, Personal Representative of the Estate of Carolyn Y. Preston dated June 15, 2015, and recorded with said Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.

3. Said parcels of land shall be used for conservation purposes and all other permissible purposes under Massachusetts General Laws Chapter 40, Section 8C and Article XCVII of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts and shall be held in the care, custody, management and control of the Conservation Commission of the Town of Wayland in accordance with said Chapter 40, Section 8C. This restriction on the use of said land shall be a perpetual restriction held by a governmental body within the meaning of M.G.L. c. 184, §26.

4. The Board of Selectmen awards no damages sustained by persons and their property by reason of this taking:

<u>OWNER OF RECORD</u>	<u>TITLE REFERENCE</u>	<u>DAMAGES</u>
Estate of Carolyn Y. Preston 246 Stonebridge Road Wayland, MA 01778	Book 45103, Page 66, Middlesex South Registry of Deeds; Middlesex Probate Ct. Docket No. MI11P6213EA	\$0.00

5. The Town Counsel is directed, for and on behalf of the of the Town to record and give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.

Executed as a sealed instrument this 24th day of June, 2015.

TOWN OF WAYLAND, BY:

\_\_\_\_\_  
Cherry C. Carlson, Chair

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

\_\_\_\_\_  
Mary M. Antes

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

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

its Board of Selectmen, duly authorized.

For authority, see attested copy of 2015 Annual Town Meeting vote recorded with said Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_.

Approved as to form:

\_\_\_\_\_  
Mark J. Lanza

Town Counsel

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 24, 2015

Then before me personally appeared Cherry C. Karlson, Lea Anderson, Mary M. Antes, Anthony V. Boschetto and Joseph F. Nolan, proved to me through satisfactory evidence of identification, viz., personal acquaintance, to be the persons whose names are signed on the preceding document, and who acknowledged to me that they executed it voluntarily for its stated purpose as Selectmen of the Town of Wayland.

---

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

(14) ENVIRONMENTAL  
PROPOSAL  
COA/COMM  
CTR

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: CMG ENVIRONMENTAL SITE ASSESSMENT PROPOSAL, "AS AMENDED"

**REQUESTED MOTION:**

**I MOVE THAT THE BOARD OF SELECTMEN APPROVE THE EXPENDITURE OF UP TO \$3,200 FOR THE PROPOSED CMG ENVIRONMENTAL SITE ASSESSMENT AS AMENDED BY THE COA/CC AT IT JUNE 18, 2015 MEETING.**

**BACKGROUND:**

At its meeting on June 18, 2015 the COA-CC approved the CMG Environmental Site Assessment Proposal "as amended". Consistent with the charge for the Council on Aging/Community Center (CoA/CC) Advisory Committee, expenditure of town meeting approved funds to be approved by the BoS after recommendation, review and approval by the Committee.

# CMG ENVIRONMENTAL, INC.

---

## ENVIRONMENTAL SITE ASSESSMENT PROPOSAL FOR "MUNICIPAL PARCEL" 440 BOSTON POST ROAD WAYLAND, MASSACHUSETTS

**JUNE 19, 2015**

**PREPARED FOR:**

**TOWN ADMINISTRATOR NAN BALMER  
WAYLAND BOARD OF SELECTMEN  
WAYLAND TOWN BUILDING  
41 COCHITUATE ROAD  
WAYLAND MA 01778**

**SUBMITTED BY:**

**CMG ENVIRONMENTAL, INC.  
CMG ID 2014-055**

---

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

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

CMG Environmental, Inc. (CMG) is pleased to submit this proposal to conduct a Phase I Environmental Site Assessment (ESA) on the "Municipal Parcel" property addressed as 440 Boston Post Road in Wayland, Massachusetts (the "Site," comprised of Lot 4-1, Lot 8-1, Lot 9-1B & Parcel R-20-1 as depicted on the 2/4/15 "Plan of Land, Wayland, Massachusetts Showing Proposed Lease/Acquisition Area and Access/Utility Easement" prepared by the Town of Wayland Surveyor's Office). This is a revision of our previous (5/8/14) ESA proposal.

CMG will conduct the ESA in accordance with ASTM E 1527-13 ("Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process"). The purpose of this ESA is to identify any "recognized environmental conditions" (evidence of an existing release, past release, or material threat of release of oil and/or hazardous material at or in the immediate vicinity of the Site).

CMG will also provide a written summary of environmental conditions at the Site for the Wayland Board of Selectmen, and attend municipal public meeting(s) to discuss the Site and answer questions from Wayland town officials and the public.

## SCOPE OF WORK

Our ESA will include:

### REVIEW OF PREVIOUS REPORTS

CMG is very familiar with the Site as a portion of the larger former Raytheon Company property (430 Boston Post Road, Assessor's Parcel 23-52). As you are well aware, the Wayland Board of Selectmen has retained CMG since 2002 to provide Licensed Site Professional (LSP) oversight of environmental assessment and remediation of the former Raytheon Company property on behalf of the Town of Wayland. In addition, the Wayland Conservation Commission retained CMG in 2008 to review redevelopment plans for the former Raytheon Company property prepared by Twenty Wayland, LLC. CMG will review information pertinent to the Site in previous environmental reports conducted on the former Raytheon Company property, and incorporate pertinent information into our ESA of the Site.

### INTERVIEWS

CMG will interview knowledgeable persons (from Raytheon Company, the Town, or Twenty Wayland, LLC) to gather historical and current Site use information.

### SITE INSPECTION

CMG will conduct a Site inspection to gather visual evidence regarding the presence or absence of recognized environmental conditions. Our inspection will specifically look for liquid or gaseous containment structures (such as underground or aboveground storage tanks, drums, pressure vessels, etc.), drywells, stressed vegetation, dumping areas, and potential oil and/or hazardous materials storage areas.

### FEDERAL & STATE DATABASE REVIEW

CMG will subcontract database search of federal and state (Massachusetts Department of Environmental Protection, DEP) records pertaining to available environmental concerns/liabilities for the

Site and adjoining properties and review it. The regulatory review will consist of a search of the following informational databases:

- National Priorities List (NPL) Sites, delisted NPL sites, RCRA CORRACTS facilities List, and DEP List of State Sites – one mile radius.
- Federal CERCLIS List, CERCLIS NFRAP List, RCRA TSD List, State Landfill or Solid Waste Disposal Sites, State Leaking Underground Storage Tank List, Regional DEP Standard Release (Spills) Report, and State Brownfields List – ½-mile radius.
- RCRA Generator List and State Registered Underground Storage Tank List – Site and adjoining properties.
- ERNS List, Federal institutional control/engineering control registries, and State institutional control/engineering control registries – Site only.

CMG will also research municipal files (Town of Wayland) and DEP files (Northeast Regional Office) in conformance with ASTM E 1527-13.

#### HISTORICAL RESEARCH

CMG will review readily available Sanborn Fire Insurance Rate Maps (or other historic fire insurance maps) of the Site and vicinity.

CMG will review any readily available city directories of the Site vicinity to determine Site usage at approximate five-year intervals back to 1940 or first development (whichever is earlier) in accordance with ASTM E 1527-13.

CMG will review readily available historic aerial photographs of the Site and vicinity at approximate five-year intervals back to 1940 or first development (whichever is earlier). If feasible, we will obtain copies of such photographs for inclusion with our ESA report.

As available and appropriate, CMG may review additional historical information, such as historic atlases of the Site vicinity, out-of-date topographic maps, or other pertinent information available from the local library or historical society.

#### DOCUMENTATION & REPORTING

Upon completion of the Site inspection and research, CMG will prepare a final report that presents our conclusions regarding the presence of recognized environmental conditions at the Site in accordance with the ASTM Phase I process. This report will also provide conclusions regarding the presence of potential asbestos-containing building material (ACBM) and potential lead-based paint (LBP), and the status of any underground or aboveground storage tanks, drywells, or floor drains identified at the Site. CMG will provide documentation in electronic (Adobe .pdf) format via email unless you specifically request bound printed copies.

CMG will also provide a written summary letter to the Wayland Board of Selectmen detailing current and past environmental conditions at the Site.



Finally, CMG will attend one or more public meetings to discuss the Site and answer questions from Wayland officials or the public regarding recognized environmental conditions at the Site.

## PROJECT COST & SCHEDULE

CMG can complete the Phase I ESA Report and written summary of environmental conditions for a lump sum fee of \$2,200. We will invoice the Wayland Board of Selectmen for time involved in public meetings at our standard rate of \$115/hour. CMG recommends you budget \$1,000 for this task.

CMG is prepared to complete the Phase I ESA Report and written summary of environmental conditions within three weeks (15 business days) from your authorization. Should project considerations warrant additional environmental services, we can provide you with an additional proposal detailing anticipated costs and time frame.

## LIMITATIONS

CMG will provide written notice of this work to the Wayland Board of Selectmen and the Wayland Conservation Commission with the stated purpose of avoiding any appearance of a conflict of interest with other projects CMG has conducted on behalf of the Town of Wayland regarding the former Raytheon Company property.

CMG will prepare our ESA Report and written summary of environmental conditions for the Town of Wayland and its Board of Selectmen, their successors and assigns in connection with an assessment of on-Site environmental conditions. We do not authorize use of this report by others for any reason, except with our prior written consent. CMG understands and acknowledges that this report may be conveyed to our Client's prospective borrower, affiliated attorneys, insurers, and/or regulatory agencies at the discretion of the Town of Wayland.

CMG will base the conclusions of our ESA Report, in part, on information provided by you, your agents, and by third parties (including state and local officials). You have authorized us to rely upon this information in conducting this investigation, and CMG assumes no further responsibility for the veracity or completeness of such information. We do not intend our investigation of past property use and ownership to substitute for a thorough title search. Information derived from CMG's visual observation of the Site describes conditions at the time of the inspection, and may not be representative of past or future conditions.

The client acknowledges that DEP notification may be required if identified contamination originates from an on-Site source. CMG does not assume reporting obligations that are lawfully the responsibility of the client and/or Site owner. Under certain circumstances, environmental conditions may warrant or demand DEP reporting, and CMG's Licensed Site Professional (LSP) must notify DEP within two or 72 hours (depending on the severity of the reportable condition) if the client chooses not to report.

ACCEPTANCE

This letter, referred to as "the Proposal," describes our proposed consultant services. We have attached our standard Terms & Conditions to the proposal, which together constitute "the Agreement." If the terms of this Agreement are acceptable to you, please sign below and return signed page to our office (email or fax preferred).

APPROVAL OF PROPOSAL:

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

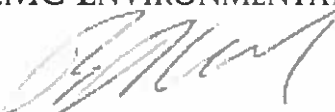
Name: \_\_\_\_\_  
(Printed)

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

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

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

Sincerely,  
CMG ENVIRONMENTAL, INC.



Benson R. Gould, LSP, LEP  
Principal

Attachment: Terms & Conditions

2014-055\Revised Phase I ESA Proposal.doc

## TERMS & CONDITIONS

These Terms & Conditions pertain to the attached Proposal for Environmental Services (Proposal) prepared by CMG Environmental, Inc. (CMG), a Massachusetts corporation with its principal office at 67 Hall Road in Sturbridge MA 01566.

### 1. SERVICES

The Client desires certain environmental services with respect to the property (Site) identified in the Proposal, which CMG intends to provide, as further detailed in the Proposal as the scope of services. The Proposal and these Terms and Conditions together comprise the Agreement.

### 2. PAYMENT

The Client shall pay CMG the fee specified in the Proposal. For projects of less than two month's duration, the Client shall make payment as follows, unless otherwise agreed to in writing by CMG and the Client:

- The Client shall pay one-half the estimated cost upon execution of the Agreement, and
- The Client shall pay CMG the balance due upon completion of the agreed scope of services, including any applicable sales tax.

CMG will submit invoices to the Client on a periodic basis for projects of longer duration. Client shall pay all invoices due to CMG within 30 days of the invoice date. CMG will charge a service fee equal to 1.5% per month on any unpaid balance over 30 days until the full amount is paid. CMG may refer Client's account for collection if Client does not pay in full within 90 days of the invoice date. In such event, the Client shall pay any and all costs of collection, including reasonable attorneys' fees.

Client shall pay fees directly to other contractors or governmental agencies unless otherwise agreed to in writing by CMG and the Client. In the event that CMG pays such fees on behalf of the Client, we will add a surcharge of 15% for administrative overhead.

### 3. CHANGE ORDERS

From time to time it may be necessary to amend the scope of services detailed in the Proposal. In the event that such amendment would increase the estimated cost by more than 10% of the estimated total, CMG will provide a written Change Order detailing amendment to the original scope of services, including proposed costs.

A Change Order shall take effect upon execution of the written Change Order by both the Client and CMG.

### 4. STANDARD OF CARE

CMG will conduct the agreed scope of services in a manner consistent with the level of care ordinarily exercised by members of the environmental sciences and/or engineering profession practicing in the same area under similar conditions at the time the services are rendered, and not according to later standards. CMG will limit our services to those set forth in the Proposal, as amended by any Change Order(s) to same.

The Client acknowledges that CMG's conclusions and recommendations, if any, shall not be based on scientific or technical tests beyond the scope of services, or beyond time and budgetary constraints imposed by the Client. The Client further acknowledges that CMG's conclusions and recommendations, if any, shall not rest solely on pure science, but may also depend on considerations of economic or technical feasibility and the availability of alternative techniques or technology.

CMG makes no other warranty, express or implied.

### 5. INSURANCE

CMG warrants and represents that its employees are protected by Worker's Compensation Insurance with statutory limits. CMG will provide a certificate of such policies to the Client upon request.

### 6. SUBCONTRACTORS

CMG may subcontract laboratories, drilling companies, and other firms (including independent consultants) to participate in a project. CMG will add a 15% surcharge to the subcontractor's fee in the event of such a subcontractor relationship.

CMG shall not be liable for any contractor's or subcontractor's failure to use due care for the maintenance of safety at the Site, or failure to comply with the Occupational Health and Safety act of 1970, any regulations promulgated thereunder, or any state, county, or municipal law or regulation of similar scope and import.

### 7. SITE ACCESS

Provided the Client owns the Site, the Client hereby grants CMG (and its subcontractors, if any) right of entry to the Site to perform the agreed Scope of Services. Should the Client not own the Site, the Client hereby warrants and represents that the Site owner has duly granted CMG (and its subcontractors, if any) right of entry to the Site to perform the agreed Scope of Services.

The Client understands and acknowledges that the use of testing and exploration equipment may unavoidably alter or damage buildings or other structures, equipment, the terrain, or vegetation at the Site. The Client shall be responsible for all Site restoration.

### 8. SITE INFORMATION

Client shall provide CMG with all available relevant information, documents, and drawings regarding the Site, including:

- The presence and location of any liquid or gaseous containment structures at the Site (such as underground or aboveground storage tanks, drums, pressure vessels, etc.),
- The presence and location of any other oil and/or hazardous materials at the Site,
- Any physical hazards that may be present at the Site (such as underground utility lines or piping, other subterranean structures, overhead utility lines, etc.),
- Copies or summaries of all previous environmental assessments of the Site, and
- Any filed or pending judicial or administrative action concerning the Site, and the current status of any such action(s).

The Client shall notify CMG of any changes to conditions in, on, or near the Site that represent a potential risk of harm to safety, human health, public welfare, or the environment at the Site immediately upon the Client's first knowledge of such changes.

### 9. UNDERGROUND STRUCTURES

CMG shall take reasonable care to identify and locate underground utility lines and structures. CMG will not undertake any subsurface investigation where there is a potential for underground utility lines without securing the services of a utility marking service (such as DIGSAFE). Where applicable, CMG will also request subsurface utility services marking from the local municipal water and/or sewer agency. CMG shall not be responsible for damage to, or interference with, underground utilities or structures that have not been brought to our attention, or which are incorrectly located on plans furnished to CMG.

The Client acknowledges that assessment of subsurface conditions poses unavoidable risks due to the inherent uncertainty of locating unseen underground structures or other hazards. CMG uses geologic engineering and related disciplines in subsurface assessment, but may base field decisions on other considerations rather than science. The Client agrees that CMG has been available to explain the risks inherent in subsurface assessment and available risk-reduction techniques, and accepts such risks.

## 10. WASTE GENERATION

CMG shall not assume responsibility for the generation of any hazardous substances, remediation waste, pollutants, or contaminants we encounter, treat, store, or handle at the Site while conducting the agreed scope of services. The Client and/or the Site owner shall retain all responsibilities and liabilities for such materials, and handle, store, and dispose of such materials in accordance with all applicable laws and regulations.

## 11. SAMPLE DISPOSITION

CMG may preserve and retain any soil, water, or other samples obtained from the Site during the performance of the agreed scope of services for a period of time as CMG, in its sole discretion, deems appropriate. However, CMG will not dispose of any such samples less than 30 days after completing the agreed scope of services without notifying the Client in writing. Samples so retained by CMG will be available for the Client or their duly authorized designee to inspect at reasonable times agreeable to both parties.

The provisions of this Section do not apply to soil, water, or other samples submitted to an analytical testing laboratory.

## 12. REPORTING

CMG shall not assume reporting obligations that are lawfully the responsibility of the Client and/or Site owner. The Client acknowledges that federal or state regulations may mandate the reporting of contamination identified as originating from an on-Site source.

Under certain circumstances, environmental conditions may warrant or demand immediate federal or state reporting. Under such circumstances, CMG or its employees will attempt to inform the Client prior to providing a required notification. However, the Client acknowledges that it may not always be possible to discuss reporting conditions before CMG must report to the governing agency.

## 13. DOCUMENTS

All reports, field and laboratory test data, field notes, calculations, estimates, and proposals prepared by CMG in association with performing the agreed scope of services shall remain the property of CMG.

CMG will provide two copies of the final written report to the Client unless otherwise specified by the proposal. CMG will provide additional copies of such reports to the Client for a reasonable fee, not less than the total cost of reproducing the same. The Client, its successors and assigns shall use the information presented in the written report only for the purposes stated in the Agreement. As applicable, CMG may prepare a separate report for the purposes of submittal to federal or state environmental agencies. CMG does not authorize use of this information by others for any reason, except with our prior written consent.

CMG shall retain pertinent records pertaining to services provided for a period of no less than five years following submittal of the final written report to the Client. These records so retained by CMG will be available for the Client or their duly authorized designee to inspect at reasonable times agreeable to both parties.

## 14. CONFIDENTIALITY

To the extent that CMG can reasonably do so, and in compliance with all applicable laws, CMG will hold confidential all business and technical information obtained or generated in conducting the agreed scope of services.

Should the Client designate (in writing) certain information as confidential and/or privileged, CMG shall endeavor to restrict access to such information to its employees, any subcontractors with a need to know this information, or to other parties the Client designates in writing. Confidential information shall not include:

- Information in the public domain,
- Information CMG lawfully acquired from a third party on a non-confidential basis,
- Information necessary to protect CMG against any legal claims or liabilities related to our performance of this Agreement, or
- Information required to comply with laws, regulations, ordinances, court orders, governmental directives, legal obligations, or professional standards of conduct.

## 15. INDEMNIFICATION

The Client shall defend, hold harmless, and indemnify CMG from and against any liability, claims for damages, cost of defense; or expenses that may be brought, levied against, or incurred by CMG as a result of personal injuries (including disease, death, or both), property loss or damage, or from environmental degradation stemming from CMG's performance under this Agreement.

For the purposes of this Section, 'environmental degradation' shall include spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of pollutants or contaminants to soil, water, or air at, on, or to the Site. Such environmental degradation does not depend upon either CMG or the Client having knowledge that pollutants or contaminants were released before, during, or after execution of this Agreement.

Neither CMG nor the Client shall be liable to the other for loss or damages incurred by a third party, whether brought by breach of contract or warranty, tort, or strict liability. This provision shall apply regardless of alleged or actual negligence by either the Client or CMG. However, this provision shall not apply to liability stemming from actions brought by third parties.

## 16. FORCE MAJEURE

Except for payment of money when due, either CMG or the Client shall excuse the other from meeting the obligations of this Agreement in the event and to the degree that any cause or event beyond the reasonable control of such party prevents the same. Such causes and events include, without limitation, acts of God, war, insurrection, terrorism, acts of a public enemy, civil disturbances, riot, labor dispute, embargos, delay in delivery of machinery or equipment, fire, flood, washouts, severe storms, landslides, explosion; or any law, act, regulation, or order of any military or civil authority, including courts.

The party affected by an event of force majeure shall provide notice to the other party, within a reasonable time period, of any unavoidable delay or failure to meet its obligations under this Agreement. The affected party shall endeavor to meet its obligations under this Agreement, so far as possible, with minimal delay.

## 17. COMPLIANCE WITH LAWS

CMG and the Client agree to comply with all applicable local, state, and federal laws and regulations pertaining to work under this Agreement.

## 18. ARBITRATION

The Client agrees that arbitration in accordance with the Arbitration Rules of the American Arbitration Association shall settle any controversy or claim arising out of or relating to this Agreement that the Client and CMG are unable to jointly resolve on their own. All arbitration proceedings shall be held in Worcester, Massachusetts, or such other place reasonably convenient to the Client and CMG as determined by the arbitrator. Both the Client and CMG shall produce such records as the arbitrator(s) may request.

No individual who is, or has at any time been, an officer, employee, or consultant of either party shall be an arbitrator without the express written consent of both the Client and CMG.

## 19. GOVERNING LAW

The Agreement between the Client and CMG is governed by and enforceable in accordance with the laws of the Commonwealth of Massachusetts.

## 20. SEVERABILITY

If legal action or promulgation of new regulations causes any provision or provisions of this Agreement to become invalid, illegal, or unenforceable, this shall not affect or impair the validity, legality, or enforceability of the remaining provisions in any way. The Client and CMG shall endeavor to replace any such invalid, illegal, or unenforceable provision(s) with (a) substantially similar provision(s) that is/are valid, legal, and enforceable.

(15) CHARGE OF  
WRAP

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **WAYLAND REAL ASSET PLANNING (WRAP) COMMITTEE CHARGE**

**REQUESTED MOTION:**

**I MOVE THAT THE BOARD OF SELECTMEN APPROVE THE WAYLAND REAL ASSET PLANNING (WRAP) COMMITTEE CHARGE.**

**BACKGROUND:**

On May 18, 2015 the BOS reviewed the WRAP charge. At that time it was the sense of the Board to support the charge as drafted. On June 11, 2015 Nan Balmer sent an additional request for comments to the WRAP charge. To date, only Conservation has responded.

## **Wayland Real Asset Planning Committee**

On June 1, 2015, the Board of Selectmen asked the Planning Board, Finance Committee and the Public Buildings Director to work collaboratively to create a process to develop a comprehensive long-range facilities plan, siting strategy and capital funding plan to assist the Town with making informed decisions regarding major capital projects (defined as \$500,000 and above) related to future uses of municipal (Town and School) land and buildings. The plan will consider how best to use land and buildings to best serve the varied interests of the Town. This planning effort was envisioned in the original Master Plan in 2004 and in the 2011 update. It is anticipated that this effort will support the annual Capital Improvement Process (CIP) conducted in preparing the capital budget.

To begin this work, the Planning Board will appoint a committee, the Wayland Real Asset Planning Committee (WRAP) to serve in an advisory capacity. Because of the collaborative nature of this work and the many entities involved, WRAP will report through the Planning Board to all boards, commissions and committees that hold responsibility for and are stewards of municipal property as well as the community as a whole.

With input from the aforementioned committees, WRAP will develop a long-range plan recommending the most appropriate uses for municipal-owned land and buildings to meet future needs, as well as to connect identified projects with suitable locations and parcels. The Committee may recommend the purchase or sale of properties that may be needed to effectuate the long-range plan.

In preparation for the 2016 Annual Town Meeting, it is anticipated that WRAP will produce a strategic long-range plan preceded by the following tasks :

1. developing an accurate GIS inventory of all Town-owned parcels identifying custodial entity, size, deed and/or land restrictions, current uses and other critical information;
2. cataloging identified and foreseeable capital facilities needs, including a needs assessment supported by empirical data and created with the Public Buildings Director and primary capital project proponent;
3. compiling the research and analyses of the planning processes of all Town boards, commissions and committees seeking a future major land or building capital expenditure (defined as \$500,000 and above); and
4. recommending evaluation criteria to establish projects' priorities and sequencing.

Following the completion of these steps, WRAP will hold a community wide forum to discuss the committee's work and findings.

Finally, the committee will produce a report recommending the sequencing of projects and making specific recommendations for future uses of municipal land and buildings.. The Public Buildings Director will incorporate capital projects and items (non-vehicle) below the \$500,000 threshold. This plan will then advise the Finance Committee for annual budgeting purposes beginning with the FY2017 budget, as well as Town Meeting when it considers capital requests related to town owned property and buildings.

An initial list of tools needed and some considerations to be applied in development of the long-range plan is included as an attachment. The Committee will be sensitive to the demands placed on staff time to complete its charge and will coordinate staff efforts through the Town Administrator.

The Committee shall be composed of five (5) voting members – two to be appointed by the Planning Board, two to be appointed by the Finance Committee, and one to be appointed by the Community Preservation Committee. The Town Administrator, Public Buildings Director, Finance Director and Town Planner shall serve as ex officio members without the right to vote. WRAP shall not champion any specific capital investment project. All terms will expire upon the final recommendation and report of the strategic long-range plan, but no later than June 30, 2017

To maintain neutrality, members shall not serve on any other boards, commissions or committees that control parcels of town-owned land nor those that could propose major capital projects. Appointments are to be based on related professional or vocational expertise with preference given to residents possessing experience in any one of the following areas: municipal planning, real estate development, structural or civil engineering, project management, environmental issues, municipal finance, building construction/renovations.

**Wayland Real Asset Planning Committee**  
Attachment to Charge

**Initial List of Tools**

**Land Information:**

- Up-to-date inventory of Town owned land with all relevant information
- GIS with ability to create elements within that will be useful to this planning process;
- Utilities – water, sewerage, electricity
- Prior land use studies
- State GIS with information such as groundwater data
- Historical Commission sensitivity map
- Aggregation and sale potential

**Facilities information:**

- Facilities list with year of construction, additions, renovations
- Conditions reports (should be on a cycle administered by facilities' staff)

**Community Information and Reports:**

- Census information – growth
- Master Plan and individual boards', commissions' and committees' master plans
- Environmental reports
- Community input including surveys, forums, charrettes, etc.

**Considerations**

**Land**

- Environmental factors – wetlands, wellheads, flood plain, riverfront, known groundwater levels, topography, endangered plants and species, areas of contamination, etc.
- Ownership and responsibility
- Deed restrictions
- Conservation restrictions
- Availability of utilities
- Needs evaluation – e.g., Town water supply
- Access availability – roadways, topography, etc.
- Existing uses of a property

**Other**

- External funds available – federal, state or private grants
- Confluence of town goals and possibility of combined uses
- Proximity to user base
- Existing distribution of similar facilities/services
- Community/neighborhood considerations
- Traffic generation



## **Senchyshyn, John**

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**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 2:26 PM  
**To:** Secord, Julie; Monahan, Brian; Kadlik, Stephen; Knight, Ann; Brodie, Jessica; Stein, Paul  
**Cc:** Senchyshyn, John; Sarkisian, Sarkis  
**Subject:** Comments on WRAP Committee Charge  
**Attachments:** WRAP COMMITTEE DRAFT charge 051415.docx

**Categories:** Red Category

As a reminder, on June 24<sup>th</sup>, the Selectmen will give final consideration to the adoption of the attached charge for the Wayland Real Asset Planning Committee. (Formerly known as the Municipal Space Planning Committee) This concept for this committee has been publicly discussed for two years. The purpose of WRAP is to do big picture planning regarding the best uses and re-uses of town land and buildings. The committee charge is expressly written to include membership from individuals who understand land use, finance, and the Wayland Community but who do not have responsibility for the care and custody of town property.

If you have not done so already, please forward the charge to your committee, board or commission chair for review and comment. Please forward any comments by Friday June 19<sup>th</sup> so they can be considered by the Board. Although I will be away, I will be checking my e-mail regularly.

Thanks  
Nan

## Senchyshyn, John

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**Subject:** FW: Comments on WRAP Committee Charge

Begin forwarded message:

**From:** "Monahan, Brian" <BMonahan@wayland.ma.us>  
**Date:** June 18, 2015 at 3:22:44 PM EDT  
**To:** "Balmer, Nan" <nbalmer@wayland.ma.us>  
**Cc:** Sherre <sherregreenbaum@gmail.com>  
**Subject:** RE: Comments on WRAP Committee Charge

Nan

Have only had a chance to look at this Committee Charge quickly. Was very unclear why stakeholders were not included and how input was to be provided.

There are many management matters relating to conservation lands over a broad range and having some group that does not include the Commission potentially making recommendations is a concern – what basis and experience is being brought to the table. I would think the same would be true for Recreation issues as well.

I did share the charge with Commissioners and have received only limited feedback. If the BOS wanted the item could be discussed more fully at a Commission meeting.

Thank you.

Brian

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**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 2:26 PM  
**To:** Secord, Julie; Monahan, Brian; Kadlik, Stephen; Knight, Ann; Brodie, Jessica; Stein, Paul  
**Cc:** Senchyshyn, John; Sarkisian, Sarkis  
**Subject:** Comments on WRAP Committee Charge

As a reminder, on June 24<sup>th</sup>, the Selectmen will give final consideration to the adoption of the attached charge for the Wayland Real Asset Planning Committee. (Formerly known as the Municipal Space Planning Committee) This concept for this committee has been publicly discussed for two years. The purpose of WRAP is to do big picture planning regarding the best uses and re-uses of town land and buildings. The committee charge is expressly written to include membership from individuals who understand land use, finance, and the Wayland Community but who do not have responsibility for the care and custody of town property.

If you have not done so already, please forward the charge to your committee, board or commission chair for review and comment. Please forward any comments by Friday June 19<sup>th</sup> so they can be considered by the Board. Although I will be away, I will be checking my e-mail regularly.

Thanks

Nan

(16) RIVERS  
EDGE

DATE: June 24, 2015  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: EXECUTION OF APPLICATION TO MASS DEP FOR PRESUMPTIVE APPROVAL TO USE RIVER'S EDGE SITE FOR HOUSING

**REQUESTED MOTION:**

**I MOVE THAT THE BOARD OF SELECTMEN AUTHORIZE THE CHAIR TO SIGN ON BEHALF OF THE TOWN, SUBJECT TO REVIEW AND APPROVAL BY SPECIAL COUNSEL FOR THE RIVER'S EDGE PROJECT, THE TOWN'S APPLICATION TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PRESUMPTIVE APPROVAL TO USE A PORTION OF THE RIVER'S EDGE HOUSING PROJECT SITE ON BOSTON POST ROAD, WAYLAND, MASSACHUSETTS WHICH IS WITHIN THE AREA SUBJECT TO THE SANDHILL LANDFILL SITE ASSIGNMENT FOR HOUSING PURPOSES.**

**BACKGROUND:**

On March 30<sup>th</sup>, the Board voted to apply to the Department of Environmental Protection for assumptive approval of the new affordable housing use at River's Edge. Since then consultants for the project prepared a draft application.

Counsel advises the Board now vote to authorize the Chair to sign the application. The application is complete to include the affidavit from the DPW Director regarding prior use of the site. The application will be reviewed by Special Counsel for the River's Edge Project prior to execution by the Chair.

Town of Wayland  
Post-Closure Use Presumptive Approval Application  
Form BWP SW 45, Transmittal Number X266340  
June 15, 2015

**DESCRIPTION OF PROPOSED ACTIVITY**

Pursuant to 310 CMR 19.034(1), the Town of Wayland is submitting an application for presumptive approval of post-closure use of part of the site-assigned parcel known as the Wayland Sand Hill Landfill. Factual information supporting this application is attested to in the attached Affidavit of Stephen Kadlik ("Kadlik Affidavit").

On February 9, 1979, the Wayland Board of Health, in accordance with M.G.L. Chapter 111, Section 150A, issued a site assignment for property located on the north side of the Boston Post Road (Route 20) in Wayland (the "Site-Assigned Property"). A copy of the 1979 site assignment, with plans, is attached as Exhibit A to the Kadlik Affidavit; a March 2013 figure showing the boundaries of the Site-Assigned Property is also attached hereto. The Town of Wayland operated a sanitary landfill on part of the Site-Assigned Property from 1980 to 2008. The Town has submitted a post-closure report to the Massachusetts Department of Environmental Protection ("MassDEP").

As discussed in a meeting between representatives of the Town and MassDEP staff on February 19, 2015, the Town now intends to make available for construction of rental housing a part of the Site-Assigned Property that was never used for landfill activities. On June 2, 2015, the Wayland Planning Board endorsed an "Approval Not Required" plan in anticipation of the potential development of part of the Site-Assigned Property. A surveyed plan titled "ANR Subdivision Plan, Assessors Map 22, Lot 3, Lot 6 & Lot 7, Boston Post Road, Wayland, Massachusetts" and dated June 1, 2015 ("ANR Plan") is attached as Exhibit B to the Kadlik Affidavit. The ANR Plan shows a parcel denoted as "Lot A, 143,107± S.F." ("Lot A"), which is within the Site-Assigned Property. No activities associated with the sanitary landfill have ever been conducted on Lot A. None of the appurtenances for the landfill are located on Lot A or will be affected by construction of the residential project on that lot. As shown on the ANR Plan, Lot A has been combined with two other lots to form a parcel of approximately 8.24 acres (the "River's Edge Parcel"). The Town intends to convey the River's Edge Parcel for the construction of rental housing and supporting infrastructure. The River's Edge Parcel will be conveyed subject to a restriction that there shall be no drinking water wells or irrigation wells installed on the Parcel.

The ANR Plan also shows an area denoted as "Access Road," part of which is also within the Site-Assigned Property. No activities associated with the sanitary landfill other than access to it have ever been conducted on the Access Road. The Town intends to convey an easement to part of the Access Road for access to the River's Edge Parcel.

The Town believes that the proposed residential use of Lot A and the Access Road qualify for the presumptive approval procedure in 310 CMR 19.034. It does not believe that DEP's approval of this use requires review under the Massachusetts Environmental Policy Act ("MEPA"). If MEPA review is required for the construction of the rental housing project, it will be obtained by the developer.

## AFFIDAVIT OF STEPHEN F. KADLIK, III

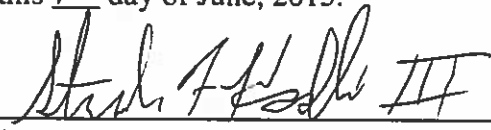
I, Stephen F. Kadlik, III, state under oath as follows:

1. This affidavit is made upon my personal knowledge.
2. I am the Director of Public Works for the Town of Wayland and have held that position since April 1, 2014.
3. Previously, I was employed by the Town of Wayland in the following positions:
  - a. Highway Director (2000 - March 31, 2014), and
  - b. Highway Department Foreman (1974-2000).
4. On February 9, 1979, the Wayland Board of Health assigned as a site for use for disposal of solid wastes by sanitary landfill certain property located on the northern side of the Boston Post Road in Wayland (the "Site-Assigned Property"). A true copy of the 1979 site assignment, including a description of the metes and bounds of the Site-Assigned Property and maps of same, is attached hereto as Exhibit A.
5. The Town of Wayland operated a sanitary landfill on part of the Site-Assigned Property from 1980 to 2008. The Town submitted a post-closure report to the Massachusetts Department of Environmental Protection on March 21, 2014.
6. Attached hereto as Exhibit B is a surveyed plan titled "ANR Subdivision Plan Assessors Map 22 Lot3, Lot 6 & Lot 7 Boston Post Road Wayland, Massachusetts Prepared for Town of Wayland," dated June 1, 2015 (the "ANR Plan"). The ANR Plan shows a parcel denoted as "Lot A, Lot C and Lot E to be Combined Area = 359,287 s.f.  $\pm$  8.24 acres  $\pm$ " (the "River's Edge Parcel"), a portion of which is within the Site-Assigned Property. No activities associated with the sanitary landfill have ever been conducted on the River's Edge Parcel. On

Lot E shown on the ANR Plan, road sand excavation, storage of paved road millings and temporary storage of catch basin cleaning debris and snow occurred.

7. The ANR Plan also shows an area denoted as part of "Access Road" (the River's Edge Access Easement Area") within the Site-Assigned Property. No activities associated with the sanitary landfill, other than access to it, have ever been conducted on the River's Edge Access Easement Area.

Signed under the penalties of perjury this 18 day of June, 2015.

  
\_\_\_\_\_  
Stephen F. Kadlik, III



**Massachusetts Department of Environmental Protection  
Bureau of Waste Prevention – Solid Waste Management**

**BWP SW 07 Modification of a Large Handling Facility  
BWP SW 11 Landfills - Major Modification  
BWP SW 16 Combustion Facilities  
BWP SW 21 Modification of a Small Handling Facility  
BWP SW 22 Landfills - Minor Modification  
BWP SW 45 Any Facility – Presumptive Approval**

X266340  
Transmittal Number  
  
173050  
Facility ID# (if known)

**Application for Solid Waste Management Facility Modification**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Directions:** Specify the plan/report and page numbers in which the following information is located.

**A. Project Information** (all applicants must complete this section)

1. Which permit category are you applying for?  
 BWP SW 07    BWP SW 11    BWP SW 16    BWP SW 21    BWP SW 22    BWP SW 45

2. Is MEPA review required for this project?    Yes    No

3. Permit Modification (310 CMR 19.029(2))

a. General Description

(1) Effect on Current Operation

(2) Effect on Capacity

(3) Effect on Operating Life

b. Effect on Public Health, Safety or the Environment

4. Currently Valid Department Approvals

Plan/Report #	Page #	DEP USE ONLY
NA		
NA		
NA		
NA		
NA		
NA		

**Note:** Complete only sections applicable to requested modification. Enter NA if not applicable.

**B. Project Information**

**Important Note:** Engineering Plans must be stamped by a Registered Professional Engineer (PE). Property Line Location must be stamped by a Registered Land Surveyor (RLS).

1. Plan/Report Modifications and/or Revisions

a. Waste Ban Plans (310 CMR 19.017)

b. Facility Plan (310 CMR (19.030(2)(d)))

(1) Site Plan (310 CMR 19.030(2)(d)1)

(2) Facility Design Plan (310 CMR 19.030(2)(d) 3.)

Plan/Report #	Page #	DEP USE ONLY
NA		
NA		
NA		
NA		



**Massachusetts Department of Environmental Protection**  
 Bureau of Waste Prevention – Solid Waste Management

**BWP SW 07 Modification of a Large Handling Facility**  
**BWP SW 11 Landfills - Major Modification**  
**BWP SW 16 Combustion Facilities**  
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**BWP SW 45 Any Facility – Presumptive Approval**

X266340  
 Transmittal Number  
  
173050  
 Facility ID# (if known)

**Application for Solid Waste Management Facility Modification**

<b>B. Project Information (cont.)</b>	<b>Plan/Report #</b>	<b>Page #</b>	<b>DEP USE ONLY</b>
(4) Operation and Maintenance (310 CMR 19.030(2)(d) 4.)	NA		
(5) Closure/Post-Closure Plan (310 CMR 19.030(2)(d) 5.)	NA		
(6) Hydrogeological Study (310 CMR 19.104(3))	NA		
(7) Class II Recycling Program (310 CMR 19.303) (Engineer's Supervision sign-off not required)	NA		

**C. Permit Review Documentation and Criteria**

**Note:**  
 Complete all sections applicable to requested modification. Refer to referenced regulation citation for applicability. Enter NA if not applicable.

	<b>Plan/Report #</b>	<b>Page #</b>	<b>DEP USE ONLY</b>
<b>1. Documentation</b>			
a. Site Assignment Documentation (310 CMR 19.030(2)(f))	NA		
b. MEPA Status (310 CMR 19.030(2)(g))	NA		
c. Wetlands Order of Conditions	NA		
d. Waste Disposal Contract (Transfer Station)	NA		
e. Financial Assurance Estimate and Mechanism (310 CMR 19.051)	NA		
<b>2. Permit Criteria (310 CMR 19.038(1)(d))</b>			
a. MEPA Compliance	NA		
b. Site Assignment Limits	NA		
c. Compliance with Facility Specific Regulations	NA		
d. Health & Environmental Impact Assessment	NA		
e. Compliance with other applicable laws and regulations	NA		





**Massachusetts Department of Environmental Protection**  
**Bureau of Waste Prevention – Solid Waste Management**

**BWP SW 07 Modification of a Large Handling Facility**  
**BWP SW 11 Landfills - Major Modification**  
**BWP SW 16 Combustion Facilities**  
**BWP SW 21 Modification of a Small Handling Facility**  
**BWP SW 22 Landfills - Minor Modification**  
**BWP SW 45 Any Facility – Presumptive Approval**

X266340  
 Transmittal Number  
  
173050  
 Facility ID# (if known)

**Application for Solid Waste Management Facility Modification**

**C. Permit Review Documentation and Criteria (cont.)**

	Plan/Report #	Page #	DEP USE ONLY
f. Compliance with Waste Bans	NA		
g. Enforcement Status	NA		
h. Bird Hazard	NA		
i. Structural Support	NA		
j. Wildlife Endangerment	NA		
k. Capacity Utilization (N/A to Handling Facilities)	NA		

**D. Certification & Engineer's Supervision: 310 CMR 19.011**

**Engineer's Supervision:**

All papers pertaining to design, operation, or engineering of this site or facility shall be completed under the supervision of a Massachusetts registered professional engineer knowledgeable in solid waste facility design, construction and operation, and shall bear the seal, signature and discipline of said engineer. The soils, geology, air monitoring and groundwater sections of the application or monitoring report shall be completed by competent professionals experienced in the fields of soil science and soil engineering, geology, air monitoring and groundwater, respectively, under the supervision of a Massachusetts registered professional engineer. All mapping and surveying shall be completed by a registered surveyor.

NA  
 Print Name  
 \_\_\_\_\_  
 Authorized Signature  
 \_\_\_\_\_  
 Position/Title  
 \_\_\_\_\_  
 Company  
 \_\_\_\_\_  
 P.E. #  
 \_\_\_\_\_  
 Date (MM/DD/YYYY)  
 \_\_\_\_\_

**Responsible Official Certification:**

I attest under the pains and penalties of perjury that:

- a) I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- b) Based on my inquiry of those persons responsible for obtaining the information, the information contained in this submittal is, to the best of my knowledge, true, accurate and complete;
- c) I am fully authorized to bind the entity required to submit these documents and to make this attestation on behalf of such entity; and
- d) I am aware that there are significant penalties including, but not limited to, administrative and civil penalties for submitting false, inaccurate or incomplete information, and possible fines and imprisonment for knowingly submitting false, inaccurate or incomplete information.

Print Name  
 \_\_\_\_\_  
 Authorized Signature  
 \_\_\_\_\_  
 Position/Title  
 \_\_\_\_\_  
 (MM/DD/YYYY)  
 \_\_\_\_\_

Town of Wayland  
Post-Closure Use Presumptive Approval Application  
Form BWP SW 45, Transmittal Number X266340  
June 15, 2015

**DESCRIPTION OF PROPOSED ACTIVITY**

Pursuant to 310 CMR 19.034(1), the Town of Wayland is submitting an application for presumptive approval of post-closure use of part of the site-assigned parcel known as the Wayland Sand Hill Landfill. Factual information supporting this application is attested to in the attached Affidavit of Stephen Kadlik ("Kadlik Affidavit").

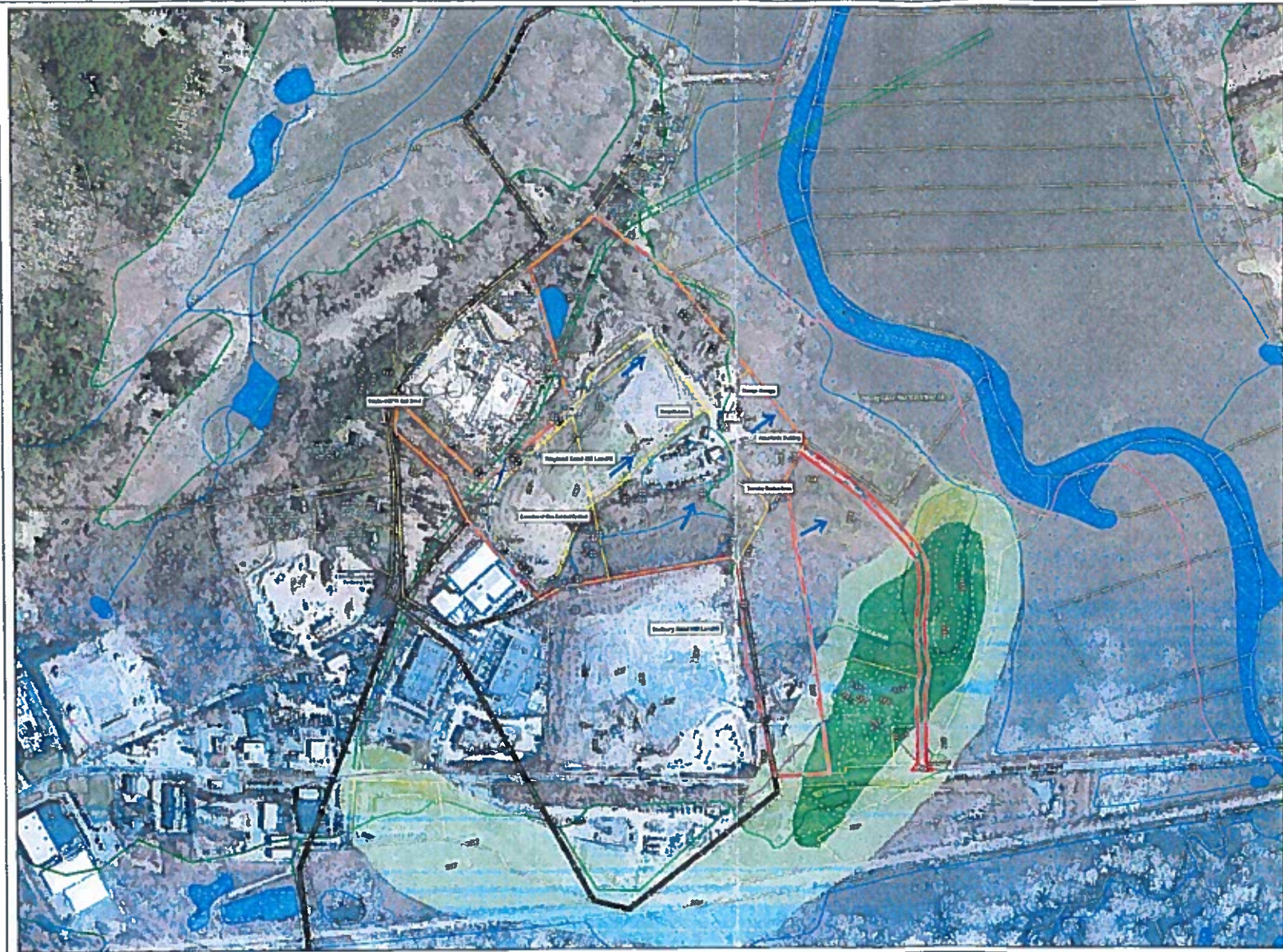
On February 9, 1979, the Wayland Board of Health, in accordance with M.G.L. Chapter 111, Section 150A, issued a site assignment for property located on the north side of the Boston Post Road (Route 20) in Wayland (the "Site-Assigned Property"). A copy of the 1979 site assignment, with plans, is attached as Exhibit A to the Kadlik Affidavit; a March 2013 figure showing the boundaries of the Site-Assigned Property is also attached hereto. The Town of Wayland operated a sanitary landfill on part of the Site-Assigned Property from 1980 to 2008. The Town has submitted a post-closure report to the Massachusetts Department of Environmental Protection ("MassDEP").

As discussed in a meeting between representatives of the Town and MassDEP staff on February 19, 2015, the Town now intends to make available for construction of rental housing a part of the Site-Assigned Property that was never used for landfill activities. On June 2, 2015, the Wayland Planning Board endorsed an "Approval Not Required" plan in anticipation of the potential development of part of the Site-Assigned Property. A surveyed plan titled "ANR Subdivision Plan, Assessors Map 22, Lot 3, Lot 6 & Lot 7, Boston Post Road, Wayland, Massachusetts" and dated June 1, 2015 ("ANR Plan") is attached as Exhibit B to the Kadlik Affidavit. The ANR Plan shows a parcel denoted as "Lot A, 143,107± S.F." ("Lot A"), which is within the Site-Assigned Property. No activities associated with the sanitary landfill have ever been conducted on Lot A. None of the appurtenances for the landfill are located on Lot A or will be affected by construction of the residential project on that lot. As shown on the ANR Plan, Lot A has been combined with two other lots to form a parcel of approximately 8.24 acres (the "River's Edge Parcel"). The Town intends to convey the River's Edge Parcel for the construction of rental housing and supporting infrastructure. The River's Edge Parcel will be conveyed subject to a restriction that there shall be no drinking water wells or irrigation wells installed on the Parcel.

The ANR Plan also shows an area denoted as "Access Road," part of which is also within the Site-Assigned Property. No activities associated with the sanitary landfill other than access to it have ever been conducted on the Access Road. The Town intends to convey an easement to part of the Access Road for access to the River's Edge Parcel.

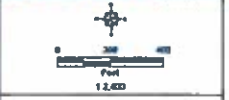
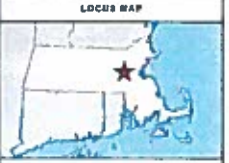
The Town believes that the proposed residential use of Lot A and the Access Road qualify for the presumptive approval procedure in 310 CMR 19.034. It does not believe that DEP's approval of this use requires review under the Massachusetts Environmental Policy Act ("MEPA"). If MEPA review is required for the construction of the rental housing project, it will be obtained by the developer.





**FIGURE 2 - SITE PLAN**

- ⊗ Air-bid Gas Sampling Location
- ⊙ Landfill Gas Monitoring Well
- ⊙ Groundwater Monitoring Well
- ⊙ Overhead Groundwater Monitoring Well
- ⊙ Overwater Monitoring Well located east of the compliance monitoring plot
- ⊙ Surface Water Sampling Location
- ⊙ Ditch of Refuse
- Gas Control System
- Super Hill Landfill Parcel
- Wetland Permits
- Gas Assessment Boundary
- Impactor Station Area
- Wetland Gas Years Co. Encroachment
- Town Boundary
- Contour (10 ft)
- Wetland (CEQ)
- Community Public Water Supply - Surface Water
- Community Public Water Supply - Groundwater
- Non-Community Non-Surface Public Water Supply
- Non-Community Non-Surface Public Water Supply
- Public Surface Water Supply Protection Area (Zone A)
- DEP Approved Wetland Protection Area (Zone II)
- DEP Critical Wetland Protection Area (CPWA)
- Area of Critical Environmental Concern (ACEC)
- EPL/Transportation Run-Terrain Aquifer
- Minor Discharge Basin
- Major Discharge Basin
- Public Surface Water Supply (PSWS)
- Lake, Pond, River or Impoundment
- Dry Embankment or other Silt Water Feature
- Riparian & Shrub
- Potentially Productive Wetland Vernal Pools
- Potentially Productive High Wetland Aquifer
- DEP River Flood Plain
- Groundwater Flow Direction



- NOTES**
1. Based on information from geotechnical engineering report prepared by the Sand Hill Sanitary Landfill, dated August 1998.
  2. Data source: Office of Geographic and Environmental Information Systems (OGIS), Commonwealth of Massachusetts, Executive Office of Environmental Affairs. Data used as of January 2010.
  3. Groundwater flow data taken from hydrogeological study of the Sand Hill Sanitary Landfill, Anderson/Moore, August 1998.
  4. Wetland and flood plain boundaries are approximate. Sources: "Sand Hill Sanitary Landfill Site Plan," OGIS, December 2007.
  5. Wetland protection boundary was based on the information from "Wetland Landfill Site Plan," OGIS, December 2007.

Sand Hill Sanitary Landfill  
 Boston Post Road  
 Weyland, Massachusetts  
 March 2013

**Tight & Bond**

*Handwritten signature*

TOWN OF WAYLAND



BOARD OF HEALTH

WAYLAND

MASSACHUSETTS

February 9, 1979

LEGAL NOTICE

The Town of Wayland Board of Health, acting in accordance with Section 150 A of Chapter III of the General Laws hereby assigns as a site for use for disposal of solid wastes by sanitary landfill, property located on the northerly side of the Boston Post Road in Wayland, Massachusetts bounded and described as follows:

Parcel I:

Southerly by the Boston Post Road a distance of 254.82 feet; easterly and southerly by land of the Town of Sudbury, a distance of 1996.21 feet; southwesterly by land of Sudbury Racquet Inc. a distance of 503.55 feet; southwesterly by land of Town of Sudbury a distance of 543.13 feet; westerly by River Road a distance of 152.42 feet; northeasterly, northwesterly, and southwesterly by land of Joseph and Louise P. Vacaro a distance of 1773.58 feet; northwesterly by River Road a distance of 401.90 feet; northeasterly by land of John M. and Patricia A. Foley a distance of 442.19 feet; northeasterly by land of the United States of America a distance of 1047.52 feet; easterly by land of the Town of Wayland a distance of 1558.53 feet:

More particularly shown on a plan entitled "Plan of Land in Wayland, Mass. showing Proposed Refuse Disposal District, October 21, 1975, Scale: 1 in. = 200 ft., Wayland Engineering Department".

Parcel II:

The proposed access road from Boston Post Road as shown on a plan entitled "Plan of Land in Wayland, Mass. showing Proposed Access Road, April 5, 1978, Scale as noted, Wayland Engineering Department", a copy of which is on file in the office of the Wayland Board of Health.

Public Hearings were held for the site assignment on June 12, 1975 and November 2, 1978, following due public notice.

The aforesaid assignment is subject to the following conditions:

1. No disposal of solid wastes by sanitary landfill shall be conducted on the site until the Plans and Operational Procedures have been approved



by the Wayland Board of Health and the Massachusetts Department of Environmental Quality Engineering, and their permission in writing has been obtained. Board of Health approval shall be subject to such limitations as may be necessary to protect the public health, comfort, and convenience.

- 2. Access to the site shall be only from the Boston Post Road.
- 3. The Board of Health reserves the right to require fencing and/or guard rails along the access road, to be determined after its construction and anytime thereafter if, in the opinion of the Board of Health, it is deemed necessary.

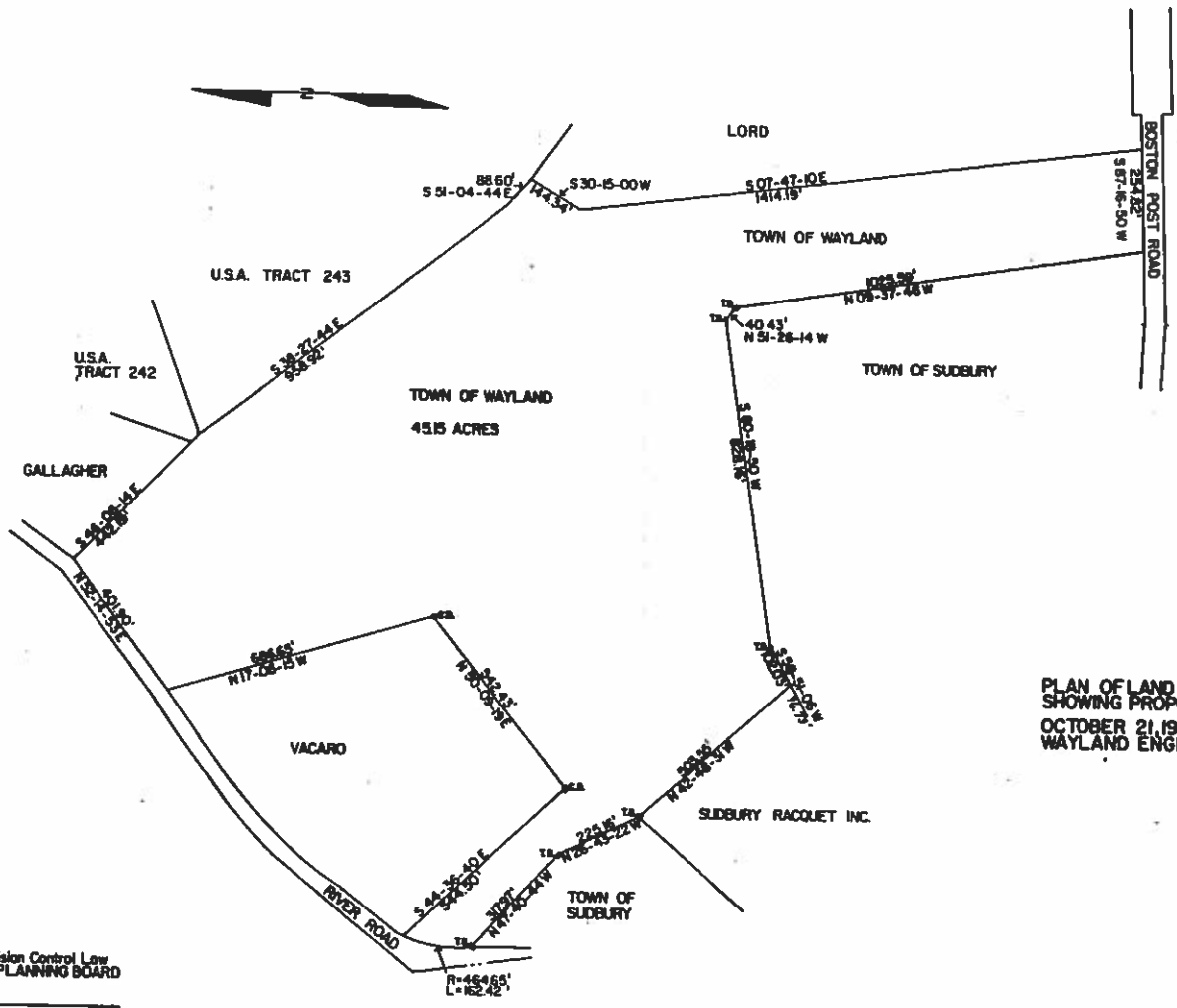
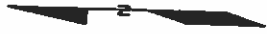
Any person aggrieved by this action of the Wayland Board of Health may, within sixty days of this publication, appeal to the Commissioner of the Department of Environmental Quality Engineering, c/o Docket Clerk, 20th Floor, 100 Cambridge Street, Boston, Ma.

WAYLAND  
BOARD OF HEALTH

Patricia Mitchell

John S. Tuck, M.D.

Jane L. Carree

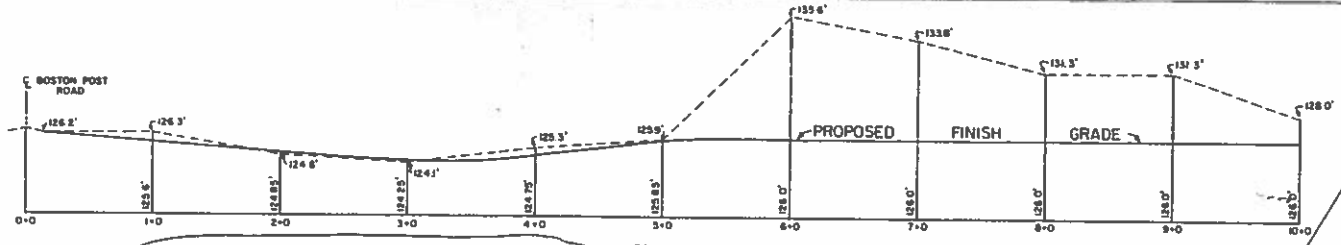
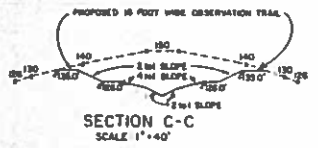
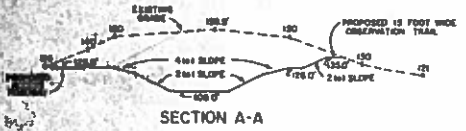


PLAN OF LAND IN WAYLAND, MASS.  
 SHOWING PROPOSED REFUSE DISPOSAL DISTRICT  
 OCTOBER 21, 1975 SCALE: 1 IN. = 200 FT.  
 WAYLAND ENGINEERING DEPARTMENT

Approval under the Subdivision Control Law  
 not required. WAYLAND PLANNING BOARD  
 Date: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SUPERVISED BY: L.L.B.	RESEARCH BY: L.L.B.	PLOTTED BY: R.E.K.
FIELD WORK BY: L.L.B.	COMPUTATIONS BY: R.E.K.	DRAWN BY: R.J.M.
WAYLAND ENGINEERING DEPARTMENT		



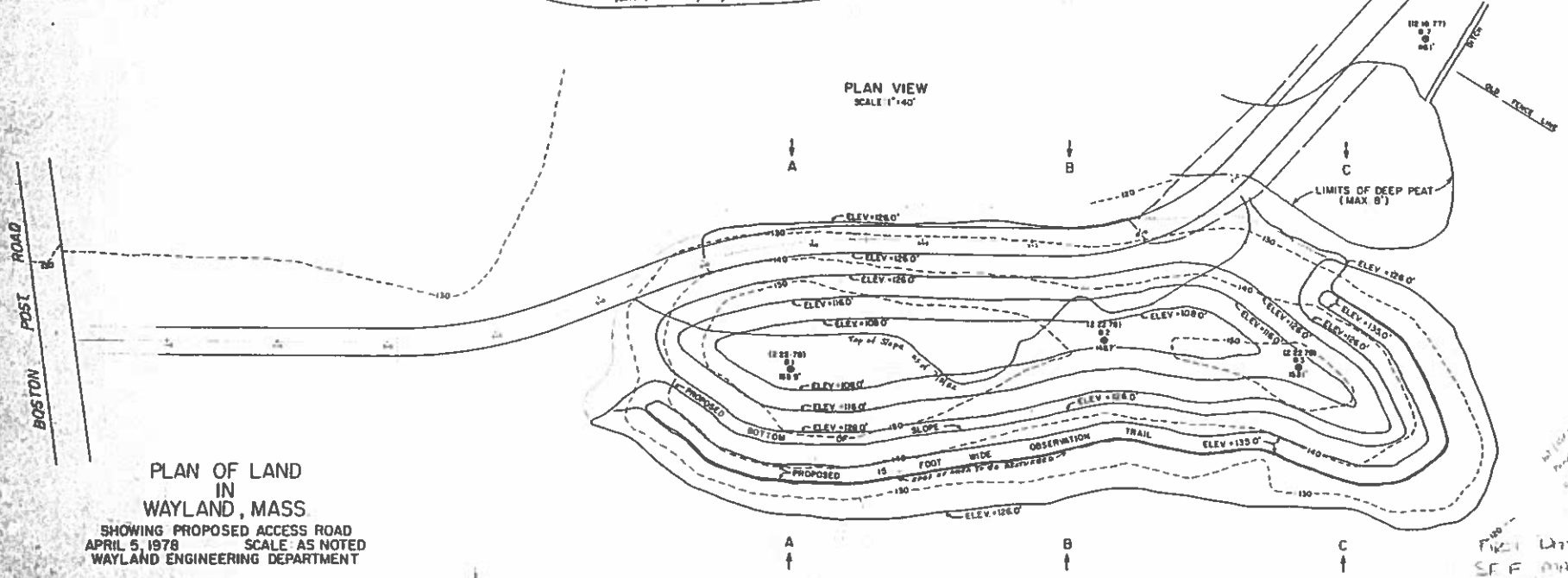


This plan incorporates the Notes of Report 311-14 submitted in 1978. It has calculated from volume data from it, as listed below. For the original 136' section it used the given lower plan the adjoining segments of the proposed final 136' section. The areas enclosed by contours were as follows:

Contour	Area	Contour	Area	Contour	Area
136'	31.2 ± 5.9	135'	1000 ± 19.6	134'	23.4
134'	77.0	136'	74.6	133'	45.7
132'	160.25			131'	21.4
130'	191.1				

The calculated volume then are: Fill, 104,000 cu yd; Cut, 14,000 cu yd; Tot, 24,000 cu yd.

Ken Flinn Sept 11, 1978



PLAN OF LAND  
IN  
WAYLAND, MASS.  
SHOWING PROPOSED ACCESS ROAD  
APRIL 5, 1978 SCALE AS NOTED  
WAYLAND ENGINEERING DEPARTMENT

FIRST DRAFT  
SEP 11, 1978  
REVISION 1

SECURITY USE ONLY



WAYLAND PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL LAWS NOT REQUIRED.

DATE: 4/16/15  
Signature: [Handwritten Signature]

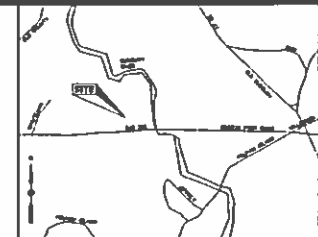
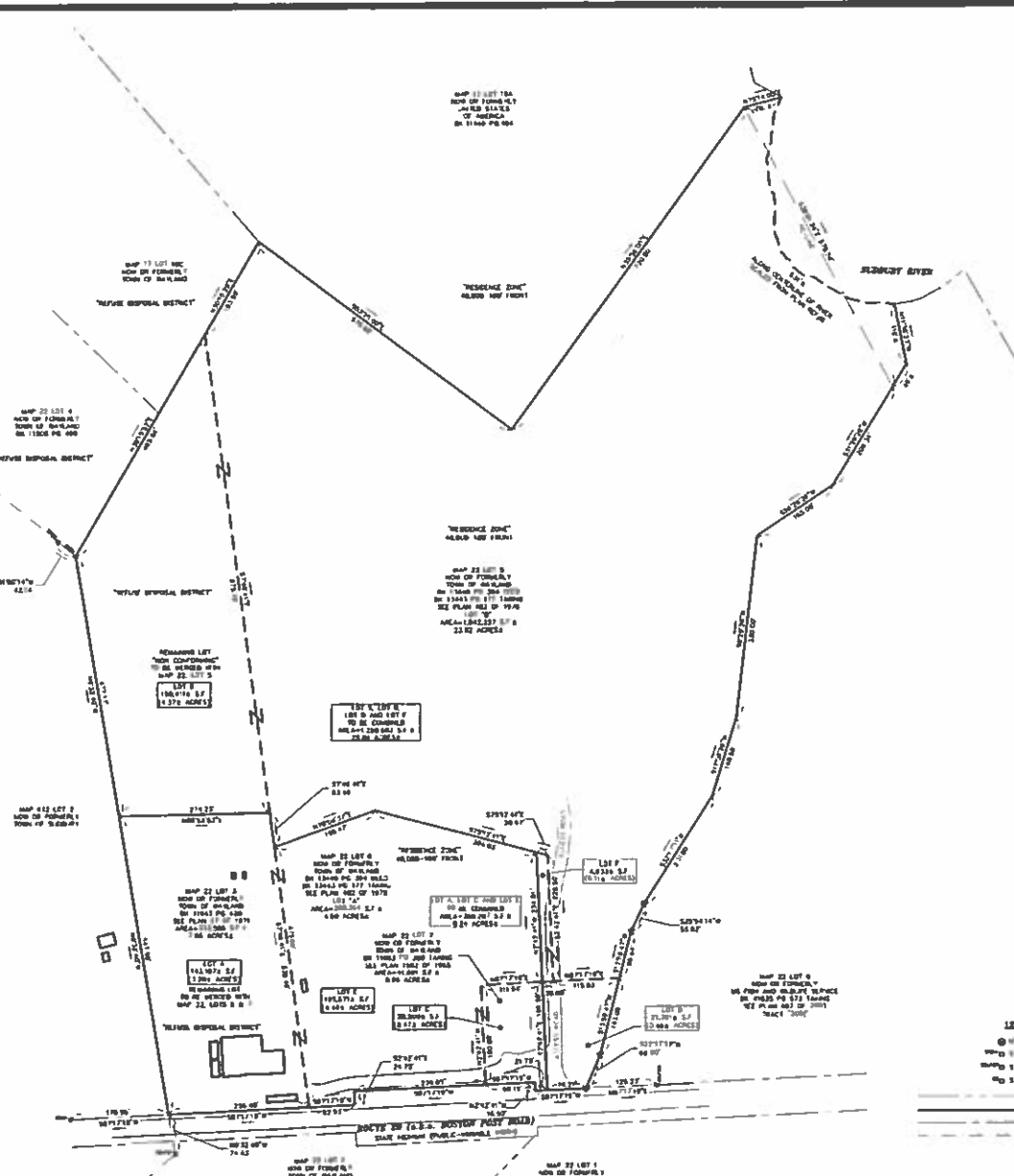
REMARKS:

1. IF ANY ERECTION SHALL BE MADE THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE BASIS FOR THE LAYOUT OF THE BUILDING FOOTPRINT AND THE LAYOUT OF THE DRIVEWAYS, DRIVEWAYS, DRIVEWAYS AND WALKWAYS OF PUBLIC OR PRIVATE DRIVES OR DRIVEWAYS SHALL BE ESTABLISHED AND MAINTAINED AT THE EXPENSE OF THE ERECTOR OR FOR THE USE OF THE DRIVE.

2. THE ABOVE ENCROUSURE IS NOT A DETERMINATION OF CONFORMANCE, IN THE ZONING BY THE A ZONE.



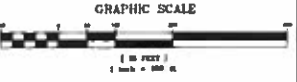
BARBARA J. HANCO, P.E. DATE: 4/16/15  
PLANNING BOARD MEMBER  
WAYLAND, MASSACHUSETTS



- NOTES: 1. THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY OF THE SUBJECT PROPERTY... 2. THE HORIZONTAL DATUM SHOWN HEREON REFLECTS MASSACHUSETTS HORIZONTAL DATUM COORDINATE SYSTEM DATUM.

- PLAN REFERENCES: 1. MASSACHUSETTS STATE HIGHWAY LAYOUT AND SHEET... 2. MASSACHUSETTS STATE HIGHWAY LAYOUT AND SHEET... 3. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 4. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 5. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 6. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 7. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 8. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS... 9. PLAN OF 1 AND 2 IN WAYLAND MASS. SHOWING THE LOTS...

PROPERTY TABLE: THE SUBJECT PARCEL LIES WITHIN THE RESERVE ZONING DISTRICT AS SHOWN ON THE TOWN OF WAYLAND ZONING MAP APPROVED ON APRIL 1, 2009.



ANR SUBDIVISION PLAN  
ASSESSORS MAP 22  
LOT 3, LOT 6 & LOT 7  
BOSTON POST ROAD  
WAYLAND, MASSACHUSETTS  
PREPARED FOR  
TOWN OF WAYLAND  
WSP  
Transportation & Infrastructure  
150 Main Street, Suite 120 & 125 • Wayland, MA 01980 • 978.949.7000  
www.wspinc.com

Drawn By: MS	Date: JUNE 11, 2015	Job No: 123720
Surveyed By: CG, TC, BC, JL	Scale: 1" = 100'	Sheet No: 1 OF 1
Checked By: DJM	Drawn By: W-798	

123128-3-ANR-049



## Senchyshyn, John

---

**From:** Balmer, Nan  
**Sent:** Wednesday, June 10, 2015 5:37 PM  
**To:** DiNapoli, MaryAnn  
**Cc:** Senchyshyn, John; Karlson, Cherry  
**Subject:** FW: BoPW Land Transfer  
**Attachments:** WayBoPWMotionreRiversEdgePropertySurplusDeclaration&TransferFinal06092015.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mary Ann  
Please place in Board correspondence.  
Thanks  
Nan

---

**From:** Chris Brown [<mailto:cbrown93@comcast.net>]  
**Sent:** Wednesday, June 10, 2015 5:33 PM  
**To:** Balmer, Nan; Cherry Karlson; [heller.j@comcast.net](mailto:heller.j@comcast.net)  
**Cc:** Lanza, Mark; Rebecca Stanizzi; Kadlik, Stephen; Cabral, Dan; [nancyfunkhouser@verizon.net](mailto:nancyfunkhouser@verizon.net); Tom Abdella; Alias, SWQC; Sarkisian, Sarkis; Joe Nolan  
**Subject:** BoPW Land Transfer

All:

At last night's Board of Public Works meeting, the Board voted 5-0 to approve the attached Motion declaring the "River's Edge" property surplus and transferring control of that land to the Board of Selectmen upon their signing an agreement with a developer per 2014 ATM Article 16.

The BoPW would like to remind everyone, specifically the BoS and the Finance Committee, that this transfer of land will create increased costs for the DPW in future years, and we look forward to receiving your support in securing these new funding levels.

Best,  
Chris Brown  
Chair, BoPW

**MOTION RE: RIVER'S EDGE HOUSING PROJECT SITE**

**BOARD OF PUBLIC WORKS MEETING - June 9, 2015**

I move that the Board of Public Works:

(1) Determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420, except for the northerly portion of said parcel shown as "Remaining Lot 'Non Conforming' to be Merged with Map 22, Lot 5 [Lot B 190,411 +/- S.F. (4.37 +/- Acres)]" on the unrecorded plan entitled "ANR Subdivision Plan Assessors Map 22, Lot 3, Lot 6 & Lot 7 Boston Post Road Wayland, Massachusetts Prepared for Town of Wayland", dated June 1, 2015, prepared by Darren J. Hardy, P.L.S., WSP Transportation & Infrastructure (the "ANR Plan"); (ii) containing 4.5 acres, more or less, as described in an order of taking dated May 15, 1978 and recorded with said Registry in Book 13443, Page 177 and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds

as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, except for the portion of said one (1) acre lot shown as Lots D & F on the ANR Plan (collectively the "Locus"), are no longer needed for municipal public works purposes; and

(2) irrevocably transfer the care, custody, management and control of the Locus to the Board of Selectmen, effective upon the execution of a land disposition and development agreement between the Town and a party acquiring an interest in and developing the Locus, for the purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing and market rate housing and accessory uses and structure purposes in accordance with the vote of the 2014 Annual Town Meeting under Article 16 of the Warrant therefor. Nothing in this motion shall be construed as limiting the authority of the Board of Selectmen to retransfer custody of the Locus to the Board of Public Works pursuant to a future town meeting vote, or limit the ability of the Board of Public Works to access the Locus, by temporary easement or otherwise, to comply with DEP #322-808 Order of Conditions.

The Board of Public Works would like to advise the Town that moving on-going operations to a different site will mandate

significant one-time and on-going increased funding levels to maintain current operations.

**ASST. TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING JUNE 19, 2015**

**DPW OPEN HOUSE**

The DPW Open House and ribbon cutting ceremony will be Saturday, June 20<sup>th</sup>. The program begins at 10:00 am. Senator Ross will be attending and bringing a Senate Citation in honor of the event.

**ELECTRONIC PACKETS**

The conversion to total electronic packets will begin with the next meeting, July 13<sup>th</sup>.

**Minutes**

Attached are draft minutes for your review from the meetings of June 1<sup>st</sup> and June 8<sup>th</sup>. Please forward any corrections or comments to MaryAnn DiNapoli.



NAN BALMER  
TOWN ADMINISTRATOR  
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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

# DRAFT

## Board of Selectmen Meeting Minutes June 1, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan  
(arrived 8:16 p.m.)

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda for the public. M. Antes announced that the annual RiverFest will take place on June 20-21, and will feature a History Paddle on June 20, a three-hour paddle from the Route 20 boat launch to Sherman's Bridge along with stories of the history of the Sudbury River. C. Karlson said water restrictions go into effect today and referred residents to the Board of Public Works website.

**A2. Public Comment** Linda Segal, 9 Aqueduct Road, advised that she had provided paperwork to the Board of Public Works and the Board of Health on the dangers of the use of herbicides such as Roundup.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** T. Boschetto moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

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

**A3. Public Hearing for Nstar Electric Company dba Eversource Energy and Verizon New England Inc., and Vote to Grant One New Pole 218/11a on Sears Road** Chair C. Karlson opened the public hearing at 7:16 p.m. The Board was joined by Fire Chief David Houghton and Christine Cosby of Eversource Energy. C. Cosby reviewed the request for a grant of location on Sears Road in order to reduce the span distance between existing poles. T. Boschetto asked how the assessment was done, and suggested that the entire infrastructure be evaluated. C. Cosby said the problem of span distance is rare, and D. Houghton agreed. L. Segal noted that the pole outside the town building on Pelham Island Road needs to be supported. There was no further public comment. C. Karlson closed the hearing at 7:20 p.m. M. Antes moved, seconded by L. Anderson, to approve the petition, pursuant to M.G.L. Chapter 166, Section 22, from Nstar Electric Company dba Eversource Energy and Verizon New England Inc., to be granted joint or identical locations for the erection or construction of one (1) new pole 218/11A, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, on Sears Road, easterly side approximately 1,226 feet south of Squirrel Hill Road. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A4. Update from Eversource Representative on Poles Ready for Removal and Vegetation**

**Management** Christine Cosby of Eversource Energy reviewed a double pole report from Eversource. She said approximately fifty poles are ready for removal, and she will work with the Fire Department to transfer the utilities from the remaining poles. She reviewed the vegetation management program and said no herbicides are being used in Wayland this year.

**A5. Update from Fire Chief David Houghton and Report on Wireless Alarm System and Private**

**Hydrant Bylaw** The Board was joined by Fire Chief David Houghton to discuss the conversion of the current fire boxes to a wireless alarm system by July 1, 2016. D. Houghton said the wireless alarm system has been working successfully for several years, and it is no longer practical to continue to repair and replace the wired boxes. He said there will be no cost to the taxpayers, as it is funded by the users of the system. The Board asked about the cost to businesses. D. Houghton said there is no mandate on the businesses to use the wireless system; the use is driven by insurance companies. He said he will hold informational sessions for businesses, and he will work with the Town Administrator to dispose of the current fireboxes. He said he will notify Eversource Energy as the fireboxes are removed, which will make more poles ready for removal. In regard to the private hydrant bylaw, he said he will work with the DPW to determine which hydrants are in the best interest of the town to maintain, and the remaining private owners of hydrants will be invited to an informational seminar once final approval is received from the office of the Attorney General.

**A6. Interviews for Council on Aging/Community Center Advisory Committee and Vote to Confirm Appointees Nominated by Recreation Commission and Council on Aging**

The Board was joined by Steve Correia, P. Jean Milburn, and Marylynn Gentry to interview for members at large on the Council on Aging/Community Center Advisory Committee. The applicants reviewed their backgrounds, their interest in serving, and the expertise they bring to the committee. C. Karlson emphasized the need for community input. The Board thanked them for volunteering to serve, and C. Karlson said the vote would be taken later in the evening after Mark Foreman is interviewed.

**A7. Meet with Town Moderator and Chair of Electronic Voting Implementation Subcommittee regarding Town Meeting Procedures Including Electronic Voting Procedures**

The Board was joined by Dennis Berry, Town Moderator, and David Bernstein, Chair of the Electronic Voting Implementation Subcommittee, to discuss the problem of proxy voting at the recent Annual Town Meeting. D. Bernstein said the subcommittee collected fifteen recommendations from the public, and will combine them with their own recommendations at its meeting on Thursday, with the goal of presenting final recommendations to the Town Moderator. He said he believed education is the best way to prevent further abuse of the system.

J. Nolan arrived at 8:16 p.m.

T. Boschetto suggested that a member of the subcommittee be available at town meeting to accept an initial report of fraud, who would then report it to the Town Moderator. D. Berry said that while he had no objection, it is ultimately the responsibility of the Town Moderator to oversee the voting. Alan Reiss, 463 Old Connecticut Path, said he believes education is the most important solution, and he suggested that signs be placed behind the tellers reminding the voters not to allow anyone else to use their handset.

The Board discussed ways to limit the length of town meeting, and debated reducing the time for each article to thirty minutes. D. Bernstein said he had extensive data on previous meetings that he would make available to the Board, which could be used to estimate the time needed for future meetings. He recommended that amendments be presented in writing and displayed on an overhead screen. J. Nolan noted that Wayland has the longest open town meetings in the state, which could be a factor in discouraging participation. D. Berry said it is also important to have an enjoyable and effective meeting. D. Bernstein suggested having a Special Town Meeting every fall. The Board discussed setting effective timelines for the warrant process.

**A8. Discuss Committee Appointments and Interview Process** N. Balmer reviewed the process for reappointments. She asked the Board to consider a six-month extension for the members of the Permanent Municipal Building Committee in order to complete the DPW project. The Board agreed to interview the applicants for reappointment to the Conservation Commission, the Finance Committee, the Personnel Board, and the Zoning Board of Appeals. J. Nolan asked that Town Counsel clarify whether committee members who are not reappointed continue to maintain their membership. M. Antes suggested that the terms of the Senior Tax Relief Committee be extended and staggered. The Board thanked all the volunteers for their service to the town.

**A6. Interviews for Council on Aging/Community Center Advisory Committee and Vote to Confirm Appointees Nominated by Recreation Commission and Council on Aging** The Board was joined by Mark Foreman to interview as a member at large on the Council on Aging/Community Center Advisory Committee. He reviewed his background in civil engineering and interest in serving. He cited the need for community space and his desire to clear up the confusion regarding the potential uses of the property.

M. Antes moved, seconded by L. Anderson, to appoint Bill Sterling as the representative of the Council on Aging, Frank Krasin as the representative of the Recreation Commission, and Steve Correia, Marylynn Gentry, P. Jean Milburn, and Mark Foreman as members at large to the Council on Aging/Community Center Advisory Committee for a term that will expire upon the final recommendation and report of the Committee at Town Meeting (anticipated to be the 2016 Annual Town Meeting). YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A9. Discuss Process for Review of Board Policies** It was the consensus of the Board to review and revise the current Board policies. The Board discussed the process for moving forward.

**A12. Report of the Town Administrator** N. Balmer reviewed upcoming agenda items. She said the Open House and ribbon cutting for the new DPW facility will be June 20. She reviewed potential articles for a Special Town Meeting, and said the 25 MPH speed limit signboard will be in place on Stonebridge Road this weekend. She said the contractor at 464 Old Connecticut Path has been asked to address the problem caused by the slope of the curve, and the preliminary report from the IT consultant will be ready this week.

**A13. Selectmen's Reports and Concerns** M. Antes reported on the Metropolitan Area Planning Council meeting on May 27 regarding the MBTA. She discussed the need for greater input from the public, and asked the Board to consider focused neighborhood discussion groups. J. Nolan congratulated the Public Ceremonies Committee for a successful Memorial Day parade. L. Anderson said she attended the Open Meeting Law training and it went well. She reported on a meeting with State Representative Alice Peisch earlier that day. J. Nolan updated the Board on the 495 Partnership legislative meeting. C. Karlson asked the Town Administrator to check with Town Counsel regarding the Town Center Green, and she asked T. Boschetto to follow up with other towns regarding the withdrawal from the Minuteman Regional school.

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

**A15. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:04 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, 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 June 1, 2015**

1. Email of 5/20/15 from Bob Goldsmith, Conservation Commission, re: Willingness to Serve a One-Year Reappointment Term



2. Letter of 6/1/15 from Brian J. Chase re: Declining Reappointment to the Permanent Municipal Building Committee
3. Email of 5/29/15 from Marylynn Gentry to Board of Selectmen re: Interest in Serving on the Council on Aging/Community Center Advisory Committee
4. Email of 6/1/15 from Mark Foreman to Board of Selectmen re: Interest in Serving on the Council on Aging/Community Center Advisory Committee
5. Email of 6/1/15 from State Representative Carmen Gentile re: Ceremony for Wayland Town Flag

**Items Included as Part of Agenda Packet for Discussion During the June 1, 2015 Board of Selectmen's Meeting**

1. Memorandum of 6/1/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Public Hearing on New Utility Pole Location, Sears Road, with Legal Notice and Petition
2. Memorandum of 6/1/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Update from Eversource, Poles and Vegetation Management, and Memorandum of 5/27/15 from Fire Chief David Houghton re: Pole Transfers
3. Memorandum of 5/26/15 from Fire Chief David Houghton to Board of Selectmen re: Wired Municipal Fire Alarm System
4. Memorandum of 6/1/15 from Nan Balmer, Town Administrator, to Board of Selectmen re: Council on Aging/Community Center Advisory Committee Nominees
5. Suggestions for Improvements from Public for Discussion on Town Meeting Procedures
6. Board Policy on Appointments to Boards and Committees, Memorandum of 5/28/15 from MaryAnn DiNapoli re: Annual Appointments, and Draft List of Potential Vacancies as of July 1, 2015
7. Index Page of Board of Selectmen Policies and Procedures for Review
8. Report of the Town Administrator for the Week Ending May 29, 2015



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## BOARD OF SELECTMEN

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# DRAFT

## Board of Selectmen Meeting Minutes June 8, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Tony V. Boschetto (arrived 7:14 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. She reviewed the agenda for the public. J. Nolan said he attended the Wayland High School graduation on June 7, and congratulated the graduates. C. Karlson announced that a community conversation on race was currently taking place at the Unitarian Church in Wayland.

**A2. Public Comment** George Harris, 8 Holiday Road, expressed his concern that the town does not do an adequate job of financial management. He said he has sent a public records request to the town for the legal costs of the Twenty Wayland LLC lawsuit, and was told there was a fee to compile and print the information. He said the Board should have assessed the cost themselves, and the number should be readily available to the public. He said he did not believe that the figure provided by the Town Administrator for FY14 and FY15 included all the expenses, and he requested that the Board determine the full cost of the litigation. Gordon Cliff, 2 Highfields Road, asked the Board to vote against the petition for an additional liquor license for Town Center voted at Annual Town Meeting.

**A3. Presentation from State Military Purple Heart Organization** State Representative Carmen Gentile introduced State Commander of the Military Order of the Purple Heart Leo Agnew, Adjunct Commander Tony Payne, Associate Member Mary Durkee, Chair of the Public Ceremonies Committee Richard Turner, and Commander of American Legion Post 133 Carl Bernardo. L. Agnew provided a brief history of the Purple Heart, thanked the town for becoming a Purple Heart Community, and presented a certificate of acknowledgement to the Board of Selectmen.

T. Boschetto arrived at 7:14 p.m.

**A4. Committee Interviews and Appointments** Philip Schneider appeared before the Board to interview for reappointment to the Personnel Board. He said he joined the Personnel Board in 2002. Members discussed his experience on the Personnel Board, the ongoing need to review and revise town policies, and the impact of changes in the law. C. Karlson thanked Mr. Schneider for his service.

Eric Goldberg appeared before the Board to interview for reappointment as a regular member of the Zoning Board of Appeals, and Linda Segal appeared for reappointment as an Associate member of the Zoning Board of Appeals. They discussed their experience and their interest in continued service. L. Segal noted the ongoing project to modify the zoning bylaws, and said she prefers to serve as an Associate member because

her skill set is a better match for the role. She also thanked the staff of the Building Department for their support. M. Antes thanked the Zoning Board of Appeals for balancing the 40B process with the concerns of the town. She noted there is a vacancy on the Board and asked if there are particular skills to be considered when recruiting a new member. E. Goldberg said an engineering background would be helpful. L. Anderson said she is the Zoning Board liaison, and she appreciates the consideration given to applicants and the community.

M. Antes moved, seconded by J. Nolan, to reappoint Philip Schneider to the Personnel Board for a five-year term to expire on June 30, 2020, and to reappoint Eric Goldberg to the Zoning Board of Appeals for a three-year term to expire on June 30, 2018, and to reappoint Linda Segal as an Associate member of the Zoning Board of Appeals for a three-year term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. Consideration of Board and Committee Vacancies and Potential Vote for Reappointments**

The Board considered the reappointment of board and committee members due to expire on June 30, 2015. C. Karlson said Sam Potter would not be seeking reappointment to the Economic Development Committee, and M. Antes said Reverend Moser was no longer able to serve on the Housing Partnership. The Board considered revising the charge of the Senior Tax Relief Committee to extend the term and stagger the appointments. It was noted that the terms of the Historical Commission should also be adjusted next year in order to be staggered correctly. T. Boschetto recommended interviewing the reappointees to the Wastewater Management District Commission next year. The Board thanked all the volunteers for their service.

J. Nolan moved, seconded by M. Antes, to reappoint the following list of Board, Committee and Commission members to the appropriate terms. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Name	Appointing Authority	Board/Committee	Term
Richard Turner	Selectmen	Cable Advisory Committee	one
Thomas Klem	Selectmen	Cable Advisory Committee	one
Larry Kiernan	Selectmen	Central MA Rail Trail Committee	three
Mary M. Antes	Selectmen	Council on Aging	three
Betsy Soule	Selectmen	Council on Aging	three
Elizabeth Patterson	Selectmen	Council on Aging	three
Kathryn Grey	Selectmen	Cultural Council	three
Barbara Hoffman	Selectmen	Cultural Council	three
Susan Koffman	Selectmen	Dog Control Appeals Board	three
Harvey Michaels	Selectmen	Energy Initiatives Advisory Committee	three
Tonya Lary	Selectmen	Historical Commission	three
Elisa Scola	Selectmen	Historical Commission	three
R. Richard Conard	Selectmen	Historical Commission	three
John Dyer	Selectmen	Historical Commission	three
Desmond J. McAuley	Selectmen	Historic District Commission	three
Marjorie Ford	Selectmen	Historic District Commission	three
Patricia M. Harlan	Selectmen	Housing Partnership	three
Martin S. Nichols	Selectmen	Housing Partnership (representing Housing Authority)	three
Mary M. Antes	Selectmen	Metropolitan Area Planning Council	one
Mary M. Antes	Selectmen	Metrowest Regional Collaborative Comm	one
Joseph F. Nolan	Selectmen	Metrowest Regional Transit Authority Advisory Board	one

Sarkis Sarkisian	Selectmen	Metrowest Regional Transit Authority Advisory Board (alternate)	one
Massimo Taurisano	Selectmen	Permanent Municipal Building Committee	two
Thomas Sciacca	Selectmen	River Stewardship Council	one
Mary M. Antes	Selectmen	River Stewardship Council (Alternate)	one
Timothy J. Walsh	Selectmen	Sealer of Weights and Measures	one
Joan Bradford	Selectmen	Senior Tax Relief Committee (representing Council on Aging)	one
Linwood Bradford	Selectmen	Senior Tax Relief Committee (representing Board of Assessors)	one
Anne Gilbert	Selectmen	Senior Tax Relief Committee (representing Finance Committee)	one
Pauline DiCesare	Selectmen	Senior Tax Relief Committee	one
Patricia Nelson	Selectmen	Senior Tax Relief Committee	one
Stephen J. Colella	Selectmen	Senior Tax Relief Committee	one
Rebecca MacGregor	Selectmen	Senior Tax Relief Committee	one
Thomas J. Largy	Selectmen	Surface Water Quality Committee	three
Linwood Bradford	Selectmen	Surface Water Quality Committee	three
Rick Greene	Selectmen	Wastewater Management District Commission	three

**A6. Vote to Authorize Chair to Sign Application to Department of Environmental Protection for Presumptive Approval to Change Site Assignment at River's Edge Property** N. Balmer reviewed the application to the Massachusetts Department of Environmental Protection for site assignment at the River's Edge property, previously voted by the Board on March 30, 2015. T. Boschetto said he would be more comfortable waiting for the completion of the affidavit and the review of the Board of Public Works; J. Nolan agreed. It was the consensus of the Board to postpone this item to a later meeting.

**A7. Vote to Petition State Legislature for Additional Liquor License for Town Center** N. Balmer presented a motion to petition the State Legislature for an additional liquor license for Town Center as per the vote of Annual Town Meeting. C. Karlson explained that town meeting voted two amendments to the article: one to change the reference to Eastbrook Inc. at 87 Andrew Avenue to "new town center," and another to add the words "if any" to the end of Section 1(b). She then noted an error in the vote on the Certificate of Vote, and the need to add the word "new" before Town Center in the motion. M. Antes asked if there was any input from the Police Chief; N. Balmer said no. T. Boschetto said the motion was not consistent with the vote, and expressed concern about the lack of a formal designation of "new town center." He suggested that the article be clarified and voted again at a Special Town Meeting in the fall. C. Karlson said that while Town Meeting had voted to authorize the Board to petition the General Court of the Commonwealth for a special law, there was concern about the clarity of the language. Tony Speranzella, owner of Eastbrook Inc., dba Sperry's Fine Wine Brew and Cigars, 87 Andrew Avenue, said that he had undertaken the same process in Southborough with a site-specific license. L. Segal suggested that the definition of the Mixed Use Development Site could be found in the overlay district created in 2006; however, T. Boschetto said it is not within the purview of the Board to interpret the intent of town meeting. It was the consensus of the Board to ask Town Counsel for clarification of the language in the motion.

**A8. Discussion and Potential Vote on Date for Fall Special Town Meeting** N. Balmer discussed the potential need for a Special Town Meeting in the fall. She said that at least one issue, the school revolving fund, needs closure. She also said there are potential articles for zoning, appropriation of funds for the Route 30/School Street mitigation, a new DPW truck, potential IT expenses, and a commitment of funds for a library site assessment. The Board considered calling a Special Town Meeting by the end of August to take place the first week of November, and asked the Town Administrator to prepare a draft schedule for a vote at its meeting of July 13.

**A9. Policy Discussion: Board Description, Guiding Principles and Code of Conduct, and Board Procedures, Officers and Meetings** The Board reviewed and edited the following sections of the Board Policies and Procedures: Board Description, Guiding Principles and Code of Conduct, and Board Procedures, Officers and Meetings C. Karlson said she would incorporate the Board's edits into a final copy for a vote on June 24.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Anderson, to approve consent calendar items 1, 2, 5 and 6. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Items 3 and 4 were segregated for individual votes at the request of T. Boschetto, who said he would prefer to see items of substance as agenda items. M. Antes moved, seconded by J. Nolan, to approve item 3, the Collective Bargaining Agreement for the AFSCME 1 Professional Bargaining Unit for the period of July 1, 2014 to June 30, 2017. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: T. Boschetto. Adopted 4-0-1. Item 4, the update to the town's flexible spending plan, was tabled to a later date for clarification of the maximum spending amounts and the applicability of the federal limit.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. J. Nolan noted the vacancy on the WayCAM Board of Directors, and said it is beneficial to have someone on the Board with financial expertise. M. Antes highlighted the Olympic bid meeting on June 10, the Stone's Bridge application to the Massachusetts Historical Commission, and the presentation of the Town Flag at the State House on June 18. L. Anderson thanked Jonathan Saxton for organizing WayDog.

**A12. Report of the Town Administrator** N. Balmer reviewed the work being done in regard to the Recreation revolving fund, and said she hopes that the Recreation Commission will have a recommendation by mid-July. She discussed her meetings with department heads, in order to understand priorities and set goals; she said she may also consider meeting with committee chairs. She distributed a draft schedule for the 2016 Annual Town Meeting, and said she would like to see more specificity in the budget next year. The Board discussed the request of Duane Galbi for access to Town Counsel in regard to his request to remove speed limit signs in order to revert to the state standards for "thickly settled" neighborhoods. It was the consensus of the Board not to provide access to Town Counsel, and that the issue continue to go through the process for traffic calming with the Board of Public Works. The Board also requested that Town Counsel provide a definition of "thickly settled."

**A13. Selectmen's Reports and Concerns** T. Boschetto said the River's Edge Advisory Committee will meet on Wednesday. He said he will coordinate a meeting regarding the Minuteman Regional school when the new representative from Sudbury is available. M. Antes reported on a Conservation Commission meeting last week regarding the potential acquisition rights to Mainstone. She said the most recent appraisal of \$10.5 million would empty the Community Preservation Act funds of all but the ten percent allowed for housing and historic preservation, so fund raising will be needed. She reviewed the recent MetroWest Legislative breakfast. J. Nolan said there will be a ribbon cutting ceremony for the new MWRTA facility on Blandin Avenue in Framingham, and noted there is an LNG (liquefied natural gas) depot at that location that could potentially be used for town vehicles. He asked that the Conservation Commission expedite the approval of the use of MWRA aqueducts as trails. L. Anderson reported on the Finance Forum she attended on June 2, and she asked if the speed humps on the Weston end of Glezen Lane were approved. M. Antes advised the Board to be aware that the Governor has issued executive order No. 562, to sunset state rules and regulations after a review and revision process. The Board agreed to discontinue paper packets after the June 24 meeting.

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

**A15. Adjourn** There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:04 p.m. YEA: L. Anderson, M. Antes, T. Boschetto, 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 June 8, 2015**

1. Email Exchange between Chief of Police Robert Irving and Finance Committee Chair Thomas Greenaway, February 19-20, 2015, re: Speed Limit Article
2. Email of 6/8/15 from Gordon Cliff to Nan Balmer, Town Administrator, re: Public Comment, Additional Liquor License
3. Handouts and Powerpoint Presentation from Massachusetts Department of Revenue, New Officials Finance Forum, June 2, 2015

**Items Included as Part of Agenda Packet for Discussion During the June 8, 2015 Board of Selectmen's Meeting**

1. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Committee Interviews and Reappointments, with list of Reappointments
2. Email of 6/1/15 from Gretchen Schuler, Community Preservation Committee, and Historic District Commission, re: Recommendations for Reappointments
3. Email of 6/1/15 from Sherre Greenbaum, Chair, Conservation Commission, re: Recommendations for Reappointments to Conservation Commission
4. Memorandum of 6/8/2015 from Nan Balmer, Town Administrator, re: Execution of Application to Mass Department of Environmental Protection for Presumptive Approval to Use River's Edge Site for Housing, and Description of Proposed Activity
5. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Petition State Legislature to Enact a Special Act re: An Additional Package Store License
6. Annual Town Meeting Vote Certificate, Article 20, Authorization for the Town of Wayland to Grant an Additional License for the Sale of All Alcoholic Beverages not to be Drunk on the Premises
7. Memorandum of 6/8/15 from Nan Balmer, Town Administrator, re: Fall 2015 Special Town Meeting
8. Board of Selectmen Policies and Procedures: Board Description and Guiding Principles, and Officers and Meetings
9. Report of the Town Administrator for the Week Ending June 5, 2015



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# TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**BOARD OF SELECTMEN**  
**Wednesday, June 24, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

### CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through May 31, 2015, Statement No. 104647: \$1,350.00
3. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through May 31, 2015, Statement No. 104648: \$342.00
4. Vote the Question of Approving the Invoice of Anderson & Krieger LLP, Reference #112498/5415-001: \$6,136.68
5. Vote the Question of Approving the Invoice of Frederick M. Sleeper, Sr., Title Examiner, Invoice of June 11, 2015, for Multiple Properties: \$906.00

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

101 ARCH STREET  
BOSTON, MA 02110

(617) 556-0007

---

STATEMENT NO. 104647

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH MAY 31, 2015

JUNE 12, 2015

TOTAL FEES: 1,350.00

TOTAL COSTS: 0.00

BALANCE DUE: 1,350.00

**RECEIVED**

**JUN 17 2015**

**Board of Selectmen  
Town of Wayland**



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

101 ARCH STREET  
BOSTON, MA 02110

(617) 556-0007

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STATEMENT NO. 104648

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH      MAY 31, 2015  
JUNE 12, 2015

TOTAL FEES:	342.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>342.00</u>

**RECEIVED**

**JUN 17 2015**

Board of Selectmen  
Town of Wayland

**ANDERSON**  

---

**KREIGER**

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

May 13, 2015

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

Reference # 112498 / 5415-001

In Reference To: River's Edge Special Counsel

Total Current Billing:	<u>1,256.18</u>
Previous Balance Due:	4,880.50
<b>Total Now Due:</b>	<b><u>6,136.68</u></b>

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



FREDERICK M. SLEEPER, SR.  
 TITLE EXAMINER  
 3 AUGUST LANE  
 SHIRLEY, MA 01464  
 (978) 758-6668

6-11-15

Lanza

Town of Wayland  
 Multiple properties

Cop.

\$ 800  
 106  
 -----  
 906. —

RECEIVED

JUN 18 2015

Board of Selectmen  
 Town of Wayland

Approved: *[Signature]*, Town Counsel  
 legal Expense 6/18/2015



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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**LIST OF PUBLIC DOCUMENTS  
PROVIDED TO THE BOARD OF  
SELECTMEN FROM JUNE 5, 2015,  
THROUGH AND INCLUDING JUNE  
18, 2015, OTHERWISE NOT LISTED  
AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR  
JUNE 24, 2015**

### **Items Distributed To the Board of Selectmen – June 5-18, 2015**

1. Email of 6/11/15 from Maggie Meehan, Public Buildings Office, re: Open House and Ribbon Cutting at New DPW Facility, June 20, 2015, at 10:00 a.m.
2. Email of 6/15/15 from John Senchyshyn, Asst Town Administrator/Human Resources Director, re: Press Release from Wayland Police, West Plain Street Home Invasion
3. Email of 6/17/15 from Police Chief Robert Irving re: Press Release, Arrest Made in West Plain Street Home Invasion

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 8, 2015**

1. Email Exchange between Chief of Police Robert Irving and Finance Committee Chair Thomas Greenaway, February 19-20, 2015, re: Speed Limit Article
2. Email of 6/8/15 from Gordon Cliff to Nan Balmer, Town Administrator, re: Public Comment, Additional Liquor License
3. Handouts and Powerpoint Presentation from Massachusetts Department of Revenue, New Officials Finance Forum, June 2, 2015

### **Items Included as Part of Agenda Packet for Discussion During the June 24, 2015 Board of Selectmen's Meeting**

1. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Appointment as Representative to Custodian Negotiations
2. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Flexible Spending Plan Update
3. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Compensation for Election Workers
4. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Introduction of New Treasurer/Collector, and Memorandum of 6/18/15 from Zoe Pierce, Treasurer/Collector, re: Initial Impressions
5. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Town Center Summer Events by Wayland Business Association
6. Memorandum of 6/19/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Committee Interviews and Reappointments, with attached résumés
7. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Transfer Custody of Six Dudley Woods Parcels to the Recreation Commission
8. Memorandum of 6/19/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Petition State Legislature to Enact Special Act for Additional Liquor License, Vote Certificate, and Map of Town Center





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN  
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**CONTINUED REVISED LIST OF  
PUBLIC DOCUMENTS PROVIDED  
TO THE BOARD OF SELECTMEN  
FROM JUNE 5, 2015, THROUGH  
AND INCLUDING JUNE 18, 2015,  
OTHERWISE NOT LISTED AND  
INCLUDED IN THE  
CORRESPONDENCE PACKET FOR  
JUNE 24, 2015**

**Continued Items Included as Part of Agenda Packet for Discussion During the  
June 24, 2015 Board of Selectmen's Meeting**

9. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: License for the Use of Town Green and Obligation under the Master Special Permit
10. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Confirmatory Eminent Domain Taking for 246 Stonebridge Road
11. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Environmental Phase I Proposal for Municipal Pad and Adjoining Parcels
12. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Wayland Real Asset Planning (WRAP) Committee Charge
13. Memorandum of 6/24/15 from John Senchyshyn, Asst Town Adm/HR Director, to Board of Selectmen re: Execution of Application to Mass DEP for Presumptive Approval to Use River's Edge Site for Housing; Description of Proposed Activity; Affidavit of Stephen F. Kadlik, Application for Solid Waste Management Facility Modification, Land Disposition Agreement and Request for Proposals, Disposition of Town-Owned Real Property for Rental, Affordable and Senior Housing Purposes



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TOWN ADMINISTRATOR  
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**BOARD OF SELECTMEN**  
**Wednesday, June 24, 2015**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CORRESPONDENCE

### Selectmen

1. Email of 6/10/15 from Chris Brown, Chair, Board of Public Works, re: Vote of the Board to Approve Motion Regarding Board of Public Works Land Transfer
2. Email of 6/11/15 to Nan Balmer, Town Administrator, re: Sealer of Weights and Measures
3. Memorandum of 6/11/15 from Robert Irving, Chief of Police, to Nan Balmer, Town Administrator, re: Traffic Control Recommendations
4. Letter of 6/16/15 from Robert Irving, Chief of Police, to Elinor and Barry Adler, Hickory Hill Road, re: Response to Request to Ban Bicycles from Glezen Lane
5. Director of Public Health Report, June 11, 2015

### Conservation Commission

6. Order of Conditions and Chapter 194 Permit, 6/9/15, from Brian J. Monahan, Conservation Administrator, re: 133 Plain Road
7. Determination of Applicability, 6/18/15, from Brian J. Monahan, Conservation Administrator, re: Pelham Island Road

### Zoning Board of Appeals

8. Decision No. 15-10, 6 Winter Street
9. Public Hearing, June 23, 2015, 15 Doran Road

### Minutes

10. Finance Committee, March 30, 2015
11. Historical Commission, May 18, 2015
12. Historic District Commission, April 16, 2015
13. Board of Library Trustees, May 20, 2015
14. Municipal Affordable Housing Trust Fund Board, May 6, 2015
15. River's Edge Advisory Committee, December 16, 2014, June 11, 2015

## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Wednesday, June 10, 2015 5:37 PM  
**To:** DiNapoli, MaryAnn  
**Cc:** Senchyshyn, John; Karlson, Cherry  
**Subject:** FW: BoPW Land Transfer  
**Attachments:** WayBoPWMotionreRiversEdgePropertySurplusDeclaration&TransferFinal06092015.pdf

Mary Ann  
Please place in Board correspondence.  
Thanks  
Nan

---

**From:** Chris Brown [mailto:cbrown93@comcast.net]  
**Sent:** Wednesday, June 10, 2015 5:33 PM  
**To:** Balmer, Nan; Cherry Karlson; heller.j@comcast.net  
**Cc:** Lanza, Mark; Rebecca Stanizzi; Kadlik, Stephen; Cabral, Dan; nancyfunkhouser@verizon.net; Tom Abdella; Alias, SWQC; Sarkisian, Sarkis; Joe Nolan  
**Subject:** BoPW Land Transfer

All:

At last night's Board of Public Works meeting, the Board voted 5-0 to approve the attached Motion declaring the "River's Edge" property surplus and transferring control of that land to the Board of Selectmen upon their signing an agreement with a developer per 2014 ATM Article 16.

The BoPW would like to remind everyone, specifically the BoS and the Finance Committee, that this transfer of land will create increased costs for the DPW in future years, and we look forward to receiving your support in securing these new funding levels.

Best,  
Chris Brown  
Chair, BoPW

**MOTION RE: RIVER'S EDGE HOUSING PROJECT SITE**

**BOARD OF PUBLIC WORKS MEETING - June 9, 2015**

I move that the Board of Public Works:

(1) Determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that the three parcels of Town-owned land on Boston Post Road, Wayland, Massachusetts (i) known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420, except for the northerly portion of said parcel shown as "Remaining Lot 'Non Conforming' to be Merged with Map 22, Lot 5 [Lot B 190,411 +/- S.F. (4.37 +/- Acres)]" on the unrecorded plan entitled "ANR Subdivision Plan Assessors Map 22, Lot 3, Lot 6 & Lot 7 Boston Post Road Wayland, Massachusetts Prepared for Town of Wayland", dated June 1, 2015, prepared by Darren J. Hardy, P.L.S., WSP Transportation & Infrastructure (the "ANR Plan"); (ii) containing 4.5 acres, more or less, as described in an order of taking dated May 15, 1978 and recorded with said Registry in Book 13443, Page 177 and shown as Lot A on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord" dated February 28, 1978, prepared by the Wayland Engineering Department and recorded with said Registry of Deeds



as Plan Number 482 of 1978; and (iii) containing 1.0 acre, more or less, and described in an order of taking dated November 15, 1965 and recorded with said Registry of Deeds in Book 11003, Page 389, except for the portion of said one (1) acre lot shown as Lots D & F on the ANR Plan (collectively the "Locus"), are no longer needed for municipal public works purposes; and

(2) irrevocably transfer the care, custody, management and control of the Locus to the Board of Selectmen, effective upon the execution of a land disposition and development agreement between the Town and a party acquiring an interest in and developing the Locus, for the purpose of conveying, selling, leasing or otherwise disposing of said parcels of land for affordable housing and market rate housing and accessory uses and structure purposes in accordance with the vote of the 2014 Annual Town Meeting under Article 16 of the Warrant therefor. Nothing in this motion shall be construed as limiting the authority of the Board of Selectmen to retransfer custody of the Locus to the Board of Public Works pursuant to a future town meeting vote, or limit the ability of the Board of Public Works to access the Locus, by temporary easement or otherwise, to comply with DEP #322-808 Order of Conditions.

The Board of Public Works would like to advise the Town that moving on-going operations to a different site will mandate

significant one-time and on-going increased funding levels to maintain current operations.

## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Thursday, June 11, 2015 3:56 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Re: Sealer of Weights and Measures

Thanks  
Could you please put in correspondence

Nan Balmer  
(508) 237-1330

On Jun 11, 2015, at 3:21 PM, DiNapoli, MaryAnn <[MDiNapoli@wayland.ma.us](mailto:MDiNapoli@wayland.ma.us)> wrote:

Nan, the Sealer of Weights and Measures (Tim Walsh) is paid 80% of the fees he collects. The Building Department collects the fees and deposits them with the treasurers' office. Mr. Walsh is then paid the 80% out of the salary budget. His salary is included in the building department salary budget each year.

For the year 2014 he was paid just over \$4,000. The payment varies each year depending on the number of stores, gas stations, farm stands, etc. that are in town at the time. In addition, each time an existing commercial establishment gets a new scale, or gas pump, that will also need to be inspected.

Jay Abelli is very happy with Mr. Walsh's work.

MaryAnn



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Memorandum

6/11/2015

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Traffic Control Recommendations

RECEIVED

JUN 12 2015

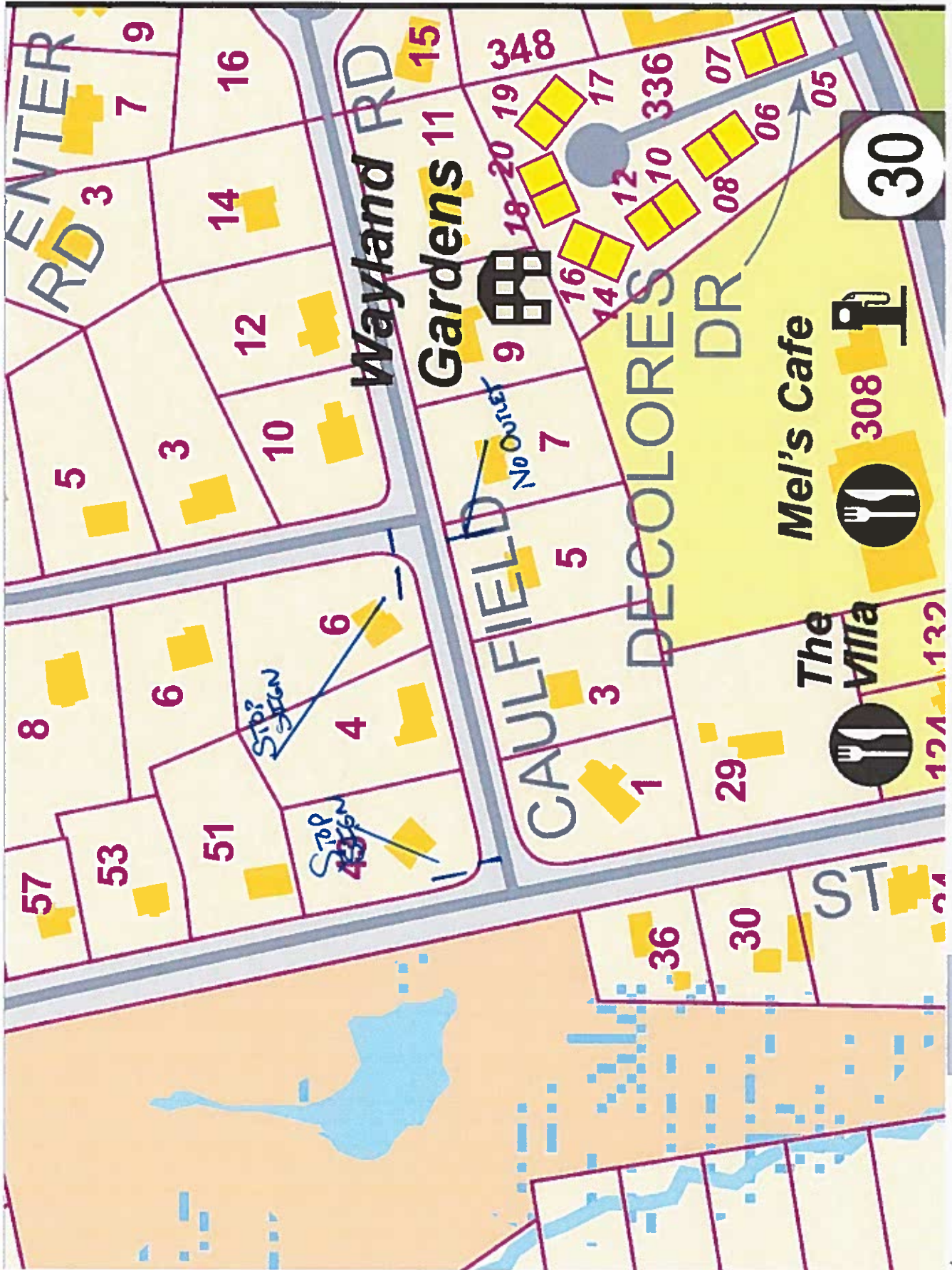
Board of Selectmen  
Town of Wayland

There have been two recent requests for traffic control referred to me for analysis.

1. **Grace Road/Maguire Road** – Lori Newman of 10 Grace Road has requested stop sign control at the intersection of Grace Road and Maguire Road. This four way intersection, although lightly traveled, should have a stop sign at two approaches so right of way can be determined when two vehicles approach the intersection at the same time. I recommend that stop signs be approved on Grace Road at the intersection with Maguire Road.
2. **Caulfield Road/Brooks Road** – A number of residents in the Caulfield Road/Brooks Road neighborhood have asked for two stop signs and a dead end street sign at the intersection of Caulfield Road and Brooks Road. As this is a three way intersection, I recommend that one stop sign be installed on Brooks Road at Caulfield Road and that a "No Outlet" sign be placed on Caulfield Road at Brooks Road. I also recommend that a stop sign be installed at Caulfield Road at Aqueduct Road. The line of sight at the Caulfield Road/ Brooks Road intersection is limited due to some trees that need to be cut back. I will work with the Department of Public Works to accomplish this.

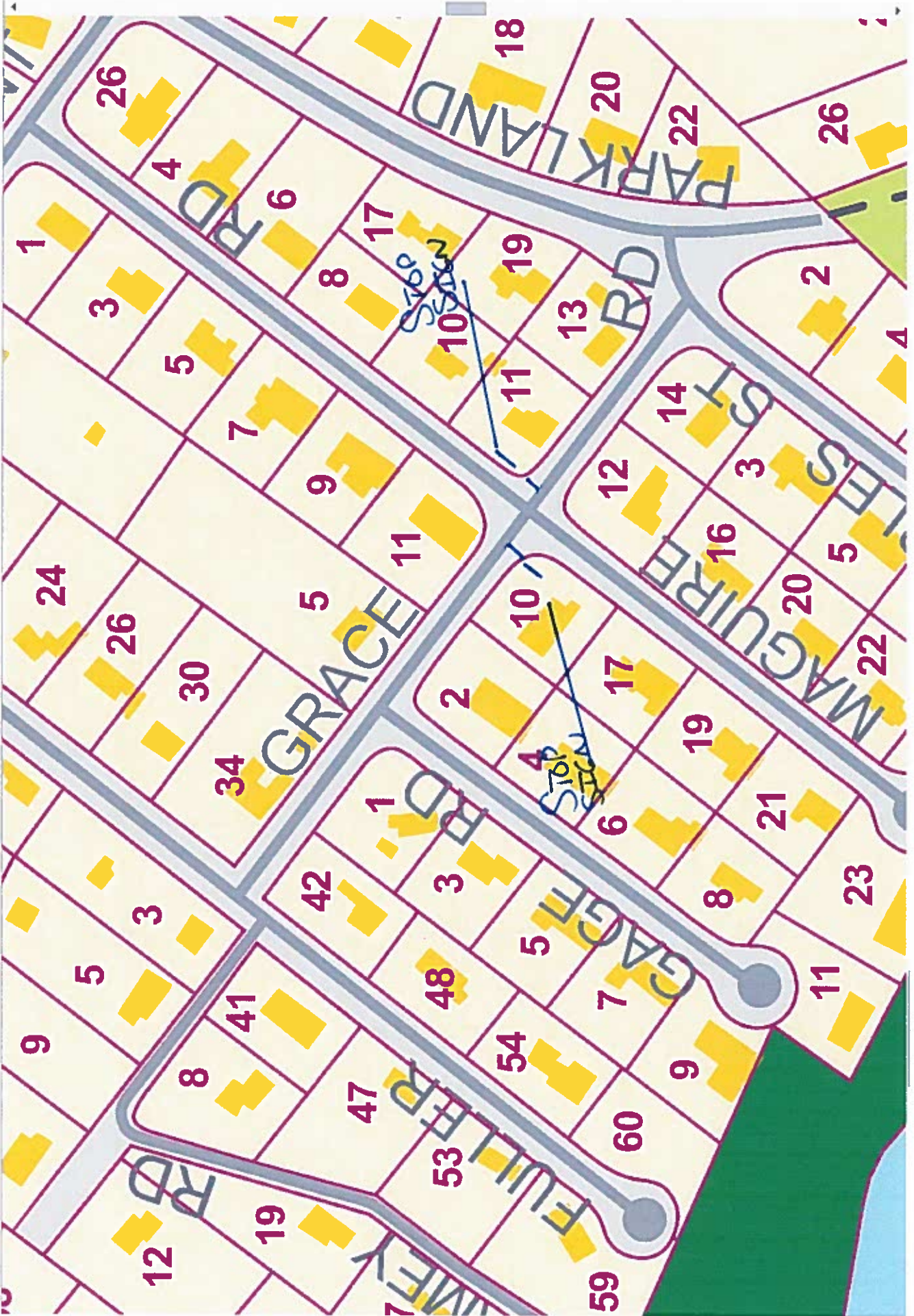
Please advise when you would like me to come before the Board of Selectmen to discuss these proposals.

cc: Mr. Stephen Kadlik, Director of Public Works



RECOMMENDATION FOR CAULFIELD RD / BEAKS RD.





RECOMMENDATION FOR MAGUIRE R

## Irving, Robert

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**From:** Kadlik, Stephen  
**Sent:** Saturday, June 06, 2015 11:35 AM  
**To:** Lori Newman  
**Cc:** Irving, Robert  
**Subject:** Re: traffic sign inquiry

Contact Chief Irving if he considers it a hazard he will make a request to the Board of Selectmen.

Sent from my iPhone

> On Jun 6, 2015, at 10:36 AM, Lori Newman <[lori.newman@gmail.com](mailto:lori.newman@gmail.com)> wrote:

>

> Hello Mr. Kadlik,

> I live at the corner of Grace Rd. and Maguire Rd. in Wayland. This is a 4-way intersection with no stop or yield signs, so the right of way is unclear. I have been talking with other concerned neighbors about the safety of this intersection, and I am wondering if the town would consider installing stop or yield signs there. What is the procedure for proposing this to the town?

> Thanks so much for your advice.

> Lori Newman

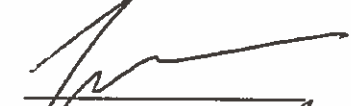
> 10 Grace Road

May 11, 2015


To Whom It May Concern:

We would like to request installation of a "Dead End" sign, and two stop signs as annotated in the picture below. There are a large number of young kids in both Brooks Rd and Caulfield Rd, and these signs will make it safer for them as they go through infant and toddler years.

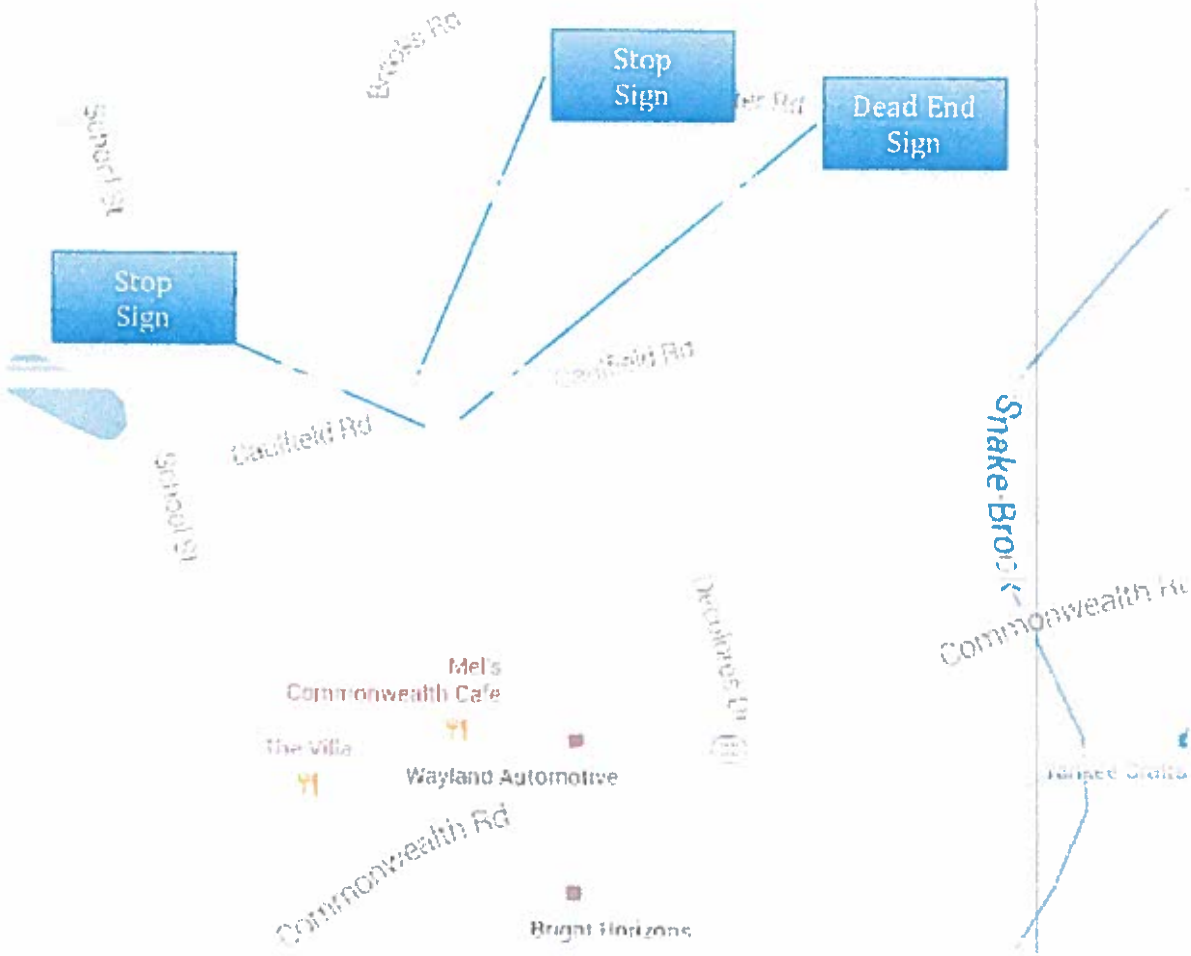
Sincerely,

  
Name: Joe Alvarado  
Street: 9 Caulfield

Wayland, MA 01778

  
Name:  
Street: 9 Caulfield.

Wayland MA 01778







# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

Elinor and Barry Adler  
8 Hickory Hill Road  
Wayland, Ma 01778

June 16, 2015

**RECEIVED**

**JUN 17 2015**

Board of Selectmen  
Town of Wayland

Dear Mr. and Mrs. Adler,

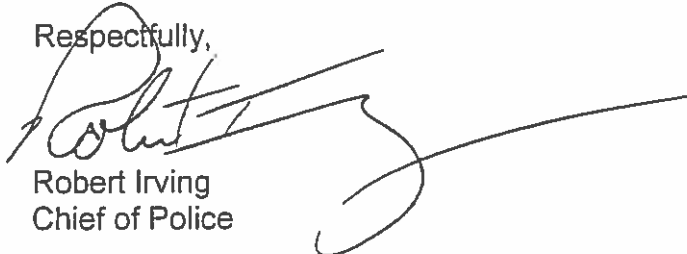
Please be advised that I have received your letter, dated June 11, 2015, in regards to your request that bicycles be banned from Glezen Lane. I have forwarded your letter to the Board of Selectmen, the traffic authority for the town.

I refer you to Massachusetts General Laws Chapter 85, Section 11B. The law expressly gives people the right to operate a bicycle on any public way, with the exception of limited access or express state highways. Although I agree that Glezen Lane is a difficult road for bicyclists, I would advise the Board of Selectmen that they do not have the authority to override state law in this matter.

*Section 11B. Every person operating a bicycle upon a way, as defined in section one of chapter ninety, shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the commonwealth and the special regulations contained in this section, except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal by either hand his intention to stop or turn; provided, however, that signals need not be made continuously and shall not be made when the use of both hands is necessary for the safe operation of the bicycle, and (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. A person operating a bicycle on the sidewalk shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.*

Bicyclists are required to follow the rules of the road and should not be riding more than two abreast. I realize that this is a chronic problem on Glezen Lane and officers will continue their efforts to enforce the traffic laws regarding bicycles.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert Irving', with a long horizontal flourish extending to the right.

Robert Irving  
Chief of Police

cc: Michael J. Goulding, Chief of Police, Weston  
Nan Balmer, Town Administrator

June 11, 2015

To: Wayland and Weston Police Departments

We have lived in Wayland for over thirty five years and we feel obligated to make you aware of a serious safety issue concerning bicyclers that seems to be getting worse.

We often take Glezen Lane between Wayland and Weston. As we are sure everyone is aware, there are parts of this road that are narrow, twisting, turning, have many blind curves, and crumbling pavement, not to mention trees and obstructions coming up to the edge of the road. Under the best conditions, negotiating this road is difficult enough without the bikers who seem to not recognize the hazard they create both to themselves and any motorist who has to pass them. Last week we had what we'd describe as an almost harrowing experience with one group of ten to fifteen bikers ahead of us.

Too often the bikers ride in a group without separation, do not ride in single file, and very rarely will pull off the road to allow passing. Consequently, these habits force a motorist to cross further and spend longer in the opposite lane in order to pass.

We are not exaggerating when we say it is frightening to potentially be put in a situation where we either risk side swiping a biker or, alternatively, a head on collision with an innocent motorist travelling in the other direction.

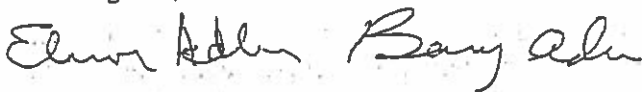
It would be hoped that common sense would dictate that this kind of road is not suitable for cycling. We think it should be posted by Weston and Wayland as off limits to bikers. We understand and respect that many enjoy bicycling. However, there are bicycle paths and many roads that are wider, straighter, and have enough visibility so that there is not a threat to life and limb to either the bikers or motorists.

Unfortunately, there are many similar roads in Massachusetts. Glezen Lane might be an egregious example, but we believe that any road that is similar should be posted as off limits. Perhaps many groups would oppose such restrictions but we don't believe that special interests should put the greater population at risk.

If there is some event or some period to be allotted to bikers, the road should be closed to motor traffic. While this would not be popular with the residents, it is the lesser of two evils. We will find alternate routes that, although not as convenient, do not put us in such a dangerous situation. Having approached the large group of bikers further down Glezen Lane last weekend, turning back was not really an option.

We do hope that you consider this issue seriously.

Best Regards,



Elinor and Barry Adler  
8 Hickory Hill Road  
Wayland, MA 01778  
508-358-4542



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BoS

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

## Wayland Board of Health Director's Report June 11, 2015

RECEIVED

JUN 12 2015

Board of Selectmen  
Town of Wayland

Septic work and building approvals- Things have been very busy for office staff with construction season; septic system installations, soil testing and field work. We have continued to receive many building approval applications and requests for soil testing and inspections. We are currently backlogged with paper work, due to all the field work and still being short staffed there is not much time for doing office work, other Department Assistant staff work is backlogged also. Things will continue to be backlogged until our new Sanitarian/Inspector starts work full-time on June 15<sup>th</sup> then we will be able to start catching up.

Construction updates; plans for the new CVS (at Finnerty's location) are still under review, but I expect the plans to be approved sometime next week or so and will then be reviewed by the Building Commissioner. Construction work will begin at 373 Comm. Road next week, they are still identifying a licensed septic installer for this large septic system.

We have also been working on getting PHN/Nurse Leader Ruth Mori moved out of her old office and getting things ready for our new person.

Meetings; I met with Town Administrator; Nan Balmer and we discussed a number of things including a review of our budget/covered questions on our department functions; staffing, what we are working on, plans/things we expect to be working on for this next year. I also spoke with the DPH Deputy General Counsel regarding medical marijuana, where the process and steps were explained for a dispensary applicant. I also met with Nan and the Town Planner Sarkis Sarkisian regarding this subject explaining information I acquired, and discussed Town Zoning. Follow up is needed for clarifications, and plans going forward with Town Planner and BoH. I also met with Ellen Brideau, Assessing Director regarding assessing and Health Department records and in general discrepancies with number of bedrooms in residential properties. A follow up meeting will be held on this issue and specific property information after more information is acquired.

PHN/Nurse Leader, Ruth Mori update:

Community Health Nurses are getting ready for end of school year. This includes getting files ready for those students who will be going to the next school level, 5<sup>th</sup> graders going to Middle School and 8<sup>th</sup> graders going to High School. The last 2 Wednesday early release days Elementary/Middle and then Middle/High School nurses met to discuss upcoming students who have identified health care needs. Medications

need to be picked up from families. Working with the epi pen company, we received free epipen copay cards and sent them as part of an already planned mailing to families of food allergies. Nursing supply inventory is also being performed. End of Year grant reporting being completed at each school as well as from the nurse leader perspective. This information is collated and then reported to the MDPH School Health Unit as a condition of grant funding. We have interviewed and plan to hire an additional sub nurse for the upcoming school year since we have subs with limited availability. Training will be provided for each school through a thorough orientation process.

I participated in the Wellness Committee meeting on Wed June 10<sup>th</sup>. A health and wellness asset map that was performed at each school across the district regarding Guidance, Health and Wellness, Nursing, and Administrators was performed. In addition Youth and Family and Shane Bowles as the Youth Officer was interviewed. The findings will be presented to the school committee on June 22<sup>nd</sup>.

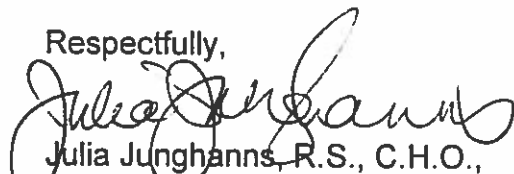
Concussion Protocol meetings were attended. The last one was Tuesday June 9<sup>th</sup>. Updates are being made to the Protocol and will be reviewed by myself and H.S. Nurse Amy Schoeff before they are posted. Parents and Students will be required to hand in concussion training certificate of completion to Athletics in order. Presently Family ID as the electronic registration system for families allowed a check box submittal of knowledge of concussion training completion. The Website will now have not just the links for concussion education but links to get people to the concussion training directly. This prevents having to make several clicks to get to the video training that may be a deterrent for completion at the present. Elementary School piece was addressed. This will not be added to the protocol for Middle and High school as mandated by the regulation but the educational information will be placed on each elementary school website and the protocol in terms of academic return to regular duties will be put into place. Goal is for this to be updated to be ready for the start of the school year.

Communicable disease follow-ups are being performed, Tick borne illness continues to be highly observed, also have spoken to State Epidemiologists regarding various issues.

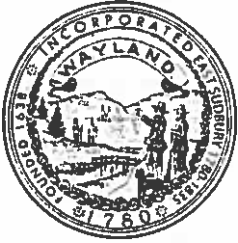
Summer camp inspections; I have received a few calls from consumers to understand the camp vaccination requirement. Also, working on a tick borne educational piece for camp operators to provide to camp participants/families and staff.

Also working on cleaning out and moving into office previously used by Bill Murphy in preparation of Health Dept. office remodel.

Respectfully,



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



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

June 9, 2015

Shane & Sarah Capron  
133 Plain Road  
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 133 Plain Road, Wayland (DEP File 322-842)

Dear Mr. & Mrs. Capron:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic project at 133 Plain Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enc. (2 Original Decisions)

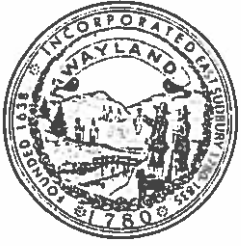
cc: Town Clerk w/enc.  
DEP NERO w/enc.  
Building Commissioner w/enc.  
Mark Farrell, Green Hill Engineering w/enc.  
**Board of Selectmen**  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File

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**JUN 10 2015**

Board of Selectmen  
Town of Wayland

6



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

June 18, 2015

Stephen Kadlik, Director  
Department of Public Works  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-860] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – Pelham Island Road, Wayland

Dear Mr. Kadlik:

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 roadway repair project at Pelham Island Road in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 Permit. No other work is permitted by this decision.

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

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enclosure

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

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**JUN 18 2015**

Board of Selectmen  
Town of Wayland

(1)



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
BOARD OF APPEALS

*Selectmen*

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

**Decision No. 15-10**

**NAME OF APPLICANTS:**

DR. CAROLINE PINSKY (WAYLAND ANIMAL CLINIC)

**RECEIVED**

**JUN -9 2015**

Board of Selectmen  
Town of Wayland

**APPLICATION FOR:**

Any necessary approvals, special permit, variance as may be required for renewal of Special Permit and Variance granted in Decision #10-09 dated April 29, 2010 (to operate an animal clinic) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201 and 203. The property is located at 6 WINTER STREET which is in a SINGLE RESIDENCE DISTRICT.

**DATE OF HEARING:**

May 26, 2015.

**BOARD CONDUCTING HEARING AND RENDERING DECISION:**

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

**DECISION:**

Renewal of Special Permit granted, with conditions

**VOTE OF BOARD:**

Unanimous.

**CONDITIONS:**

The conditions, 1 – 9 to remain the same as those contained in Decision #10-09 dated April 29, 2010 as listed below:

1. Except for emergencies, the hours of operation of the clinic shall be from 8:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 1:00 p.m. on Saturdays. The clinic will not be open on Sundays.
2. There shall be no more than 3 doctors and 6 other employees on the premises at the same time, except that a fourth doctor or addition staff may be present during shift changes.
3. There shall be no on-street parking by employees or clients of the clinic.
4. No changes will be made to the existing sign on Commonwealth Road without approval by the Board.
5. There shall be no offensive noises or odors emanating from the clinic and no materials related to the clinic or treatment therein may be stored or disposed of on the grounds surrounding the building.
6. There shall be no outside kennels, pens, or runs; only animals being medically treated may be retained overnight.



7. The residence shall be occupied by a non-transient tenant and efforts shall be made to maintain the residential character of the property.
8. The Special Permit and Variance shall be for a period of five years.
9. The relief granted under this decision shall be personal to the applicant and Dr Caroline Pinsky.

**FACTS AND REASONS:**

The property in question is located at 6 Winter Street at the corner of Commonwealth Avenue (Route 30) in a Single Residence District. A Variance for use and site plan approval were granted to Stanley O. Travis, VMD and David R. Corey, MD in 1972 (ZBA 72-80) for use as an animal medical clinic. The property continued to be used in this way with periodic renewals from the Zoning Board of Appeals (see ZBA Cases 71-8, 75-2, 78-48, 83-2, 88-51, 89-47, 90-16, 94-1 99-35 and 04-25) and with ownership changes to Dr. Johnson and Dr. Smith. Dr. Purbaugh has been associated with the clinic since 1984. He purchased the veterinary practice in 1990 and in 1995 purchased the property. Dr. Purbaugh maintained the business and property in the same manner as the previous owners and sold the practice, but not the property, to Dr Caroline Pinsky in or about April 2010. Dr Pinsky has continued to operate the practice under the same conditions to the present. At the time of the hearing, the apartment was unoccupied, but Dr. Pinsky has maintained the residential character of the property.

The immediate neighborhood includes the Cochituate Nursing Home, and a shopping center across the street on Route 30. There have been no complaints about the animal clinic. In the past, the animal clinic has been praised for its close cooperation and assistance to the Wayland Dog Officer and service to the Town.

The animal medical clinic has existed continuously since 1972 in this location through special permits and variances and the Applicant has acted in compliance with the conditions of these permits. The Board is satisfied that the continuing use of the premises by the applicant as an animal clinic under the specified conditions is not against the public interest and does not derogate from the character of the neighborhood. Accordingly, the Board voted unanimously to grant the applicant's request to renew the Special Permit and Variance.

**DATE OF FILING OF DECISION:**

June 8, 2015

**BY ORDER OF THE BOARD**

  
Eric Goldberg, Member

**CERTIFICATION:**

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

**BOARD OF APPEALS**

  
Eric Goldberg, Member



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

*Selectmen*

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

A public hearing will be held on JUNE 23, 2015 at the TOWN BUILDING, 41 COCHITUATE ROAD, WAYLAND on the following application at the time indicated:

7:00 p.m. Application of JOHAN KULLSTAM and ELIZABETH DRISCOLL KULLSTAM for any necessary approvals, special permit, and/or variance as may be required to change, alter, extend a pre-existing non-conforming structure by more than 20% (construct two car garage with master bedroom above and mudroom) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3 and 1604.2. The property is located at 15 DORAN ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-07)

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

BOARD OF APPEALS

Eric Goldberg  
Aida Gennis  
Thomas White  
Michael Connors

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**JUN -5 2015**

Board of Selectmen  
Town of Wayland

9



# Town of Wayland Massachusetts

## **Finance Committee**

Thomas Abdella

Nancy E. Funkhouser

Thomas Greenaway (Chair)

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

## **Finance Committee**

### **Meeting Minutes**

**March 30, 2015**

Attendance: T. Greenaway, N. Funkhouser, D. Watkins, G. Wolin, B. Steinberg, T. Abdella and C. Martin. Also in attendance was Finance Director B. Keveny.

The meeting was called to order by Vice Chair Funkhouser in the Selectmen's meeting room at the Town Building at 7:00pm when a quorum was present. Chair Greenaway announced the Committee would recess to attend the Board of Selectmen's (BoS) Warrant Hearing in the Large Hearing Room. He further stated the Committee would reconvene at the conclusion of the Warrant Hearing.

At 8:45pm, the FinCom reconvened. Chair Greenaway stated it did not appear the meeting was being recorded by WayCam or others.

**PUBLIC COMMENT & FINCOM MEMBERS' RESPONSE:** Chair Greenaway opened Public Comment by advising the three members of the Technology Task Force who were in attendance to discuss proposed IT Capital Improvement Projects (CIPS) that the Town Administrator and the School Superintendent have agreed to pull the three CIPs from the FY16 capital budget.

Mark Hays of Sylvan Way distributed a handout entitled "IT CIPs: New Direction Required". He stated the real issue is process. He added a process needs to be created to review and evaluate the tech needs of the town and school before a CIP is submitted to Town Meeting for funding approval. David Howe, Peck Ave, endorsed the establishment of a Long Term planning process. Dave Bernstein, Glezen Lane, reiterated the need for an up to date strategic IT plan. He added it appears some clarification is also needed of the IT function to ensure synergy between Town and School IT functions and staff.

A discussion ensued. Mr. Abdella suggested the possibility of establishing a Tech review group similar to the Permanent Municipal Building Group. Chair Greenaway indicated the Town Administrator may assemble a technology advisory group.

Anette Lewis, Claypit Hill Road noted the wording in the Article 25 of the Warrant refers to an agreement the Town entered into as a Mixed Use Overlay District. She felt the wording was confusing as the Mixed Use Overlay District is a by-law while the agreement was a Master Special Plan.

Ms. Lewis then asked how the salary increases resulting from the ratified AFSCME contract would be represented in the budget presented at TM. Chair Greenaway indicated current practice is to transfer those funds from Salary Reserve to the appropriate departmental budgets. Ms. Lewis suggested in the future that those amounts be adjusted prior to and reported in their respective budgets to TM.

**REPORT OF THE FINANCE DIRECTOR:** Referring to his March 25<sup>th</sup> memo, Finance Director Brian Keveny advised the FinCom that the Board of Assessors has released an additional \$102,000 of Overlay Surplus, the School Committee has closed out various school capital projects which has resulted in \$30,211 of surplus bond proceeds/free cash and The Children's Way has reimbursed the \$7,918 transferred from the general fund in FY14. Mr. Keveny indicated these revenue increases will not significantly impact the year-end free cash which he projects will be 7.09%. Ms. Martin advised the FinCom the School Committee delayed the release the FY14 \$210K from Food Services until June. Those funds will also revert to the general fund. Mr. Keveny stated if that transfer occurs prior to June 30<sup>th</sup>, that would increase the Free Cash projection to approximately 7.4%.

Mr. Keveny stated the FY15 turn back estimate has not changed and is expected to be approximately \$1.2M. Regarding Current Year transfers, he advised the FinCom that "snow" has increased from \$250K to \$520K and based on a updated request from Town Administrator Nan Balmer, the IT current year request is being increased from \$30K to \$85K. He recommended to the Committee that the Snow and Ice transfer be funded by Free Cash while the IT transfer be funded from Unemployment and Retirement/BuyBack.

Regarding the current year IT request Chair Greenaway distributed a memo from Ms. Balmer outlining the goals she expects to accomplish with the additional \$55K. A discussion ensued regarding whether or not the \$55K would be sufficient to accomplish the proposed goals. Mr. Hays advised the FinCom The Department of Homeland Security (DHS) has funds for some security IT projects and might be a good option to explore.

Mr. Keveny then advised the FinCom the school transfer figures submitted for the FY16 budget inadvertently double counted the OPEB costs. Therefore the school transfer costs need to be reduced by approximately \$84K while taxation in FY16 budget needs to be increased by \$84K.

**RECONSIDER AND RE-VOTE FY16 CAPITAL BUDGET RECOMMENDATION:** Chair Greenaway asked for a motion to reconsider the three IT capital requests and open the FY16 Capital budget. After the motion was seconded, the vote to reconsider was taken: 7-0. A discussion ensued followed by a motion to remove the three IT capital projects totaling \$156K from the FY16 capital budget. It was noted this action would also reduce the total FY16 capital budget request to \$3,872,100. The motion was seconded. The vote was 7-0. It was noted this change would necessitate corresponding changes to the budget motions to be presented at TM.

**DISCUSS OTHER ATM ARTICLES:** Following up on the committee's discussion at its March 9<sup>th</sup> meeting, Chair Greenaway asked for an update on the Sage Hill and Glezen Lane articles. Mr. Abdella reported the goal of the article is as Mr. Lanza had stated at the Warrant Hearing to get all the residents involved in agreement prior to accepting the land. On the Glezen Lane issue, Ms. Martin indicated it was her

understanding a mitigation fund for this traffic issue was in existence and suggested the FinCom determine the current balance of that account.

**UPDATE ON NEWSPAPER ARTICLE SUMMARIZING BUDGET RECOMMENDATIONS:** Vice-Chair Funkhouser distributed copies of the article that has been submitted to the newspaper regarding the FinCom's budget recommendation. The Committee thanked Ms. Funkhouser, Mr. Watkins and Mr. Steinberg for their efforts.

**MEMBERS' REPORTS, CONCERNS AND TOPICS FOR FUTURE MEETINGS:** Mr. Abdella suggested Wayland join the Association of Town Finance Committees (ATFC). The annual membership dues are \$195 and he felt the FinCom handbook was quite worthwhile. The Committee concurred and requested Mr. Abdella follow up with Assistant Town Administrator, John Senshychyn.

Chair Greenaway suggested the FinCom plan to meet at 7:00pm each night of TM for a brief meeting. The Committee agreed, suggesting 6:45 for April 6<sup>th</sup>.

**CHAIR'S UPDATE:** Regarding the OML complaints of 9/30 and 10/31st, Chair Greenaway stated he had spoken with Assistant Attorney General, Kevin Manganero and explained the FinCom's practice is to retain Executive Session minutes until all bargaining units have completed bargaining cycle. So, in regards to Executive Session minutes from 2012, once all contracts have been settled, the minutes would be released. A discussion ensued during which the Committee agreed this collective bargaining cycle is coming to a close and it would conduct a review of these outstanding Executive Session minutes before the end of the fiscal year.

**MINUTES:** The minutes of March 9<sup>th</sup> were reviewed and approved as amended. Vote: 7-0.

**ADJOURN:** At 10:46pm, a motion was made and seconded to adjourn. Vote: 7-0.

Respectfully Submitted,

Carol Martin

Documents:

IT CIPs: New Direction Required: Source: D. Bernstein, D. Howe, R. Shridhar, M. Hays

Distributed by T. Greenaway: IT : Current year transfer memo, source Nan Balmer

Distributed by B. Keveny:

Fiscal 2016 Update Memo, dated 3/25/15

Current Year Transfers

Draft Free Cash Analysis, dated 3/30/15

Distributed by N. Funkhouser: FinCom budget letter to editor/residents

## Wayland Historical Commission Meeting Minutes – May 18, 2015

Wayland Town Building, 7:30 pm

Minutes: ( approved as amended)

Attendees: Sheila Carel, Rick Conard, Tonya Largy, Elisa Scola, Gretchen Ryder Sharry

Guests: Brendan Decker (Wayland GIS Coordinator), Duane Galbi, Jennifer Koeller

Sheila Carel called the meeting to order, as asked by Chairperson Elisa Scola, due to delay in arrival. Chair of meeting handed back to Elisa, upon her arrival.

1. Public Comment: None

2. Review of sensitivity map with GIS Coordinator, BrendanDecker: (Sheila & Brendan)

WHC working on thoroughly and slowly, taking into consideration various rules and laws. Brendan shared a draft of Proposed Protocol for Procuring and Using Geographic Data for the town. Discussion included how and why it was created, who has access and rights to information. As GIS Coordinator, he or the person in his position needs to be able to say/document where the data came from. Discussion from WHC regarding certain sensitive parcels. MHC has registered archaeological numbers. Ceremonial landscape/tribal historic numbers have not yet been created-four tribes are in the process of working on that. Sheila has been in communication with Doug Harris regarding this. The tribes have drafted a Memorandum of Understanding to be considered by WHC, to protect sites. This proposed Memorandum of Understanding will need to go through Nan Balmer to Town Counsel. Sheila will share WHC comments with Doug Harris. Sheila will talk to Nan Balmer to get approval to share with Mark Lanza, Town attorney.

3. Review of April 15, 2015 meeting minutes: approved as amended

4. Discussion of Dudley Woods: (Tonya)

Tonya and Sheila did walk through, found area where gravel had been dug out by DPW years ago, an area with burned animal bones, and some disturbance. Sheila will invite Doug Harris to do ceremonial landscape walk over (cost: \$600). Park & Rec is beginning to plan trail map. Need to determine if an archaeological survey and/or monitor is needed.

Sheila asked about a fund being set aside so when projects come up, that could be used up front to fund study of area. Discussion/questions included: would it be a line item, who would have the authority, would need better idea of how much money is needed/dependent on size of parcel, how do other towns handle this? Sheila will check with Upton.

5. Discussion of Stone's Bridge: (Elisa)

Elisa got the MA Preservation grant application out by the deadline, had to do research as to the ownership of the bridge. WHC will know in July if we get the matching funds. Gretchen

Schuler was invaluable in getting the application done. Thank you to Gretchen! There will need to be a Preservation Restriction, which was not a problem.

Duane Galbi is working on making phone calls re: debris clean up. He reported that some large logs have come down, and the water level is dropping. Elisa stated that DPW (Mike Lowery) needs to be kept informed of every step. Also keep Tom Sciacca informed. Duane watched the DOT engineers do inspection. Report will be coming. Duane mentioned that Old Town Bridge had concrete injected into it to repair. Discussion by WHC that Old Stone Bridge needs to stay as a dry stone laid bridge to maintain historical integrity. He also stated that the engineer said the maple tree on the upstream side needs to go. Hopefully, this will be included in the report. Tree is on the Framingham side.

#### 6. North Cemetery Update: (Tonya)

Barbara Donohue and Russ (GPR expert) have pinned out the corners of meeting houses. They had followed a pathway, wanted to figure out what it was. It is a very complex area. Tonya asked if we could get additional money for their additional time and data. They would need to submit a bill for additional time.

#### 7. Archaeology Update: (Tonya)

Tonya met with Dr. Jerry Howard and Sal DiMaio (grad student). They came up with a contract agreement for 18 months. Artifacts will be returned to us. WHC needs to find a home for these items. Tonya noted a change to the April WHC Minutes: there are only 3 boxes of artifacts, not 4 boxes as originally stated.

Tonya mentioned that she got a 1925 book about William Ward rebound. An old Indian trail is on a map in the book.

Suggestion to put information on an informative sign.

#### 8. Railroad Update: (Rick)

15 people showed up to help with the brush clearing. It was a busy weekend in town. Mark Shepard (Shep's Gas Station) helped out with a tractor. There was a slight issue as the former landfill operator is no longer working for the town. Rick had to go by and talk to landfill people. Bill Parker, landfill employee, personally delivered two containers. State Road Auto Body had moved stuff out of the way. Rick has written thank you letters to all involved. They cleared a lot of brush and dirt, made good progress. A suggestion was made to put stone between ties to keep out weeds and brush.

Rick to contact Larry Kiernan re: timeframe of railtrail work, need to contact archaeologist for monitoring during construction. Rick will also contact Sarki re: time frame. Suggestion to cover/bury rails instead of removing.

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

Elisa invited to be on Board of Directors of Historical Society

**Next Meeting: Monday, June 8, 2015 at 7:30 PM**

**Meeting adjourned: 9:29 PM**

**Respectfully submitted,**

**Gretchen Ryder Sharry**

**Wayland Historical Commission**



WHDC Meeting  
April 16, 2015

Present: Gretchen Schuler (presiding), Margery Baston, Marji Ford, Sheryl Simon, Kathy Steinberg

Others: None

Public Comment: There was none.

Minutes of March 26, 2015 were approved with the addition of DCR being defined as the Department of Conservation and Recreation. (5-0-0)

A question was raised about possible grants or funds for historic residential properties. Gretchen said she knew of state grants for businesses, schools and churches, but not for residential properties.

6 Old Sudbury Road - Informal Review. Gretchen explained that there will be demolition of a rear dormer and new construction of a second story on the rear ell. The homeowners have a shed roof dormer and recently discovered that there is no bearing wall underneath it. A second story will be added on top of the first story rear ell. The homeowners will be using the same fabric and design details, and plans will be reviewed at HDC meeting on May 7th.

Design Review Guidelines - masonry issues. Desmond had expressed concerns about the guidelines on chimneys. In particular he had concerns about keeping a chimney in place above the roof line when it had been removed within the interior of the house. Wording was changed to reflect this concern. In addition, interior chimney linings should not be included in the guidelines. The idea of painting a brick chimney was also discussed, as some have heard that can cause harm to the brick; Gretchen will

investigate to see if that is correct in which case guidelines will offer that information. Under the topic of “foundations” sentences were re-worked for greater clarity.

The next collection of items under proposed guidelines to discuss at next meeting will be: porches/decks, stairs and railings, shutters, trim.

Margery reported that the Historical Society is still reviewing signage for the Grout-Heard House Museum. They have found that most sign makers today are using synthetic materials rather than wood. (The results can sometimes look very much like real wood).

The next HDC meeting will be held on May 7 (in order to accommodate a property owner assuming that HDC is able to approve application for work at 6 Old Sudbury Road).

The meeting adjourned at about 9 pm.

Respectfully submitted,  
Margery Baston

**Wayland Free Public Library**  
**Board of Library Trustees**  
**Minutes of Meeting May 20, 2015**  
**Director's Office, Wayland Free Public Library**

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

**Call to Order:** 6:38 p.m.

**Visitors and Public Comment**

There were no visitors and no public comment.

**Minutes of Previous Meeting(s)**

After one correction, Trustees approved the minutes for the meeting of April 29, 2015 unanimously.

**Finances and Circulation**

With a month to go in the fiscal year, the Library is closing out accounts. We remain on budget with no significant shortages or overages in the budget lines. Bills for recent work done to update the Library website and conduct the 2015 Town Library Survey will be paid from the Library's Draper Fund.

Circulation is down somewhat this spring, not just in Wayland but throughout our library network.

**Library Building and Grounds: Ameresco Lighting Project**

Mr. Thompson reported on a meeting with Public Buildings Director Ben Keefe. Mr. Keefe confirmed that the 12 hanging fixtures over the Main Level stacks in the 1988 addition cannot be converted to energy-efficient LED bulbs, as had been hoped. Trustees declined the new fixtures suggested by Ameresco, the efficiency consultants, judging them to be too industrial-looking for the historic building; they also declined to authorize additional money from trust funds to purchase more historically appropriate fixtures, judging the cost to be prohibitive. Instead, the Library will retain the current fixtures but switch out all the bulbs for uniformly warmer, brighter, and more consistent lighting in the stacks and table areas. At the same time we will replace several malfunctioning ballasts that produce an irritating buzzing noise. It is unclear whether these changes will result in any energy efficiency.

**Trust Funds**

Mrs. Woodruff and Mrs. Knight reported on a meeting of the Commissioners of Trust Funds in May at which the Library's trust funds were reviewed (Mrs. Lipcon also attended that meeting). Trustees were gratified to learn that performance has improved and fees have decreased since the Town's funds were put under the management of Bartholomew & Company two years ago. Bartholomew specializes in Massachusetts municipal fund management. The Library currently has approximately \$1.2 million in trust funds under management.

### **Library Planning Committee**

Mrs. Gennis reported that the Library Planning Committee (LPC) has completed its round of visits to other libraries and is forming two task forces, one to investigate Town parcels that might be suitable for new Library construction, the other to research different Library designs. At the urging of Mrs. Cartwright and Mrs. Woodruff, Mrs. Gennis agreed to ask Tom Fay, the committee chair, to make two recent Ted Talks on libraries available to the committee. The Library Planning Committee is investigating the advisability of applying for a Massachusetts Public Library Construction Program grant in the fall. Trustees also discussed how the Library might publicize a Library building project if one is proposed and whether some private fund-raising might be part of a financing plan.

### **Community Survey Update**

Trustees reviewed some preliminary results from its recent Community Survey, conducted through the UMass Donahue Institute. 875 surveys were returned from 5,320 households, for a response rate of 16.4%. Respondents expressed satisfaction with the Library overall, while pointing to difficulties in parking, traffic, inadequate hours, and inadequate meeting space. More than half of respondents reported regularly using other towns' libraries; the reasons for this usage pattern had not yet been tabulated. The researchers will present their final analysis at the Trustees' meeting in June. Members of the Library Planning Committee will be specially invited to attend that meeting.

### **Update on the Municipal Pad**

There was no new information to share about the status of the site set aside for municipal use at Town Center.

### **Personnel Update**

Mrs. Knight reported that the Administrative Assistant's job has been posted.

### **Website Redesign**

Mrs. Knight reported that the Library's new website has launched and is coming along. Trustees urged a generous use of photography to illustrate the Library's many resources and events.

### **Trustees' Reports and Concerns**

A number of reports and concerns had arisen in the last 48 hours before the meeting, too late for inclusion in the agenda.

Mrs. Heller presented a fact sheet summarizing the events and results of the Friends' Spring Book and Bake Sale, held May 1-3. The sale drew hundreds of attendees and netted \$5,440 on an inventory of about 10,000 books. Trustees expressed thanks to the Town for use of the Large Hearing Room at Town Building for the sale, which was previously held in very tight quarters at the Library.

Mrs. Gennis reported that the Town Administrator, Nan Balmer, has asked Town Boards whether they expect to offer articles for a fall Warrant. Trustees agreed that the Library might propose an article asking for funds for a feasibility study and/or site investigation for Library construction in the fall; the decision will depend on the recommendation of the Library Planning Committee (LPC) about whether to pursue a Massachusetts Public Library Construction Program grant. The timing would be tight, as the

LPC's recommendation is not expected until fall, but the state's timeline would require site and feasibility work to begin soon thereafter.

Mrs. Gennis reported the recently released schedule for Spring 2016 Town Elections (April 5) and Town Meetings (April 7, April 11, et seq.).

Mrs. Woodruff, who recently attended a training program offered by the Massachusetts Board of Library Commissioners, presented a best-practices recommendation that all Board of Library Trustees' email correspondence be channeled through a Town or Library account instead of through Trustees' private email accounts. Such an arrangement would keep all Board correspondence segregated and in one place. Trustees received the recommendation with interest and approval. No vote was taken pending investigation of how to set up such a system. Mrs. Woodruff will inquire at Town Hall and Mrs. Knight will check the capacity available through waylandlibrary.org.

Mrs. Gennis pointed out that the Library is overdue for a Gossels Human Dignity program and solicited ideas for topics. Trustees suggested a program on transgender issues might be well received.

Mrs. Gennis announced that a vote for new officers would be taken at either the June or the July Board of Trustees meeting.

**The Meeting Was Adjourned** at 9:01 p.m. as the Library was closing.

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

1. Agenda of Meeting Wednesday, May 20, 2015
2. Director's Report, May 2015
3. Minutes of Meeting, Board of Library Trustees, April 29, 2015
4. Financial Report, "Summary Reports as of 2015.05.19"
5. April Circulation Report
6. Bartholomew Company, "Town of Wayland Trust Funds," Month Ending 04/30/15
7. "Wayland Free Public Library, Needs Assessment for Programming and Planning, Technical Report of Survey Results, May 14, 2015," prepared by the UMass Donahue Institute
8. "Book Sale Briefing" for Spring Book and Bake Sale, May 1-3, 2015

#### **Next Meetings**

- Monday, June 8, 2015, 8:00 a.m., room to be determined, Wayland Free Public Library
- Wednesday, June 17, 8:00 a.m., Raytheon Room, Wayland Free Public Library

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

MAHTF Minutes—May 6, 2015

Municipal Affordable Housing Trust Fund (MAHTF)

Meeting Minutes—May 6, 2015

Wayland Town Building

**Attendance:** Mary Antes; Jacqueline Ducharme; Stephen Greenbaum; Brian O’Herlihy; Armine Roat, and Susan Weinstein

**Absent:** Kevin Murphy

**Materials Distributed:**

- Copies of two memos provided to Town Administrator regarding MAHTF financial matters (in lieu of a formal written Treasury Report)
- Draft MAHTF By-Laws
- May 6, 2015 MAHTF Agenda

**Open Meeting:** Mary Antes called the meeting to order at 7:34 PM at the Wayland Town Building

**Public Comment:** None

**Notes**

1. The Trustees reviewed and further revised the MAHTF draft By-Laws, which had also been reviewed by Town counsel, Mark Lanza. Brian O’Herlihy moved that we approve the MAHTF By-Laws as amended. Susan Weinstein seconded. Motion approved 6-0.
2. The Trustees reviewed the April minutes. Brian O’Herlihy moved the minutes be approved, with revisions. Susan Weinstein seconded the motion. Motion approved 6-0.
3. Brian O’Herlihy provided the Treasurer report. John Senchyshyn, Acting Town Treasurer, set up two savings accounts at The Village Bank on behalf of the Wayland MAHTF committee. One account has been designated to hold funds provided by the Community Preservation Fund (currently, \$419,202) and the other account will hold all other funds identified for the MAHTF (currently, \$128,088). Brian O’Herlihy reported that although neither account is funded at this time, the Town has initiated the warrant process to fund these accounts. Once the warrant process is approved, the \$419,202 and the \$128,088 will be deposited into their respective identified accounts. The Town will also process checks and disburse them from the Town’s existing checking account on behalf of the MAHTF

Trustees and the Town will reimburse itself from the funds held in the two savings accounts. The Wayland MAHTF Trustees will have oversight over the MAHTF accounts.

4. The Trustees reviewed and discussed the components of a strategic plan and how to proceed and prioritize its mission. After much discussion, the Trustees decided it would help the process if we determined the activities of other towns' MAHTF committees.

**ACTION:** Brian O'Herlihy will give each Trustee the name of two towns with active MAHTF committees that have web-sites. The Trustees will review and report back at the next meeting.

5. The Trustees also discussed the possibility of purchasing an existing home that has been assessed under \$350,000.

**ACTION:** Brian O'Herlihy will write a draft letter that may be sent to the owners of these properties, expressing the MAHTF committee's interest in being notified in the event the owner is considering selling their home.

6. The Trustees considered agenda items for next meeting including:
  - a. Review research of other towns' MAHTF committees activities
  - b. Review draft letter to owners of homes that are assessed at under \$350,000
  - c. Treasurer's report
  - d. Subcommittee/ working group reports from the large housing meeting
7. Stephen Greenbaum moved to adjourn the meeting at approximately 9:40 PM. Susan Weinstein seconded the motion. Motion approved 6-0.

Respectfully submitted,

Jacqueline Ducharme



# Town of Wayland Massachusetts

## River's Edge Advisory Committee (REAC) Meeting Minutes for Meeting on Tuesday, December 16<sup>th</sup>, 2014

**Members**

**Present:**

Anthony Boschetto (7:05)	Rebecca Stanizzi
Jerome Heller (Chair)	William Steinberg
Daniel Hill (7:08)	William Sterling
Robert Morrison	Michael Wegerbauer

**Not Present:**

Christine DiBona

**Guests:**

Anderson & Kreiger  
Stephen D. Anderson  
Stephanie Dubanowitz

Meeting was called to order at 7:02 PM.

Public Comment: None

**Minutes of 11/22/14**

Bill Steinberg motion, Becky 2<sup>nd</sup> – motion to approve, unanimous in favor, Bill, Jerry, Becky, Mike, Rob

**Minutes of 11/25/14**

Jerry motion, Becky 2<sup>nd</sup> – motion to approve, unanimous in favor – Bill, Jerry, Becky, Mike, Rob, Tony

Discussion of ways to handle potential environmental issues known (already disclosed) and possible unknown

Phase 1 study is \$3k-\$10k, Phase II could be up to \$50k – town has already completed phase 1 and a partial phase 2 by Tighe & Bond

Specify that any "problem" identified must be outside of what has been already disclosed

Could have buyer do phase II after selection, takes probably longer than 30 days

Assume methane mitigation should be included in the building design

Build T&B results into the RFP and make rest of the documents available in eRoom, then allow 45-60 days to allow buyer to complete their own study – they can walk only if they discover a problem that is materially different from what has been disclosed and materially significant

Don't allow exclusions or exceptions from the bid documents except for LDA and reuse restrictions – A&K suggests we allow exclusions/exceptions but that is a criteria on which the bidder will be judged

Bidder must include full list of testing that they will be performing once awarded

Discussion of inter-agency agreement regarding 10% 3-bedroom requirement – seeking a letter to exclude us from this new 1/14 requirement as this project should be grandfathered in

Discussion of evaluation of piles – reuse on site (yes, per T&B), reuse as landfill cover elsewhere or must be treated as hazardous waste? – expect lateral testing of piles by bidders

Arsenic from Sudbury landfill present and disclosed



Need right of entry agreement for testing – their LSP will suggest what tests should be performed

Site will need public water provided

Need to terminate with one bidder before speaking with another and cannot re-engage with 1<sup>st</sup> bidder

Tony suggested, Bill Sterling agreed, disclosure & due diligence up front with testing after award for up to 60 day – general consensus on this by the committee

Post-closure use plan may be required for DEP which may include methane plan, so may need to defer this to the developer – possibly satisfy this earlier with design plan with methane mitigation required

DPW Surplus Declaration -Mark Lanza to draft proposal to declare land surplus – Steve would like to see a copy of this once Mark has completed

ANR Plan of the Property to be conveyed - Town Surveyor – Alf working on this

Landfill assignment – need to schedule meeting with BoH (Julia), Nan, Mark L. & DEP to discuss how to rescind landfill designation

Appraisal report – use group that created initial report – ok to select without sending out to bid as this under the \$10k bid cap

Design guidelines – latest version is online – may need to be updated by Bill Sterling – will pass around for comments and make updates prior to RFP distribution

Disclose the cost the Town spent for preparation of bid - Tighe & Bond to A&K costs

Collect all disclosure documents – have Nina (A&K) review and then town will find a location to post publicly

ProjectDog per Bill Sterling is a group that handled this task for him well on another project

A&K needs IMA for septage facility agreement with Sudbury – Pat should have this

There exists an easement over road and right to improve it

Find out what utilities might cross the Rivers Edge proposed site (natural gas line?)

Can decide later whether or not we'd like to interview bidders, but need more clarification on this as this may require BoS to interview

Deed restriction on property will preclude sale, must be rental property in perpetuity, record repurchase right (1<sup>st</sup> right of refusal) agreement – disclose in RFP

At LDA will not have financing yet

Can structure RFP as sale, lease or either – request A&K summarize pros/cons and protections – 1 page summary for BoS to make decision on this

Recommend a \$10k good faith deposit – keep if bidder selected and opts out

Discussion regarding setting timelines for permitting – lots of considerations for different types of permits possibly required depending on type of proposal, may trigger MEPA process for # of vehicles if >180+? units – may need to be 51% age restricted to conform, etc.

Separate out the cost of demolition of the septage facility – verify final cost and specify that any difference be refunded to Wayland in the RFP and contract

Rough estimate of about \$650k to get Wayland water to property down Route 20

Discussion regarding better defining what plans should be required as part of the bid – REAC to provide further information on this (Bill, Bill & Becky) – schematic set with list of drawings – keep on schematic end rather than highly defined so as to not trigger prevailing wage laws

Dan to look at 40b language and provide input

Assignment provision in LDA and others will be covered in deed restrictions

Spell out obligations in agreement that might trigger the repurchase agreement – capital reserve, maintenance minimum spend, must not be in default, etc.

Specify set format for the bids so that they're easier to compare including form for pro forma

Provide estimated expenses and cap rate so that bidders can reasonably plug tax costs into pro forma – make sure this is not binding, simply to keep bids reasonably consistent for comparison purposes

Break out the design guidelines expectations – quality of design, finishes, quality of construction, etc.

Must demonstrate compliance with SHI – may need to define how the affordability factor will be weighed

Can we include photos, images, etc. to promote this RFP to secure as many bidders as possible – yes, it's fine to put together a promotional package as an attachment – maybe folded binder with RFP in binder as an option

Can we keep using the site during the bidding process after the site inspection? May have to stop when LDA is signed (shooting for July/August 2015)

Next meeting – Thursday, January 8th

Tony, motion to adjourn, Bill Sterling 2<sup>nd</sup>, unanimous in favor, Bill, Bill, Jerry, Tony, Dan, Becky, Rob, Mike

Respectfully submitted by M. Wegerbauer

Attachments:

**A&K e-mail message distributed to the REAC by Chair**

**Sent:** Friday, December 12, 2014 10:50 PM

**Subject:** Wayland - Draft RFP and Land Disposition Agreement

**2 documents attached to above e-mail message**

Wayland - Rivers Edge RFP for Property Disposition - Draft 12-12-14 (A0284852-9xB0BA5)

Wayland - Rivers Edge Land Disposition Agreement - Draft 12-12-14 (A0286504xB0BA5)

## **River's Edge Advisory Committee (REAC)**

### **Minutes of Meeting held on June 11, 2015**

The following members were present: Jerome Heller (Chair), Rebecca Stanizzi, Daniel Hill, Robert Morrison, Bill Steinberg, and Michael Wegerbauer (7:45), constituting a quorum of the Committee.

Meeting was called to order at approximately 7:30PM.

#### **No public comment**

- Jerry explained that a meeting had not been held recently because there was no issue that required a vote and there were a number of things that had to take place before the Committee could attempt to finalize the RFP such as the vote of the BoPW, the ANR plan, the settlement with Sudbury on the septage facility, etc. He attempted to keep people informed with status messages.
- Becky said she was informed that the BOS could act to approve the RFP in the week of July 13, therefore she suggested the Committee meet next week to finalize the draft so it could be submitted to the BOS for their review in advance of that meeting. Also, she believes the BOS will take up the settlement agreement with Sudbury in Executive Session on June 24 so there is a possibility an agreement could be reached and incorporated into the RFP. However, if an agreement is not reached, she pointed out that the agreement expires in 2017 and demolition can take place following expiration. This will be reflected in the RFP.
- A review of the various issues then took place:
  - The BoPW voted to relinquish control of the land declaring it as surplus subject to being able to retain it if a deal with a developer does not take place. In addition the BoPW wants to be compensated for the additional expense they expect to incur resulting from the loss of use of the land.
  - The ANR plan has been approved by the Planning Board. This was delayed due to an error in the location of the western boundary of

the access road. The road remains under the control of the BoPW but an easement will be granted to the developer for access to the project at the southern end to the project.

- A&K drafted the application to the DEP for “presumptive approval” of the change of designation of the land from land fill to residential use. It will be submitted once the affidavit of the public works maintenance supervisor regarding past uses of the land has been completed. Discussion regarding its content is taking place with Town counsel.
- Tata and Howard completed an analysis of the adequacy of the Town water for domestic use and it was favorable under current regs. However, any water for irrigation will have to be derived from wells on the land.
- Becky and Sarki met with the new environmental secretary and found it was unlikely that any grant or other financing will be coming from the State. Therefore the RFP will have to reflect that case for waste removal.
- The ORAD is being worked on and should be available from the ConCom within the next two weeks.
- Jerry submitted the A&K invoice for the month of April for approval. Dan moved it be approved. On second, the bill was unanimously approved.
- Bill submitted a new introduction to the RFP to make it more appealing. After discussion it was agreed this was appropriate and the committee will discuss including the draft in the RFP at the next meeting.
- The Committee reviewed a list of documents and information prepared by A&K that are needed to complete the RFP as of June 10<sup>th</sup>. Becky is working with the various Town entities to obtain those items that are outstanding. The list will be attached to the minutes.
- Mike stated the Committee should be aware of a memo dated May 13,2015 from the Board of Health requesting groundwater testing of a list of chemicals and pointing out that approval of a wastewater treatment

plant can be required at both the State and local levels. It requested this information be incorporated into the RFP.

- It was agreed that the next meeting will take place on Wednesday June 17th at 6P.M. The latest drafts of the RFP and the LDA were sent to the committee electronically by A&K.
- The meeting adjourned at approximately 8:45 P.M.

Respectfully submitted by Jerome Heller

Attachments:

List of Documents and Information Needed from the Town to Complete the RFP  
(as of June 10,2015)

Memo dated 5/13/15 from Board of Health