

PACKET

JAN 4

2016



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

BOARD OF SELECTMEN
Monday, January 4, 2016
Wayland Town Building
Selectmen's Meeting Room

Proposed Agenda

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

- 7:00 pm 1.) Call to Order by Chair
A.) Announcements; Review Agenda for the Public
- 7:02 pm 2.) Public Comment
- 7:15 pm 3.) Annual Town Meeting Petitioners' Workshop
- 7:40 pm 4.) West Suburban Health Group: Discuss and vote to authorize action by Human Resource Director on proposed bylaw change.
- 7:55 pm 5.) FY17 Budget
A.) Discuss proposed positions under Board of Selectmen and forward any comments to Finance Committee
B.) Vote on FY17 Expense Budgets for departments under Board of Selectmen and forward recommendations to Finance Committee
- 8:10 pm 6.) Annual Town Meeting 2016: Discussion of potential Articles (revised list)
A.) Historical Commission: Demolition Delay Bylaw
B.) Planning Board:
a.) Sidewalks in commercial districts
b.) Landscaping: Parking abutting residential property
c.) Home Occupation: Definition
d.) Nonconforming structures
e.) Floor Area Ratio
f.) Conservation Cluster Amendment
g.) Building Height: Definition
h.) Assisted/Independent Living requirements
i.) Sales of used autos: Accessory used to service station
j.) Accept private roads
C.) Board of Selectmen
a.) Civil Service Special Act - Vote to Submit Article
b.) Town Clerk -Vote to Submit Article
D.) Revised list of potential articles

**BOARD OF SELECTMEN
Monday, January 4, 2016
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda Two

- 8:40 pm 7.) February 2016 Special Town Meeting: Minuteman
A.) Vote to schedule a Special Town Meeting for Thursday February 11 2016 or in case of inclement weather on Tuesday February 23 2016
B.) Open Special Town Meeting Warrant for period of January 5 at 8:30 am through January 11 2016 at 4:30 pm.
C.) Vote to submit article to adopt revised regional agreement
D.) Vote to submit article to withdraw from region
- 9:00 pm 8.) Town Administrator's Employment Contract: Discussion of evaluation and salary, and vote on annual salary effective 9/8/15
- 9:05 pm 9.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:10 pm 10.) Review Correspondence (See Separate Index Sheet)
- 9:15 pm 11.) Report of the Town Administrator
- 9:25 pm 12.) Selectmen's Reports and Concerns
- 9:35 pm 13.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 9:45 pm 14.) Adjourn

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted in accordance with the law on or before January 15 or such earlier time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles.

ATM Time Line and Process

Date	Action	Responsibility
December	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting. Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.</i>	Board of Selectmen
On or before January 15 or such earlier time as may be fixed by the Board of Selectmen	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email in Microsoft Word. Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission.</i>	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners. The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.</i>	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant. The Committee meets with petitioners to discuss their article. They may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.</i>	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report. Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.</i>	Petitioners
February	<i>Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for Passage</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend a warrant article hearing. Petitioners should attend this hearing to review their warrant articles.</i>	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article. Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies should be prepared for the moderator and made available for people attending Town Meeting.</i>	Lead Petitioner or Sponsoring Board or Committee
ATM	<i>Consider each article at Annual Town Meeting. Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and made available to people attending Town Meeting.</i>	Town Meeting attendees

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact for the Finance Committee and the Board of Selectmen, and by the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER _____ DATE RECEIVED _____

DAY PHONE _____ EVENING PHONE _____

TITLE _____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE _____

ESTIMATED COST _____

ARTICLE: To determine whether the Town will vote to

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
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14			

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

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COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

PETITIONERS' ACCESS TO TOWN COUNSEL

Subject to these guidelines, Town Counsel is available to consult with registered voters who have been identified as the lead petitioner and desire to submit or who have submitted an article for consideration at an annual or special town meeting, as a "petitioner's article" without sponsorship of a town board.

1. Town Counsel's consultation is limited to (1) suggesting language that reflects the petitioner's legislative intent in presenting articles for insertion in the warrant; (2) suggesting language to insure compliance with procedural requirements; and (3) preparing the main motion for Town Meeting. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues relative to their articles.
2. Prior to the deadline for filing articles for insertion in the warrant for the annual Town Meeting, the Selectmen will conduct a "petitioners' workshop" at which prospective petitioners may ask general questions. The Town Administrator shall set reasonable limits on the scope of lead petitioner inquiries and the time allocated for consultation with Town Counsel.
3. Town Counsel may decline to assist the lead petitioner if Town Counsel states in writing that such assistance would present Town Counsel with an actual conflict of interest, and gives the basis for the conflict of interest. The Town Administrator may assign Special Counsel to assist the lead petitioner as appropriate.
4. Access to Town Counsel during Town Meeting sessions is not permitted.

Approved January 12, 2004; revised and restated on October 13, 2010; revised July 27, 2015

DATE: December 30, 2015
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: West Suburban Health Group (WSHG) – Joint Purchase Agreement for Health Insurance

REQUESTED MOTION:

MOVE TO AUTHORIZE/NOT AUTHORIZE JOHN SENCHYSHYN TO VOTE IN FAVOR OF THE PROPOSED AMENDMENTS TO THE WEST SUBURBAN HEALTH GROUP AGREEMENT FOR JOINT NEGOTIATIONS AND PURCHASE OF HEALTH AND LIFE COVERAGES

BACKGROUND:

At the end of Fiscal Year 15 four participating members of the WSHG left the group to pursue other insurance options. While the existing agreement does not allow withdrawing members any portion of their share of the fund balance, the current agreement does not charge a withdrawing member for their run-out claims. Run-out claims are those claims incurred by members prior to their withdrawal date, but not processed until after their withdrawal date. The run out claims for the four withdrawing members are projected at \$1.7M. The full run-out amount becomes a charge to the remaining members fund balance. This is the first instance where multiple members have withdrawn on the same date.

In previous years when a participating member withdrew, the fund balance was much more substantial. In addition, the fund balance was growing and being replenished by revenue such as the Medicare drug subsidy. As such, there was a minimal run-out effect on the fund balance.

Given that the Group's fund balance has depleted through rate subsidies, and given that multiple members withdrew at the same time, the current effect on the fund balance is substantial. While there is sufficient fund balance to support operations, another round of withdrawing participants, especially if they were to be the larger communities, could be devastating to the Group.

The WSHG Board had several Board-level discussions on how to avoid a similar problem in the future. The Board's proposal is to amend the withdrawal process and hold a withdrawing member responsible for a portion of their run-out claims. The proposed revisions are intended to steer a withdrawing member to a June 30th exit date. There is a provision for a December 31st exit date, but it becomes a more costly exit from the standpoint of responsibility for run-out claims. The new language for run-out claims is found on page 12 of the attached document. Proposed changes are red-lined and appear in the comments in the right hand margin.

There are 13 communities and school entities currently comprising the WSHG. In order to change the agreement, a 2/3 vote (9 votes) of WSHG Board members is required. The WSHG has scheduled their Board vote for 1/14/16. Participating members have 30 days prior to the vote to review the changes. Proposed changes have to be voted as presented. I will be seeking your direction on my vote at the 1/4/16 BOS' meeting.

I do support the changes to the agreement.

DRAFT

WEST SUBURBAN HEALTH GROUP

**AGREEMENT for JOINT NEGOTIATION
and PURCHASE OF HEALTH and LIFE COVERAGES**

AS AMENDED THROUGH,

Deleted: JANUARY 19, 2007

Article 1. Authority and Purpose.

This agreement is entered into in accordance with M.G.L. Chapter 32B, Section 12, to enable the governmental units executing this agreement as indicated in Article 17 hereof, and any additional governmental units accepted for participation in accordance with the procedures described in Articles 2 and 13 hereof, hereinafter referred to as the "Participating Governmental Units," to join together in negotiating and purchasing policies authorized under M.G.L. Chapter 32B, Section 3, including health, dental, and life insurance, Health Maintenance Organization coverage as authorized by M.G.L. Chapter 32B, Section 16, as well as Administrative Services Only coverage as authorized by G. L. Chapter 32B, section 3A, which may include Preferred Provider Arrangements or other methods of self-funding as may be allowed by law. The economies of scale and other benefits derived through joint negotiation and purchase anticipated by the authority granted to the participants by M.G.L. Chapter 32B, Section 12, constitute the purpose of this agreement. The legal entity established by this agreement shall be known as the West Suburban Health Group ("the Group").

Article 2. Eligibility and Participating Governmental Units

A. Participants

The participants in this joint negotiation and purchase agreement are those listed as signatories to this agreement on each page of Article 17. Additional governmental unit participants may be added pursuant to this Article 2, Section C and Article 13.

B. Eligibility

Participants shall be Massachusetts governmental units as the term is defined in M.G.L. Chapter 32B, section 2(f).

C. Application for Participation

Membership in the Group is granted at the discretion of the Board of the Group. A governmental unit that wishes to participate in the Group must submit a written application to the Chairman of the Board of the Group. The governmental unit must submit information and data as required by the Group. Upon acceptance into the Group, the Appropriate Public Authority of the new member unit must sign this agreement and fulfill all other obligations for participation as described in this agreement.

Deleted: New members must have adopted MGL Chapter 32B, Section 18 prior to the effective date of participation in the Group

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D. Entry Fee

The Board may establish a one-time entry fee for each new member.

[Redacted]

Article 3. Term of Agreement and Participation.

A. Duration

This agreement goes into full force and effect as of succeeding the April 1989 agreement and the 1995, 2006, and 2007 amended agreements of the West Suburban Health Group and shall continue in full force and effect for an indefinite period, subject to amendment as agreed upon in accordance with the terms of Article 13 of this agreement, so long as three or more governmental units elect to continue participation. This agreement shall continue unless and until terminated pursuant to law or by an instrument in writing executed by the Appropriate Public Authorities of at least two-thirds (2/3rds) of the Participating Governmental Units of the Group.

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B. Withdrawal of a Participating Governmental Unit

A Participating Governmental Unit may withdraw participation at its discretion on the anniversary of the active employee plan health plan contracts, i.e. withdrawal effective midnight on June 30th of any year. A governmental unit contemplating withdrawal from the Group must submit written notification to the Board of such intent to withdraw no later than December 31st (for a withdrawal date of June 30th, midnight). Any election by a governmental unit to terminate participation in this agreement requires written notification to the Board of such vote to withdraw no later than February 15th (for a withdrawal date of June 30th, midnight). A withdrawing Governmental Unit shall be subject to the liabilities described in Article 14.A.

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Deleted: March 31st

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A governmental unit may terminate its participation in the Group off-anniversary. Off-anniversary withdrawal may take place only on December 31st, midnight. Notification to the Board of the Unit's intent to withdraw off-anniversary must be made by the governmental unit in writing to the Board and received by July 1st. Any election by a governmental unit to terminate participation in this Agreement off-anniversary requires written notification to the Board of such vote to withdraw no later than September 30th for a withdrawal date of December 31st, midnight.

A withdrawing governmental unit shall be subject to the liabilities described in Article 14 of this Agreement.

A governmental unit that does not comply with the provisions of this Article, Article 14, or any other provision of the Agreement applicable to withdrawing from the Group, including its post-withdrawal financial obligations, may be subject to additional financial penalties, as determined by the Board.

A Participating Governmental Unit that has withdrawn participation from the Group shall not be eligible to reapply for membership until after the second anniversary date of the Group's health plan contracts following the unit's withdrawal of participation. The terms and requirements of Article 2.C. of this Agreement shall apply. A governmental unit that has withdrawn its membership twice or that has been terminated from the Group under Article 3.C., shall not be eligible to reapply for membership.

- C. Termination of a Participating Governmental Unit by the Group
Any Participating Governmental Unit which is 60 days in arrears for the payments due under Article 8 and Article 9 of this agreement may be terminated from participation in this Agreement for Joint Negotiation and Purchase of Health Coverage at the Board's discretion. Such termination shall not limit the Board from obtaining payment of all monies in arrears under Articles 8 and 9. A Governmental Unit that is terminated by the Group shall be subject to the liabilities described in Article 14.A.

- D. Termination of the Group
In the event that the Group terminates and there is a trust fund deficit as certified by the audited financial statements, each Participating Governmental Unit agrees to make payment of its share of such deficit. Such payments, if required, will be assessed on the basis set forth below.

In the event that the Group terminates and there is a trust fund surplus as certified by the audited financial statements, once all obligations of the Group have been met, surplus funds shall be distributed to the Participating Governmental Units on the basis set forth below.

The determination of a Participating Governmental Unit's proportionate share of the trust fund surplus or deficit as certified by the audited financial statements shall be calculated as follows:

The proportionate share of a Participating Governmental Unit shall be the sum of the Unit's active employee Self-only plan subscribers plus 2.35 times the number of Family plan subscribers, plus 0.35 times the number of self-funded medical-only senior plan subscribers participating in the West Suburban Health Group plans for each month of the one-year period immediately prior to the effective date of termination of the Group divided by the sum of all subscribers (number of active employee plan Self-only subscribers plus 2.35 times the number of Family plan subscribers plus 0.35 times the number of self-funded medical-only senior plan subscribers) in the West Suburban Health Group plans for this same period. This formula shall also be applied to determine each Unit's proportionate share of a certified trust fund surplus or deficit for purposes described in Article 8, Section A. and in that case will

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be based on enrollments in the year for which the surplus or deficit has been certified.

Distributions will be made as soon as all obligations have been met but not more than ~~twenty-four (24)~~ months following the termination of the Group.

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Upon termination of the Group, the Board shall continue to serve to conclude the affairs of the Group.

Article 4. Administration and Governance/ Board and Committees

Administrative and governing authority shall be vested in a Board to be known as the West Suburban Health Group Board, hereinafter referred to as the "Board". The Appropriate Public Authority, as defined in M.G.L. Chapter 32B section 2(a), of each Participating Governmental Unit shall appoint one primary member of the Board, who shall have one vote, and one alternate representative who shall assume all of the responsibilities of the primary member in the event of the primary member's absence. Said appointments shall be made within thirty (30) days following the execution of this agreement by the Participating Governmental Unit. The Board Member representative of each governmental unit shall serve until replaced by the Appropriate Public Authority of the Participating Governmental Unit. It is understood and agreed that the Group may rely on the authority of each Board Member, or alternate representative, to represent the respective Participating Governmental Unit, and any vote of any individual Board Member shall be deemed to be binding upon the Participating Governmental Unit represented by such Board Member or alternate representative.

If both the primary and alternate representative attend a meeting, only the primary member may vote.

The West Suburban Health Group Board shall have full discretion to elect from its membership a chairman and any other officers that it deems appropriate and may elect to establish any committee for whatever purpose it deems appropriate and consistent with the terms of this agreement.

A. Steering Committee

The Board may elect from its membership (both primary and alternate members) a steering committee of up to seven (7) persons representing seven different Participating Governmental Units, hereinafter referred to as "the Steering Committee." The Steering Committee members shall serve for a term of one year or until removed by the Board, provided the members remain members of the Board. Steering Committee members may be elected for succeeding terms. In the event that a Steering Committee member is removed from the Board by the Appropriate Public Authority of the Participating Governmental Unit or by the Board, the Board may elect a replacement. The Steering Committee shall have whatever authority is granted to it by the Board including the establishment of advisory sub-committees. Such authority may include the authority to negotiate and contract with the insurance carriers or other health and dental coverage providers, claims administrators, reinsurers, consultants, and any other individuals or organizations deemed to be appropriate by the Steering Committee on behalf of and for the benefit of

the Board and each Participating Governmental Unit concerning the subject of this agreement.

The Steering Committee may be empowered to review annual rate renewals and negotiate health coverage renewal contracts, negotiate funding and other financial arrangements, including adoption of an Administrative Service Only financial arrangement, as authorized by M.G.L. Chapter 32B, Section 3A, recommend levels of coverage to the Board, and undertake any other matter authorized by M.G.L. Chapter 32B which is not specifically reserved to each respective Participating Governmental Unit.

The Steering Committee shall elect a chairperson.

B. Finance Committee

In addition, the Board may elect from its membership (both primary and alternate members) a finance committee of three (3) persons, representing three different Participating Governmental Units, hereinafter referred to as the "Finance Committee". The Finance Committee members shall serve for a term of one year or until removed by the Board provided the members remain members of the Board. Finance Committee members may be elected for succeeding terms. In the event that a Finance Committee member is removed from the Board by the Appropriate Public Authority of the Participating Governmental Unit or by the Board, the Board may elect a replacement. The Finance Committee shall have authority to select one or more banks for the deposit of premiums, capitation charges, and other payments required to administer this agreement. The Finance Committee shall also be authorized to invest funds administered by the Board and recommend to the Board and the Participating Governmental Units the amounts to be allocated to claims trust funds and other funds and accounts relating directly or indirectly to this agreement. The Finance Committee shall have such additional authority as may be granted to it by the Board. The Finance Committee shall elect a chairperson.

C. Centralized Administration

The Board, either directly or acting through its Steering Committee, may establish a central administrative office and employ such personnel or contract for such administrative services as may be necessary to carry out the provisions of M.G.L. Chapter 32B and this agreement.

Article 5. Quorum.

The Board shall adopt a schedule of meeting dates and times for the conduct of ordinary business and shall establish a reasonable procedure for notice to the members of the Board and Appropriate Public Authorities concerning special meetings. The Steering Committee and the Finance Committee shall, in a like manner, establish a procedure for adequate notice to each member for all meetings to be conducted. A quorum of the Board, the Steering Committee, and the Finance Committee shall consist of a majority of the members of the Board with reference to Board meetings, and a majority of the members of the Steering Committee with reference to the Steering Committee, and a majority of the members of the Finance Committee with reference to the Finance Committee. A majority vote of the members in attendance at a duly called meeting shall

be deemed to be a vote of the Board, the Finance Committee and the Steering Committee respectively except where a two-thirds (2/3s) vote is required by this Agreement. In the event of a tie vote, the motion shall be deemed to have been defeated.

The Board and all Committees are subject to the requirements of M.G.L. Chapter 39, Section 23 B (Open Meeting Law).

Article 6. Chairperson.

The Board, the Steering Committee, and the Finance Committee shall each elect from their respective memberships, by majority vote of the members at a duly called meeting at which a quorum is present, a Chairperson, who shall serve for a term of twelve (12) months, unless replaced prior to termination of such twelve-month period by a vote of respective majorities of the Board, Steering Committee and Finance Committee members in attendance at a duly called meeting. The Chairperson may be elected for succeeding twelve month terms at the discretion of the Board, the Steering Committee and the Finance Committee, respectively.

The elected Chairperson of the Board may be a candidate for election as Chairperson of the Steering Committee if he or she is a member of the Steering Committee, and may be a candidate for election as Chairperson of the Finance Committee if he or she is a member of the Finance Committee. No person, however, shall serve simultaneously as Chairperson of both the Finance Committee and the Steering Committee.

It shall be the duty of the respective Chairpersons to call meetings of the Board and the Committees, including designation of the date, place, and time of such meetings, and to perform other duties and functions as delegated by the Board and Committees respectively.

The Board and the Committees of the Board may elect any other officers for their respective bodies whom the Board and the Committees respectively deem appropriate, by vote of a majority in attendance at a duly called meeting at which a quorum is present. The term of office of any such additional officers or chairpersons shall be determined at the discretion of the Board or Committees respectively.

Article 7. Communication with Participating Governmental Units.

It shall be the duty of each member of the Board, and in the primary member's absence, the duty of the alternate member, to communicate all matters relating to the action of the Board to the member's respective Participating Governmental Unit's Appropriate Public Authority. Copies of the minutes of Board and Steering Committee meetings shall be sent to each participant's Appropriate Public Authority and Town or District Clerk. In the event that both the primary and alternate members representing a governmental unit are absent, it is the duty of the Chairperson, acting directly or through the central administrative office or other designee of the Chairperson, to communicate in writing and in a timely manner to the absent Board member's respective Appropriate Public Authority any action taken by the Board.

It shall be the duty of the Chairperson of each Committee of the Board to report to the Board through the Chairperson of the Board all actions taken by the Committee. In

addition, it shall be the duty of each Committee to report to the Board membership at a duly called meeting of the Board, the actions of the Committee and, in any event, such reports shall be made no less than two times during each fiscal year.

Article 8. Determination of Contributions to the Trust Fund(s)

A. Determination of contributions for plans offered by the Group

The Board, either directly or through the Steering Committee, shall determine the monthly funding rates, or contributions, payable by each Participating Governmental Unit. Those rates shall be set at amounts which, in the aggregate, will fully satisfy the funding requirements of the claims trust fund, which requirements shall include all expected claims, claims administration, and reinsurance costs.

The Board may decide to reduce the contribution rates by use of Trust Fund unencumbered funds (surplus) or may decide to increase contribution rates to make up for any Trust Fund deficit.

In the case of a certified surplus in the health trust fund (or other trust fund, if applicable), the Board will determine whether some or all of the excess funds will remain in the Trust Fund as working capital, or will be used for the purpose of reducing future contribution rates, or be distributed to the Participating Governmental Units through the Joint Negotiation and Purchase Agreement according to each Participating Governmental Unit's proportionate share as outlined in Article 3, Section D of this agreement.

In the case of a certified deficit, the Board will determine whether it will resolve the deficit through increasing participants' future contributions or whether additional revenue will be raised from direct assessment of the Participating Governmental Units on the basis of each Participating Governmental Unit's proportionate share as outlined in Article 3, Section D of this agreement.

The Steering Committee shall have authority to negotiate monthly premiums with health, life, and dental insurance carriers, health maintenance organizations, and preferred provider organizations. Rates negotiated by the Steering Committee must be approved by a majority vote of the Board present at a duly called meeting at which there is a quorum.

B. Negotiation and Assessment of Administration and Other Expenses

The Steering Committee shall have the authority to negotiate claims administration fees, program management and central benefit administration fees, consulting fees, COBRA administration fees, reinsurance premiums, and other fees and payments related to the ongoing operation of the Group and the benefits programs sponsored by the Group.

It is agreed that program management and central benefit administration fees, consulting fees, COBRA administration fees, audit fees, treasurer's fees, and other fees and expenses related to the ongoing operation of the Group and the benefits programs sponsored by the Group shall be assessed annually to the Participating Governmental Units on a proportional basis.

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C. Annual Independent Financial Audit and Certification of the Trust Fund Balance

The Board, either directly or through the Steering Committee, shall engage an independent certified public accounting firm to determine within six (6) months of the end of the policy year, a reconciliation of the trust fund balance for the joint purchase group. If the Group is self-funding more than one benefit coverage authorized by M.G.L. Chapter 32B, ex. health and dental plan coverage, the fund balances for these lines of coverage shall be separately certified.

In establishing the reconciled balance, the auditor shall include a factor to represent the cost of claims incurred within the Plan Year but which had not been paid as of the reconciliation date.

The Board shall provide one copy of the auditor's report to the Appropriate Public Authority of each of the Participating Governmental Units.

Article 9. Payment of Contributions to the Trust Fund(s) by Participating Governmental Units

A. Monthly Payments to the Trust Fund(s)

A Participating Governmental Unit shall make payment on a monthly basis of contributions and assessments allocated to it. The central administrative office or other designee of the Board shall determine the appropriate payment due from each participating governmental unit each month.

Each Participating Governmental Unit shall receive quarterly reconciliation reports detailing the basis for such payment

requirements, and all such payments are subject to independent audit by each Participating Governmental Unit.

B. Additional Payments as May Be Required

In the event that the Board determines that additional funds are required to meet the plans' benefit obligations as contemplated in Article 8, Section A., the Board shall be authorized to obtain funds through borrowing or through requiring Participating Governmental Units to make advance payments of contributions.

C. Due Date for Payments

All payments described in this Article 9 shall be due and payable on the due date specified on the monthly trust fund invoice. Interest at a rate determined by the Board or its designee may begin to accrue starting on the 8th day following the due date on the invoice.

Article 10. Establishment and Operation of the Group's Trust Fund(s)

A. Appointment of Treasurer

The Board may appoint a Treasurer and an Assistant Treasurer to receive and hold all contributions described in Articles 8 and 9 and other funds of the Group as provided in this Article 10.

The Treasurer shall be required to obtain a fidelity bond for himself/herself and for the Assistant Treasurer in an amount designated by the Board. The premium expense for said bond shall be paid by the Group.

B. Trust Fund Bank Accounts and Investments

The Board, or Treasurer if designated by the Board, shall contract with one or more banks to act as depository of payments contemplated by Article 9, and accounts established shall be interest bearing accounts. Each designated bank shall be required, as a precondition to service as such depository, to act under the direction of the Board or its designee for the benefit of the Participating Governmental Units and the Board and shall provide for periodic reports and statements of accounts as required by the Board or its designee.

The Board, or Treasurer if designated by the Board, shall establish one or more checking accounts, which may be interest or non-interest-bearing accounts. Said checking accounts shall be funded from the Trust Fund depository account(s). The Board, or Treasurer if authorized by the Board, shall make deposits as required from the Trust Fund depository(ies) into the checking account(s) and the Board may authorize the Treasurer to draw on such checking accounts for the payment of covered benefits to plan members and for administrative and reinsurance expenses, and other expenses associated with the operation of the Group.

All payments for covered benefits for eligible plan members, all administrative fees, health plan premiums, reinsurance premiums, consulting fees, attorney's fees, Treasurer's fees, banking fees, and other expenses related to the operation and development of the Group and its programs shall be paid from the Group's Trust Fund.

The Board, or the Treasurer upon authorization by the Board, may invest a portion of the Group's Trust Fund monies in certain investments as permitted by law and this agreement. The Treasurer will report to the Board on the status of investments at least once per quarter-year.

C. Investment Policy

The Treasurer shall be responsible for the investment of cash generated from the operations of the trust fund and maintained as part of the working capital of the trust fund(s).

The Treasurer is authorized to invest available funds in a prudent manner considering quality, liquidity, safety and yield. The Treasurer may, with the approval of the Board, enter into banking agreements with the Massachusetts Municipal Depository Trust, and/or a commercial bank for the investment of available funds through a cash management program such as a daily "sweep account"; purchase a short-term commercial paper at no less than AA rated quality by a recognized rating service; employ a Trust Department of a commercial bank, familiar with non-profit organizations, to invest such funds as the Treasurer believes can be

prudently set aside for a longer period of time, not to exceed a weighted average maturity of 2.5 years.

D. **Financial Accounting and Reporting**

The Treasurer shall maintain a general ledger and shall report to the Board at least once per quarter-year on receipts and disbursements, assets and liabilities, and perform all matters of recording and reporting according to generally accepted accounting principles.

The Treasurer shall keep separate records and provide separate reports on health, life, dental (and any other coverage lines authorized by M.G.L. Chapter 32B) receipts and disbursements, if applicable.

Article 11. Autonomy of Participating Governmental Units in Collective Bargaining and Eligibility Determination

A. **Collective Bargaining**

Notwithstanding any other provisions of this agreement, a governmental unit maintains its autonomy and responsibility for collective bargaining. Each Participating Governmental Unit shall determine the level of contribution that it will make towards benefits provided to its employees/retirees through this agreement provided that said contribution is in conformance with M.G.L. Chapter 32B.

B. **Eligibility Determination**

Nothing contained in this Agreement for Joint Negotiation and Purchase of Health and Life Coverages shall in any way limit the authority of a Participating Governmental Unit to determine that a person is eligible for participation in the health coverage program, provided that the person is eligible under M.G.L. Chapter 32B. Unless the Group specifically contracts for centralized services regarding notification of eligibility, including notification to and from affected parties of eligibility rights under M.G.L. Chapter 32B, the Consolidated Omnibus Reconciliation Act (COBRA) of 1985, and any other applicable federal and state statutes, these functions and tasks, as well as employee direct billing, shall be the responsibility of and determined by the Participating Governmental Unit.

Article 12. Participation in Health Benefits Program

A. **Requirements for Participation in Plans Sponsored by the Group**

1. Employee plans

Participating Governmental Units agree to offer to employees at least one Exclusive Provider Organization (EPO)/Health Maintenance Organization (HMO) health plan from each health plan provider organization with which the Group contracts. Each year by January 5th or the first business day thereafter, each Participating Governmental Unit shall report to the

West Suburban Health Group Chair or to his/her designee the names of the employee plans that the Unit will offer for the next policy year that commences on July 1 of that year. If, because of ongoing collective bargaining, the Unit is not able to report the plan offerings by January 5th, the Unit will do so as soon as this information is known. Each year at least sixty (60) days prior to the health plan anniversary date, a Participating Governmental Unit may request the Board to make an exception to this requirement if a particular health plan provider organization's network of providers does not serve the geographical area represented by the Unit or its workforce. A majority vote of the members of the Board present at a duly called meeting at which a quorum is present is required to override these participation requirements.

2. Senior plans for retirees with Medicare Part A and Part B
Participating governmental units agree to offer all senior plans sponsored by the Group.

- B. Exclusive Participation Requirement
Participating Governmental Units may offer to employees only those health plans sponsored by the Group. Each year at least sixty (60) days prior to the health plan anniversary date, a Participating Governmental Unit may request that the Board make an exception to this requirement by permitting the Unit to offer a plan not sponsored by the Group, but only to those employees and retirees who were enrolled in the Plan in the year immediately prior to the Plan Year for which the request for exception is sought (frozen enrollment basis). A majority vote of the members of the Board present at a duly called meeting at which a quorum is present is required to override the requirement of exclusive participation.

Article 13. Amendment Procedure

- A. Language of this Agreement
This agreement may be amended at any time, provided that the Board representatives of two-thirds (2/3rds) of the governmental units then participating in this agreement vote to accept such amendment. However, no vote on an amendment shall take place until the Appropriate Public Authority has been provided with at least thirty (30) days written notice of the substance of the proposed amendment.
- B. Addition of new Governmental Units
Additional governmental unit participants may be added commencing on a date mutually agreed upon, provided that the Board members representing no less than two-thirds (2/3rds) of the Participating Governmental Units vote to accept such additional participants.

Article 14. Liability Following Termination of Participation

A. Participating Governmental Unit's Liability

A Participating Governmental Unit shall have no liability for contributions and assessments for any period following the effective date of termination of its participation under this agreement, except for (1) the governmental unit's proportionate share of any trust fund deficit as certified by the audited financial statements in the applicable trust fund as of the effective date of the governmental unit's termination, (2) unpaid contributions or assessments attributable to periods prior to the effective date of the governmental unit's termination, and/or (3) subsequent expense for its covered members still on the plan after termination (where required by law).

A withdrawing participating governmental unit ("the Unit") that withdraws from the Group on anniversary, i.e. on June 30th, midnight of any year as described in Article 3, Section B, agrees to reimburse the Group for the full amount of the first month of run-out claims (claims paid by the Group in the first month of the Unit's withdrawal, i.e. July, for services incurred while the Unit was a participant of the Group) for covered services rendered to the Unit's covered employees, retirees, other eligibles as described in MGL Chapter 32B, and their dependents who had been enrolled in the Group's self-funded health plans prior to midnight on June 30 of the year of the Unit's withdrawal. The Group will submit a request for payment to the Unit in August for claims paid in July for services to the Unit's members. Payment by the Unit will be due to the Group no later than September 30 of the same year. A final settlement of the one-month of run-out claims liability will take place six (6) months after the Unit has withdrawn and will be based on actual claims paid in July following withdrawal.

A withdrawing governmental unit ("the Unit") that withdraws off-anniversary, i.e. on December 31 at midnight of any year, agrees to reimburse the Group in full for the Unit's run-out claims paid through June 30 of the following calendar year, i.e. six (6) months of run-out claims. A unit terminating its Agreement with the Group off-anniversary agrees to pay an up-front deposit ("the run-out claims deposit") for the Unit's estimated run-out claims. The run-out claims deposit will be calculated by multiplying the Unit's average monthly paid claims for the Unit's last six (6) months of participation in the Group by 1.5. The run-out claims deposit will be billed to the Unit in January, the effective month of withdrawal, and payment by the Unit will be due by February 28 of the same year. A final settlement of actual claims paid compared to the run-out claims deposit will be determined eight (8) months after the Unit's withdrawal/termination.

If a settlement on the post-withdrawal/termination run-out claims deposit compared to actual run-out claims for the six-month run-out period indicates an amount is due by the Unit to the Group or that an amount is due by the Group to the Unit, payment by either party shall be made within thirty (30) days of delivery to the Unit of the settlement data and calculation.

A withdrawing or terminated Participating Governmental Unit shall not be entitled to any surplus in the trust fund(s).

Deleted: Any payment owed by the terminated governmental unit to the Group for its proportionate share (as defined in Article 3, Section D) of a trust fund deficit as certified by the audited financial statements shall be paid within sixty (60) days following the Board acceptance of the annual audited financial statements unless another date is mutually agreed upon by the Group and the terminating governmental unit. ¶

B. Liability of the Group after Termination or Withdrawal of a Participating Governmental Unit

The Group shall have no liability for coverage for benefits received by a plan member of a terminated or withdrawn governmental unit after the date of termination/withdrawal, except as may be provided in the Plan Document of the applicable health plan.

Article 15. Hold Harmless Protection

A. Personal Protection for Board Members

Each Participating Governmental Unit agrees that it is its responsibility to assure that each primary representative and alternate representative designated by the Participating Governmental Unit to service on the Board and any committee established by the Board shall be indemnified and held harmless from personal financial loss and expense, including reasonable legal fees and costs, if any, to the full extent permitted by all applicable statutes, including M.G.L. Chapter 258, Sections 8, 9, and 13.

Indemnification should be provided for liability arising from all activities directly related to the establishment of this agreement and all related activities, commencing on and after the effective date of the April 1989 agreement and this agreement through and including the date which such designated representative terminates his or her position as a delegate or alternate delegate to the Board and the Board's committees. This hold harmless protection should include indemnification for any claim, demand, suit, or judgment relating to any act or omission arising as a result of such person's service to the West Suburban Health Group Board, except for intentional violation of the civil rights of any person. This hold harmless status should include any and all activities relating to such Board participation, including, but not limited to, serving on any related committee, holding an office as a member of the Board or Committee established by the Board, traveling to and from meetings relating to the designee's service, communications and all other acts related to the appointment as a delegate or alternate delegate of the Participating Governmental Unit.

B. For West Suburban Health Group

Each Participating Governmental Unit agrees to hold the Group harmless from any and all charges, including legal fees, judgments, administrative expenses, and benefit payment requirements, that may result at any time arising from or in connection with any and all negligent or willful acts or omissions (including failure to comply with any laws or regulations), fraud or criminal conduct of the Participating Governmental Unit and its employees, past or present.

Article 16. Miscellaneous

- A. **Entire understanding**
This agreement represents the entire understanding of the parties with respect to its subject matter and supersedes all prior agreements, written or oral, concerning the subject matter hereof and may not be changed or modified except as described in Article 13 of this agreement. No inferences shall be drawn from any variance between this agreement and any prior written agreement.
- B. **Governing law**
This agreement and all notices, instruments and documents executed pursuant hereto or in connection herewith shall be deemed to be governed by the laws of the Commonwealth of Massachusetts.
- C. **Binding effect**
All the terms and provisions of this agreement shall be binding on and inure to the benefit of and be enforceable by the respective parties hereto, their successors, and legal representatives.
- D. **Counterparts**
This agreement may be executed in any number of counterparts and by the different parties on separate counterparts, and each such counterpart shall be deemed to be an original, but also such counterparts shall together constitute one and the same agreement.
- E. **Severability**
If any provision of this Agreement is invalid or unenforceable under any applicable statute or rule of law, then the affected provision shall be curtailed and limited only to the extent necessary to bring said provision within the legal requirements, and this Agreement as so modified shall continue in full force and effect.

Article 17. Signatories to Agreement

By our signatures, we, the undersigned Appropriate Public Authority (M.G.L. Chapter 32B, Section 2(a)) evidence our acceptance of the terms of this Agreement for Joint Negotiation and Purchase of Health and Life Coverages on behalf of our governmental unit.

For:

Participating Governmental Unit (M.G.L. Chapter 32B, Section 2(f))

Signature of Board member

Date

DATE: JANUARY 4, 2015
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: FY 17 OPERATING BUDGETS UNDER THE BOARD OF SELECTMEN / NEW POSITIONS

REQUESTED ACTIONS

- 1. VOTE TO SUBMIT TO THE FINANCE COMMITTEE FY 17 OPERATING EXPENSE BUDGETS FOR TOWN BOARDS, OFFICERS AND COMMITTEES UNDER THE BOARD'S JURISDICTION IN COMPLIANCE WITH TOWN CODE SECTION 19-3**
- 2. FORWARD COMMENT (IF ANY) TO THE FINANCE COMMITTEE ON TWO NEW POSITIONS PROPOSED FOR DEPARTMENTS UNDER THE BOARD OF SELECTMEN**

BACKGROUND:

At several prior meetings the Selectmen reviewed the FY 17 Operating Budget. A comprehensive presentation can be found in the December 14, 2015 board packet and for the public on line at:

http://www.wayland.ma.us/pages/WaylandMA_SelectmenAg/Board%20of%20Selectmen%20Agendas%202015/20151214Pkt.pdf

On December 14th the Board deferred voting on the FY 17 budget until January 4th so it could consider whether to forward comment to the Finance Committee on new positions proposed in FY 17 for departments under its jurisdiction. These positions include an IT Director (recommended by the Personnel Board) and an additional Police Patrolman (not recommended by the Personnel Board). Information on these positions can be found in the December 7, 2016 Board packet and on-line for the public at:

http://www.wayland.ma.us/pages/WaylandMA_SelectmenAg/Board%20of%20Selectmen%20Agendas%202015/20151207Pkt.pdf

A vote by the Selectmen is required by January 15th.

DRAFT

Town of Wayland

Preservation of Historically Significant Buildings through Demolition Delay

SECTION 1 INTENT AND PURPOSE

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, residents of the town are alerted to impending demolitions of significant buildings and owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw. This bylaw applies only to the exteriors of buildings and structures.

SECTION 2 DEFINITIONS

APPLICANT-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION-An application for the demolition of a building.

BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION – The Wayland Historical Commission or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT - The building permit issued by the Building Commissioner for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.

SIGNIFICANT BUILDING – Any building within the town which is in whole or in part one hundred or more years old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

SECTION 3 PROCEDURE

No demolition permit for a building which is in whole or in part one hundred or more years old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address, e-mail address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

The Building Commissioner shall within seven days forward a copy of the application to the Commission. The Commission shall within fifteen days after receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of

the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector and abutters within 200 feet shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved or if agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No more than sixty days shall transpire from submittal of application to determination of preferably preserved. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that a building is preferably preserved, no building permit for new construction or alterations to the subject building shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve month delay period, the Building Commissioner may issue the demolition permit.

SECTION 4 ADMINISTRATION

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

SECTION 5 EMERGENCY DEMOLITION

If after an inspection, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner

may issue an emergency demolition permit to the owner of the building. The Building Commissioner shall then prepare a report documenting the condition of the building and the basis for his decision which shall be forwarded to the Commission within fourteen days.

SECTION 6 ENFORCEMENT AND REMEDIES

The Building Commissioner is specifically authorized to institute any and all actions and proceedings, in law or equity, as it may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent an imminent violation thereof.

Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of five years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

SECTION 7 SEVERABILITY

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

*6 B PLANNING BOARD:
ZONING BYLAW
AMENDMENTS*



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

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

The Metrowest Daily News
The Town Crier--Wayland Edition
781-433-7903; 781-453-6650 (fax)
ATTN: Debbie

RE: Phone 508-358-3778, Acct. #483273

Dear Debbie, please insert the following legal advertisement in the Metrowest Daily News editions of Monday, November 23, 2015, Monday 30, 2015 for two weeks in row. Please place Ad in the Wayland Town Crier for Friday edition November 27 and December 4, 2015.

**LEGAL NOTICE
TOWN OF WAYLAND
PLANNING BOARD**

PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS

The Wayland Planning Board will hold a public hearing on Tuesday, December 8, 2015 at 7:35 p.m. in the Planning Board Office, Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, 01778. The subject of this hearing will be proposed amendments to the Wayland Zoning Bylaw, which will be considered at the 2016 Wayland Spring Annual Town Meeting. The text of these amendments and maps can be viewed at the Planning Board Office and outside the Building Department Office at the Wayland Town Building (8:30 AM to 4:00 PM during normal work days), Reasonable accommodations and audio-visual

aids and services will be available upon request. The proposed amendments and subject matter to the Wayland Zoning Bylaws are summarized as follows:

1. Replace sections in all commercial districts regarding the construction/location of sidewalks in the right of way.
2. Insert a new section regarding landscaping in parking areas abutting residential property.
3. New definition regarding Home Occupation Customary (customary home occupation)
4. NONCONFORMING STRUCTURES AND USES Any building, which includes residential structures, or use lawfully in existence or lawfully begun or as to which a building or special permit has been issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, conditions.
5. Apply a Floor Area ratio to undersized residential lots.
6. Conservation Cluster Developments regarding, open space requirements, total number of dwelling units on the tract of land and affordable units required.
7. New definition regarding Building Height.
8. New requirements for Assisted/Independent Living, Nursing Homes in residential districts.
9. New requirements for Sales of used motor vehicles by owners of service stations as an accessory use.

6 B(a) SIDEWALKS

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Planning Board DATE RECEIVED: December 8, 2015
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Sidewalk Construction in Roadside, Business Districts A and B, Light Manufacturing and Limited Commercial of the Zoning Bylaw

COST: NO COST x COST ESTIMATE AVAILABLE ON: _____

TEXT: Article 1

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

To replace the following sections of the Zoning Bylaw with the following new paragraph:

In the event of the construction, reconstruction or substantial alteration of any premises that are used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be a minimum of five feet in width along and within the entire public right of way of the lot. The sidewalk shall be constructed of concrete and have at least six inches in height of raised granite curbing. The Special Permit Granting Authority and the Site Plan Approval Authority shall determine the sidewalk's final location including materials. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on or adjacent to abutting land. Pedestrian walkways shall also be required and integrated to the maximum extent possible, into the interior and/or perimeter landscaping of the parking lots. [Amended 5-5-1999 STM by Art. 11]

1002.1.7. In the event of the construction, reconstruction or substantial alteration of any premises that are used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

§ 198-1106. Curbs and sidewalks

[Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27]

1106.1. In both Business Districts A and B, in the event of the construction, reconstruction or substantial alteration of any premises that are used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings, and a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from the street lot line and covering the entire width of the lot, except where driveways exist, the sidewalk to be separated from the remainder of the lot with a strip four feet wide in which shall be maintained in good condition suitable evergreen shrubs or other landscaping approved by the ZBA. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on abutting land.

1302.1. In the event of the construction, reconstruction or substantial alteration of any premises that are used or intended to be used, in whole or part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street property line and to be constructed the full width of the lot, except where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or potential sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

1406.8. In the event of the construction, reconstruction or substantial alteration on any site that is used or intended to be used, in whole or in part, for the purpose allowed under this article, paved pedestrian sidewalks shall be constructed as a part of such construction, reconstruction or substantial alteration. Such sidewalks shall be no less than five feet in width, shall be set back no less than four feet from street lot lines and shall be separated from the remainder of the site by a four-foot landscaped strip. Sidewalks shall reasonably join existing sidewalks or shall be capable of reasonably joining potential sidewalks, internally and on abutting land. [Amended 5-5-1999 STM by Art. 11]

6 B (b)
Landscaping

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Planning Board DATE RECEIVED: December 8, 2015
 CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
 TELEPHONE/Evening: _____
 BOARD VOTE: _____ DATE OF VOTE: _____
 TITLE: Landscaping in parking areas Zoning Bylaw
 COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: Article 2.

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Replace section 506.8.1 to read as follows:

506.8. Landscaping in parking areas.

506.8.1. A continuous 10' landscape strip shall be provided for parking lots which are accessory to non-residential uses within or immediately adjacent to residential districts. This strip shall be adequately landscaped and maintained with natural and living materials so as to form an effective year round screen from adjacent residential properties in said residential districts. The Special Permit Granting Authority or the Site Plan Approval Authority may also require a tight fence.

Existing language below

506.8. Landscaping in parking areas.

506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.

Article 3 ZONING BYLAW AMENDMENT / HOME OCCUPATION

1. §104 (definition)

HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION)

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. ~~Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter. Where customary home occupations are permitted by the Table of Accessory Uses § 198-804, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § 198-203. No change, extension or alteration of any portion of a building that is used for Customary Home Occupation shall be allowed except by a special permit under Section 198-203 granted by the Planning Board as special permit granting authority, after making the findings set forth in said Section 198-203.~~

[Added 4-30-2001 ATM by Art. 25; amended 4-7-2011 ATM by Art. 19]

2. §901.1.1 and 901.1.2 (regulation in Res. zoning district)

901.1.1.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

[Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]

901.1.1.1.

The customary home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, of the dwelling unit or accessory building on the lot.

901.1.1.2.

There are no employees;

901.1.1.3.

No business is conducted on the lot with any client or customer physically present;

901.1.1.4.

There are no signs or other external evidence of nonresidential use; and

901.1.1.5.

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

901.1.2.

A customary home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

[Added 4-30-2001 ATM Art. 25]

901.1.2.1.

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

[Amended 5-6-2004 ATM by Art. 21]

901.1.2.2.

No more than one nonresident employee shall be permitted on the lot;

901.1.2.3.

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

901.1.2.4.

‡ The Customary Home Occupation shall not generate more than 150% of the total number of vehicle trips that the principal residential use of the lot generates on a daily basis.

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

901.1.2.5.

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

901.1.2.6.

There shall be no display of goods or outside storage;

901.1.2.7.

Parking for the customary home occupation shall be provided on the lot.

6 B (d)
Non-conforming
Structures

Article 4

ZONING BYLAW AMENDMENT / NONCONFORMING STRUCTURES AND USES

September 8, 2015

401.1.

Any building, structure, or use lawfully in existence or lawfully begun or as to which a building or special permit has been issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, however, to the following:

401.1.1.

Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the building or special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

401.1.2.

Preexisting nonconforming buildings, structures, or uses may be changed, extended, reconstructed or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension, reconstruction or alteration shall be permitted unless there is also a finding by the ZBA that such change, extension or alteration ~~shall~~ is not be substantially more detrimental than the existing nonconforming building, structure or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions, reconstructions and/or alterations to nonconforming buildings, structures, and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw; and further provided, however, that a single- or two-family dwelling may be changed, extended, reconstructed or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine in the first instance if a change, extension, reconstruction or alteration to a single- or two-family dwelling increases the nonconforming nature of the structure. Examples of alterations that would not constitute an increase in the nonconforming nature of a dwelling include the addition of a dormer; the addition, or enclosure, of a porch or sunroom; the addition of a one-story garage for no more than two motor vehicles; the conversion of a one-story garage for one motor vehicle to a one-story garage for two motor vehicles; and the addition of small-scale, proportional storage structures, such as sheds used to store gardening and lawn equipment, or sheds used to house swimming pool heaters and equipment.

[Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]

401.1.3.

A building for one or two dwelling units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met:

[Amended 5-4-1994 ATM by Art. 24]

401.1.3.1.

Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and

401.1.3.2.

Such alteration, reconstruction, extension or structural change shall not exceed 20% of the gross floor area of the building in existence on the date this paragraph first become effective, which is May 4, 1994, and such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the building. Open decks, accessory buildings less than 175 square feet in gross floor area, and accessory structures, such as fences, retaining walls, swimming pools, and tennis courts shall be permitted as a matter of right and shall not be included in any gross floor area calculation.

[Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]

401.1.4.

Wherever a lawful nonconforming building, structure, or use has been abandoned, or has not been used for two consecutive years or more, it shall not be resumed or reestablished, and all future buildings, structures, and uses shall conform to this Zoning Bylaw.

[Amended 5-14-1998 ATM by Art. 45]

401.1.5.

A nonconforming building or structure, if substantially destroyed by fire or other casualty, may be rebuilt within two years, provided that in rebuilding it shall be made to conform to this Zoning By-Law so far as practicable, unless authorized by a special permit under Section 401.1.2 above. If a nonconforming building or structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. All rebuilding or restoration shall be commenced within two years of the date of the damage or destruction and shall be continued through to completion as continuously and expeditiously as reasonable. Prior to the expiration of the two years, if the owner applies to the ZBA for an extension of this time period, and if the ZBA finds that there is good cause for the failure to commence complete rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months.

[Amended 5-14-1998 ATM by Art. 45]

401.1.6.

~~The ZBA may issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming building or structure damaged or destroyed by natural or other involuntary causes, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.~~

~~{Amended 5-14-1998 ATM by Art. 45; 5-5-2004 ATM by Art. 20}~~

401.1.7.

~~Any permitted restoration or rebuilding under § 198-401.1.6 shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Prior to the expiration of the six months, if the owner applies to the ZBA for an extension of this time period and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months. Unless otherwise authorized by the ZBA, the new or restored building or structure shall have the same height and location on the lot as the replaced structure.~~

401.1.8.

Whenever land is taken by, or conveyed to, a governmental authority having the power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected.

[Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]

401.1.9.

A building, structure, or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw.

[Amended 5-3-1990 ATM by Art. 22]

Floor to Area Ratio (FAR)

I. What our Peer Towns are Doing

Concord

6.2.13 Maximum floor area ratio: The total gross floor area of all buildings on a lot shall not exceed the maximum square footage per acre of lot area as noted in Section 6, Table III, except as provided in G.L. c.40A, sec. 9C for a child care facility as an accessory use.

Weston

RESIDENTIAL GROSS FLOOR AREA ("RGFA") The sum of the horizontal area(s) of the above-grade floors in the residential building(s) on a lot, excluding unfinished attics but including attached or detached garages. The RGFA shall be measured from the exterior face of the exterior walls.

§5(B)(1)(a) - The Residential Gross Floor Area "RGFA" of any new or replacement single family dwelling use constructed pursuant to a building permit issued on or after October 29, 1998, may not exceed the greater of 3,500 s.f. or 10% of the lot area up to a maximum of 6,000 s.f.

Sudbury & Lincoln

None

II. Proposal

A. Amend the Table of Dimensional Requirements to add a new column, providing a "maximum Residential Floor Area Ratio" of .40 for all residential zoning districts.

B. Amend the Definition Section to define a new term "Residential Floor Area Ratio" as:

The gross residential floor area of all buildings and structures on a lot divided by the total lot area. The gross residential floor area is the sum of the horizontal area(s) of the above-grade floors in all residential building(s) on a lot, measured from the exterior face of the exterior walls, excluding unfinished attics when built in pitched roof construction, but including all other attics, attached or detached garages, accessory buildings, enclosed porches, basements when considered a story above finished grade, and all finished basements, divided by the total lot area.

III. Explanation

These amendments would create a cap of the amount of residential floor area that can be created on a lot, to 40% of the lot area. The term "residential floor area" includes some unfinished space like certain

attics and all garages and accessory buildings, but excludes traditional unfinished basements and true unfinished attics. The 40% cap is quite generous and will only restrict the worst offenders of excessive bulk on small lots, such as the homes that Molly Upton identified on Lakeshore Drive. Thus, the amendment is narrowly-tailored to address a very specific concern with excessively-sized homes on small lots in Wayland. Below is the FAR for the homes identified by Molly Upton, based on a calculation of gross living area from the Assessor's Database, which I believe is probably close to the definition of "residential floor area" except that it excludes garages. The FAR for these properties under the proposed residential floor area definition would likely be somewhat larger to account for garages. 102 Lakeshore could, for example, be over the cap when factoring in the garage space.

Property Address	Lot Size	Gross Floor Area	Gross Living Area	FAR (Living Area/Lot Size)
122 Lakeshore	1307	2923	1614	1.23
102 Lakeshore	5663	2850	1776	0.31
113 West Plain	23086	6126	3742	0.16
30 Lakeshore	11761	4984	2888	0.25
48 Pond Dr	8712	5288	2440	0.28
47 Pond	6967	5411	3121	0.45

The following graphic from the Brookline Zoning Bylaw illustrates how FAR is calculated:

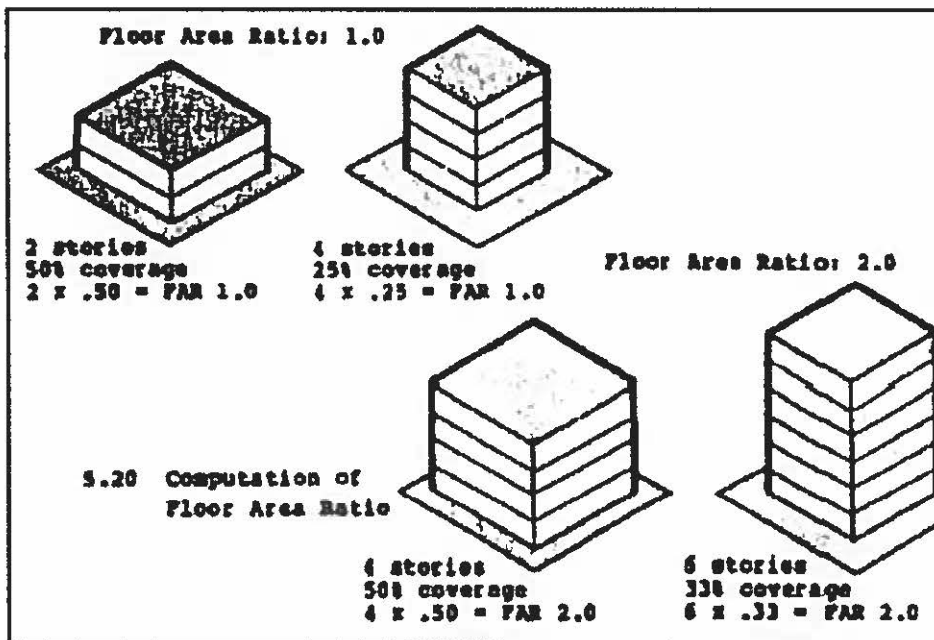


Figure 5.04 - Computation of Floor Area Ratio

Note that the term "Floor Area Ratio" is defined by our Bylaw, but not used. The term is defined as:

"The gross floor area of all buildings and structures on a lot divided by the total lot area."

The term "gross floor area" is defined as:

"The sum of all floor areas within the perimeter of the outside walls of the building under consideration, without deduction for bathrooms, toilet compartments, lavatories, hallways, stairs, closets, thickness of walls, columns or other features; but excluding unfinished basements, cellars and attics, space used for mechanical systems, garages, and areas open to below such as foyer spaces, balconies, and two-story atriums."

This definition is more broad than the proposed "residential floor area" definition – it excludes all unfinished spaces including garages, attics, and accessory structures. If the objective is to control the lot coverage by residential buildings on small lots, this definition is not useful, since many of the excessively-sized homes on small lots have large unfinished spaces that would be deducted from this calculation under this definition.

The concept of the "residential floor area" cap comes from the Weston Zoning Bylaw. Weston's cap is smaller – 10% or 3500 square feet, whichever is larger. This is not particularly useful in Wayland, where we have many very small lots, and even a 3500 sf house would be too large. The proposal is to make the cap at 40%, which is targeted at the most egregious over-building on small lots.

Article 5

REVISED PROPOSED AMENDMENT FOLLOWING PL BD MEETING OF 11/16/15:

- A. Amend Section 198-704 "Lot Coverage" by adding the following new subsection:

704.2. In all residential districts, the maximum Residential Floor Area Ratio for lots having a lot area of 10,000 square feet or less is .40.

- B. Amend the Definition Section to include a new defined term as follows:

"Residential Floor Area Ratio" - The gross residential floor area of all buildings and structures on a lot divided by the total lot area. The gross residential floor area is the sum of the horizontal area(s) of the above-grade floors in all residential building(s) on a lot, measured from the exterior face of the exterior walls, excluding unfinished attics when built in pitched roof construction, but including all other attics, attached or detached garages, accessory buildings, enclosed porches, basements when considered a story above finished grade, and all finished basements, divided by the total lot area.

Article 6.

ZONING BYLAW AMENDMENT / CONSERVATION CLUSTER DEVELOPMENTS

1803.1

After notice and public hearing in accordance with law, which public hearing shall be held within 65 days after the filing of the application with the Planning Board, the Planning Board may, after due consideration of the reports and recommendations of the Conservation Commission and the Board of Health, grant such a special permit, provided that:

1803.1.1.

It finds that the proposed plan is in harmony with the purposes and intent of this Zoning Bylaw and this article.

1803.1.2.

The area of the tract of land is not less than 5 acres.
[Amended 5-5-2005 ATM by Art. 27]

1803.1.3.

The total number of lots on which there is to be a single dwelling unit dwelling units on the tract of land, including any affordable units required by Section 2204, does not exceed the larger of the following:

[Amended 5-5-2005 ATM by Art. 29]

1803.1.3.1.

The number of building lots that could be created in the tract shown on such plan by right (without a special permit hereunder), plus one lot for each 10 of such building lots that could otherwise be created; or

1803.1.3.2.

The number of building lots obtained by dividing 90% of the total area of the tract, exclusive of land situated within the floodplain or designated as wetlands by the Conservation Commission, by the minimum lot size permitted in the district within which the tract is located, plus one lot for each 10 lots so arrived at from such division.

1803.1.3.3.

Within the Residence Districts, the Planning Board ~~shall~~ may permit ~~allow~~ by special permit structures to be constructed containing more than one dwelling unit, but not more than four dwelling units per structure. The total number of dwelling units for attached buildings shall not exceed the total that is allowed under § 198-1805 1803.1.13.

1803.1.3.4.

Notwithstanding any provision of this Zoning Bylaw to the contrary, the Planning Board may permit by Special Permit attached and detached dwelling units to be erected on single lot(s).
[Added 10-3-2012 STM by Art. 6]

1803.1.4.

Each of the building lots shown on the plan has adequate frontage, but no less than 50 feet, on a public or private way.

1803.1.5.

Each of the building lots shown on the plan is of a size and shape as shall provide a building site that shall be in harmony with the natural terrain and other features of the tract, but no such lot shall have an area of less than 20,000 square feet as shown on the plan.

1803.1.6.

The front, side and rear yards of each lot shall be shown on the plan by dashed lines indicating the area within which a building may be built, provided that all dwellings~~and~~, accessory buildings, driveways and roadways shall be set back at least 15 feet from the perimeter of the tract and 15 feet from any open land.

1803.1.7.

For Conservation Cluster Developments consisting mostly of single-family detached dwellings~~, At at least 35% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be open-designated as Open landLand, and the open land shall include all land not dedicated to roads or building lots.~~ For Conservation Cluster Developments consisting mostly of attached single-family dwellings, at least 50% of the land area of the tract, exclusive of land set aside for road and drainage areas, shall be designated as open-Open landLand. The designated Open Land shall not include any land identified as a protected resource area under the Wayland Wetland and Water Resources Bylaw (excluding buffer zones-). The Open Land shall maintain a lot width equal to at least the minimum frontage requirement in the underlying zoning district. ~~and the open land shall include all land not dedicated to roads or building lots. For the purpose of this article, "open land" is defined as a parcel or parcels of land, or an area of water, or a combination of land and water, not including roads or ways, whether public or private.~~ The Open Land shall be reserved for to be used for open space, conservation, agriculture, outdoor recreation, park purposes or some combination of the foregoing.

[Amended 5-5-2005 ATM by Art. 29]

1803.1.8.

Conveyance of the open-Open landLand.

1803.1.8.1.

The Open landLand, and any other surplus land, wetlands or water bodies within the development tract, shall be conveyed either:

1803.1.8.1.1.

To the Town or its Conservation Commission, but only if the Town or Conservation Commission agrees to accept title to the open land, which shall accept it for park or open space use;

1803.1.8.1.2.

To the Sudbury Valley Trustees, Inc., and its successors or to another nonprofit conservation organization approved by the Planning Board, the principal purpose of which is the conservation of open space; or

1803.1.8.1.3.

To a corporation, trust or association owned, or to be owned, by the owners of lots or residential units within the tract, provided that if such a corporation, trust or association holds title, ownership thereof shall pass with conveyance of the lots or residential units.

1803.1.8.2.

If ownership is in an entity other than the Town, there shall be sufficient rights in the Town to provide that such land shall be kept in an open or natural state, and provision shall be made so that the Town can enforce any other restrictions or easements imposed upon the open land by the Planning Board as conditions of its special permit grant.

1803.1.9.

Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit the open land to be used for subsurface waste disposal where the Planning Board finds that such use will not be detrimental to the character or quality of the open land.

1803.1.10.

If the land shown on the plan includes land in two residence zones, all of the land shall, for all purposes of this article, be considered as lying entirely within the zone having the largest area and frontage requirements, except that if 75% or more of the total area shown as building lots lies within one residence zone, all of the land shall be considered as lying within that zone.

[Amended 5-5-2005 ATM by Art. 29^[1]]

[1]:

Editor's Note: This article also repealed former § 198-1803.1.10, which required that all dwelling units be in detached buildings and that there be only one dwelling unit in a building, and redesignated former § 198-1803.1.11 and § 198-1803.1.12 as § 198-1803.1.10 and 198-1803.1.11, respectively.

1803.1.11.

No lot shown on the plan for which a permit is granted under this article may be further subdivided, and a notation to this effect shall be shown on the plan.

[Amended 5-5-2005 ATM by Art. 29]

§ 198-1804Conditions.

1804.1.

The Planning Board may, in appropriate cases, impose as a condition of the special permit further restrictions, conditions and safeguards upon the tract, or parts thereof, to protect and

promote the health, safety, convenience and general welfare of the inhabitants of the Town of Wayland.

§ 198-1805 Decision.

1805.1.

In connection with the granting or denying of a special permit under this article, the Planning Board shall issue to the applicant and shall file with the Town Clerk a written decision that shall include, at a minimum:

1805.1.1.

A determination of the maximum number of lots upon which dwellings could be constructed without a special permit hereunder and a determination of the area of the tract usable for residential construction in accordance with § 198-1803.1.3 herein.

1805.1.2.

A general description of the neighborhood in which the tract lies and the effect of the plan on the area.

1805.1.3.

The relation of the proposed development to long-range plans of the Town, if any.

1805.1.4.

The extent to which the proposed development is designed to take advantage of the natural terrain of the tract.

1805.1.5.

The extent to which the proposed open land is of such a size, shape and location and has such adequate access so as to benefit the Town.

1805.1.6.

If the Planning Board grants the special permit, the finding required by § 198-1803.1.1 above.

1805.1.7.

If the Planning Board denies the special permit, its reasons for so doing.

1805.1.8.

If the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, it shall state its reasons therefor in writing.

1805.1.9.

If, by the terms of the special permit, the Planning Board permits the open land to be used for subsurface waste disposal, the finding required by § 198-1803.1.9 above.

1805.2.

Such decision must be reached, filed with the Town Clerk and sent or delivered to the applicant within 90 days after the public hearing held on the application for the special permit, unless said ninety-day deadline is extended in accordance with law. Failure to so act shall be deemed approval in accordance with law.

§ 198-1806 Common land.

1806.1.

If a special permit is granted, the Planning Board shall impose as a condition that the common land shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of the type described above, prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Building Commissioner's issuance of a building permit for any lot. The petitioner shall provide satisfactory assurance of said conveyance and recording, in the form of copies of the recorded instruments bearing the recording stamp, and of such freedom from encumbrances.

§ 198-1807 Duration of special permit.

1807.1.

A special permit granted under this article shall lapse within 18 months if substantial construction has not begun by such date, except for a good cause shown and approved by the Planning Board.

§ 198-1808 Amendments.

1808.1.

Following the granting by the Planning Board of a permit under this article, it may, upon application and for good cause shown, after notice and a public hearing as required for granting a special permit, amend the plan solely to make changes in lot lines shown on the plan; provided, however, that no such amendment shall:

1808.1.1.

Grant any reduction in the size of the open land as provided in the permit;

1808.1.2.

Grant any change in the layout of the ways as provided in the permit;

1808.1.3.

Increase the number of building lots as provided in the permit; or

1808.1.4.

Decrease the dimensional requirements of any building lot below the minimal required by this Zoning Bylaw.

6 (B) g
BUILDING
HEIGHT

Building Height Memo

November 16, 2015

I. Wayland Zoning Bylaw

"BUILDING HEIGHT - The distance, measured vertically from the average grade to the highest roof element."

"GRADE - A reference plane representing the average of finished ground adjoining the building at all exterior walls, established by the lowest points within the area between the building and a point six feet from the building."

** This was amended as part of the 2011 recodification. What was the prior language?*

II. Problem

This definition measures building height against whatever the "finish grade" is on a house lot. The definition of "building height" refers to "average grade," which in turn is defined Most communities I have worked in measure building height against existing grade. The advantage for using existing grade is that it puts an actual limit on how tall a building can be on an existing lot. Measured against "finish" grade allows a property owner to artificially raise the elevation of its lot and build a house or building that is effectively taller than the height limitation as a consequence of elevation change. This defeats the purpose of a height limitation provision. For example, if a developer increases the elevation of a lot by 10 feet, and builds a 35' tall house, the house is actually 45' as measured from the existing grade.

Molly Upton, Board of Assessors, provided an example of this at 48 Pond Drive. She states that before this house was built, the lot was flat. The developer apparently added fill, which gave the appearance of a house that is taller than it actually is.



III. What our Peer Towns are Doing

Winchester

HEIGHT OF A BUILDING. The height of a building is the vertical distance measured from the mean grade of the existing ground level adjoining the building at each exterior wall to the highest point of the roof. Mean grade is to be determined by measuring the elevation at the major exterior corners of a structure and then dividing the total elevation by the number of points of measurement. The maximum height of a building shall not exceed the distance in feet or the number of stories, whichever is less, as set forth in the Table of Dimensional Requirements for the district in which the building is located.

Weston

Definitions:

HEIGHT The vertical distance from the Grade Plane to the highest point of a building.

GRADE PLANE A horizontal reference plane passing through the elevation of the Average Natural Grade of a proposed building from which building height is determined.

NATURAL GRADE shall be the natural grade of the land at any point along the perimeter of a proposed building prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as may be determined from maps or records satisfactory to the town.

Sudbury

Building height in feet: Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire building at each exterior wall to the ridge or highest point of the roof.

Lincoln

Grade, Natural: The elevation of the land in its natural state at any point along the perimeter of a proposed building prior to disturbance for construction, filling or excavation. The natural grade shall be certified by a registered land surveyor, or may be such elevation as may be determined from maps or records satisfactory to the Planning Board.

13.1.1.b For any structure constructed after April 5, 2003, height shall be measured as the vertical distance from the lowest exposed point on the structure to the highest point on

the structure, unless the Planning Board determines that additional height would not adversely affect the neighborhood in which case height may be measured as the vertical distance from the average natural grade around the perimeter of the structure to the highest point on the structure.

*** This provision is problematic, in that it would allow a developer to raise the elevation of the house lot, and therefore achieve a taller building than if measured against "average natural grade," which was probably not intended. The second half of the provision evinces an intent to measure height from the average natural grade, not final grade.*

IV. Proposal

Amend the Definition Section to redefine "Building Height" consistent with the Winchester ZBL, to:

"The vertical distance measured from the mean grade of the existing ground level adjoining the building at each exterior wall to the highest point of the roof. Mean grade is to be determined by measuring the elevation at the major exterior corners of a structure and then dividing the total elevation by the number of points of measurement. The maximum height of a building shall not exceed the distance in feet or the number of stories, whichever is less, as set forth in the Table of Dimensional Requirements for the district in which the building is located."

Article 7

REVISED FOLLOWING PL BD MEETING 11/16/15:

Amend the Definition Section to redefine "Building Height" as follows:

The vertical distance measured from the average natural grade to the highest point of the roof. Natural grade shall mean the elevation of the land in its natural state prior to disturbance for construction, filling or excavation, and shall be measured at each exterior corner of the building. In the event of a dispute or question concerning the accuracy of the average natural grade, an applicant shall produce a certification of the elevation from registered land surveyor.

6 B(h)
ASSISTED
LIVING

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Planning Board DATE RECEIVED: December 8, 2015
CONTACT PERSON: Sarkis Sarkisian Town Planner TELEPHONE/Day: 508-358-3778
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Assisted/independent living and Nursing home
COST: _____ NO COST: _____ COST ESTIMATE AVAILABLE ON: _____

TEXT: Article 8.

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

Insert a new note in the Table of Permitted Principal Uses by Districts for use 24.
Assisted/independent Living, use 32. Nursing Homes.

Add note 3.

For use 24. Assisted/independent living and use 32. Nursing homes in residential districts shall not exceed more than 4 total units.

ZONING

6 B (1)
USED AUTO SALES

Article 9 insert new section 75 Auto Sales below
198 Attachment 5

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

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

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

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: 1/4/16
CONTACT PERSON: Cherry Karlson TELEPHONE/Day: (508) 358-3621
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Petition the State Legislature to Remove All Police Personnel from the Provisions of Civil Service Without Affecting the Civil Service Rights of Incumbents

COST: _____ NO COST: XX COST ESTIMATE: _____

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: 1/4/16

CONTACT PERSON: Cherry Karlson TELEPHONE/Day: (508) 358-3621

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: COMPENSATION FOR TOWN CLERK

COST: XX NO COST: _____ COST ESTIMATE: 2.0% increase of FY 16 wages

TEXT: To determine whether the town will vote to fix the salary and compensation of the elected Town Clerk, to be effective 7/1/16, which salary and compensation is printed below.

FY 15 \$69,122

FY 16 \$70,504

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

**2016 ANNUAL TOWN MEETING
POTENTIAL ARTICLES AS OF JANUARY 4, 2016**

STANDARD ARTICLES

1. RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN
2. PAY PREVIOUS FISCAL YEAR UNPAID BILLS
3. CURRENT YEAR TRANSFERS
4. OPEB FUNDING
5. FY 2017 OMNIBUS BUDGET
6. COMPENSATION FOR TOWN CLERK
7. AUTHORIZE TOWN TO MATCH STATE STATUTORY TAX EXEMPTIONS
8. PERSONNEL BYLAW AND WAGE & CLASSIFICATION PLAN
9. CHOOSE TOWN OFFICERS
10. ACCEPT GIFTS OF LAND
11. SELL OR TRADE VEHICLES AND EQUIPMENT
12. RESCIND AUTHORIZED BUT UNISSUED DEBT
13. HEAR REPORTS

PLANNING BOARD ARTICLES / ZONING BY-LAW CHANGES

14. SIDEWALKS IN COMMERCIAL DISTRICTS
15. LANDSCAPING: PARKING ABUTTING RESIDENTIAL PROPERTY
16. HOME OCCUPATION: DEFINITION
17. NON – CONFORMING STRUCTURES
18. FLOOR AREA RATIO
19. CONSERVATION CLUSTER AMENDMENT
20. BUILDING HEIGHT: DEFINITION
21. ASSISTED LIVING / NURSING HOME REQUIREMENTS
22. SALES OF USED AUTOS - ACCESSORY USE TO SERVICE STATION
23. ACCEPT PRIVATE ROADS

POTENTIAL BOARD OF SELECTMEN ARTICLES

24. ACCEPT ROAD LAY-OUT FOR RT. 27 AND 30 INTERSECTION
25. PETITION LEGISLATURE REGARDING POLICE CIVIL SERVICE
26. ALLOW TOWN COUNSEL TO SPEAK AT MEETING WITHOUT MEETING VOTE
27. REQUEST NEW SPECIAL LEGISLATION FOR OPEB AND RESCIND OPEB SPECIAL ACT
28. AUTHORIZE PURCHASE OF CONSERVATION RESTRICTION AT MAINSTONE FARM
29. COA/CC: FUND NEXT STEP
30. FUND GLEZEN LANE- CONSTRUCTION OF PERMANENT TURN RESTRICTIONS

POTENTIAL ARTICLES FROM OTHER PUBLIC BODIES

31. LIBRARY TRUSTEES / BOARD OF SELECTMEN: WASTEWATER CAPACITY FOR BUILDING PROJECT
32. BOPW / LIBRARY TRUSTEES: TRANSFER DPW LAND TO LIBRARY
33. BOPW: WATER BY-LAW
34. BOPW: S PATHS INTERSECTION IMPROVEMENTS
35. BOPW: RT. 30/SCHOOL STREET IMPROVEMENTS
36. HOUSING AUTHORITY: COCHITUATE VILLAGE SPRINKLER PROJECT
37. CPC: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING
38. CPC: PROJECTS
39. HISTORICAL COMMISSION: DEMOLITION DELAY BYLAW
40. SCHOOL DEPARTMENT: CREATE TWO 53 E ½ REVOLVING FUNDS

1/4/16

7. MINUTEMAN

DATE: JANUARY 4, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: MINUTEMAN: SPECIAL TOWN MEETING

REQUESTED ACTIONS:

VOTE TO SCHEDULE A SPECIAL TOWN MEETING FOR THURSDAY FEBRUARY 11, 2016 AND TO OPEN THE WARRANT ON TUESDAY JANUARY 5, 2016 AT 8:30 AM AND CLOSE THE WARRANT MONDAY JANUARY 11, 2016 AT 4:30 PM AND TO VOTE TO INCLUDE IN THE WARRANT AN ARTICLE TO AMEND THE MINUTEMAN REGIONAL SCHOOL DISTRICT AGREEMENT AND AN ARTICLE PROVIDING FOR THE WITHDRAWAL OF THE TOWN OF WAYLAND FROM THE MINUTEMAN SCHOOL DISTRICT

BACKGROUND:

The Minuteman School Committee approved a new revised agreement on December 21, 2015. The 16 member towns are asked to schedule a Special Town Meeting before the end of February to consider adoption of the revised agreement. Seven towns (Boxborough, Carlisle, Dover, Lincoln, Sudbury, Wayland, Weston) will also put the question of withdrawal before their STMs through an "initial procedure for withdrawal" - a one-time opportunity to withdraw without responsibility for debt incurred after December 10, 2015. (See Section IX(E) of the amended agreement)

Wayland has voted on withdrawal on four occasions in the past. This time is different because it involves the collaboration of all 16 towns. Instead of all 16 towns voting on an amendment to permit one town to withdraw, this time 16 towns will be voting on the amended agreement, and each of the withdrawing towns will also be voting on their own withdrawal.

ATTACHED:

1. Correspondence - David Horton, Secretary Minuteman RVSD, 12/22/15
2. Regional Agreement as Amended 12/21/15 by MMRVSD School Committee
3. Warrant article to amend the Regional Agreement
4. Warrant Article to Withdraw from Minuteman
5. Special Town Meeting Schedule
6. Capital Assessment Model

7(i) Correspondence



MINUTEMAN
A REVOLUTION IN LEARNING

December 22, 2015

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

Dear Chair Karlson:

I am writing to inform the Boards of Selectmen of all of the member towns of the Minuteman Regional Vocational School District (hereinafter "the District") that the Minuteman Regional School Committee, at a meeting held on December 21, 2015, took the following vote related to the Regional Agreement:

VOTE: That the District School Committee approve the proposed amendments to the Draft Regional Agreement (v. 3.11.14), dated 12.21.15.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted, the Secretary notify the Boards of Selectmen of each member town of the District of this vote, and request that a special Town Meeting be held prior to March 1, 2016 to consider approval. The secretary is further instructed to send the draft warrant article language to the 16 Boards of Selectmen.

Please contact Superintendent Ed Bouquillon at e.bouquillon@minuteman.org or ext. 7301, should you have any procedural questions.

Sincerely,


David C. Horton, Secretary
Minuteman District School Committee

Attachments:

Draft Regional Agreement with proposed changes, dated 12.21.15
Warrant Article

cc: Nan Balmer, Town Administrator

Amended: 1973, 1979, 1980, 2013

DRAFT

~~3/11/14~~ 12/21/15

REGIONAL AGREEMENT

This Agreement is entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, among the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Stow, Sudbury, Wayland, Weston, Bolton, Dover, Lancaster, and Needham, hereinafter sometimes referred to as member towns. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I: THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

The Regional School Committee, hereinafter sometimes referred to as "the Committee," shall consist of one member from each member city or town (the term "city" and the term "town" will hereinafter be referred to jointly as "community"). The members of the Committee shall be appointed as hereinafter provided. All members will serve until their respective successors are appointed and qualified.

(B) Staggering of Terms

The terms of office shall begin on July 1 and shall be for three years. In order to have approximately one third of the terms of office expire at the end of each year, the initial term of office of a Committee member representing a newly admitted community may be for shorter than three years, said determination to be made by vote of the Committee (or by lot, if there is more than one community being newly admitted at the same time).

(C) Appointing Authority

Members who have been appointed to the School Committee by their respective Town Moderators prior to the July 1 date on which this amended language becomes effective shall serve out the remaining one, two or three years of their term. Beginning on the July 1 when this amended language becomes effective, each member shall thereafter be appointed by vote of the Board of Selectmen of that town (or by the Mayor in the case of a city), except that in the case of a town, the town may by bylaw or charter provide for appointment of that community's member by the Moderator. The language of the preceding sentence will also apply to any community newly admitted to the District whose membership in the District commences on or after the July 1 effective date of this amended language.

(D) Subsequent Terms of Office

Just prior to the conclusion of the initial terms spoken of in the subsection (B) above, the Appointing Authority of the member community will appoint a member of the Regional School Committee to serve a three year term beginning on July 1.

(E) Vacancies

Should a vacancy occur on the Regional School Committee for any reason, the unexpired term will be filled within sixty (60) days by the Appointing Authority of the community having the vacancy.

(F) Organization

At the first meeting of the Regional School Committee held after July 1, the Committee shall organize and choose a Chairman and a Vice-Chairman from among its membership and will choose a Secretary, who may or may not be from among its membership.

(G) Power and Duties

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this Agreement, and such other additional powers and duties as are specified in Section 16 to 16I, inclusive, of Chapter 71 of the General Laws and any amendments or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.

(H) Weighted Voting

Each member of the Regional School Committee will exercise a weighted vote, rounded to the nearest hundredth of a percent, which will be calculated and established as of July 1 of each year as follows. The first half of the weighted vote for all of the member communities will be the same. (For example, if hypothetically there were 16 member communities, then the first half of each member's weighted vote will be 1/16 of 50%, which would be 3.125%). The second half of each member community's weighted vote will be computed as follows. Based on the official October 1 student enrollment figures as determined by the Department of Elementary and Secondary Education ("DESE"), or its successor agency, a four year "rolling average" of the school's enrollment from member communities, using the most recent year's October 1 enrollment figures and those from the three preceding years, will be established. Using the same methodology, each member community's average percentage of student enrollment from all of the member communities for that period, rounded to the nearest hundredth of a percent, will be established and will be used as the second half of that member community's weighted vote to become effective on the following July 1. (For example, if over the four year period a member community supplied an average of 8.67% of the school's enrollment from all of the member communities, then, beginning on the following July 1 and extending for the next year, the second half of that member community's weighted vote would be 8.67% of 50%, which would be 4.335%). The two halves will then be added together, and rounded to the nearest hundredth of a percent, to establish that community's total weighted vote. (For example, using the hypotheticals expressed above in this paragraph, the hypothetical community's total weighted vote as of the July 1 in question would be 3.125% plus 4.335%, which would add to 7.46%). Assuming that a quorum as defined in subsection (I) below is present, and except for a vote to approve the annual budget, to incur debt, or to approve an amendment to this Agreement, a combined total of weighted votes amounting to over 50% of the weighted votes present shall constitute majority approval.

In order to approve the District's annual budget, a combined total of weighted votes equal to or exceeding 66.67% of the weighted vote of the entire Committee (i.e., not merely two thirds of the weighted vote of those present) shall be required.

In order to incur debt, a two-thirds (2/3) vote of all of the members of the Regional School Committee, without regard for the weight of the vote, shall be required. In order to approve an amendment to this Agreement, a three-fourths (3/4) vote of all of the members of the Regional School Committee, without regard for the weight of the votes, shall be required.

(I) Quorum

A majority of the total number of members of the Regional School Committee (regardless of the weighted votes) shall constitute a quorum. A quorum is necessary for the transaction of business, but an assemblage less than a quorum may adjourn a meeting.

SECTION II TYPE OF REGIONAL SCHOOL DISTRICT

The regional district school shall be a technical and vocational high school consisting of grades nine through twelve, inclusive. The Committee is also hereby authorized to establish and maintain such kinds of education, acting as trustees therefore, as may be provided by communities under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary school level in accordance with the provisions of Section 37A of said Chapter 74.

SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the geographical limits of the District, or within a radius of 5 miles from the intersection of Route 2 and Bedford Road, which intersection is in the town of Lincoln, provided that if a community where the school is located ceases to be a district member, the school may continue to be located in that community.

SECTION IV APPORTIONMENT AND PAYMENT OF COSTS

(A) Classification of Costs

For the purpose of apportioning assessments levied by the District against the member communities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, or which could be categorized as a capital expense in conformance with applicable law and regulation, including without limitation the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes and other obligations issued by the District to finance capital costs.

(C) Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Apportionment of Capital Costs

1. The following method will be used for apportioning capital costs incurred prior to July 1, ~~2016~~~~2014~~:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs shall be annually apportioned to the towns which were members of the District as of June 30, ~~2016~~~~2014~~ for the ensuing fiscal year in the following manner. Each member town's share of capital costs for each fiscal year shall be determined by computing the ratio which the town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all the member towns on the said date, except that if there is an enrollment of fewer than five pupils from any member town in the regional district school on said date, such member town shall be deemed to have an enrollment of five pupils in the regional district school. For the purpose of this subsection, in computing this apportionment the persons enrolled in courses or programs referred to in subsection IV (F) shall not be included.

2. The following method will be used for apportioning capital costs incurred on or after July 1, ~~2016~~~~2014~~:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs which are incurred on or after July 1, ~~2016~~~~2014~~ shall be apportioned to the member communities annually for the ensuing fiscal year in the following manner (for illustration purposes only, examples of these calculations appear in Appendix A.)

- a. Fifty percent (50%) of the capital costs will be apportioned to each of the member communities by computing the ratio which that community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, except that if there were an enrollment of fewer than ~~five (5) pupils~~ one (1) pupil from any member community in the regional district school on any of the four (4) most recent October 1 dates, such member community will be deemed to have had an enrollment of ~~five (5) pupils~~ one (1) pupil in the regional district school on said date.

- b. An additional one percent (1%) of these costs will be apportioned to each of the member communities regardless of student enrollment.

- c. The balance of these costs will be apportioned by applying DESE's combined effort yield (a measure of a community's ability to pay for education using property values and household incomes) to the percentage of each community's students (as defined by foundation enrollment) that are enrolled at Minuteman. The specific calculation is as follows:

- Each member community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, including the ~~five (5) pupils~~ one (1) pupil minimum spoken of in 2,a above, will be identified.
- This average regional enrollment figure for each member community will be compared to that community's most recent October 1 "foundation enrollment" figure (determined by DESE), and the percentage of that community's most recent foundation enrollment figure which is comprised of that town's average regional enrollment figure will be computed.
- This percentage amount will be multiplied by the lesser of the "combined effort yield" or 100% of the "foundation budget" (using the most recent "final" numbers determined by DESE) for that community, resulting in a number to be called "combined effort yield at

Minuteman”.

- The numbers representing each community’s “combined effort yield at Minuteman” will be totaled, and each community’s percentage of that total (this percentage to be called “combined effort capital assessment share”) will be computed.
- Each community’s “combined effort capital assessment share” will be used to calculate the apportionment of the capital costs under this paragraph. (An example of the calculations described in this paragraph is found in the chart headed “Calculation Factor - Ch. 70 Combined Effort Capital Allocation” appearing on page 2 of Appendix A.)

In the event that changes occur at the state level in either the terminology or the calculation formulas that lie behind the terms used in this paragraph, the Committee will use a calculation approach which replicates the apportionment outcomes that would result from this paragraph if the terms of this paragraph were applied as of the effective date of this Regional Agreement.

(E) Apportionment of Operating Costs

The District will utilize the statutory method in the apportionment of operating costs. Pursuant to this method, the District will deduct from operating costs the total of any revenue from Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and any other revenue as determined by the Regional School Committee. The balance of all operating costs, except those described in subsection IV,F below, shall be apportioned to each member community as follows. Each member community’s share of operating costs will be the sum of the following: (a) the member’s required local contribution to the District as determined by the Commissioner of Elementary and Secondary Education (hereinafter “the Commissioner”); (b) the member’s share of that portion of the District’s net school spending, as defined by G.L. chapter 70, section 2, that exceeds the total of the required local contributions for all of the members; and (c) the member’s share of costs for transportation and all other expenditures (exclusive of capital costs as defined in subsection IV,(B) above) that are not included in the District’s net school spending. A member’s share of (b) and (c) above will be calculated by computing the ratio which that member’s pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to the total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures.

(F) Special Operating Costs

The Committee shall determine the operating costs for each fiscal year for any courses or programs which are offered by the District to persons other than secondary students attending the regular day regional vocational school. Each member community’s share of such special operating costs shall be apportioned by identifying each member community’s enrollment and/or participation rate in said courses or programs as compared to the overall enrollment and/or participation rate in said courses or programs. Normally said share shall be paid by the members as a special assessment in the fiscal year following the year of the course or program offering, although exceptions may be made whereby the payment will be made during the fiscal year of the course or program offering.

(G) Times of Payment of Apportioned Costs

Each member shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection V(B), of the capital and operating costs. The annual share of each member community shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on

or before the dates indicated, respectively:

September 1	25%
December 1	60%
March 1	75%
May 1	100%

(H) Apportionment of Costs to New Members

1. The share of operating costs which will be paid by a new member community will be determined consistent with subsection IV(E) except that, for purposes of calculating that community's four (4) year rolling average of pupil enrollment, the number of "out of district" students from that community which were enrolled in the regional district school during each of the applicable four (4) years will be regarded as that community's "pupil enrollment" during those years for purposes of this calculation.

2. The Regional School Committee, prior to the admittance of a new member community, will have the option of negotiating a phase in of the amount of capital costs which will be assessed to that new member community during the first three years of membership in the District. Beginning no later than the fourth year of membership and thereafter, however, the new member community will be assessed the full capital cost apportionment that will result from an application of subsection IV(D).

(I) Incurring of Debt

Other than short-term borrowing for cash-flow purposes, the incurring of debt for purposes expressed in G.L. Chapter 71, section 16(d), will require at least a two-thirds (2/3) vote of all of the members of the Regional School Committee, without regard for the weight of the votes. If such a margin exists, the Committee must seek authorization for incurring debt by following the approach set out in G.L. Chapter 71, section 16, subsection (d). If one or more member communities vote disapproval of the debt, the Committee, by a majority of the weighted vote, may then seek authorization for the debt via Chapter 71, section 16, subsection (n). If and when subsection (n) is utilized, and if the incurring of debt is approved via subsection (n), the following option will be open to a member community if a majority of the registered voters voting on the question from that community voted to disapprove the incurring of debt in the subsection (n) election. Said community may seek to withdraw from the District consistent with the procedure in Section IX, and, if the notice of withdrawal is sent consistent with Section IX within sixty (60) days of the subsection (n) election, that community will not be responsible for a share of the debt service attributable to this new debt even if that community's withdrawal from the District is not approved by a majority of the member communities as required by Section IX, or even if the withdrawal of said community is disapproved by the Commissioner. Communities whose resident voters disapprove the incurring of the debt in the subsection (n) election but which do not give a notice of withdrawal consistent with Section IX will remain members of the District and will share in the debt service for the new debt consistent with the apportionment process in this Section IV.

SECTION V BUDGET

(A) Tentative Operating and Maintenance Budget

The Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member communities. The said Committee shall mail a copy to the chairman of the Board of Selectmen and the Finance or Advisory Committee, if any, of each member town at least fifteen days prior to the date on which the final operating and maintenance budget is adopted by the Committee, said copy to be itemized in a fashion consistent with DESE's chart of accounts.

(B) Final Operating and Maintenance Budget

After conducting a public hearing consistent with G.L. Chapter 71, section 38M, the Committee shall adopt an annual operating and maintenance budget for the ensuing fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. Said adoption of the budget will require a combined total of weighted votes equal to or exceeding 66.7% of the weighted vote of the entire Regional School Committee (i.e., not merely two-thirds of the weighted vote of those present at the meeting). Said annual operating and maintenance budget shall include debt and interest charges and any other current capital costs as separate items, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member community shall be certified by the district treasurer to the treasurer of such member community within thirty days from the dates on which the annual operating and maintenance budget is adopted by the Committee, and each such community shall, at the next annual town meeting or meeting of the city council, appropriate the amounts so certified. The annual Regional School District budget shall require approval by the local appropriating authorities of at least two-thirds (2/3) of the member communities consistent with G.L. Chapter 71, section 16B.

SECTION VI TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member communities as an operating cost.

SECTION VII AMENDMENTS

(A) Limitation

This Agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the right of the District to procure the means for payment thereof, provided that nothing in the section shall prevent the admission of new communities to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

(B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member community (which shall be acted upon as provided in Section IX), may be initiated by a vote of at least three-fourths (3/4) of all of the members of the Regional School Committee, without regard for the weight of the votes, so long as the proposed amendment was discussed as an agenda item at no less than one prior Committee meeting. Alternatively, a proposal for amendment may be initiated by a petition signed by at least 10 per cent of the registered voters of any one of the member communities. In the latter case, said petition shall contain at the end thereof a certification by the Municipal Clerk of such member community as to the number of registered voters in said community according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said community and said petition shall be presented to the secretary of the Committee. In either case, the Secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen, or City Council, of each of the member communities that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal or the substance thereof, and the City Council in each member city shall vote on said proposed amendment within two months of its submittal by the Committee. Such amendment shall take effect upon its acceptance by all of the member communities, acceptance by each community to be by a majority vote at a town meeting in the case of a town, or by majority vote of the City Council in the case of a city, and after approval by the Commissioner.

(C) Approval by Commissioner

All amendments to this Agreement are subject to the approval of the Commissioner.

SECTION VIII ADMISSION OF NEW COMMUNITIES

By an amendment of this Agreement adopted under and in accordance with Section VII above, any other community or communities may be admitted to the regional school district. The effective date for the admission of each such new member shall be the July 1 following the adoption by the District of such an amendment, the acceptance by all of the existing members, and the approval by the Commissioner. All of the above approvals must be completed by December 31 for the new member to be admitted on the following July 1. Such admission also shall be subject to compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.

SECTION IX WITHDRAWAL

(A) Procedure

Consistent with 603 CMR 41.03(2) the withdrawal of a member community can occur only as of July 1 of a given fiscal year. A notice of desire to withdraw must be initiated by a two-thirds (2/3) vote of the legislative body of the member community, which must occur no less than three (3) years prior to the desired July 1 withdrawal date. The Municipal Clerk of the community seeking to withdraw must notify the Regional School Committee in writing within seven (7) days of the vote of the legislative body that the two-thirds (2/3) vote has occurred, and the receipt of the notice of withdrawal will be acknowledged in the minutes at a Regional School Committee meeting. Within seven (7) days of its receipt, the District's Clerk will notify in writing the Municipal Clerks of all of the member communities that a notice of withdrawal has been received.

Once this notice of withdrawal is given, it may not be rescinded without the unanimous consent of the members of the Regional School Committee. The withdrawal of a community will be allowed only if it is approved by a majority of the other member communities. A failure of the legislative body of a member community to vote disapproval of a requested withdrawal within sixty (60) days of the notice of withdrawal being submitted to the Regional School Committee will constitute approval. During this three (3) year notice period, the departing member will continue to be responsible for the following:

1. Payment of its share of operating costs apportioned by way of subsection IV(E).
2. Payment of its share of capital costs apportioned by way of subsection IV(D), except that no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after said disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I). Similarly, no apportionment for a withdrawing member will be made for a share of any debt incurred after the member has given a notice of withdrawal.
3. The withdrawing community shall continue to have a right to appoint and be represented by its member on the School Committee with full voting authority until the date of final withdrawal, on which date the withdrawing community member's term shall end.

(B) Continuing Obligations After Withdrawal

A departing member shall have no right or claim to the assets of the District, and a departing member shall continue to be responsible, after withdrawal, for the following:

1. Payment of its share of capital costs incurred prior to withdrawal apportioned by way of subsection IV(D), provided that for purposes of this apportionment the withdrawn community's enrollment shall be deemed to be its enrollment determined pursuant to subsection IV(D) immediately prior to the date of its notice of intent to withdraw, except that:
 - a. no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after which disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I); and,
 - b. no apportionment for a withdrawing member will be made for a share of debt that was incurred by the District following receipt of the withdrawing member's notice of intent to withdraw, such notice having not been rescinded.

(C) Commissioner's Approval

Consistent with 603 CMR 41.03(2) the withdrawal of any member requires the approval of the Commissioner of Education, and all requisite approvals must be obtained no later than the December 31 preceding the July 1 effective date of withdrawal.

(D) Amendment to Agreement

The withdrawal of a member which occurs consistent with ~~this Section~~^{the above} will, upon its completion, constitute an amendment to the Regional Agreement, regardless of the fact that said amendment was not processed via the procedure contained in Article VII.

(E) Initial Procedure for Withdrawal

Consistent with 603 CMR 41.03(2), the communities of Boxborough, Carlisle, Dover, Lincoln,

Sudbury, Wayland, and Weston may withdraw from the District effective on the first July 1 after the first December 1 following the Commissioner of Education's approval of the 2016 Amended Regional Agreement, all of the following requirements having been met by each departing member:

(a) On or before March 1, 2016, voted by simple majority of its legislative body to confirm its commitment to withdraw from the District;

(b) On or before March 1, 2016, voted to approve the 2016 Amended Regional Agreement;

(c) Approval of the 2016 Amended Regional Agreement by the Commissioner of Education.

A vote by any member to adopt the 2016 Amended Regional Agreement shall also constitute approval of the withdrawal of any or all of the communities of Boxborough, Carlisle, Dover, Lincoln, Sudbury, Wayland, and Weston from the District pursuant to the Initial Procedure for Withdrawal.

The terms of School Committee members representing communities which withdraw under this Initial Procedure for Withdrawal shall end on the withdrawal date of the community which the member represents. No such community shall have any right or claim onto the assets of the District. Such communities shall continue to be responsible for their respective shares of the District's indebtedness as of the withdrawal date, except that no community withdrawing under this Initial Procedure for Withdrawal shall be responsible for District debt incurred after December 10, 2015.

SECTION X TUITION STUDENTS

(A)

The Committee may accept for enrollment in the regional district school pupils from communities other than member communities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV to the member communities, provided that income identified as a contribution to capital costs shall be applied to the capital budget.

(B)

Subject to state law, and applicable regulations, effective June 30, 2018, it shall be the policy of the District to admit out-of-district students only based on tuitions and charges equal or greater than the District's similarly-calculated average per pupil cost for in-district communities as determined by the Committee. Exceptions to this policy may only be made by two-thirds weighted vote of the Committee. The provisions of this paragraph (B) shall not apply to incoming school choice students under M.G.L. c. 76, § 12B.

SECTION XI FISCAL YEAR

The fiscal year for the district shall run from July 1 to June 30.

SECTION XII SUBMISSION FOR APPROVAL

This Agreement shall be submitted for approval pursuant to the applicable provisions of Chapter 71 of the General Laws.

7(3) WARRANT ARTICLE:
AMEND AGREEMENT

ARTICLE FOR FEBRUARY 2016 SPECIAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN DATE RECEIVED: _____

CONTACT PERSON: TOWN ADMINISTRATOR TELEPHONE/Day: _____

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: AMENDMENTS TO THE REGIONAL SCHOOL DISTRICT AGREEMENT OF THE
MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT

COST: _____ NO COST: _____ COST ESTIMATE: _____

TEXT:

TO SEE IF THE TOWN WILL VOTE CONSISTENT WITH SECTION VII OF THE EXISTING "AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF A TECHNICAL AND VOCATIONAL REGIONAL SCHOOL DISTRICT" FOR THE MINUTEMAN REGIONAL SCHOOL DISTRICT, TO ACCEPT THE AMENDMENTS TO SAID AGREEMENT WHICH HAVE BEEN INITIATED AND APPROVED BY A VOTE OF THE REGIONAL SCHOOL COMMITTEE ON DECEMBER 21, 2015, AND WHICH HAVE BEEN SUBMITTED AS RESTATED "REGIONAL AGREEMENT" BEARING THE DATE OF DECEMBER 21, 2015 TO THE BOARD OF SELECTMEN OF EACH MEMBER TOWN.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7(4) WARRANT
ARTICLE:
WITHDRAW

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN DATE RECEIVED: _____

CONTACT PERSON: TOWN ADMINISTRATOR TELEPHONE/Day: _____

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: WITHDRAWAL OF THE TOWN OF WAYLAND FROM THE MINUTEMAN REGIONAL
VOCATIONAL SCHOOL DISTRICT

COST: _____ NO COST: _____ COST ESTIMATE: _____

TEXT:

TO SEE IF THE TOWN WILL VOTE TO WITHDRAW FROM THE MINUTEMAN REGIONAL SCHOOL DISTRICT EFFECTIVE JULY 1, 2017, CONTINGENT UPON THE ACCEPTANCE, ON OR BEFORE MARCH 1, 2016, BY ALL OF THE CURRENT MEMBERS OF THE MINUTEMAN DISTRICT, AND THE APPROVAL, ON OR BEFORE DECEMBER 31, 2016, BY THE COMMISSIONER OF EDUCATION, OF THE AMENDED REGIONAL AGREEMENT DATED DECEMBER 21, 2015, WHICH HAS BEEN SUBMITTED TO THE MEMBER TOWNS BY THE MINUTEMAN REGIONAL SCHOOL COMMITTEE.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

SCHEDULE FOR THURSDAY 2/11/15 SPECIAL TOWN MEETING

1. BOS OPENS WARRANT FOR 7 DAYS FROM TUESDAY 1/5/16 THROUGH TUESDAY 1/12/16
(See Town Code 36-3 regarding days STM warrant is open) MONDAY JANUARY 4
2. FINANCE COMMITTEE WARRANT ARTICLE HEARING WEDNESDAY JANUARY 13
3. BOS VOTES ARTICLES AFTER HEARING WEDNESDAY JANUARY 13
4. MARTIN LUTHER KING HOLIDAY MONDAY JANUARY 18
5. DEADLINE FOR SUBMISSION OF FINANCE COMMITTEE AND PETITIONERS COMMENTS
(Provides 3 days to produce warrant) TUESDAY JANUARY 19
6. WARRANT TO PRINTER
(Provides 5 days to print and return to town for signing and mailing / posting) FRIDAY JANUARY 22
7. BOS SIGNS WARRANT
(See MGL 39, Section 10, stating warrant is "under the hands of the Selectmen") WEDNESDAY JANUARY 27
8. POSTING OF WARRANT / MAILING
(Must be posted and mailed 14 days ahead of TM-- Town code - 36-2A regarding posting / MGL 39 S 10 regarding timing) THURSDAY JANUARY 28 (latest)
9. SELECTMEN'S / MODERATOR'S WARRANT HEARING / LAST DAY TO REGISTER TO VOTE
(Board policy is that hearing is not less than one week before town meeting, Register to vote 10 days before STM) MONDAY FEBRUARY 1
10. SPECIAL TOWN MEETING: 7:30 PM THURSDAY FEBRUARY 11

50% ENROLLMENT - 34% CHAPTER 70 COMBINED EFFORT - 1% EACH MEMBER CAPITAL BASE CONTRIBUTION										
Member Districts	Enrollment Basis				Chapter 70 - Combined Effort Basis			Capital Base Contribution Basis		TOTAL
	4 Yr. Rolling Ave. Enrollment Debt/Capital Assessment	FY16 Debt/Capital Assessment Share	**Enrollment - 4 year rolling Average	Per Pupil Cost	Combined Effort Capital Assessment Share	Chapter 70 - Combined Effort	Per Pupil Cost	Capital Base Contribution	Per Pupil Cost	Capital Assessment
Acton	25.5	6.67%	\$33,344	\$1,308	4.29%	\$14,582	\$572	\$10,000	\$392	\$57,927
Arlington	135.25	35.37%	\$176,855	\$1,308	34.59%	\$117,614	\$870	\$10,000	\$74	\$304,469
Belmont	29	7.58%	\$37,921	\$1,308	8.22%	\$27,933	\$963	\$10,000	\$345	\$75,853
Bolton	9.75	2.55%	\$12,749	\$1,308	1.80%	\$6,126	\$628	\$10,000	\$1,026	\$28,875
Boxborough	4.5	1.18%	\$5,884	\$1,308	0.98%	\$3,315	\$737	\$10,000	\$2,222	\$19,200
Carlisle	8.5	2.22%	\$11,115	\$1,308	2.59%	\$8,816	\$1,037	\$10,000	\$1,176	\$29,831
Concord	10.25	2.68%	\$13,403	\$1,308	4.30%	\$14,608	\$1,425	\$10,000	\$976	\$38,011
Dover	2	0.52%	\$2,615	\$1,308	1.11%	\$3,759	\$1,880	\$10,000	\$5,000	\$16,375
Lancaster	29.75	7.78%	\$38,902	\$1,308	4.59%	\$15,620	\$525	\$10,000	\$336	\$64,522
Lexington	46.375	12.13%	\$60,641	\$1,308	13.17%	\$44,788	\$966	\$10,000	\$216	\$115,429
Lincoln	5.75	1.50%	\$7,519	\$1,308	3.06%	\$10,411	\$1,811	\$10,000	\$1,739	\$27,830
Needham	26.75	7.00%	\$34,979	\$1,308	8.31%	\$28,260	\$1,056	\$10,000	\$374	\$73,239
Stow	19.5	5.10%	\$25,499	\$1,308	3.59%	\$12,194	\$625	\$10,000	\$513	\$47,692
Sudbury	20.75	5.43%	\$27,133	\$1,308	4.86%	\$16,508	\$796	\$10,000	\$482	\$53,641
Wayland	5.25	1.37%	\$6,865	\$1,308	1.87%	\$6,363	\$1,212	\$10,000	\$1,905	\$23,228
Weston	3.5	0.92%	\$4,577	\$1,308	2.68%	\$9,101	\$2,600	\$10,000	\$2,857	\$23,678
Total	382.4	100.00%	\$500,000	\$1,308	34%	\$340,000	\$160,000	\$160,000	\$160,000	\$1,000,000

Capital Allocation				
Debt Service	Enrollment	Combined Effort	Capital Base Con.	
	50.0%	34.0%	16.0%	100.0%
Principal & Interest	\$1,000,000			
Total Debt Service	\$1,000,000	\$500,000	\$340,000	\$160,000

Calculation Factor - Capital Base Contribution 1.00%

	Enrollment - Based on 4 year Rolling Average				Min of 1		
	Enrollment Count as of October 2015	Enrollment Count as of October 2014	Enrollment Count as of October 2013	Enrollment Count as of October 2012	Enrollment Based on 4 Year Rolling Average	Enrollment Based on 4 Year Rolling Average	Percent of Enrollment
Acton	31	26	25	20	25.5	25.5	6.67%
Arlington	117	146	153	125	135.3	135.3	35.37%
Belmont	26	29	30	31	29.0	29.0	7.58%
Bolton	9	10	11	9	9.8	9.8	2.55%
Boxborough	5	4	4	5	4.5	4.5	1.18%
Carlisle	5	8	12	9	8.5	8.5	2.22%
Concord	15	12	7	7	10.3	10.3	2.68%
Dover	2	3	1	2	2.0	2.0	0.52%
Lancaster	39	32	26	22	29.8	29.8	7.78%
Lexington	44	41.5	47	53	46.4	46.4	12.13%
Lincoln	10	4	5	4	5.8	5.8	1.50%
Needham	24	22	34	27	26.8	26.8	7.00%
Stow	13	18	22	25	19.5	19.5	5.10%
Sudbury	25	24	19	15	20.8	20.8	5.43%
Wayland	2	3	7.5	8.5	5.3	5.3	1.37%
Weston	4	3	4	3	3.5	3.5	0.92%
Total	371	385.5	497.5	365.5	382.4	382.4	100.00%

	Calculation Factor - Ch. 70 Combined Effort Capital Allocation					
	Enrollment 4 year Rolling Average	FY16 Total Foundation Enrollment	MM Enrollment + Community Foundation Enrollment	FY16 Total Combined Effort Yield	TOTAL - Combined Effort Yield @ Minuteman	Combined Effort Capital Assessment Share
Acton	25.5	4,742	0.54%	34,961,499	188,005	4.29%
Arlington	135.3	5,476	2.47%	61,393,360	1,516,335	34.59%
Belmont	29.0	4,186	0.69%	51,981,615	360,121	8.22%
Bolton	9.8	1,021	0.95%	8,270,398	78,978	1.80%
Boxborough	4.5	835	0.54%	7,931,428	42,744	0.98%
Carlisle	8.5	954	0.89%	12,756,643	113,660	2.59%
Concord	10.3	3,016	0.34%	55,415,833	188,333	4.30%
Dover	2.0	1,133	0.18%	27,457,742	48,469	1.11%
Lancaster	29.8	1,014	2.93%	8,863,926	201,382	4.59%
Lexington	46.4	6,894	0.67%	85,840,064	577,434	13.17%
Lincoln	5.8	887	0.65%	20,706,463	134,230	3.06%
Needham	26.8	5,389	0.50%	73,400,615	364,347	8.31%
Stow	19.5	1,308	1.49%	10,545,096	157,209	3.59%
Sudbury	20.8	4,166	0.50%	42,729,400	212,828	4.86%
Wayland	5.3	2,625	0.20%	41,019,010	62,038	1.87%
Weston	3.5	2,252	0.16%	75,498,814	117,338	2.68%
Total	382.4	45,898	13.76%	616,771,906	4,381,451	100.00%

FOOTNOTES:

Debt Service assumes annual payment of \$1,000,000 in Principal and Interest.
Four Year Rolling Average is based on Minuteman School District - High School enrollment only as of October 1st. Minimum of 1 students per member district.
Ch. 70 Combined Effort data was based on the FY16 Chapter 70 Aid and Net School Spending Requirements dated July 17, 2015.

12/21/15

MINUTEMAN SUMMARY
OF REVISED AGREEMENT

Balmer, Nan

From: Rozan, Elizabeth <e.rozan@minuteman.org>
Sent: Monday, December 14, 2015 3:42 PM
To: Rozan, Elizabeth
Subject: Amendments to the Regional Agreement
Attachments: 1. 20151214 SUP SUMMARY.pdf; 2. Minuteman District Agreement 3_11_14 FINAL.PDF; 3. Minuteman District Agreement 12-10-15 DRAFT w changes.PDF; 4. Minuteman District Agreement 12-10-15 DRAFT clean.PDF; 5. V 13.0-NewBldg Proj-RevisedAgree-FY16enroll-5stdmin.pdf; 6. V 13.1-NewBldg Proj-RevisedAgree-FY16enroll-1stdmin.pdf; 7. V 13.2-NewBldg Proj-RevisedAgree-FY16enroll-1stdmin-13towns.pdf; 8. V 13.3-NewBldg Proj-RevisedAgree-FY16enroll-5stdmin-11towns.pdf

TO MINUTEMAN SCHOOL COMMITTEE, THE SCHOOL BUILDING COMMITTEE, TOWN MANAGERS, AND SELECTMEN ON BEHALF OF ED BOUQUILLON:

SUMMARY: As of December 12, 2015 the Regional Agreement revisions have been drafted. The Department of Elementary and Secondary Education (DESE) has offered preliminary endorsement and is now reviewing the final draft for full endorsement. The Massachusetts School Building Authority (MSBA) has reviewed pertinent components of the language of related votes and has no issues. Both bond counsel and our district counsel have reviewed the revisions to the 2013 revised Regional Agreement (dated 3/11/14, and shown as Attachment #2), the related language of the votes to be taken, and have no issues. The pathway to YES is clear.

The changes are noted in the attached "redlined" PDF document (dated 12/10/15, Attachment #3, and #4 (clean). This document uses the 2013 revisions as its source document, and is referred to as the 2016 Amendments to the Regional Agreement. Key changes from the 2013 revision include:

- a) The elimination of the 5 pupil minimum in the Capital Assessment Formula and the inclusion of a 1 pupil minimum (Section IV).
- b) A process by which towns could exit the district without additional debt obligation (Section IX (e)).
- c) A declaration that non-member communities shall pay a capital fee equivalent to the average per pupil capital assessment as a member (Section X).

Host Community considerations are removed from the Regional Agreement revisions and will be addressed in an Inter-municipal Agreement between the District and the host community.

Impacts on Capital Costs of the Revised Agreement on remaining members are provided in the attached spreadsheets (Attachments #5,6,7,8). As there are dozens of possible scenarios, the spreadsheets show a range of impact. The spreadsheets attached are:

- V13.0 Capital Costs: 5 Student Min: 16 Member Towns
- V13.1 Capital Costs: 1 Student Min: 16 Member Towns
- V13.2 Capital Costs: 1 Student Min: 13 Member Towns
- V13.3 Capital Costs: 5 Student Min: 11 Member Towns

Special Town Meetings:

All towns will likely have to hold a special town meeting.

In the member towns where Selectmen have declared their intention to leave the district, there will be two (2) warrant articles.

The FIRST article must be a vote by Town Meeting on its desire to leave the District.

The **SECOND** article must be a vote by Town Meeting to **APPROVE** the 2016 Amendments to the Regional Agreement. These votes are independent from one another, and the language in the 2016 Regional Agreement has been designed to accommodate all, some, or none of these towns leaving the District.

In the towns that intend to remain in the district, there will be **ONE (1)** article approving the 2016 Amendments to the Regional Agreement.

In all Towns, a third (in the case of departing towns) or a second (in the remaining towns) warrant article could be considered. That article would be a discussion and possible vote by TM approving the bonding for the new school.

Remarks:

The efforts of district selectman and local stakeholders have provided a reasonable set of amendments that offer communities options and opportunities. Most importantly, this work has honored our students and acknowledged the overwhelming benefits of continuing to offer robust academics within high quality career and technical education in a new building.

These amendments will be considered at the December 15, 2015 School Committee meeting.

Edward Bouquillon, PhD
Superintendent-Director

Elizabeth Rozan, M.A.
District Assistant

Minuteman High School
758 Marrett Road, Lexington, MA 02421
T 781.861.6500 x7449
F 781.863-1747
e.rozan@minuteman.org
www.minuteman.org

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**TOWN OF WAYLAND
WAYLAND, MASSACHUSETTS**

TOWN ADMINISTRATOR EMPLOYMENT CONTRACT

AGREEMENT made this 25th day of August, 2014, by and between the Town of Wayland ("the Town"), a Massachusetts municipal corporation, acting through its Board of Selectmen ("the Board") and Nanette F. Balmer ("Balmer").

WHEREAS, The Board had voted to appoint Balmer as the Town Administrator (TA) of the Town pursuant to the provisions of Massachusetts General Laws ("M.G.L.") Chapter 41, Section 23A, Chapter 320 of the Acts of 2004 and Chapter 60 of the Code of the Town;

WHEREAS, Balmer had agreed to accept the appointment and to take the oath of office as Town Administrator of the Town; and

WHEREAS, the Board and Balmer desire to enter into an employment contract pursuant to the provisions of M.G.L. Chapter 41, Section 108N.

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises, terms, conditions and agreements as set forth herein, the parties agree as follows:

I. Appointment.

The Town, acting through the Board, acknowledges the appointment of Balmer as TA of Wayland. By executing this agreement, Balmer acknowledges her appointment as TA.

II. Term.

- A. The Town will employ Balmer as its TA for a term of three (3) years beginning on September 8, 2014 and expiring on September 7, 2017, unless extended, renewed, or earlier terminated under the provisions of the Agreement.
- B. In the event of the death of Balmer while the Agreement is in effect, the Agreement shall terminate effective on the date of death.
- C. In the event that Balmer is unable to perform the essential functions of the TA position, with or without reasonable accommodation, for a period of six (6) months or more, the Agreement shall immediately terminate. In the event of a dispute concerning Balmer's ability to perform the essential functions of the position, the Board and Balmer shall mutually agree on a medical expert to perform an examination and evaluation. Any

expense for such examination and evaluation that is not covered by Balmer's group health insurance shall be paid by the Town.

III. Compensation.

At the signing of this Agreement, Balmer shall be paid an annual base salary prorated for any portion of a year worked. Effective September 8, 2014, the annual base salary shall be one hundred thirty seven thousand dollars (\$137,000). The Board may increase the annual base salary, effective September 8, 2015, and September 9, 2016, provided that Balmer has received satisfactory performance evaluations from the Board, as set forth in Section XI below.

IV. Terms and Conditions.

With the exception of compensation as set forth in Section III above, all other provisions of Chapter 43 – Personnel of the Code of the Town shall apply to Balmer in the same manner and to the same extent as all other non-union Town employees, except as specifically limited in this Agreement.

V. Benefits.

Balmer shall enjoy the same benefits that are available to other non-union Department Heads. Non-union benefits may change in the Town's discretion from time-to-time as amended under the By-laws or Personnel Policies. Benefits shall include but not be limited to:

- A. Health Insurance - Balmer shall be eligible for any of the Rate Saver or PPO health insurance benefits available to other non-union Town Department Heads. She shall also be subject to the rules and obligations of whatever health insurance plan she chooses in the same manner as other non-union Town Department Heads. The Town may modify Balmer's health insurance contribution rate in the same manner that other non-union Town Department Heads' rates are modified. The cost of dental coverage offered by the Town shall be paid by Balmer, which is consistent with all other non-union Department Heads.
- B. Paid-Time-Off - Balmer shall receive the same Paid-Time-Off package (vacation, sick leave, paid holidays, bereavement leave, etc.) as other non-union Department Heads as set forth in the Town's By-Laws and Personnel Policies.
- C. Retirement - Balmer shall become a member of the Middlesex County Retirement System, or a successor system, in accordance with M.G.L. c. 32 and shall be subject to all the benefits, rights and obligations associated therewith.
- D. Sick Leave - Upon retirement, provided that Balmer meets the criteria for retirement from the Middlesex County Retirement System, or a successor

system, Balmer shall be entitled to compensation for her unused sick leave in accordance with the prevailing Town practice and policy then in effect for non-union Town Department Heads. Currently compensation for accrued, unused sick leave is capped at \$7,500.00 upon retirement.

- E. Life Insurance - Balmer shall be entitled to the same life insurance benefits as other non-union Town Department Heads.
- F. Deferred Compensation - Balmer may participate in any Town-approved deferred compensation programs for which payroll deductions are authorized.
- G. Transportation Stipend - Balmer's duties as TA require that she shall have access to the use of an automobile at all times during her employment with the Town. Balmer agrees that she shall provide her own transportation. The Town agrees that it shall pay Balmer a transportation stipend at the rate of of \$115.39 per pay period. (NOTE: $115.39 \times 26 = 3,000.14$)
- H. Other - The Town shall provide Balmer with a laptop computer, applicable software, and a cellular/mobile communication device required for Balmer to perform the job. Balmer shall return the equipment upon separation from employment.

VI. Professional Development.

- A. The Town recognizes that Balmer should acquire knowledge of the latest developments in the field of municipal management and that she should seek to advance the interests of the Town by her enrollment in related courses, seminars and programs, by her membership in professional organizations, and by her attendance at meetings and conferences convened for municipal professionals and executives, provided that such participation does not unreasonably interfere with the performance of her duties as TA, is approved in advance by the Board, whose approval will not be unreasonably denied, and is within the approved budget for such expenditures. The Town shall, with the approval of the Board, pay the reasonable costs of expenses related to Balmer's attendance at conferences, meetings, seminars and programs which are related to her employment as TA provided that Balmer has obtained prior approval of the Board, whose approval will not be unreasonably denied, and that the expenses in question are within the approved budget. Reimbursement by the Town for such expenses shall only be made upon presentation of receipts for reasonable and necessary expenses.
- B. The Town shall pay reasonable costs of Balmer's annual membership dues in such professional organizations as approved by the Board, whose approval and payment for said costs will not be unreasonably delayed.

VII. Termination for Just Cause and Termination Without Cause and Severance Pay.

A. For Just Cause

1. The Board may terminate the Agreement and remove Balmer from office, for just cause, and in accordance with the provisions of the Agreement, specifically, but not limited to, criminal acts and/or acts of misfeasance or malfeasance, gross misconduct, criminal conviction under state or federal law, acts of dishonesty, gross dereliction of duty and/or violation of the state's ethics or conflict of interest laws.
2. If termination is contemplated, Balmer shall receive written notice from the Board stating the reason(s) for her contemplated removal from office at least ten (10) calendar days prior to a hearing on the merits of the charges that could substantiate a termination. Said reason(s) shall be presented with sufficient specificity so that Balmer may understand and prepare her response, if any, to such notice.
3. No later than twenty-one (21) days following the receipt of the written notice with the reason(s) for the contemplated termination, unless otherwise agreed by Balmer and the Board, the Board shall conduct a hearing, which shall be public, unless Balmer requests that it not be public, in which case, the Board shall vote to hold the hearing in executive session in accordance with M.G.L. Chapter 30A, §21. At the hearing, Balmer shall be given the opportunity to respond to the reason(s) for the proposed termination. During the hearing, Balmer shall have the right to be represented by counsel, to introduce evidence, to call, question, confront and cross-examine witnesses and to present oral arguments. Evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable people are accustomed to rely in the conduct of serious affairs. The Board may hear and consider such evidence as is offered by the parties which it deems to be relevant, reliable and probative to the charges for the proposed termination.
4. If the decision of the Board is to terminate Balmer, the reason(s) for the termination shall be stated in such decision so that Balmer is reasonably informed of the basis for the termination. All pay, compensation, expenses and benefits shall be terminated immediately. The subsection shall not interfere with any rights or obligations that Balmer may have under state or federal law with respect to retirement benefits and/or the continuation of group health insurance benefits at Balmer's expense.

B. Without Cause

1. During the initial 12 months of employment, the Board will provide Balmer with written notice regarding performance concerns, if any. The Board will provide Balmer with sixty (60) days to correct said deficiencies or concerns to the satisfaction of the Board.

2. During the first year of employment, the Board shall not terminate Balmer without cause. If notified of any concerns, Balmer shall make a good faith effort to correct said concerns within the sixty (60) day period to the satisfaction of the Board.
3. During the second year of employment, the Board may terminate the Agreement at any time without cause only after giving Balmer written notice of such termination sixty (60) days in advance. Balmer shall receive a severance of nine (9) months' base salary. Severance is contingent upon the satisfactory release of any and all claims against the Town. Following the effective date and receipt of said release of claims, severance shall be paid bi-weekly under the normal payroll cycle until the full nine (9) month's severance is paid. All other benefits shall cease on the effective day of the termination. This subsection shall not interfere with any rights or obligations that Balmer may have under state or federal law with respect to retirement benefits and/or the continuation of group health insurance benefits at Balmer's expense.
4. During the third year of employment, the Board may terminate Balmer and the Agreement at any time without cause by giving Balmer written notice of such termination sixty (60) days in advance. Balmer shall receive a severance of twelve (12) months' base salary. Severance is contingent upon Balmer's satisfactory release of any and all claims against the Town. Following the effective date and receipt of said release of claims, severance shall be paid bi-weekly under the normal payroll cycle until the full twelve (12) month's severance is paid. All other benefits shall cease on the effective day of the termination. This subsection shall not interfere with any rights or obligations that Balmer may have under state or federal law with respect to retirement benefits and/or the continuation of group health insurance benefits at Balmer's expense.
5. Severance will not be paid in the case of non-reappointment under Section IX of the contract. In the case of non-reappointment, Balmer may be eligible for only the remaining amount of compensation corresponding to the remaining term of the contract, less applicable federal, state and local withholdings subject to Section IX below. All other benefits shall cease on the effective day of the termination. This subsection shall not interfere with any rights or obligations that Balmer may have under state or federal law with respect to retirement benefits and/or the continuation of group health insurance benefits at Balmer's expense.

VIII. Resignation

- A. Balmer may voluntarily terminate the contract and resign from the position of Town Administrator before the expiration date of the Agreement at any time. Balmer agrees to give the Board sixty (60) days written notice prior to the effective date of her resignation, unless otherwise agreed by the parties in writing.

- B. Except in the event that Balmer elects to resign in accordance with the provisions of Subsection IX(C), Balmer's pay, compensation, benefits and expenses shall cease on the effective date of her resignation, unless sooner terminated under the provisions of the Agreement, subject to any rights and obligations under state and federal law with respect to retirement benefits and the continuation of group health insurance benefits at Balmer's expense.

IX. Reappointment/Contract Renewal

- A. The Board shall notify Balmer in writing, of the decision to reappoint or not to reappoint her as TA no later than March 8, 2017, unless otherwise agreed to in writing by Balmer. If the decision by the Board is to reappoint Balmer, the appointment shall be made at that time. In the event that the Board decides not to reappoint Balmer, there is no obligation on the Board's part to specify or indicate in any way the basis for the decision not to reappoint.
- B. If the Board's decision is to reappoint Balmer, the parties will commence negotiations for a successor employment Agreement and will endeavor to reach agreement on a successor Agreement on or before August 31, 2017.
- C. If the Board notifies Balmer that the Agreement will not be renewed, Balmer shall be entitled to her then current pay and benefits for the balance of the term of this contract, provided that Balmer performs the duties and responsibilities that shall be designated by the board, including requests for transition assistance for the balance of the term of this Agreement. No additional paid-time-off shall accrue for said period. Continuation of pay is contingent upon the satisfactory release of any and all claims against the Town. Following the successful execution and receipt of said release of claims, pay shall bi-weekly under the normal payroll cycle until the Agreement expires.
- D. Should the Board fail to notify Balmer in writing that her contract will not be renewed on September 8, 2017, and Balmer's contract is subsequently not renewed on September 8, 2017, then Balmer shall be entitled to twelve (12) month's salary and benefits, excluding the Transportation Stipend provided for in section IV of this contract. No additional paid-time-off benefits shall accrue during this period. The twelve (12) months' salary payment is subject to Balmer's execution of a satisfactory release of any and all claims against the Town.
- E. In the case of non-reappointment, Balmer may be eligible for only the remaining amount of compensation corresponding to the remaining term of the contract, less applicable federal, state and local withholdings. All other benefits shall cease on the effective day of the termination. This subsection shall not interfere with any rights or obligations that Balmer may have under state or federal law with respect to retirement benefits and/or the continuation of group health insurance benefits at Balmer's expense.

X. Duties.

Balmer shall faithfully and to the best of her abilities discharge and perform the duties and responsibilities of TA as set forth in the Chapter 320 of the Acts of 2004, Chapter 60 of the Code of the Town of Wayland, and as delegated to her by the Board of Selectman. She shall fulfill all obligations under the Agreement. She shall serve and perform such duties and responsibilities at such times and places and in such manner as the Board may from time to time direct.

XI. Performance Evaluation.

A. Balmer's performance shall be evaluated by the Board of Selectman as referenced in Section III, at least once in each contract year in accordance with the prevailing Town policy and practice for evaluations of non-union Department Heads on or about her anniversary date. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Board and the TA and the goals and objectives identified in accordance with Paragraph B of this Section. Said criteria, goals and objectives may be added to or deleted from as the Board may from time-to-time determine, in consultation with the TA. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results.

B. At the start of the contract year, the Board and Balmer shall define such goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and the appropriations provided.

XII. Outside Activities.

Balmer may accept speaking, writing, lecturing, teaching or other paid engagements of a professional nature, provided they do not interfere with the performance and discharge of her duties and responsibilities as TA. Any such engagements, activities, or work must be approved in advance by the Board, and shall not be in violation of the Massachusetts Conflict of Interest Law, M.G.L. c. 268A.

XIII. Indemnification.

Balmer shall be indemnified by the Town, pursuant to and as limited by M.G.L. Chapter 258 and other relevant provisions of law and the By-Laws of the Town, for claims made against her arising out of the performance of her duties and

responsibilities as TA. The Town shall indemnify Balmer to the fullest extent allowable by law in accordance with the provisions of M.G.L. Chapter 258.

XIV. Entire Agreement.

This contract constitutes the entire Agreement of the parties hereto and may not be altered, amended, or modified except by an agreement in writing, signed by all parties and specifically referring to the contract.

XV. Notices.

Any notice required or permitted to be given under the Agreement to either party shall be in writing and shall be sent by registered and certified mail, postage prepaid, or delivery by hand to:

A. The Board : Board of Selectmen
 Town Building
 41 Cochituate Road
 Wayland, Massachusetts 01778;

B. Balmer: Nanette F. Balmer
 5 Chrysler Road
 Natick, MA 01760

or, in the event of her death, to her estate at her legal residence as listed in the records of the Town.

XVI. Governing Law.

The Agreement shall be governed by and interpreted and construed in accordance with the laws of the Commonwealth of Massachusetts.


XVII. Binding Effect.


The contract shall be binding on and inure to the benefit of the Town's successors and assigns and Balmer's heirs at law, executors and administrators.

XVIII. Severability.

If any provision, or any portion thereof, contained in the Agreement is determined by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected thereby, and shall remain in full force and effect. In the event of a conflict between the Agreement and the Town's By-Laws, the provisions of the Town's By-Laws shall control.

Town of Wayland


Nanette F. Balmer
Wayland Town Administrator

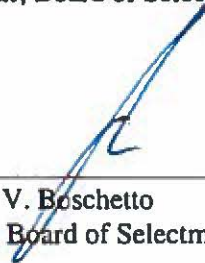
By: 
Joseph F. Nolan
Chair, Board of Selectmen


Date: August 18, 2014



Cherry C. Karlson
Vice Chair, Board of Selectmen

Approved as to form:


Mark J. Lanza
Town Counsel


Anthony V. Boschetto
Member, Board of Selectmen


Mary M. Antes
Member, Board of Selectmen


Edward J. Collins
Member, Board of Selectmen



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

**BOARD OF SELECTMEN
Monday, January 4, 2016
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 from Testa's Engineering Associates to Sterling Architects for Structural Review, Building at Municipal Parcel in Town Center Project, for the Council on Aging/Community Center Advisory Committee, Invoice 15-336, November 6, 2015: \$1,280.00
3. Vote the Question of Approving the Invoice of Kopelman and Paige, PC, for Services Through November 30, 2015, Statement No. 106553: \$90.00
4. Vote the Question of Approving the Application for a Class I Auto Dealers License for 2016 for Herb Chambers of Wayland, Inc. dba Herb Chambers Alfa Romeo of Boston, at 531 Boston Post Road
5. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Coastal Vineyards, David Neilson, Manager, on Saturdays, January 9, 2016, January 23, 2016, February 6, 2016, February 20, 2016, and March 12, 2016, from 10:00 a.m. to 2:00 p.m.
6. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Lexington Consulting Group Inc., dba Turtle Creek Winery, Kip Kumler, Manager, on Saturdays, January 16, 2016, February 6, 2016, February 13, 2016, February 27, 2016, and March 12, 2016, from 10:00 a.m. to 2:00 p.m.
7. Vote the Question of Approving the Application to Sell Wine at the Wayland Winter Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Grape Island Inc., dba Mill River Winery, Rick Rousseau, Manager, on Saturdays, January 9, 2016, January 23, 2016, February 6, 2016, February 20, 2016, and March 5, 2016, from 10:00 a.m. to 2:00 p.m.
8. Vote the Question of Approving the Minutes of November 2, 2015, and November 9, 2015



**TESTA ENGINEERING
ASSOCIATES**
Structural Engineering

Invoice

Testa's Structural Engineering

INVOICE # 15-336
DATE: NOVEMBER 6, 2015

70 Main Street, Wayland, MA 01778
Phone 508-561-1260 Fax 508-655-2411
rtesta@testaengineering.com

TO Sterling Architects
19 Bishop Allen Drive
Cambridge, MA 02139
Attn: Bill Sterling

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Rich Testa	Bright Horizon's Children center	Due on receipt	

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Structural Review Bright Horizons Children's Center Wayland Center, Wayland, MA	\$1,280.00	\$1,280.00
	Total		\$1,280.00

THANK YOU FOR YOUR BUSINESS!

KOPELMAN AND PAIGE, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

STATEMENT NO. 106553

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH NOVEMBER 30, 2015
DECEMBER 21, 2015

TOTAL FEES:	90.00
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>90.00</u>

RECEIVED

DEC 23 2015

Board of Selectmen
Town of Wayland

Rollins, Rollins & Fox
Attorneys At Law
36 Glen Avenue
Newton, MA 02459
617-969-7555
FACSIMILE 617-969-5281

DANIEL G. ROLLINS (1910-1975)
SELMA R. ROLLINS (1913-1991)
MYRON J. FOX (mfox@rrf-law.com)

ARNOLD R. GLICK* (aglick@rrf-law.com)
JOSHUA M. FOX (jfox@rrf-law.com)
CORY B. FOX (cfox@rrf-law.com)
*Also Admitted in Florida

December 18, 2015

By Hand Delivery

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

Attn: MaryAnn DiNapoli
Executive Assistance

Re: 533 Boston Post Road, Wayland

Dear Members of the Board:

I represent Herb Chambers of Wayland, Inc. Enclosed please find an application for a Class I license for Herb Chambers of Wayland, Inc. d/b/a Alfa Romeo of Boston which includes:

1. Completed Application for License;
2. Certificate of Liability Insurance; and
3. \$75.00 check.

I ask that you kindly schedule this matter for hearing at the next available date and advise me of same.

If you require any further information, please do not hesitate to contact me.

Very truly yours,


Joshua M. Fox

Enc.

cc: Denise Devoe

RECEIVED
DEC 22 2015
Board of Selectmen
Town of Wayland



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

APPLICATION FOR USED CAR DEALER'S LICENSE CLASS I

The undersigned hereby applies for a License for the Sale of Used Car Dealers License in accordance with the provisions of the Statutes relating thereto:

Name of Applicant (must be an individual): HERBERT G. CHAMBERS

Name of Company: ALFA ROMEO OF BOSTON

If Business is a Corporation, Corporate Name And Officers: HERB CHAMBERS OF WAYLAND INC.

HERBERT G. CHAMBERS PRESIDENT + TREASURER

JAMES DUCHESNEAU SECRETARY

Address: 531 BOSTON POST ROAD, WAYLAND, MA 01978

Mailing Address (if different from establishment): _____

Email Address: hchambers@hchambers.com

Telephone Number: _____ Fax Number: _____

Description of Premises: SINGLE LOT OF APPROXIMATELY 130,000 SQ. FEET OF 2.95 ACRES CONTAINING A SINGLE STORY BUILDING WITH GROSS FLOOR AREA OF APPROXIMATELY 24,600 SQUARE FEET

Signature of Applicant: [Handwritten Signature] Date: 12/17/15

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

Pursuant to Massachusetts General Laws Chapter 62C, Section 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have read and am in compliance with the contents of Massachusetts General Laws Chapter 62C, Section 49A, as follows: A person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or a subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business or for the renewal of the right or license, shall certify upon application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature of Applicant (Mandatory)

By Corporate Officer
(if applicable)

Date (required)

Either a Social Security Number
Or Federal Identification Number Must be Supplied

This License will not be issued unless this certification clause is signed by the applicant.

Return this form, along with a certificate of insurance, and a check for the annual fee of \$75 made out to the TOWN OF WAYLAND, to:

BOARD OF SELECTMEN
Wayland Town Building
41 Cochituate Road
Wayland MA 01778

If you have any questions, please call MaryAnn DiNapoli, Executive Assistant, Board of Selectmen, at 508-358-3621, or email mdinapoli@wayland.ma.us.

NUMBER
160

FEE
\$75.00

THE COMMONWEALTH OF MASSACHUSETTS

Town of Wayland

**AGENT'S OR SELLER'S LICENSE – CLASS I
FOR THE SALE OF SECOND-HAND MOTOR VEHICLES**

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto, Herb Chambers of Wayland, Inc. dba Herb Chambers Alfa Romeo of Boston, whose principal business is the sale of new motor vehicles as a recognized agent of Alfa Romeo, or who has a signed contract as required by Section 58, Class 1, is here licensed to purchase and sell, as incidental or secondary thereto, second-hand motor vehicles at 531 Boston Post Road, Wayland MA 01778, on premises described as on premises described as follows: Single lot of approximately 130,000 square feet of 2.95 acres containing a single story building with gross floor area of approximately 24,800 square feet.

January 4, 2016

THIS LICENSE EXPIRES JANUARY 1, 2017

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 1, 2015

Coastal Vineyards
David Neilson
61 Pardon Hill Rd.
South Dartmouth, MA 02748

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Neilson:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 9th 2016 to March 12th 2016, from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux".

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources
251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 14, 2015

Turtle Creek Winery
Kip Kumler
PO Box 601
Lincoln, MA 01773

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Kumler:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 9th 2016 to March 12th 2016, from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

December 11, 2015

Grape Island Inc., DBA Mill River Winery
Rick Rousseau
498 Newburyport Turnpike
Rowley, MA 01969

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Rousseau:

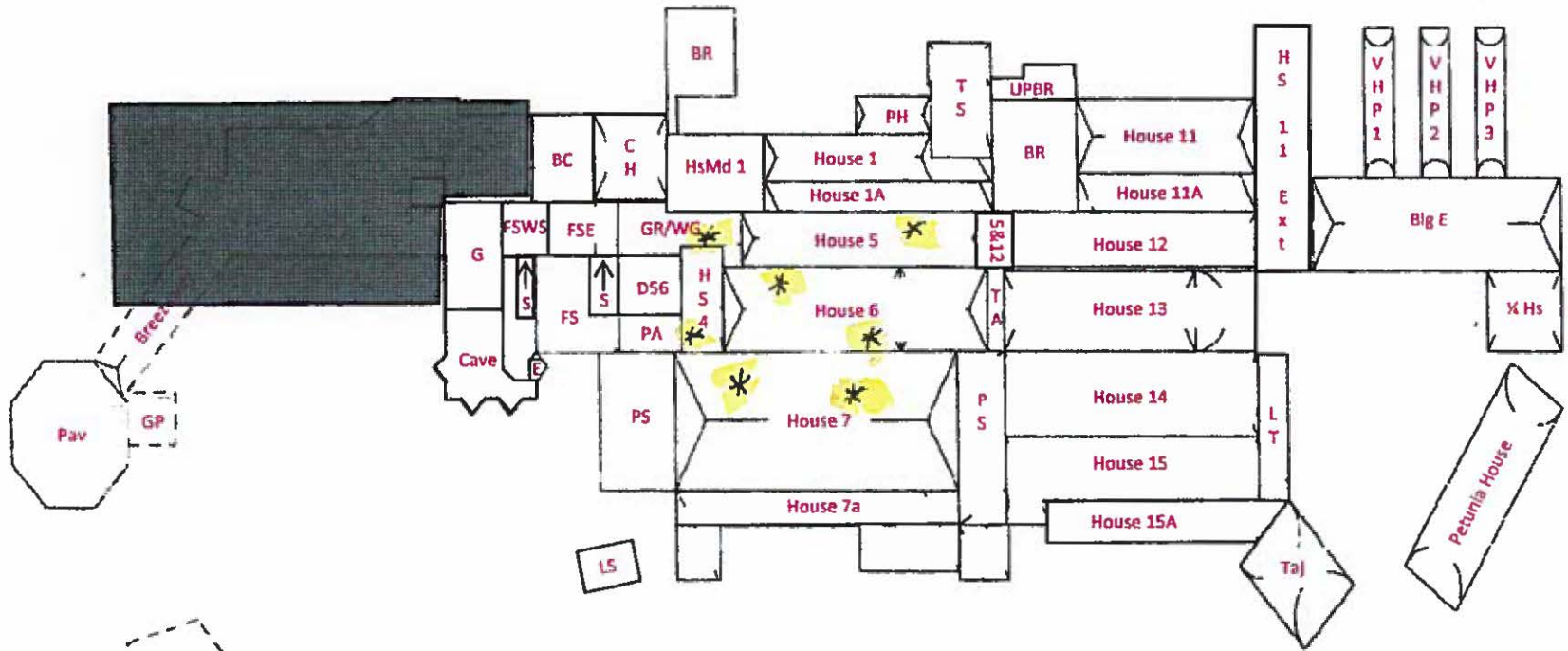
Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Saturdays from January 9th 2016 to March 12th 2016, from 10:00 am to 2:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lebeaux", written over the word "Sincerely,".

John Lebeaux, Commissioner



Ground Level

- Ground Level as accessible from lower parking



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes November 2, 2015

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

Absent: Tony V. Boschetto, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Municipal Parcel at Town Center At 6:30 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), to discuss the exchange, purchase, lease or value of real estate in regard to the municipal parcel at Town Center, because a public discussion of the matter may have a detrimental effect on the bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Council on Aging/Community Center Advisory Committee members Bill Sterling and Steve Correia, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:07 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:09 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. L. Anderson said she will attend the ceremony for the certification of the Wayland Police by the Massachusetts Police Accreditation Commission on November 5. M. Antes noted the Library tour on November 5, and C. Karlson said the tour dates for the Mainstone Farm property will be advertised as soon as they are confirmed. C. Karlson asked that residents bring their warrants to Special Town Meeting, as the availability of extra copies is limited.

A3. Public Comment There was no public comment.

A12. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes noted the article regarding the safety of turf fields, and the email from the Town of Boxborough regarding the future of the amendment to the Minuteman agreement.

A4. Special Town Meeting Warrant Hearing The Special Town Meeting warrant hearing was opened at 7:15 p.m. Anette Lewis, 33 Claypit Hill Road, asked if the motion for Article 3, "Acquire Municipal Parcel in Town Center," will match the language in the warrant; she asked that more specificity be made available at Special Town Meeting. C. Karlson said the Board has not discussed any changes to the wording. A. Lewis

noted that on page 13, it said that all town departments could establish revolving funds, and that is not true. M. Lanza agreed. Barbara Fletcher, School Committee, said she will clarify that at Special Town Meeting. Michael Lowery, 120 Lakeshore Drive, said he will offer secondary motion under Article 6, "Appropriate Funds for Library Planning and Design." Gretchen Schuler, 126 Old Connecticut Path, and Chair of the Community Preservation Committee, said she will add to the motion for Article 7, "Appropriate Funds to Update the Open Space and Recreation," that the money will be spent by the Conservation Commission. A. Lewis noted that the warrant says Recreation provides administrative support to non-profit groups, and asked for a list of the groups. Jessica Brodie, Recreation Director, said the list of non-profit groups includes the Wayland Children and Parents Association, the Wayland Dads Group, and the Eagle Scouts. A. Lewis asked if the projected change in tax rate on page 24 included the assessors overlay for FY16. Nancy Funkhouser, Chair, Finance Committee, said it does not include the overlay. A. Lewis asked if the date on page 27, "by December 31 of a given year," is the effective date. L. Anderson said the effective date of the withdrawal, if all sixteen towns approve by December of 2016, would be July 2017. L. Segal asked that a report on the status of the Minuteman issue be provided. G. Schuler clarified that under Article 12, "Resolution regarding Surface of Rail-Trail in Wayland, "trail surface" and "final layer" are the same thing. L. Segal asked that an errata sheet be printed to clarify the status and date of the photo of the building at the municipal parcel. The warrant hearing was closed at 7:44 p.m. C. Karlson reminded residents to bring their warrants to Special Town Meeting.

A7. Meet with Gretchen Schuler, Wayland Real Asset Planning (WRAP) Committee: Town-Owned Land and Buildings under Board of Selectmen The Board was joined by Gretchen Schuler to discuss land and buildings under the jurisdiction of the Board of Selectmen. G. Schuler said the committee has two tasks: first, to evaluate the land and buildings, and secondly, to evaluate the proposed projects. She said a questionnaire has been distributed to each board and department. C. Karlson noted that some of the questions to the Board will be answered by Facilities Director Ben Keefe. G. Schuler said the committee hopes to make a report to the 2016 Annual Town Meeting.

A9. Discuss Town Administrator's Recommendation on Next IT Steps for IT Project, Potential Vote to Request Increase in Current Year Transfer The Board discussed the potential need to increase the amount of the current year transfer to accommodate spending on IT projects. N. Balmer noted the need for consulting fees to address the automated patch management software and data storage. She said the key will be hiring staff, and said the Human Resources Department is working on a hiring plan for an Executive IT Director. L. Anderson moved, seconded by M. Antes, to increase the request for a current year transfer from \$70,000 to \$95,000 for consulting fees to analyze the town and school IT systems to identify the appropriate automated patch management software for the town/school, and identify any network and infrastructure changes necessary to accommodate the selected software tools, and consulting fees to analyze town/school data storage to provide information to plan for and provide documentation for this project prior to inclusion in the Annual Town Meeting warrant. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A5. Interview and Potential Appointments to Economic Development Committee John Pugh and Frank Panaccio appeared before the Board to interview for appointment to the Economic Development Committee. The applicants discussed their backgrounds and interest in serving on the committee. F. Panaccio said he would like to create a better atmosphere for commercial development on Routes 20 and 30. J. Pugh said he would encourage small businesses to fill storefronts. C. Karlson said it is a goal of the Board to make permitting a smoother process. M. Antes moved, seconded by L. Anderson, to appoint John Pugh and Frank Panaccio to the Economic Development Committee for terms to expire on June 30, 2018. YEA:

L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A11. Discussion and Potential Vote on FY17 Capital Projects The Board agreed to postpone this agenda item until the next meeting in order to have all the members present.

A14. Report of the Town Administrator N. Balmer reviewed the procedure for conducting a process to procure competing proposals for legal services. C. Karlson suggested that the process be delayed until after Annual Town Meeting. N. Balmer said she will solicit suggestions from department heads as to how they would evaluate a Town Counsel, and she will review model RFPs. C. Karlson said the Board needs to review legal expenses. N. Balmer provided an update on the Rivers Edge project. She requested a change order to the contract with the town LSP in order to attend Special Town Meeting, and the Board gave its permission for the Town Administrator to sign on behalf of the Board. N. Balmer distributed a letter from Raytheon regarding its willingness to consider indemnity, and she advised the Board that State Representative Carmine Gentile had notified her that the revised liquor license approved at the 2015 Annual Town Meeting has moved to the Senate.

A10. Town Administrator Evaluation The Board reviewed the evaluation of the Town Administrator. M. Antes moved, seconded by L. Anderson, to approve the evaluation of the Town Administrator for the period September 2014-September 2015 with edits. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A8. Adopt Order of Taking and Accept Gifts of Land for Route 27/30 Intersection Improvement Project The Board was joined by Town Counsel Mark Lanza to review the order of taking and the gifts of land in regard to the Route 27/30 improvement project. N. Balmer said this is the last step before the project is advertised, and construction will begin in the Spring of 2016. M. Antes asked about the closing of an entrance on 35 Main Street; L. Segal said the request will come before the Zoning Board of Appeals. M. Lanza reviewed the legal issues, including easements and the payment of damages to one landowner. He said that because the project is federally funded, appraisals and full payment of damages were required at the time of the taking. He noted that parcel TE-16 is state land, and written permission was given by the state. M. Antes moved, seconded by L. Anderson, to adopt the Order of Taking and accept the gifts of land for the Route 27/30 intersection improvement project. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

A6. Discuss Municipal Parcel Acquisition with Town Counsel The Board discussed the best means for the acquisition of the municipal parcel at Town Center with the Town Counsel. The Board reviewed opinions by Town Counsel and Special Counsel. C. Karlson said the Board needed clarification of executive session issues, such as the purchase price, the means of acquisition, liability protections, deed restrictions, and the AUL (Activity and Use Limitations). C. Karlson also noted there are a number of outstanding issues with Twenty Wayland, including the 2015 appellate tax case, Conservation Commission issues, and the town green. M. Lanza confirmed that a municipality can borrow funds to make improvements to land it doesn't own. Secondly, he noted that Massachusetts General Laws Chapter 40, Section 3, which cites a limit of a thirty-year lease, refers to the disposition of land, not acquisition. He said Section 14 governs acquisitions, and he said a town can acquire by fee, or by lesser interest (such as a lease) for up to 99 years. Thirdly, he said the motion at Special Town Meeting need not specify the means of acquisition. Finally, he said that by law, a 99-year lease and ownership are considered the same. M. Lanza advised that from a practical standpoint, it would be better to acquire the land by fee, as the landlord will retain certain rights under a lease, and will own the improvements at the end of the lease. He said the tax implications are negligible. M. Lanza

said the town may be indemnified by Twenty Wayland or Raytheon, or, alternatively, could purchase an insurance policy. C. Karlson said there were four things to consider: the leeway to do testing, a peer review, indemnification, and insurance, and she expressed concern that the inclusion of these issues in the motion may affect negotiations. A. Lewis said the motion should specify the purchase of the entire parcel. M. Lanza disagreed, and noted that if there is a portion of the property that the town doesn't want after due diligence, it can be removed from the acquisition. Bill Sterling, Co-chair, Council on Aging/Community Center Advisory Committee, said he would like to have clarity before the article goes to Special Town Meeting. A. Lewis said she would remove the option to lease, and add "subject first to completion of environmental site assignment with subsurface investigation and remediation at no cost to the town of any known contamination." C. Karlson noted that additional testing past Phase I would go beyond the town's agreement with the property owner, and would be better suited as a contingency before closing a deal. A. Lewis and the Board discussed adding the figure of 4.17 acres to the motion, and decided against it. B. Sterling asked if there should be a cap on the cost of testing. M. Lanza said environmental remediation funding is within the scope of the article. L. Segal suggested the word "minimize" be changed to something stronger. Secondly, she noted that in 1998, in regard to the purchase of the Dow property, a subsidiary motion was made to establish the Dow Negotiations Oversight Committee, and she suggested that the same be done for this property. M. Lanza said remediation at no cost should be required. Mark Foreman, Council on Aging/Community Center Advisory Committee, said that groundwater remediation is going on now in that area. C. Karlson said the current conversation does not include that. C. Karlson said that as soon as the language of the motion is revised, it will be posted online.

A15. Selectmen's Reports and Concerns L. Anderson updated the Board on the Minuteman issue. She said there was a suggestion by a selectman from another town to have a protocol for adopting an amended agreement to take care of bonding for the new school project and withdrawing from Minuteman; she said this would be an accommodation to small communities who wish to withdraw. She was asked to bring the protocol to the Board and get a response within the month. C. Karlson said M. Antes will represent the Board at the Veterans Day event. She said the Energy Initiatives Advisory Committee is doing research on purchasing streetlights. M. Antes announced that a ribbon cutting is planned for the first duplex of Habitat for Humanity on December 5, 2015.

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

A17. 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 10:16 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: T. Boschetto, J. Nolan. ABSTAIN: none. Adopted 3-0.

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

1. Final Motions, Special Town Meeting
2. Letter of 10/30/15 from Raytheon Company to Nan Balmer, Town Administrator, re: Future Municipal Parcel at Wayland Town Center
3. Public Comment, Increase Needed in the IT Transfer at Special Town Meeting

Items Included as Part of Agenda Packet for Discussion During the November 2, 2015 Board of Selectmen's Meeting

1. Motions for November 2015 Special Town Meeting
2. Memorandum of 10/30/15 to Board of Selectmen re: Appointments to the Economic Development Committee with Letters of Interest, John Pugh and Frank Panaccio
3. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Municipal Parcel, Legal Opinions on Means of Acquisition, with Town Counsel Opinion and Environmental Counsel Opinion
4. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Order of Taking, Route 27 and Route 30 Intersection Improvement Project, with Maps of Easements
5. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Vote to Increase Request for Current Year Transfer,
6. Memorandum of 10/29/15 from John Senchyshyn, Assistant Town Administrator/HR Director, to Board of Selectmen, re: Executive IT Director Search
7. Letter of 10/30/15 from RSM US LLP re: Enterprise Patch Management
8. Memorandum of 10/30/15 to Board of Selectmen re: Town Administrator Evaluation
9. Memorandum of 11/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY Capital Projects
10. Town Administrator's Report for the Week Ending October 30, 2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes November 9, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Tony V. Boschetto, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchshyn, Town Counsel Mark Lanza

A1. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 6:38 p.m. in the Wayland High School Field House. L. Anderson said she will meet with Sudbury regarding the Minuteman issue on November 14, and she will attend the November 16 meeting at Minuteman. She noted the Stow Special Town Meeting will be held on November 16, and there is a meeting planned in Weston for December 2.

A2. Public Comment Linda Segal, 9 Aqueduct Road, asked if any of the Special Town Meeting motions would be changing from what was posted on the town website. C. Karlson said there may be a revision to the article regarding the municipal parcel based on the Board's discussion later in the meeting.

A4. Discussion and Potential Vote on Positions on Articles and Discussion of Issues Relative to 2015 Special Town Meeting, including Article 2: Current Year Transfer, and Article 11: Amendment to Minuteman Regional Agreement The Board reviewed issues relative to the Special Town Meeting later in the evening. T. Boschetto said he will make the motion for Article 11, "Amendment to Minuteman Regional Agreement," and will speak on the issue. Mary Ellen Castagno, Wayland's representative to Minuteman, provided her commentary. C. Karlson advised the Board that a letter had been received from Special Counsel John Foskett regarding Minuteman. L. Anderson moved, seconded by M. Antes, to waive attorney/client privilege in regard to the letter from Special Counsel. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson reviewed the letter, noting the town has an obligation to go forward with the vote regardless of the action taken by the Town of Lexington. L. Anderson said she will notify the School Committee. C. Karlson noted changes to the motions for articles 1 and 7. Board members debated the correct dollar amount for the current year transfer article regarding the town information technology. The Board took no position on the increase in the current year IT transfer. In regard to Article 3, "Acquire Municipal Parcel in Town Center," C. Karlson said she spoke with representatives of Twenty Wayland, who expressed a preference to lease the land to the town. She said that Town Counsel has recommended a friendly taking, and noted that negotiations should be done in executive session. L. Segal asked for a clarification of the proposed Twenty Wayland lease. C. Karlson said the Board of Health supports additional testing of the land, and suggested revising the motion to say "will include additional environmental testing." John Schuler, Board of Health, said the additional testing would go down at least a foot and would be more accurate. He asked the Board if it would be helpful in negotiations with Twenty Wayland LLC if the option of leasing the land was turned down by Town Meeting. L. Segal noted that the acreage of the land noted in the article was based on a verbal agreement with the owner. J. Nolan moved, seconded by M. Antes, to authorize and amend the motion for Article 3 to include the words, "will include additional environmental testing." YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. David Watkins, Finance Committee, discussed why the Board should increase the current year

transfer request for Information Technology by \$45,000, citing the need for a project manager. It was the sense of the Board to support a current year transfer request of \$95,000.

A3. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A6. 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 7:38 p.m. and reconvene to join 2015 Special Town Meeting. 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 November 9, 2015

1. Handout from Selectman C. Karlson, Proposed Amendment to Article 3

Items Included as Part of Agenda Packet for Discussion During the November 9, 2015 Board of Selectmen's Meeting

1. None



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF
SELECTMEN FROM DECEMBER 11, 2015, THROUGH AND
INCLUDING DECEMBER 30, 2015, OTHERWISE NOT LISTED
AND INCLUDED IN THE CORRESPONDENCE PACKET FOR
JANUARY 4, 2016**

Items Distributed To the Board of Selectmen – December 11-30, 2015

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meetings of December 14, 2015**

1. Map of 138 Pelham Island Road, Wayland
2. Handout from Rachel Bratt, Chair, Housing Partnership, December 14, 2015, re: Wayland Real Asset Planning (WRAP) Committee Questions
3. Email of 12/14/15 from Edward Bouquillon, Superintendent-Director, Minuteman High School, re: Amendments to the Regional Agreement

**Items Included as Part of Agenda Packet for Discussion During the January 4, 2016,
Board of Selectmen's Meeting**

1. Town Administrator's Report for the Week Ending December 31, 2015



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN
Monday, January 4, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Memorandum of 12/14/15 from Abutters to the Property at 150 Main Street and Others, to Board of Selectmen, re: 150 Main Street LLC V. Zoning Board of Appeals
2. Memorandum of 12/11/15 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Judith O. Hoyer from Library Planning Committee
3. Director of Public Health Report, December 16, 2015

Conservation Commission

4. Order of Conditions and Chapter 194 Permit, 12/21/15, from Brian J. Monahan, Conservation Administrator, re: 115 Concord Road

Zoning Board of Appeals

5. Continued Hearing, January 12, 2015, 55 Lakeshore Drive, 140 Concord Road

Minutes

6. Council on Aging/Community Center Advisory Committee, December 10, 2015
7. Cultural Council, November 5, 2014, October 20, 2015
8. Finance Committee, November 16, 2015
9. Local Emergency Planning Committee, April 16, 2015
10. Municipal Affordable Housing Trust Fund Board, November 4, 2015, December 3, 2015
11. Personnel Board, November 18, 2015, November 30, 2015
12. Board of Public Works, December 1, 2015
13. Wayland Real Asset Planning (WRAP) Committee, November 18, 2015
14. West Suburban Veterans District, September 22, 2015

Region

15. Email of 12/17/15 to Board of Selectmen from 495/MetroWest Partnership re: Opportunity for Municipal Officials to Serve on the 495/MetroWest Partnership Board

State

16. Letters of 12/16/15 from Board of Selectmen to State Representatives and State Senator re: Special Act, Recreation Revolving Fund

DEC 15 2015

Board of Selectmen
Town of Wayland

MEMORANDUM

To: Board of Selectmen of the Town of Wayland

From: Abutters to the Property Located at 150 Main Street and Other Interested Parties

RE: 150 Main Street, LLC v. Eric B. Goldberg, et al. as Members of the Wayland Zoning Board of Appeals

CC: Zoning Board of Appeals
Planning Board
Sarkis Sarkisian
Nan Balmer

Date: December 14, 2015

The entity known as 150 Main Street, LLC (the “Developers”), owner of the property located at 150 Main Street (the “Property”), has filed a complaint (the “Complaint”) against the members of the Wayland Zoning Board of Appeals (the “ZBA”) for its denial of the Developers’ administrative appeal of the Building Commissioner’s denial of a building permit to construct a CVS Pharmacy on the Property. The primary argument advanced in the Complaint is that the Planning Board constructively approved of the Site Plan submitted by the Developers by not taking final action on the site plan application within the “specified time” pursuant to Section 302-23D of the Planning Board’s Rules and Regulations relative to site plans. Notably, this argument has failed to recognize that Section 302-23D is explicitly made conditional upon M.G.L. ch. 40A § 9, which does apply to site plans and provides for a significantly longer time period to elapse before constructive approval can occur.

As you are well aware, there is a very long procedural history in this matter, which will not be recited in this memorandum. As abutters to the Property, we are concerned that the Developers are running roughshod over the Town of Wayland, to our detriment and to the detriment of the Town. As members of this community, residents are entitled to see that Town by-laws, rules, regulations, and procedures are properly applied and enforced. When parties such as the Developers attempt to achieve their goals by making an end-run around clear procedures for approving (or not approving) site plans, a strong and unequivocal response on behalf of the Town and its residents is required. As abutters to the Property, we have a special interest in seeing that the Town’s by-laws, rules, regulations and procedures are properly applied and enforced because we will be affected personally (both in quality of life and in property value) by any failure of the Town to robustly defend an attempt such as the one being made by the Developers.

It has been our observation after attending many hearings that the Town needs specialized legal representation in this matter to ensure that (1) correct and complete legal arguments are made in opposition to patently incorrect and self-serving positions taken by the Developers; (2) counsel with sufficient expertise in the subject matter is engaged and that such counsel has trial experience and sufficient resources to mount a proper defense; and (3) the Town's planning and zoning rules and regulations are followed.

The argument of constructive approval made by the Developers should have been put to rest when it was first made and this did not happen. The appeal period after the Developers filed their formal claim of constructive approval passed without an appeal being filed by Town Counsel. The matter of constructive approval is, to put it bluntly, a "no-brainer." There was no constructive approval and there could be no constructive approval under Section 302-23D and M.G.L. ch. 40A § 9. The Town should have appealed the improper actions of the Developers and would very likely have prevailed had such an appeal been filed.

We can no longer afford to give life and credence to the arguments made in the Complaint. There is no legal basis for them and thus far, the Town has been unable to adequately establish this. The Town has a major stake in this matter, both in seeing that its by-laws, rules, regulations, and procedures are properly applied and enforced and in affording proper representation to its residents who are directly and indirectly affected by a party attempting to circumvent them. The rules are there for many reasons—one of these is to protect property owners (and taxpayers) from illegal development. Further, the same law firm sued the Town over the wastewater plant and obtained a multi-million dollar judgment. If that happens again, all taxpayers in Wayland will pay the cost. It is incumbent on the Town to engage special counsel now rather than risk the imposition of another multi-million dollar judgment on the taxpayers.

We urge you to seek out and engage qualified special legal counsel to represent the ZBA and the Town in this matter going forward. A failure to properly answer and defeat the Developers' false claim of constructive approval of their site plan will not only expose the Town to substantial monetary damages, but it will also allow illegal development to proceed based on plans that were not approved, thereby setting a dangerous precedent for others to achieve the same result.

THE NEXT PAGE IS THE SIGNATURE PAGE.

Abutters and concerned residents:

Please add your address!

Paul Dresens, 155 Main Street
Print name:

Ariene Schuis
Print name: Ariene Schuis, 9 King St.

[Signature]
Print name: Igor Rod 16 B King St

[Signature]
Print name: #
Olga Rod 16 B King St

OLGA ROD
Print name:
Randy C Profit
Print name: Randy Profit 12 King St.

Judy Courcine 15 Mitchell St
Print name: JUDY COURCINE

J. L. Courcine 15 Mitchell St
Print name: KEVIN COURCINE

Jason Dyb 15 King St
Print name:

Liane C. Hicks
Print name: LIANE C. HICKS 14 King St

[Signature]
Print name: Steve Hage 14 King St

Abutters and concerned residents:

~~Matthew Dwyer~~
GRETCHEN DRESEN, 155 MAIN STREET
Print name:

SEAN K SWEENEY, 24 LEAH ST
Print name:

Eliza Beth Smith 20 Leary
Print name:

Michael T SMITH
Print name:

Robert + Elizabeth Parker 171 Main St
Print name:

Print name:

Print name:

Print name:

Print name:

Print name:

Print name:



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630

508-358-3631

FAX: 508-358-1683

www.wayland.ma.us

Date: December 11, 2015
To: Board of Selectmen ✓
From: Beth R. Klein, Town Clerk
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective December 11, 2015:

Judith O. Hoyer

Library Planning Committee

Term Expires:

December 31, 2016

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

cc: Nan Balmer, Town Administrator
Aida A. Gennis Chair
Judith O. Hoyer

(2)

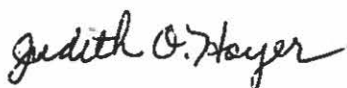
Judith Hoyer
15 Pine Needle Road
Wayland, Massachusetts
December 8, 2015

Town Clerk Beth Klein:
Town Office Building
41 Cochituate Road
Wayland, Massachusetts 01778

Dear Ms. Klein:

I am writing to inform you that as of today, December 8, 2015, I am resigning from the Library Planning Committee.

Sincerely,



Judith O. Hoyer

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TOWN OF WAYLAND
TOWN CLERK
2015 DEC 10 PM 12:46



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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 December 16, 2015

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Board of Selectmen
Town of Wayland

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

Lunch with League of Women Voters-Attended this luncheon today with PHN/Nurse Leader Ruth Mori, CHN, and Amy Schoeff, (along with Chief Houghton for WFD). We were asked to speak on Health Department functions, Nursing, MRC and other Health Department related duties that we cover.

Local Emergency Planning-attended this meeting where discussions took place regarding dams of concern during floods, Alice training in municipality, Cert and MRC updates, update regarding The Mutual Aid Agreement between Sudbury and Wayland for Public Health Agencies.

I will be taking vacation time next week (12/21-12/25).

Computer Security Training –Office staff have completed this 1.5 hour long online training regarding security protocols for computers and cell phones.

Nursing update-presently working on a review of health related school policies that need to be created and/or updated through a process. School Health grant funding (Essential School Health) is being used to cover the hours of work. Interview for Claypit Hill School Nurse position-we (the HR Director, PHN/Nurse Leader Ruth Mori, Claypit Hill School Principal, and myself) have scheduled an interview for this position with an internal applicant who is part of our sub-nurse pool. We are continuing to work on the process to obtain narcan and making it available within the Wayland school environment.

Attended Land use meeting – Discussed workflow for land use departments and discussion of process regarding permitting and outstanding/delinquent taxes. We will be working on a template checklist draft.

Attended Personnel Board meeting on 11/30 regarding new BoH line item for seasonal/temporary office support.

Attended Sudbury Board of Selectmen meeting on December 1, regarding Wayland/Sudbury Mutual Aid Agreement between Public Health Agencies.

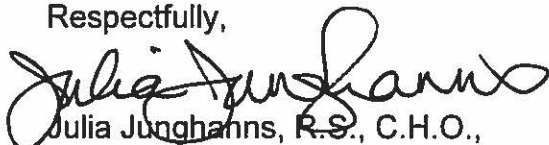
(3)

Office cleanup and layout-We have been working with the Facilities Director on the office layout changes for our new space. A move will take place in the next couple of weeks to accommodate our Board meeting table and chairs as well as other office supplies needed which are being identified and ordered.

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

Housing – we continue to work on a housing issue with the Fire Department.

Respectfully,


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



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

December 21, 2015

Donald Grose
D.L. Grose & Associates
267 Singletary Lane
Framingham, MA 01702

RE: Order of Conditions and Chapter 194 Permit for 115 Concord Road, Wayland (DEP File 322-853)

Dear Mr. Grose:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the home demolition and solar array construction project at 115 Concord 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.
Robert Gemma, Metrowest Engineering, Inc. w/enc.
Frank Briber & Frances Pollitt w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

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DEC 21 2015
Board of Selectmen
Town of Wayland

4



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

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

DECEMBER 9, 2015

POSTED

There will be a Zoning Board of Appeals

continued hearing on

JANUARY 12, 2015

at

7:00p.m.

for the applicant

JOHN DARACK

(15-24)

55 LAKESHORE DRIVE

to be held in the Town Building.

2015 DEC - 9 AM 8: 38
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TOWN CLERK

5



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

Selectmen

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

DECEMBER 9, 2015

POSTED

There will be a Zoning Board of Appeals

continued hearing on

JANUARY 12, 2015

at

7:15 p.m.

for the applicant

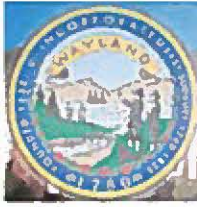
**SHEKHAR IYER
SUCHITRA VASANTHAKUMAR
(15-23)**

140 CONCORD ROAD

to be held in the Town Building

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TOWN CLERK
2015 DEC -9 AM 8:37

6



Town of Wayland Massachusetts

Community Center Advisory Committee

Steve Correia,
Mark Foreman
Marylynn Gentry
Frank Krasin,
Jean Milburn, Co-Chair
William Sterling, Co-Chair

Community Center Advisory Committee (CCAC)

Minutes: December 10, 2015

In attendance: Steve Correia, Jean Milburn, Frank Krasin, Carol Glick, Mark Foreman, Bill Sterling and Marylynn Gentry. Also in attendance were Public Buildings Director Ben Keefe and Recreation Director Jessica Brodie

The meeting was called to order at 7:07 when a quorum was established.

1. There was no public comment

2. Revisions were made to the draft RFP for the site's environmental engineering services. Edits were made and Jean will incorporate them into a clean draft for Bill to review. Bill will give the final draft to Ben Keefe by December 16. Ben will add standard procurement language with a not-to-exceed amount of \$20,000. Ben will send the notice to the Central Register on 12/23 and it will be posted on 12/24. The RFP is based on the assumption that the land studied includes all 4+ acres.

In addition, Ben will take the lead on the building-programming request for services. He will call people on Monday and ask for bids by Friday. This consulting job will cost less than \$10,000 so there is no need for it to go out to bid.

3. The committee reviewed the WRAP response. Jean, Julie, and Jessica (the three J's), will coordinate so there is no redundancy in documents. Jessica's report dovetails nicely with the COA/CCAC response. Bill suggested that reference to the Recreation department's report should

be included in the "Information Sources" section. Steve suggested that the Rec department should include demographics over time to show the ebb and flow of school age kids. It was moved and seconded that the WRAP report be accepted as amended. Vote was unanimous. Jean will send the report to the WRAP committee and to the Board of Selectmen.

4. Minutes of the 11/5/15 meeting were circulated. The committee will review, comment and vote on them at the next meeting.

5. Cherry Karlson requested the committee advise the selectmen on the warrant article for spring town meeting. A suggestion was made to consult with the Public Municipal Buildings Committee (PMBC), to help formulate a requested dollar amount.

6. The revised Testa Engineering report was circulated. The paragraph that was not related to the project was deleted. It was moved and seconded to accept the revised report. Vote was unanimous.

7. The \$1,280 invoice from Testa Engineering for the structural review was voted and approved.

8. Ben Keefe reported that he met with the PMBC the previous night. The PMBC committee agreed that it might be premature to meet with the COA/CCAC. They are looking forward to working with the committee at the necessary time, ideally after the current scope of work is finished. One thing to note is that the COA/CCAC will need a refined number for the Spring ATM article by the second week in January. Bill and Mark will liaison with the PMBC on coming up with a dollar amount.

9. Another meeting is tentatively scheduled for 12/17/15 at 7:00

Adjournment: At approximately 8:40 PM, a motion was made and seconded to adjourn. The vote was unanimous.

Handouts:

12-10-15 Agenda

Draft RFP for Environmental Assessment

DRAFT - Proposed Building for COA and Indoor Recreation Programming; Summary of Research and Recommendations (prepared for the WRAP committee)

Revised – Testa Structural Engineering report dated 12/10/15

Respectfully submitted,

Marylynn Gentry

Wayland Cultural Council (WCC) Meeting Minutes 5 November 2014

Approved 12/1/15

Meeting was held in the School Committee Room at Wayland Town Building and called to order at 7:07 PM.

Present:

Kathryn Grey (KG); Brenda Ross (BR), Treasurer; Kara Brewton; Matthew Ludwig; Rob Morrison, Recording Secretary; Barbara Holtz; Barbara Hoffman; Jon Saxton, Chair

Actions, discussion topics and decisions:

All voting WCC members in attendance; therefore, a quorum was present.

With a unanimous vote, Jon Saxton was elected WCC Chairperson.

Meeting minutes from 20 October were approved unanimously.

WCC reviewed responses from Applicants of WCC questions

WCC briefly reviewed the "Voting Meeting Calculation Sheet"

Discussion on process for approval and rejection letters

Jon received memo of signed contract and scope of services from MaryAnn DiNapoli, dated 4 November, covering the FY 2015 transfer of funds from MCC to the WCC.

Review of FY15 Grant Applications:

- #18: Discussion, and KG presented two documents:
 - Letter of recommendation for Rona Leventhal, from Pam McCuen of Wayland Public Library, dated 10/22/2014
 - A postcard: "Ed the Wizard's Halloween Alchemy Laboratory Program" that was held at Weston Public Library
- #19: Discussion, and KG presented one document:
 - Letter from TCAN by Lauren Komak, dated 10/24/2014, regarding reimbursement request for FY2014 grant and acknowledging that 2014 conditions set forth By the WCC were not entirely met by TCAN

Vote on FY2015 Applications

- Voting methodology: The Committee first voted on which applications merited funding and then voted on funding for each applicant. The Committee voted unanimously (with exceptions noted below) to fund the following Applicants:

Grant #	Grant Name	Amount (\$)
1	Wayland Concert Series	500
4	Wayland Reads 2015	500
5	Contemporary Arts International (CAI)	500
6	League of Women Voters of Wayland	200
7	Heritage Chorale, Inc.	250
8	The Marble Collection, Inc.	200
10	Metrowest Symphony Orchestra	400
11	Musicians of the Old Post Road	500
12	Adult Drawing/ Janet Armentano	500*
13	The Marina Keegan Writing Program	365
14	Opera del West	350
15	The Umbrella Community Arts Center	200
16	WRC, Having Fun With Pyramids & Pharaohs	350

18	Rona Leventhal: The Characters Within...	400
TOTAL		5215

Exceptions to unanimous vote by WCC:

KG did not vote on Applicant #7 due to a possible conflict of interest.

BR did not vote on Applicants #9 and #10 due to a possible conflict of interest

Next meeting date:

Jon will take a poll for next meeting, which is to be scheduled for the first half of December.

Next meeting agenda item:

Use of space in 1st floor hallway of Wayland Town Center Building

Meeting was adjourned at 9:09 PM

**MINUTES: WAYLAND CULTURAL COUNCIL Meeting;
October 20, 2015, Wayland Town Building**

Approved 12/1/15

Meeting called to order at 7:10 p.m. and adjourned at 8:30 p.m.

Attending: Kara Brewton, Barbara Hoffman, Barbara Holtz, Nasser Khadjenoori ("Nasser K"), Matt Ludwig, Brenda Ross, Jonathan Saxton (Chair),

Absent: Katy Grey, Rob Morrison

J. Saxton announced that R. Morrison has withdrawn as Recording Secretary. B. Holtz offered to serve in this capacity - in addition to being Corresponding Secretary. M. Ludwig offered his 'back-up' support, as Recording Secretary.

We anticipate next WCC meeting to occur mid-November through early December. Doodle Poll query will be sent, to determine best evening date. During this important upcoming meeting, those present will evaluate and 'score' FY16 WCC grant applications.

NOTE: WCC members are required to be present in order to vote, although those who are unable to be present can still submit comment and vote preferences to J. Saxton.

Tonight's 'agenda items' included:

distribution of 2016 WCC grant applications

discussion re: processes and guidelines

overview, re: 'anticipated' time-line of upcoming meetings through December 2015
'general business / general discussion'

Documents and Materials:

Financial Report(s) for FY2015

WCC minutes (November 5, 2014 and April 16, 2015),

2 separate lists of WCC grant applicants: FY2015 and FY2016 grant cycles, respectively

The text of 16 grant applications for FY2016 [NOTE: there are a total of 23 grant applications in grant cycle FY2016]

WCC Guidelines for Grant Applications (3 printed pages)

WCC tri-fold informational brochure

Town of Wayland guidelines / updates, re: Conflict of Interest training and Summary (of the Conflict of Interest Law)

Arts Wayland post card, and ??

Copies of the Warrant for the November 9, 2015 Wayland Town Meeting

FY15 Financial Report: There is a slight correction that needs to be made. Once this happens, the final balance, not including encumbered funds should be \$1570.96. This total includes a reimbursement not submitted by a 2014 grantee.

B. Ross noted that some adjustments will need to be made to the report submitted to MCC in order for it to be 'truly' final.

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Reimbursements: our WCC has heard from all of our FY15 grantees but one, Opera del West. Its \$350 balance is allowable (as a surplus on our report) until January 2016. After that time, OdW is obliged to request (and receive) payment. B. Ross will continue to monitor the financial reports as needed (and will update us, as appropriate).

Prior Minutes: we voted to approve both the Nov. 5 2014 and the April 15 2015 minutes

2015-2016 Grant Applications:

We took note of the FY2015 grant cycle's list of 19 applicants. Of these, we approved 14 and disapproved 5.

For FY2016, WCC received a total of 23 grant applications, requesting a funding total of \$12,330 [*is this the final total ? ..*]. For grant year 2016, MCC (the Massachusetts Cultural Council) allocated our WCC a total of \$4500 toward these applicants.

The 'full complement' is 23 grant applications (i.e. the applications' "text")

At our October 20 WCC meeting, we knew that the text of 16 FY16 grant applications were resident in our Google drive. Seven additional applications arrived by the October 15 deadline. K. Brewton will add these remaining 7 files to the drive, within the coming week-10 days.

WCC Guidelines for Grant Applications: We reviewed a 4-page document, (same title) that describes our funding priorities, outlines the role of the WCC and its partnership with the MCC, defines eligibility, and describes the FY16 application procedures and time line. This grant cycle's application deadline is 15 October 2015.

The document provides a thorough description of 13 eligibility criteria, support materials, funding (and reimbursement) rules / elements, and "conditions" of the granted award.

Our Chair highlighted five key criteria, the most prominent being 'outstanding quality' and 'value to the Wayland community.' We discussed the importance of complying with certain conditions (i.e. "the sponsoring group or individual must acknowledge WCC and MCC support with a written and/or verbal credit statement ...").

The Review and 'Scoring' Process:

In reviewing last year's evaluations/scoring procedures, we recalled that we voted to disapprove 5 from the total list of 19 applicants and then went on to review - and score - the remaining 14 applications.

Re: the FY16 applications, we decided that - if questions arise or if we determine that an application is incomplete - we will email these questions to K. Brewton at least one week in advance of our 'scoring' meeting and she will contact the applicants to get clarifications, etc.

Related comments / Q&A / discussion:

Q: Are organizations or events funded 'one-time-only', or recurrently?

A: MCC / WCC guidelines stipulate that these grants are *not* of a 'sustaining' nature. At times, we continue to fund certain applications due to their perceived value to the Town of Wayland. Some applicants seek funding from a wide geographic array of donors (Natick Center for the Arts, as an example, serves a broad MetroWest audience). Other applicants serve many towns (for example via a public auditorium or via high school or drama programs).

Q: What do we really need to consider, re: conditions for awards, cited in the Guidelines document (page 4)?

A: It is important that grantees give public and due credit to funders (i.e. to both the MCC and the town's CC). An unmet - or unfilled - condition in this kind of situation could result in "disapproval" during a future grant cycle.

Q: Are we free to 'add' conditions?

A: Yes. As an example, last year (FY2015), two awards were given conditionally (one grantee was to the teacher of a drawing class). WCC stipulated that "you must make an effort to share the results (of the class) as evidence that you complied with terms of the grant."

Q: What shall we do with materials (i.e. correspondence or receipts) from past grant years?

A: B. Ross saves receipts from prior financial years / grant cycles, and will continue to do so. J. Saxton asked B. Holtz to print all FY15 correspondence for delivery to him / his archives (in fact: the Town's archives).

Q: the scoring process: we are required to score each applicant on our own (and then discuss together at our November meeting)?

A: Yes. On a scale of 1 to 5, the score of 1 is considered 'weak.' We need to finalize all scoring, and all selections by December 30. Last year, we did this sooner.

Q: When and 'how' do we 'disapprove' an applicant?

A: As soon as we determine the number of applicants who are 'disapproved', we compose and mail those letters first, giving each applicant 15 days to appeal. We are obliged to send approval letters in January, if not sooner.

Conflicts of Interest/ "Notice to All Municipal Employees" (including committee volunteers): J. Saxton forwarded via email (and distributed at the meeting) a copy of this 'COI' document, which we are to read, and fill out as appropriate. We are asked to click on the URL and complete an Ethics Commission online training program, then submit printed results to the Town. This 're-training' process recurs every two years.

'General' Discussion:

Tri-fold WCC Flier

B. Holtz created an informational flier about Wayland's WCC, by adapting basic text that MCC provided on its web site. Our flier was first circulated on the occasion of the Wayland Arts Fair, September 19, 2015. The flier was distributed at tonight's meeting. We took note of some minor errors in the text that will be corrected prior to the next print 'revision.'

Arts Wayland

Nasser K provided an update, having attended a real estate committee meeting at which the Town's facilities requirements for the 20 ? years were discussed. He is committed to ensuring that our WCC and the Town partner with one another, to develop " a common vision and presence, re: the arts. His activity is relevant to the pending vote, scheduled for the November 9 Town Meeting). A pending vote at that time could be the first step in possibly leading to the creation of a Town community center (a possible new home for a proposed arts program).

WCC Presence at Town Meeting

The "Warrant" for the November 9 Town Meeting refers to "article 3" (Acquire Municipal Parcel in Town Center) and "article 6" (Appropriate Funds for Library Planning and Design). These may become relevant to future WCC status. Our focus turned toward the role of our WCC at Town Meeting, with questions such as: shall our WCC establish a "presence" at Town Meetings, and if so, what kind of presence? [Implicit questions: what is our strategy, our vision ?]

Shall we have an official 'WCC table' at Meeting, to display or distribute our flier, key announcements, and related Arts materials or promotions? Shall we create a banner or certain signage? Shall we write a Warrant item, to bring a WCC topic to Town discussion and vote.? B. Holtz will send email to Moderator Dennis Berry, to ask for input re: relevant rules and regulations; she will report on his reply at our next WCC meeting.

Our Chair J. Saxton indicated that we would do well to more fully discuss and envision our goals with regard to a Town Meeting "WCC presence." For example, do we want to seek more visibility? Do we want to raise funds (or ask the Town for a significant outlay each year)? After we have completed our obligation, re: the FY16 grant cycle, perhaps we can turn our full attention to responding to these questions while developing a comprehensive strategy, he added.

Our Next Meeting: An upcoming Doodle Poll, via email, will enable us to select the next meeting date - either in November or December.



Town of Wayland Massachusetts

Finance Committee

Tom Abdella
Carol Martin

Gordon Cliff
Bill Steinberg

Nancy Funkhouser (Chair)
David Watkins (Vice Chair)

Gil Wolin

Meeting Minutes of November 16, 2015

Attendance: T. Abdella, G.Cliff, N. Funkhouser, C. Martin, B.Steinberg, and Finance Director Brian Keveny.

I. Call to Order

The meeting was called to order at 7:00 PM in the Senior Center of the Wayland Town building. Notification was given that the meeting was being audio and video taped.

II. Public Comment

- Jennifer Pearlman, Pequot Rd – presented opinion and poster board (attachment) on Happy Hollow Playground Equipment needs and supports capital budget item. CIP contains \$100k for this item. Discussion on dept responsibility (Schools, Recreation, DPW) for this need.
- Emails from Molly Upton, Bayfield Rd on Split Tax Rate; and from Stephanie Leong, Rolling Lane on PTO spending. (attachments)

III. Meet with Carolyn Bargoot, Candidate for Audit Committee appointee

Discussed familiarity with committee; reviewed resume (attachment) and discussed background; M/S/V 5-0-0 to send recommendation to Board of Selectmen.

IV. Chair’s Update

- a. Discussed overall capital budget preparation schedule;
- b. Reviewed / Approved Oct 19, 2015 minutes as amended M/S/V 5-0-0
- c. Reviewed / Approved Nov 9, 2015 minutes as amended M/S/V 5-0-0
- d. No review of Nov 2, 2015 minutes; determined no meeting / minutes needed for Nov 10, 2015 STM.

V. Proposed FY2017 Overall CIP Submissions Group Discussion

A handout from B.Keveny was reviewed with a discussion on available funding sources. (attachment). A full debt level report is planned for distribution on Nov 30th. The discussion on policy and procedural issues such as size of capital budget vs overall budget; characterization of funding sources; large projects – stand-alone warrant articles or capital budget line items; need to review in context of total debt service; debt and spent projections and what new debt can / should we bring on board; discussion on options for utilizing the Ambulance Fund – large draw down expenditure vs using a steady contribution

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to general fund to finance debt. B.Keveny mentioned there is a form coming out from the Treasurer to Dept Heads to identify borrowing needs.

VI. Departmental CIP Discussions – School Department

Barbara Fletcher, School Committee and Ben Keefe, Facilities Director presented the FY17 Capital Budget Requests. Items discussed included:

- a. Floor Tiles – Happy Hollow, Loker and the Middle School. The elementary schools are replacing asbestos containing tiles, and the Middle School is removing a 13 year old carpet and replacing with tile.
- b. Phone Upgrade at Happy Hollow – to bring HH up to the same standards as the other schools with regard to communications standards. Cost est based on IT Consultant study. Ongoing costs for operations and maintenance will be provided.
- c. WHS External Security Cameras – requested by Administration and Safety Officer for parking lot and grounds. Existing WHS building funds may be used for this item if this is correcting an original construction omission per Town Counsel.
- d. WHS Stadium Repairs - \$150k is a placeholder for engineering / design services. School Dept is working with Recreation to perform an outside evaluation of the WHS campus and is currently soliciting proposals from qualified firms. Discussion on bleacher safety and it was noted they are nearing the end of their useful life. There is a working group of School Dept / Recreation / DPW to work out responsibility for budgets and work.
- e. Floor & Cleaning Machines – assessment being done by Custodial Services to recommend exact equipment needed. \$50k is a placeholder amount. The equipment has a 5-8 year lifespan. The schools have a shortage of efficient, labor saving machines at this time.
- f. WHS Food Service Equipment - replacement CIP sheet provided (attachment) eliminating three earlier CIP sheets. Equipment is aging and 100% of the equipment is due for replacement. Ideally we would replace 10% per year to avoid spikes in the capital budget requests. There was a discussion on use of Food Service fund towards this expense and how Food Service has and does make an annual capital purchase using their funds. There was a discussion on outsourcing of Food Service and the recent report showing it is uneconomical for a town of Wayland's size.
- g. Loker School Doors & Windows - \$1.9mil and SC to vote on seeking state reimbursement from MSBA for \$600k. Accelerated repair asset preservation and energy efficiency increase is the goal. Funding from the MSBA repair projects program is still available. A more refined cost estimate will be available Dec 1st. The project is estimated at 16 months starting in the Summer of 2017. There was a discussion on could the cost be reduced if the MSBA process is avoided – answer from B.Keefe is no. There is a benefit with this size project; under \$1mil then no benefit to using MSBA funding.

There was further discussion on Project Management resources – it was noted that PM costs were not included in the estimate CIP costs. There was a question on why is it needed to request borrowing approval from 2016 ATM – this is so to inform MSBA that the projects are approved by the town. Vehicles are no longer being put forth for consideration in the FY17 capital budget. It was noted that prioritization of School Dept

capital items has not been completed. B.Keefe noted that he is still developing a comprehensive asset management plan.

There was further discussion on the MSBA reimbursement process and how funding flows directly to the specific construction account.

VII. Discussion on Special Town Meeting

N.Funkhouser opened a wide-ranging discussion on STM. There was discussion on next steps with the FinCom – Recreation Dept / Recreation Commission relationship. FinCom plans to reach out to Rec to insure all parties are in alignment in crafting the FY17 budget.

VIII. Tax Recapitulation Discussion / Consideration of Split Tax Rate

There was Public Comment from Molly Upton, Bayfield Rd regarding a possible split tax rate. Ellen Brideau, Town Assessor and Susan Rufo, Chair of the Board of Assessors appeared to make a presentation to FinCom on the status of the tax recapitulation process and the pros/cons of a split residential and commercial tax rate. Discussed were: the value of the current overlay, estimated at \$500,000; the current split of 94.9% residential and 5.1% commercial / industrial / personal property tax assessments; the limitations of shifting tax assessments from residential to commercial property; the current revenue generation by Town Center (\$733k in FY15 and perhaps \$900k in FY16).

It was M/S/V 4-0-1 that FinCom recommend to the Board of Selectmen to retain a uniform tax rate.

IX. Additional Discussion on Special Town Meeting

There was further discussion on resident comments made during STM on the current Recreation Department fee structure and the surplus revenue currently being accrued. C.Martin mentioned attending the Moderators STM Forum as an individual (not representing Fin Com).

X. Liaison & Members' Reports, Concerns, and Topics

- a. B.Steinberg – The Rivers Edge bids are due to be opened in Dec.
- b. G.Cliff – requests an OML review and discussion on Warrant Article write up process.
- c. Meeting Schedule – next meeting Nov 30, Dec 14 to wrap up CIPs; Jan 4; Jan 11; Jan 14; Jan 21; Jan 25.

XI. Adjourn

The Committee M/S/V 5-0-0 to adjourn at 9:37pm.

Respectfully submitted,
/s/ Tom Abdella

Exhibits:

- A. Agenda
- B. Poster Board from J.Pearlman during Public Comment
- C. Email from M.Upton on Split Tax Rate

- D. Email from S.Leong on HH Playground Equipment**
- E. Resume of Carolyn Bargoot, Audit Committee Candidate**
- F. List of FY17 CIPs with potential funding sources**
- G. CIP – WHS Food Service Equipment**

**TOWN OF WAYLAND
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
MEETING: APRIL 16, 2015 @ 08:30AM
PUBLIC SAFETY BUILDING
MEETING MINUTES – Approved 12/16/15**

Members Present:

Jay Abelli (Building), , Brendan Decker (GIS), Fire Chief Dave Houghton (WFD), Ben Keefe (Dir. Facilities), Police Chief Robert Irving (WPD), Julia Junghanns (BOH), , Julie Secord (COA), Doug Leard (LEPC Chair)

Members Absent:

Nan Balmer (Town Adm.) (on vacation), John Senchyshyn (Asst. TA), Stubby Kadlick (DPW), Supt. Paul Stein (Schools) (prior commitment), Leisha Simon (IT Director), Alf Berry (Survey), Joe Gordon (CERT), Ruth Mori (MRC), Pat Morris (Facilities/School)

Other Town Employees Present:

Lt. Patrick Swanick (WPD), Joe Doucette (DPW), Brian Monahan (Conservation)

8:30AM Doug called the meeting to order and thanked Brian Monahan for calling his attention to the Snake Brook Dam (Rice Rd & Woodridge Rd), Brendan Decker for putting together a hydrology-based model for potential water inundation should the dam fail, Chief Houghton for taking current photos of the dam and Chief Irving for his continued support.

8:35AM No public comment

8:40AM A motion was made to accept the meeting minutes of the December 2, 2014 LEPC meeting, seconded and unanimously approved as written.

8:45AM Doug began the discussion showing current photos of the dam and asked Brian Monahan to speak briefly about his knowledge of the dam. Brian submitted to Doug yesterday a "Draft" copy of the Snake Brook Dam Phase 1 Inspection/Evaluation Report, dated August 12, 2012). Brian being most familiar with the dam was asked to speak about what he knew of the dam and its last inspection report. The inspection was conducted by GZA GeoEnvironmental Inc. and rated the dam as in "FAIR" condition. GZA estimated that the work needed to upgrade the dam and bring it into compliance would cost between \$395,000 and \$695,000. Although this report was done in 2012 Brian noted that these figures were fairly accurate today. Brian stated that sometime ago the Finance Committee had allocated funds to conduct such work and he was pretty sure the funds still existed. Julie Secord asked Brian, if the funds were available what is it that he needs to move forward. Brian suggested that he needs to find competent and qualified people with expertise in this field.

The dam is owned by the Town of Wayland and operated by the Conservation Commission. The inspection report noted that there should be a "written" Emergency Action Plan should the dam fail, although it is not required for a dam of this classification. "It appears that a failure of the dam at maximum pool may result in damage to homes, property and secondary roads, and

possible loss of life and as a result the Department of Conservation and Recreation classified this dam as a “Significant (Class II) hazard potential dam.” Both Brian and Brendan noted that Brendan’s “Lower Snake Brook Watershed Study” map is difficult to accurately assess the potential damage caused by a dam break without first having a dam break inundation analysis done. Such an analysis would better reflect the potential damage caused by a sudden rupture of the dam and would give a better estimate of impact to area homes, roads, the Loker School, etc. A concern expressed by Doug was GZA’s note that with a dam break there was a potential for “loss of life.” A sudden dam break at 1:00AM as opposed to 8:00AM may bring catastrophic results.

On March 15, 2010 the engineers reported the dam experienced an overtopping flow that was reportedly 3-6 inches deep, and was concentrated near the middle of the dam at a low area on the crest and downstream slope. The flow reportedly traveled overland around the right (west) side of the gatehouse, and joined the spillway discharge channel approximately 100 feet downstream of the dam.

The inspectors noted a potential for very moderate flooding in the area of the school [Loker] in the event of a hypothetical dam failure resulting in the current “Intermediate” hazard classification. However, the extent of flooding cannot be assessed in the absence of a dam break inundation analysis.

In addition to suggested maintenance to the dam, the inspection report noted the need for more formal operational and record keeping at the dam and a suggestion that an Emergency Action Plan (EAP) be developed. Chief Houghton suggested that an EAP could be created and instituted without much difficulty.

In review, the committee felt that in order to better evaluate what path the water would flow should the dam have a “sudden” rupture/failure there is a need for an inundation analysis. With this analysis Wayland would be better able to estimate the risk to people and the potential for damage to homes, Loker School, roads and other infrastructure. Brian suggested that the town had two possible alternatives: (1) to make the requested repairs or (2) potentially eliminate the dam completely, leaving more of a simple stream versus a body of water. Doug Leard suggested that going forward the decisions appeared to fall on the shoulders of the Conservation Department, Conservation Commission and the towns Facilities Director and, like the A.L.I.C.E. Program, Doug recommended Brian bring his proposal to the Local Emergency Planning Committee (LEPC) for review, comment and support.

Doug thanked everyone for coming and for their participation.

9:25AM Meeting adjourned.

Attachments:

Lower Snake Brook Watershed Study
Hydrology Forecasting Model Process
(Both prepared by Brendan Decker)

**Municipal Affordable Housing Trust Fund (MAHTF)
Meeting Minutes – November 4, 2015**

Attendance: Mary Antes; Stephen Greenbaum; Brian O’Herlihy; and Susan Weinstein.

Absent: Jacqueline Ducharme and Kevin Murphy

Others in attendance: Elizabeth Rust, Community Housing Coordinator - Regional Housing Services Office and Sarki Sarkisian – Wayland Town Planner

Open Meeting: M. Antes called the meeting to order at 7:30 P.M. at the Wayland Town Building. B. O’Herlihy kept the minutes of the meeting.

Public Comment: None.

Previous Minutes: October 7, 2015.

Materials Distributed: Draft minutes for meeting held on October 7, 2015; MAHTF financial statements (unaudited) as of October 31, 2015; Sudbury Home Preservation Program – summary of action steps related to current project and email related to 30B exemption for CPA funded acquisitions of real property.

Notes:

- 1) Elizabeth Rust heads up the Regional Housing Services Office (RHSO) which provides support to Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston in connection with affordable housing activities in those communities. M. Antes noted that Wayland had an opportunity to join this group in prior years at a cost of approximately \$15,000, but the Selectmen declined. E. Rust gave the Trustees an update on Sudbury’s Home Preservation Program which was approved by the Massachusetts Department of Housing and Community Development (DHCD) as a Local Action Unit program in 2007. Each year, Sudbury’s municipal affordable housing trust requests Community Preservation Act funds at Annual Town Meeting to fund this program. Sudbury’s MAHTF does not take title to the properties; rather the RHSO conducts a lottery to identify qualifying buyers, then targets a home for acquisition, the portion of the purchase price and amount of repairs to be funded by Sudbury’s MAHTF determined, a deed rider approved by DHCD, due diligence completed (including building inspection), and the closing between the ultimate buyer and the seller is consummated. RHSO oversees the entire process on behalf of Sudbury’s MAHTF. E. Rust provided the Trustees with a written summary of the action steps related to an actual project that is in the process of being completed. The typical home costs approximately \$425,000, with Sudbury’s MAHTF’s “buy down” and repairs requiring funding of approximately \$210,000. She noted that the process requires a significant amount of coordination by RHSO and that an alternative approach of having the MAHTF acquire the house first and then identify a qualifying buyer may permit the Trustees to manage the process with existing Town resources and support. The Trustees asked M. Antes to follow up with E. Rust to determine the cost for Wayland to join the group at this time and the cost for the RHSO to oversee the “buy down” program for Sudbury.

E. Rust also provided input to the Trustees on small grant programs she has seen in Acton, Bedford, Concord and Sudbury and recommended that the Trustees consult with Wayland’s Town Counsel to ensure that the program being developed by the Trustees



does not run afoul of the “anti-aid” law, i.e., providing public funds for private use in other than qualifying programs. She described the programs in these other communities and most of them had policy provisions similar to those contained in the draft policy being drafted by S. Weinstein.

- 2) At the request of K. Murphy, S. Sarkisian attended the meeting to update the Trustees on various affordable housing issues related to conservation cluster development projects under the Town’s zoning by-laws and the Planning Board regulations. S. Sarkisian noted an upcoming “working session” on November 16th and public hearing on December 8th at which the Town’s conservation cluster zoning by-law would be discussed and encouraged the Trustees and other affordable housing advocates to attend one or both sessions. The Trustees and S. Sarkisian discussed the possibility of scheduling a meeting of the various affordable housing related boards and committees and the Planning Board prior to the December 8th public hearing. M. Antes agreed to reach out to the other boards and committees.
- 3) The Trustees reviewed the draft minutes for the meeting held on October 7, 2015. S. Weinstein moved approval of the minutes, as amended. S. Greenbaum seconded. Motion approved 4-0.
- 4) B. O’Herlihy provided report of Treasurer which included (i) review of the MAHTF financial statements (unaudited) as of October 31, 2015; update on the ongoing audit of the Trust’s initial fiscal period October 8, 2014 to June 30, 2015, including targeted date for completion of audit (11/13/15) and issuance of audited final statements (12/4/15); and update on conversation with the Town’s Treasurer, including her authorization to The Village Bank permitting the Treasurer of the MAHTF to call the bank from time to time to request information on account activity and month end balances in the two savings accounts established by the Town for the benefit of the MAHTF.
- 5) B. O’Herlihy provided an update on information he received from the Town’s Treasurer with regard to the Town’s investment of various trust funds under the control of the Town and the Town’s stabilization fund. He noted that both of the accounts used by the Town were invested in a mix of equities and fixed income securities which may not be appropriate for the MAHTF at this time. B. O’Herlihy agreed to continue his research into alternative investments for the MAHTF, e.g., certificates of deposit at The Village Bank, which would provide safety of principal and a higher rate of interest than the current savings accounts for a portion of the Trust’s cash balances.
- 6) S. Weinstein indicated that she needed more time to update the draft policy for small grants program and, therefore, discussion of this agenda item was tabled until the next meeting.
- 7) The Trustees discussed the tentative agenda and set the next meeting for Wednesday, December 2, 2015 at 7:30 P.M. at the Wayland Town Building.

Adjourn: S. Weinstein moved to adjourn the meeting at approximately 9:35 P.M. S. Greenbaum seconded. Motion approved 4-0.

Respectfully submitted,

Brian T. O’Herlihy

**TOWN OF WAYLAND
MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

**BALANCE SHEET
(Unaudited)
As of October 31, 2015**

	Current Month	Prior Month	Variance
ASSETS			
Cash and cash equivalents	\$ 791,067.60	\$ 739,776.22	\$ 51,291.38
Inclusionary housing payments receivable	0.00	12,791.43	\$ (12,791.43)
Total assets	<u>\$ 791,067.60</u>	<u>\$ 752,567.65</u>	<u>\$ 38,499.95</u>
 LIABILITIES AND FUND BALANCES			
Liabilities	\$ 0.00	\$ 0.00	\$ -
 FUND BALANCE			
Nonspendable	0.00	0.00	-
Restricted	419,601.80	419,530.54	71.26
Committed	0.00	0.00	-
Assigned	371,465.80	333,037.11	38,428.69
Unassigned	0.00	0.00	-
Total fund balance	<u>791,067.60</u>	<u>752,567.65</u>	<u>38,499.95</u>
 Total liabilities and fund balance	<u>\$ 791,067.60</u>	<u>\$ 752,567.65</u>	<u>\$ 38,499.95</u>

**TOWN OF WAYLAND
MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
(Unaudited)
For the Period July 1, 2015 to October 31, 2015**

	Assigned	Restricted	Current Month Total	Prior Month Total	Variance
REVENUES					
Investment income	\$ 198.90	282.66	\$ 481.56	\$ 355.90	\$ 125.66
Inclusionary housing payments	127,914.30		127,914.30	89,540.01	38,374.29
Total revenues	128,113.20	282.66	128,395.86	89,895.91	38,499.95
EXPENDITURES					
Total expenditures	0.00	0.00	0.00	0.00	-
NET CHANGE IN FUND BALANCE	128,113.20	282.66	128,395.86	89,895.91	38,499.95
FUND BALANCE, AT JULY 1, 2015	243,352.60	419,319.14	662,671.74	662,671.74	-
FUND BALANCE, AT OCTOBER 31, 2015	\$ 371,465.80	\$ 419,601.80	\$ 791,067.60	\$ 752,567.65	\$ 38,499.95

**TOWN OF WAYLAND
MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

**STATEMENT OF CASH FLOWS
(Unaudited)**

For the Period July 1, 2015 to October 31, 2015

CASH FLOWS FROM OPERATING ACTIVITIES:

Change in fund balances \$ 128,395.86

Adjustments to reconcile change in net assets to net cash
provided by operating activities:

Change in:

Inclusionary housing payments receivable 51,165.72

Net cash provided by operating activities 179,561.58

NET CHANGE IN CASH AND CASH EQUIVALENTS 179,561.58

CASH AND CASH EQUIVALENTS, AT JULY 1, 2015 611,506.02

CASH AND CASH EQUIVALENTS, AT OCTOBER 31, 2015 \$ 791,067.60

Municipal Affordable Housing Trust Fund (MAHTF)

Meeting Minutes—December 3, 2015

Wayland Town Building

Attendance: Mary Antes, Jacqueline Ducharme, Kevin Murphy, Brian O’Herlihy, Susan Weinstein;
Jennifer Steel (prospective member)

Absent: Stephen Greenbaum

Open Meeting: Mary Antes called the MAHTF meeting to order at 7:40 PM at the Wayland Town Building

Public Comment: None

Notes:

1. Rachel Bratt, Chair of the Housing Partnership, took minutes of the second meeting of several Town Boards and Committees that deal with affordable issues, including the Planning Board, Wayland Housing Authority, MAHTF and the Housing Partnership.
2. Kevin Murphy moved that the MAHTF Trustees approve the auditing firm’s issuance of the Trust’s audited financial statement, dated from 10/18/14 through /30/15. Susan Weinstein seconded the motion, and it passed unanimously, 5-0.
3. Susan Weinstein moved that the MAHTF Trustees submit an application, requesting that all eligible Community Preservation Committee (CPC) housing funds be transferred to the MAHTF account, for the fiscal year ending June 30, 2016. Kevin Murphy seconded the motion, and it passed unanimously, 5-0.
ACTION: Susan Weinstein will complete the required application.
4. At 9:45 PM, Jacqueline Ducharme moved that the meeting be adjourned. Susan Weinstein seconded the motion, and it passed unanimously, 5-0.

Respectfully Submitted,

Jacqueline Ducharme

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
November 18, 2015 7:10 pm

Members Present:

J. Green (JG); M. Peabody (MP), D. Cohen (DC); M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

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

Public Comment

None

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations and Strategy with the Police, Fire, and AFSCME Clerical unions; and to Review and Potentially Approve Executive Session Minutes of 10/19/15 as an open discussion might have a detrimental effect on the Town’s negotiating position.

DC seconded the motion.

JG took a roll call vote:

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

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

The Board Entered Executive Session at approximately 7:18 pm.

The Board returned to Open Session at approximately 8:35 pm.

P. Schneider joined the meeting in Executive Session.

Review of the 10/19/15 Minutes

MP moved to approve the minutes of 10/19/15. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.

Review and Discussion of IT Director Job Description

JS reviewed the background to the McGladery Report as it pertained to IT positions. A draft job description has been prepared for the proposed IT Director. The intent of this evening's discussion is to move a final draft job description forward for review and comment by the Board of Selectmen and the School Committee. A final determination is pending as to whether this will be a Town position or an out-sourced function, but the goal is to move forward to be prepared to post the job and gather resumes from potential candidates. Board members discussed job duties, qualifications and reporting structure. MP suggested several edits.

PS moved to approve the draft IT Director job description as amended for review by the Board of Selectmen and the School Committee. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.

Review of Out-of-Grade Pay for the Financial/Research Analyst

JS reviewed the status of the out-of-grade work being performed by the Elizabeth Doucette (ED), Financial Research Analyst. She continues to oversee the operation of the Town's IT Department. JS stated that ED is performing the function but that her current out-of-grade pay is lower than the Town's IT Manager. JS requested the Board consider increasing the out-of-grade rate to an amount greater than the IT Manager. The rate of pay for the IT Manger is \$85,950. JS suggested compensating ED at the rate of an N9, Step 8 at \$89,667. Members inquired into the length of the assignment and the effective date. JS stated the assignment would remain until the IT Director function is filled. He suggested the first pay week in September as an effective date for the new rate.

MJ moved to approve increasing the out-of-grade wages for Elizabeth Doucette, Financial/Research Analyst to a rate of N9, Step 8 at \$89,667 effective the first pay week of September 2015. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Review and Discussion of Draft Parental Leave Policy

JS reviewed the revisions to the draft Parental Leave Policy discussed at the previous Board meeting. Members were satisfied with the changes. JS noted that, if approved, he would forward the policy to the unions for their review and comment.

MJ moved to approve the draft Parental Leave Policy as presented. DC seconded the motion. Five members having voted in the affirmative, the motion passed.

Review and Discussion of Draft Non-Union Performance Review Template

JS presented the revisions to the Non-Union Performance Review template discussed at the last meeting. He noted the template would need to be adjusted for non-department head positions. He also reported that the Town Administrator had reviewed the document and was comfortable with the format.

DC moved to approve the draft Non-Union Performance Evaluation template for Department Heads with appropriate adjustments for non-Department Heads. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

Review and Discussion of a Substitute Nurse Protocol

JS presented a draft protocol for compensating Substitute Community Health Nurses on long-term assignments. He stated the Board of Health had requested a compensation protocol be established following last year's long-term assignment. JS reviewed the previous long-term assignment and the differences with the usual substitute assignments. A question was raised if the proposed 6-day absence was long enough to trigger the compensation. JS noted that he drew upon a substitute teacher compensation mechanism used by the schools. After further discussion the absence was increased from 6 days to 11 days to trigger the compensation eligibility.

MJ moved to approve the Long-Term Substitute Community Health Nurse Protocol as amended. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

FY 17 Personnel Board Budget

JS presented the Personnel Board budget for FY 17. It was consistent with the FY 16 budget. A brief discussion ensued.

DC moved to approve the FY 17 Personnel Board Budget as presented. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

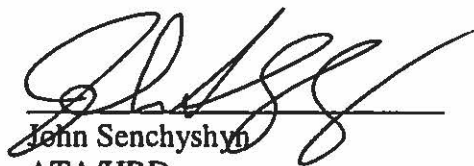
FY 17 Staffing Requests

JS reviewed the anticipated requests from departments for new positions in FY 17. Departments would present their requests at the November 30th meeting. He noted reclassifications would be reviewed at the December meeting.

Next Meeting

The next meeting was scheduled for 12/15/15 at 7:10 pm.

DC moved to adjourn at 9:40 pm. PS seconded the motion. Five members having voted in the affirmative, the motion passed.


John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

November 18, 2015

Document:

Draft Minutes 10/19/15

Draft Parental Leave Policy

Draft Performance Evaluation Templates

Draft IT Director Job Description

Draft Substitute Community Health Nurse Protocol

FY 17 Personnel Board Budget

Personnel Board Meeting
Wayland Town Building – Small School Conference Room
Meeting Minutes
November 30, 2015 7:10 pm

Members Present:

J. Green (JG); M. Peabody (MP), P. Schneider (PS); M. Jones (MJ)

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:10 pm.

Public Comment

None

Staffing Request – Recreation

Rec Board Members B. Wright (BW), A. Foster (AF), F. Krasin (FK) and H. Seaborg (HS) and Rec Director J. Brodie (JB) joined the meeting. JS stated that he had reached out to the AFSCME-1 union about establishing the Asst. Director position. The upcoming discussion should focus on the 2nd requested position, the Program Coordinator.

JB explained the division of responsibilities between the 2 positions. JB believes more program oversight is needed. Rec members expressed their concerns about safety and follow-up. On several occasions BW and FK stated they had to respond to safety related concerns given the lack of staff availability. Seasonal personnel also required more training than they are currently receiving.

Personnel Board members inquired if the position(s) would be funded through user fees. BW stated the department was at its spending cap and wanted wages paid through the general fund. AF commented that allocating costs to a program by position was a problem. Rec representatives departed.

Staffing Request - BOH

Public Health Director Julia Junghanns (JJ) joined the meeting. She stated that the BOH was seeking \$8,000 in additional clerical support. She spoke about busy times of year in the Health Department, the high volume of permits and the need to cover other employees paid-time-off along with a pending medical leave. JJ suggested the possibility of contracted help. JS expressed his concern about that approach. JS noted that \$8,000, if used for an employee, would provide approximately 8 hours work per week. JJ left the Meeting.

Staffing Request – Town Clerk

Town Clerk Beth Klein (BK) joined the meeting. She requested a new part-time, non-benefits eligible clerk. BK spoke about the new early voting requirement. She needed to staff a voting station for 2 weeks during Town Building's regular business hours. Members inquired about specifics under the law. BK noted that clarification is needed on how the early voting will be conducted. BK said an employee, as opposed to a volunteer, needed to be trained on the state's computer system. BK then spoke about the expected changes in the Public Records Law. The Town will need to designate a Public Records Officer who will coordinate gathering information and responding to requests. Again, more definition is needed on specific changes. BK departed.

(14)

Staffing Request - Police

Chief Irving (RI) and Lt. Swanick (PS) joined the meeting. RI requested a new police officer. He presented data on neighboring towns regarding the number of police officers vs residents. He then presented a historical record of police incidents in Wayland. PS stated that the additional officer would provide the ability to fill all shifts with 3 patrol officers. He presented a shift staffing plan which included the requested officer. Traffic enforcement and control was a major initiative and challenge for the department.

RI then spoke about his Administrative Assistant request. He was seeking a reclassification from a grade N3 to N4. PS presented a comparison of administrative staffing and compensation with other departments. RI noted that he planned to move the administration of parking tickets to the police Administrative Assistant. The Chief and Lt. left the meeting.

Staffing Request - DPW

Board of Public Works members C. Brown (CB) and M. Lowery (ML) and DPW Director S. Kadlik, Superintendent M. Lindeman (ML2), J. Doucette (JD) and Administrative Coordinator D. Cabral (DC) joined the meeting. The DPW requested 4 positions: 2 Maintenance Workers, an Engineer and a Sr. Foreman. SK spoke to the requests and the increased expectations of the DPW workforce.

Maintenance Workers – SK related the varied tasks performed by DPW workers. He touched upon the schools, cemeteries and recreation related activities, as well as other jobs that occur. Some are jobs the DPW is not charged with performing, but are nonetheless asked to complete. JS noted that as the Town continues to approve capital projects, it looks to DPW to absorb the maintenance work but fails to provide the staff to do so. ML2 also spoke to the additional work the DPW is absorbing.

Project Manager/Engineer – DPW believes it can reduce expenses by having an engineer on staff. A staff engineer could provide construction oversight, design review and regulatory compliance at a less expensive rate than the engineering contracts currently in place. MP inquired if the engineer's services would be available to other departments. SK responded that they would be within the overall body work required. SK believed the funding for the position could be achieved through a reduction in engineering contracts.

Sr. Foreman – DPW wants to consolidate the Parks and Highway Superintendents into 1 position. In doing so, there is a need for another foreman. JS inquired if another Sr. Foreman would have the effect of putting Highway and Parks into silos by focusing the Sr. Foremen's work only on that division. ML2 agreed that the original DPW goal was to create a workforce that could work in both the divisions. After further discussion, JD agreed that a Working Foreman would provide more flexibility. JS noted that since one of the Superintendents would not be filled, the addition of a foreman would be cost-neutral, if not a cost-savings.

Staffing Request - IT

JS spoke to the IT request, as recommended by the McGladery Report. JS recommended moving forward with the IT Director search as soon as possible, but placing the funding for the Business System Administrator in the salary reserve as the new IT Director would likely have input into the focus for the position.

Staffing Requests - Board Discussion

Members acknowledged that there were varying degrees of merit to all the requests. Continuing unfunded mandates are taking a toll on staff. The Board also acknowledged the impact to the budget should all the positions be recommended to the Finance Committee. JS suggested prioritizing the requests.

The Board discussed the merits of each request:

IT – The Board recognizes the importance of the IT positions, regardless of whether the function is kept in house with an employee or ultimately out-sourced. It viewed IT as the primary need for the Town.

DPW – Members discussed the additional projects being absorbed by DPW workers and supported the addition of 1 Maintenance Worker. They recognized value to an engineer, assuming the proposal for the position can be funded through contract service reductions and assuming other departments will be able to draw upon the engineering expertise. The level of the foreman was discussed. The Board is supportive of replacing a Superintendent with a foreman, but believes there may be more flexibility with the Working Foreman vs the Sr. Foreman.

Police – While the members saw merit to the data presented by the Police Chief and were sympathetic to the request, there was a concern about the additional impact of adding another fully benefited position at this time. Members then discussed the reclassification of the Administrative Assistant. JS raised a concern about the classifications between the Police position and the Fire Secretary. He reviewed the background to the positions. The consensus was that the timing might not be right on this request.

Town Clerk – The Board discussed the potential impacts of the early voting and the changes to the Public Records Law. Given the ambiguity of the effect of each item at this time, the Board did not support the addition of the part-time clerk.

BOH – The Board did not support using a contracted service for clerical support. The needs of the Health Department need to be better defined prior to any positions being added.

MP moved to recommend the addition of the full-time IT Director position for the IT Department. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

MP moved to recommend the funding for the full-time Business System Administrator position for the IT Department be placed into the FY 17 salary reserve until such time as the IT Director function is filled and the incumbent can comment on the Business System Administrator functions. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

MP moved to recommend the addition of the full-time Program Coordinator position for the Recreation Department with the stipulation that funding for the position from user fees be considered. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

MJ moved not to recommend the addition of the full-time Police Officer position for the Police Department. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

MJ moved not to approve the reclassification of the Administrative Assistant in the Police Department. PS seconded the motion. Four members having voted in the affirmative, the motion passed

MJ moved not to recommend the addition of the part-time, non-benefits eligible clerical position for the Town Clerk's Office. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

MJ moved not to recommend the addition of \$8,000 to the BOH budget for additional clerical hours. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations and Strategy with the Police, Fire, and AFSCME Clerical unions as an open discussion might have a detrimental effect on the Town's negotiating position.

PS seconded the motion.

JG took a roll call vote:

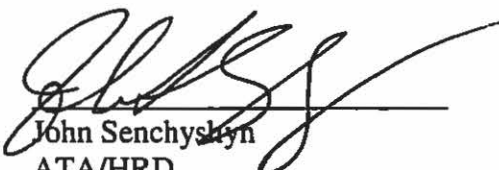
Member Jones	Aye
Member Schneider	Aye
Vice Chair Peabody	Aye
Chair Green	Aye

The Board having voted 4-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 10 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 10:35 pm.

The Board returned to Open Session at approximately 10.38 pm.

MJ moved to adjourn at 10:40 pm. PS seconded the motion. Four members having voted in the affirmative, the motion passed.


John Senchyskyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

November 30, 2015

Document:

Staffing Request - IT

Staffing Request - Town Clerk

Staffing Request - BOH

Staffing Request - DPW

Staffing Request - Rec

Staffing Request - Police

Reclass Request - Police

WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

December 1, 2015

7:00 PM

MEETING MINUTES

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

Absent: J. Mishara

Meeting opened at 7:00 PM

(Brown announced that the meeting is being recorded)

Brown opened the meeting with a review of the agenda.

Review & Approve Minutes of the 11/16/2015 BOPW Meeting

Lowery noted a correction to be made to his comment at the bottom of page one, clarifying that the easement granted by 201 West Plain was granted to abutters.

Lowery noted a correction to be made to his comment at the top of page two, changing 'right of way' to 'private way'.

Lowery noted that on page two, Kadlik's comment regarding emergency vehicle access should be added.

Lowery noted that on page four, it should be specified that the goal is to restore half of Stone's Bridge.

Lowery noted two typographical corrections to be made on page six.

Baston noted that on page five it should be added that the Board discussed the nature of the presentation to be made to the Personnel Board.

Lowery made a motion to accept the minutes as amended.

Baston 2nd, all in favor.

*Items Included as Part of Agenda Packet for Discussion
- 11-16-2015 BOPW Meeting Minutes Draft*

Discussion on the Potential Transfer of Cremains from the Church of the Holy Spirit to Lakeview Cemetery

Brown noted that the Church of the Holy Spirit is closing, and the new owner of the land wishes the remains be relocated.

Lowery asked DPW Park and Highway Superintendent Michael Lindeman to describe how the remains would potentially be interred.

Lindeman replied that the church would need to purchase the appropriate number of grave lots to inter the remains, as per the Town cemetery regulations.

Lindeman described where, in his opinion, the remains could potentially be interred in North Cemetery.

Lindeman noted that the fees charged by the Town would be the normal charge for the sale of the lots as well as the interments.

Lowery made a motion that the Board authorizes Lindeman to negotiate with the Church to inter the remains with a Town cemetery.

Lindeman noted that, with the Board's authorization, he would negotiate with the church then return to the Board to seek final approval.

Wegerbauer 2nd, all in favor.

*Items Included as Part of Agenda Packet for Discussion
- 11-18-2015 email to Larry Smith re: Wayland Cemetery Conversation*

Public Hearing: Woodridge Road Traffic Calming Request

Brown described that traffic calming process as well as the time table involved in the potential implementation of traffic calming measures.

Lowery described the roles of the Board of Selectmen in the erecting of traffic signs as well as the role of the Police Department in traffic enforcement.

Susan Toddhunter, 113 Woodridge Road, appeared before the Board to discuss her request for traffic calming.

Toddhunter described incidents that she has witnessed on Woodridge Road and expressed the dangers faced by pedestrian traffic on the road.

Toddhunter noted that she would like to see the installation of flashing speed limit signs, similar to those on Pequot Road, as well as increased traffic enforcement by the police.

Lowery asked if any of the speed limit signs on Woodridge Road are obstructed from view.

Toddhunter noted that some may be obscured by trees and shadows and do not adequately stand out.

Brown asked Kadlik if the DPW could ensure that brush around the signs is trimmed back.

Kadlik noted that the DPW has recently trimmed back brush along the road, but would check to ensure that the signs remain visible.

James Toddhunter, 113 Woodridge Road, appeared before the board to describe the traffic issues he has witnessed on Woodridge Road.

James Toddhunter noted that his neighbors have been very receptive to the idea of the implementation of traffic calming measures on Woodridge Road.

James and Susan Toddhunter reiterated their concern for the potential for serious accidents on Woodridge Road.

Lindeman noted that the DPW will ensure that the signs on Woodridge Road are high-visibility and that adequate brush trimming is done along curves.

Wegerbauer asked if signs are on the curves.

Lindeman responded that he does not think there are, and noted that placement of chevron signs on curves is subject to State approval.

Lowery noted that special speed regulations exist on two sections of Woodridge Road limiting speed limits to 20mph and 25 mph.

Wegerbauer asked Susan Toddhunter what she would like to see done to address issues on Woodridge Road.

Susan Toddhunter noted that ideally she would like to see a sidewalk installed, but acknowledged realistically the installation of speed bumps, increased signage, flashing speed signs, and increased police enforcement should all be considered.

Brown suggested that a phone call or email by Toddhunter to the Police Chief Irving would be beneficial.

Wegerbauer made a motion that a speed survey / traffic study be conducted when possible, and that the DPW review that status of existing signs on Woodridge Road.

Lowery 2nd, all in favor.

Wegerbauer noted that in some cases, neighbors object to the installation of flashing lights, and recommended Toddhunter consider locations where lights could be installed least invasively.

Items Included as Part of Agenda Packet for Discussion
- 10-26-2015 Traffic Calming Request Form
Items Distributed for Information and Use by the Board of Public Works
- Map of Woodridge Road

Discussion with Town Counsel on Plowing Common Driveways

Town Counsel Mark Lanza appeared before the Board to discuss the status of the DPW's plowing of common driveways.

Brown noted that the Board has determined that, barring any new information, the Board considers the matter closed, and the purpose of the meeting is to clarify any confusion.

Brown described the history of the plowing of common driveways and how it was determined that the areas in question should not be plowed by the Town.

Brown requested that Lanza provide a legal description of the terms 'public road', 'private road', and 'private drive'.

Lanza offered the legal definition of the applicable terms, including 'public road', 'private road', 'private drive', and 'right-of-way'.

Lanza described the three types of public ways in Massachusetts: Federal, State, and Town roads.

Lanza described the method by which public ways come into existence in Wayland: the acceptance of the layout by the Board of Public Works and approval of the layout by the Planning Board, then a vote of acceptance at Town Meeting, and finally the acquisition of land by the Town.

Lanza noted that the general rule is that no private ways can be plowed using public funds, unless the town accepts the law that private ways open to the public could be plowed.

Lanza described the key differences between private ways open to public use and privately owned common driveways.

Lanza noted that the law allows for the use of public funds for the removal of snow and ice from private ways open to public, but does not allow for the use of public funds for the removal of snow and ice on private driveways.

Malcolm Astley, 147 Boston Post Road, appeared before the Board to note that a similar attempt was made to stop plowing common drives in 1982, but was then reversed. Astley asked what the rationale for the reversal of the policy in 1982 was.

Brown and Lanza both noted that they have no knowledge of the 1982 judgement, but noted that the law remains the same today as it was in 1982.

Lowery added that regardless of the rationale used in 1982, Town Counsel has advised the Board that the DPW cannot continue to plow privately owned common driveways.

Brown noted that in 1968, the Board of Selectmen voted to accept the law allowing the DPW to plow private roads open to public use, and will continue to do so.

Cynthia Lavenson, 40 Mitchell Street, asked if the Town would approve the acceptance of a road leading to only one house.

Lanza noted that there is no distinction on the number of houses for a road to be approved, but the specific standards of road construction are subject to Town policy.

Brown asked Lanza to confirm that if a resident were to upgrade a privately-owned common driveway to the standards of a public way, there is still no guarantee that it would be accepted as a road at Town Meeting.

Lanza replied that there is no guarantee of acceptance as a road.

Julie Vassilovski, 37 High Rock Road, asked if the Town has been plowing the road for over forty years, does it give the Town an easement.

Lanza noted that it does not grant the Town an easement.

Lanza noted that the expenditure of public funds for the plowing of privately-owned common drives is not permitted by law.

Lanza reiterated that the plowing of privately-owned common driveways is not a matter of obtaining permission, but the law is very clear that the Town cannot spend public funds for the plowing.

Baston asked Lanza if insurance coverage is also an issue.

Lanza confirmed that the Town's insurance coverage does not extend to private property.

Astley asked if emergency vehicle access would be compromised.

Kadlik noted that the DPW would immediately plow any areas as directed by the Police or Fire Departments in the event of an emergency.

Lanza noted that applicable law concerning the plowing of common drives is Mass General Law Ch.40 Section 6C.

Astley asked what gives the Town the legal right to plow common drives in the event of an emergency.

Lanza replied that there is a State Law that grants a public safety easement for emergency access.

Brown asked Kadlik if the DPW digs out fire hydrants.

Kadlik noted that hydrants in private areas are not plowed out by the DPW, but the DPW does assist the Fire Department in clearing public hydrants.

Deborah Ciolfi, 14 Reservoir Road, noted her displeasure of not hearing of the issue until October.

Lanza advised that concerned residents hire a competent real estate lawyer to determine their legal standing.

Kadlik noted that there are many common driveways in Town that the DPW has never plowed.

Astley asked the Board if they considered the consequences of deteriorating roads and loss of property value.

Brown noted that it was not considered because they were given a directive that privately-owned common drives could not be legally plowed.

Astley asked if the definitions of private ways and common driveways could be provided to residents.

Lanza noted that he could provide definitions as well as provide examples of typical private ways open for public use and common driveways.

Brown noted that the DPW could not consider a fee for service for plowing common driveways.

Wegerbauer added that if residents can determine that a legal way exists that would allow the DPW to continue to plow the common drives in question that the Board would be amenable to considering it.

Brown clarified that the decision is not because the DPW does not want to provide the service, but because the DPW cannot legally provide the service.

Vassilovski asked if it is possible to amend State Law to allow for the use of public funds to plow snow on common driveways.

Lowery clarified that the State would have to pass an enabling legislative mechanism that the Town would the need to accept and adopt.

Astley asked why a fee for service is not a possibility.

Lanza noted that the Town could provide a fee for service, but special legislation would have to be passed prior to doing it.

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

- 11-30-2015 'Questions for DOPW and Town Counsel Re Not Maintaining or Plowing Certain Roads' from Malcolm Astley

- 07-23-2014 'Selectmen set eyes on private road plowing policy' by Bill Whelan (provided by Malcolm Astley)

- *Town of Lexington Guidelines for Civil Discourse (provided by Malcolm Astley)*
- *2015-11-30 email from Malcolm Astley, 'Another Alternative re DOPW Meeting Tuesday 12.1.15 on Legal Basis for Discontinuing Plowing and Maintenance of Certain Roads'*

Brown called for a five-minute recess at 8:39PM.

Brown called the meeting back in session at 8:44PM

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

Kadlik described the nature of lien authorization.

Brown made a motion to approve the ability to lien properties per the letter dated 12/1/2015, addressed to Wayland Assessor Ellen Brideau.

Lowery asked about the nature of notification given to residents.

Following discussion, the Board determined that adequate notification was given to residents.

Wegerbauer 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- *12-01-2015 Draft letter to authorize the Assessor's Office to Lien Over Delinquent Water Bills to the Tax Bills*
- *Items Distributed for Information and Use by the Board of Public Works*
- *11-30-2015 VADAR Lien Report*

Discussion of Transfer Station Target for Retained Earnings

Brown requested that the continued discussion of Transfer Station target for retained earnings be placed early on the next agenda.

The Board discussed transfers made from the Transfer Station revolving account to the General Fund and Trust Fund.

Items Included as Part of Agenda Packet for Discussion

- *Transfer Station Budget Line-Item Comparison*
- *Transfer Station 'Transfers to G/F' Munis Account Inquiry*
- *Transfer Station 'Transfers to Trust Fund' Munis Account Inquiry*

DPW Director's Operational Report

Brown asked Kadlik about the status of the Happy Hollow Wells.

Kadlik replied that they performed a test shut-down of the wells the past weekend, and water levels were adequately maintained.

Lowery asked about the status of the library drainage project.

Kadlik noted that the area has been 'dig-safed' to allow the gas main to be unearthed.

Lowery asked when Tighe & Bond would be able to provide a plan.

Kadlik noted that he is unsure, but the request for a one-year project extension has been submitted.

Lowery expressed his desire to establish a time frame for the completion of the project.

Lowery added that he would like updates on the project at every Board meeting.

Lowery requested that the Town Surveyor be consulted to correct the portion of Lakeview Cemetery that is technically under the ownership of the Recreation Commission.

*Items Included as Part of Agenda Packet for Discussion
- 12-01-2015 DPW Director's Report*

Board Members' Reports, Concerns, and Updates

Lowery described the meeting with the Personnel Board requesting additional DPW employees.

Kadlik noted that the Personnel Board agreed to support the addition of a maintenance worker, a working foreman, and a construction manager/engineer.

Wegerbauer asked about the status of ice rinks this winter.

Kadlik noted that he has spoken with the Recreation Department, and they intend to have ice skating on Mill Pond.

Lowery reviewed an amended letter to be sent to the Chief of Police regarding traffic calming on Stonebridge Road.

Baston thanked the DPW for clearing the leaves in front of Heard House in preparation for the Wayland Historical Society Open House.

Baston discussed the Board of Public Works bullet points to be submitted to the WayCam Weekly Buzz.

Brown discussed the circulation of a Community Preservation Act Project Application.

The Board discussed possible projects, including Mill Pond and North Cemetery.

Lowery noted that the Hannah Williams Playground parking lot had several potholes.

Kadlik replied that the issue has already been addressed by NSTAR crews currently working in the area.

Brown noted that on Friday there will be a meeting to explore various water meter options at the DPW.

Lowery noted that the notion of who owns the private hydrants on common drives should be clarified.

Kadlik discussed the pending private hydrant bylaw scheduled for upcoming Town Meeting vote.

Brown noted that the open meeting law links on the Board of Public Works webpage could be removed from the site.

Wegerbauer made motion to adjourn.

Baston 2nd, all in favor.

Meeting adjourned at 9:32PM

Wayland Real Asset Planning Committee
November 18, 2015 – 8:00 PM

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

Public Comment. None.

Minutes. The minutes will be held for next meeting.

Department-Level Outreach. Colleen Sheehan reported that she met with the Housing Authority which is a federal agency so has a slightly different relationship to town owned property. The Housing Plan, which is in updated draft form, states a goal of acquiring single family homes that will qualify for community housing. There is a December 3rd meeting scheduled with Board of Selectmen and all housing entities – Authority, Partnership, and Municipal Affordable Housing Trust. Ms. Sheehan is meeting with Partnership on December 17th.

Anette Lewis reported that she had met with Wastewater Commission, which will answer the list of questions within a month or two – by the end of the year. Ms. Lewis asked the WWMC to think about whether the Commission might, in the future, create additional waste water districts in other areas of town, such as one at Dudley Pond where they would need land for a plant and leaching field. In addition the present plant at the new Town Center may need to add a “treatment train” in the event of new regulatory requirements.

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

There was a brief discussion about the ranking of projects – it is important to quickly pull together the list of land and existing structures, list of criteria for ranking projects and the list of potential projects. Once these three lists have been developed, WRAP will be able to evaluate projects.

One criterion should be whether the project is eligible for CPA funds. Ms. Schuler noted that any other funding sources should be considered under an economic criterion.

Data Base Information. Gretchen Schuler will talk to Brendan Decker about his timeline for completing the update of Town-Owned Property data base with the hopes that it can be completed in time for a December 11th 7:30 AM meeting.

Next Meetings

Note time changes to accommodate other meetings of WRAP members.

December 3rd (Thurs.) 7:30 PM if quorum available

December 11th (Fri.) 7:30 AM (with staff) (Ms. Sheehan will respond to Nan telling her of meeting.)

The meeting adjourned at 9:00 PM following a 3-0-0 vote.

Respectfully submitted,
Gretchen G. Schuler

Materials Received at Meeting

- 1) List of Criteria about existing buildings and land and list of project evaluation criteria (11-12-15, Schuler)
- 2) Criteria List for WRAP Committee Analysis (11-12-15, Steinberg)
- 3) Project Criteria List and Scoring Matrix (11-12-15, Schuler)

West Suburban Veterans District – September 22, 2015

Location: Wellesley Town Hall, Great Hall

Present: Hans Larsen, John Senchyshyn and Donna VanderClock

Also present: John MacGillivray and Sally Rose (Chris Coleman, Kate Fitzpatrick, and Stanley Spear were absent)

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

Business:

1. Citizen Speak

None

2. Minutes

The Board voted (3-0-0) to approve the minutes of the June 10, 2015 meeting.

3. Director's Update

Mr. Larsen introduced Mr. MacGillivray, Acting Director for the District. Mr. MacGillivray provided a brief description of his background. He worked as the Veterans Service Officer in Natick for 20 years and in Newton for 5 years. He retired in 2014 from his VSO position in Newton. Mr. MacGillivray, served in the Marines from 1968-1970 and is active in the Marine Corps League and is planning for the October 18th 40th Anniversary Parade honoring those who served in the Vietnam War. He is also a host on the radio show "Sound Off" that is broadcast Sundays from 5:00 – 6:00 p.m. on WRKO AM 680. "Sound Off" is a show that is by, for and about veterans. Mr. MacGillivray hosts the show with Mr. Coleman Nee, the former Massachusetts Secretary of Veterans Affairs, and Mr. Kyle Toto who does marketing for the Veterans Administration (VA).

Mr. Larsen and Mrs. Rose provided a brief update on Mr. Spear's health. He is scheduled to have the first of a two part left hip replacement surgery on September 23rd at the Beth Israel Hospital. On September 16th, Mr. Spear, Mr. Larsen, Mr. Ching, Mr. MacGillivray and Mrs. Rose met to discuss the transition from Mr. Ching (previous Deputy Director) to Mr. MacGillivray. Mr. MacGillivray has visited each of the District offices with Mr. Ching. Mr. MacGillivray expressed appreciation for how helpful he has found everyone to be. The District is appreciative of his willingness to serve as Acting Director.

Mr. Larsen and Mrs. Rose reviewed the Chapter 115 benefit status of all member towns. \$1,794.86 remains in the WSVD FY15 budget. This amount will be allocated between the four communities. . All communities have paid their share of the FY16 annual assessment and have provided sufficient funding for their Chapter 115 benefits for the period July 1, 2015 – December 31, 2015.

The Board briefly discussed that Wayland, Needham and Wellesley have been designated Purple Heart Communities. Ms. VanderClock said she has every intention for Weston to become a Purple Heart Community before August 7, 2016, the next Purple Heart Day.

Ms. VanderClock said it was unnecessary for Mr. MacGillivray to have office hours on a weekly basis in Weston. It was determined that both Weston and Wayland would have office hours of 3 hours, once every two weeks. Mrs. Rose will distribute a revised schedule.

As she did last year, Mrs. Rose expressed her desire to attend the VSO Training in Leominster that deals with CH 115 benefits, which is scheduled for a day in October. Mr. Larsen asked Mr. MacGillivray if there was any need for him to attend the full four day conference. Mr. MacGillivray said it depended on how long he was going to be working for the District.

4. Old/New Business

Mrs. Rose mentioned that we continue to get occasional calls from Dover veterans who are seeking assistance. Last week, while at his Thursday Needham office hours, Mr. MacGillivray met with a Dover resident. He said that he had talked with Mr. Coleman Nee about Dover not being in compliance with regard to VSO coverage. When Mr. Nee was Secretary of DVS he was moving toward taking actions against Dover. He ran out of time, but Mr. MacGillivray feels that something will be done about this situation. Mr. MacGillivray met with Mr. Paul Carew, the Natick VSO, and learned that Dover pays Natick \$1,000 annually to handle VA claims. Meanwhile the Board suggested that when a Dover resident calls we instruct them to call Dover Town Administrator Dave Ramsay, or the Department of Veterans Services for the Commonwealth.

The Board briefly discussed the plans for Veteran's Day. Mr. MacGillivray has met with Mr. Richard Turner in Wayland and Mr. Rick Wohler in Weston to discuss the plans in those communities. Mr. MacGillivray will be contacting Mr. Bill Topham who coordinates Veteran's Day for Needham. Mr. Larsen said that Mr. Dick Dillon is handling Wellesley. Mrs. Rose will send out invitations and contact the media with regard to the Wellesley observance. Mr. Larsen told Mr. MacGillivray that he is under no obligation to attend the Veteran's Day services in any of the four communities. Mr. MacGillivray noted that last year he had attended the service at the Massachusetts State House, and may do so again this year.

The Board set Thursday, December 17th at 4:00 p.m. as the date for its next meeting.

5. Executive Session

At 4:30 the Board was polled all aye to go into executive session to discuss negotiations with non-union personnel.

From: Karlson, Cherry
Sent: Thursday, December 17, 2015 1:36 PM
To: DiNapoli, MaryAnn
Cc: Balmer, Nan
Subject: FW: Opportunity for Municipal Officials to serve on the 495/MetroWest Partnership's Board
Attachments: Statement_of_Interest_in_Partnership_Board_2015.docx

For correspondence. Thanks.

The Secretary of State's office has determined that most emails to and from municipal officials are public records. Consequently, confidentiality should not be expected.

From: mecc@memberclicks-mail.net [mecc@memberclicks-mail.net]
Sent: Thursday, December 17, 2015 11:08 AM
To: Karlson, Cherry
Subject: Opportunity for Municipal Officials to serve on the 495/MetroWest Partnership's Board

[<https://mecc.memberclicks.net/assets/495mwp%20logo.jpg>]

Municipal officials have an invaluable role on the 495/MetroWest Partnership's Board of Directors, representing municipal needs and interests in our institutional governance. As a public-private collaboration serving your community and thirty-four other communities in the 495/MetroWest region, having activist municipal leaders on the Board is crucial to our continued success.

Currently, the Partnership's Board has some vacancies for municipal officials from within our service area, and candidates for these positions would be welcomed by our Nominating Committee. Eligible candidates include elected officials such as Selectmen and Planning Board members, appointed officials such as Town Administrators, Planners, and Public Works Directors, and volunteers such as economic development committee members. While the time commitment is minimal – there are only four Board meetings a year that are held within the region for a brief time in the morning – Board members will work closely with business executives, legislators, state officials, and other leaders to advocate for our region's needs.

We hope that you can consider being a candidate to hold a municipal seat on the Partnership's Board; if you are interested, please complete and return the attached one page statement of interest by Monday, Dec. 21st at noon to be considered by the Nominating Committee.

If you have any questions, or if the Partnership can be of direct assistance to your community, then please contact our Executive Director, Paul Matthews, at (774)760-0495 x105 or by email to paul@495partnership.org .

This email was sent to ckarlson@wayland.ma.us by paul@495partnership.org <<mailto:paul@495partnership.org>> 495/MetroWest Corridor Partnership, Inc. • 200 Friberg Parkway, Suite 1003, Westborough, Massachusetts 01581, United States Unsubscribe or Manage Preferences <<http://mecc.memberclicks.net/unsubscribe2/unsubscribe/7683d157-3f99-4c2b-9a6b-24cfd4a6170f>> •



200 FRIBERG PARKWAY, WESTBOROUGH, MA 01581
PHONE: (774) 760-0495 FAX: (774) 760-0017
www.495partnership.org

**2015
STATEMENT OF INTEREST
NOMINATION TO THE BOARD OF DIRECTORS**

Please note that the Board of Directors meets quarterly, and there are attendance requirements.

NAME: _____

AFFILIATION: _____

ADDRESS: _____

CITY, ZIP: _____

PHONE: _____ **FAX:** _____

EMAIL ADDRESS: _____

REFERRED BY (IF APPLICABLE): _____

BRIEF STATEMENT OF INTEREST: _____

Additionally, the Partnership has ongoing initiatives on regional constraints that are overseen by public & private sector volunteers. If you are interested in being involved in any of these efforts, please note the appropriate issue(s) of interest below.

TRANSPORTATION

WATER RESOURCES

ENERGY & SUSTAINABLE DEVELOPMENT

Please return to paul@495partnership.org for consideration by the Partnership's Nominating Committee.

THANK YOU FOR YOUR INTEREST IN THE 495/METROWEST CORRIDOR PARTNERSHIP.

For further information on the Partnership and our activities, go to www.495partnership.org



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

December 16, 2015

Representative Carmine Gentile
State House
Room 39
Boston MA 02133

Dear Representative Gentile:

At its 2016 Special Town Meeting, held on November 9, 2015, the Town of Wayland voted to authorize a Special Act to increase the annual expenditure limit of the Recreation Department's Revolving Fund.

At its regular meeting on Monday, December 7, 2015, the Board of Selectmen voted as follows:

The Board of Selectmen respectfully petitions the General Court of the Commonwealth of Massachusetts to enact a special act to increase the annual expenditure limit on the Recreation Department's Revolving Fund established pursuant to Massachusetts General Laws Chapter 44, Section 53E 1/2, from 1% to 5% of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified by the Commissioner of the Department of Revenue.

Sincerely,

Cherry C. Karlson
Chair, Board of Selectmen

cc: Board of Selectmen
Nan Balmer, Town Administrator

(18)



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

December 16, 2015

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

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Sincerely,

Cherry C. Karlson
Chair, Board of Selectmen

cc: Board of Selectmen
Nan Balmer, Town Administrator



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

December 16, 2015

Senator Richard Ross
State House
Room 419
Boston MA 02133

Dear Senator Ross:

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Sincerely,

Cherry C. Karlson
Chair, Board of Selectmen

cc: Board of Selectmen
Nan Balmer, Town Administrator

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

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

SECTION 1. Notwithstanding any provision of section 53E ½ of Chapter 44 of the General Laws to the contrary, the Recreation Commission of the Town of Wayland is hereby authorized to expend in any one fiscal year from all revolving funds under its direct control not more than five percent of the amount raised by taxation by the town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine of the General Laws. Except for the annual limit on expenditures from revolving funds under the direct control of said recreation commission set forth in section 53E1/2 of chapter 44 of the General Laws, all other provisions of said section 53E1/2 shall apply to revolving funds established thereunder by the town.

SECTION 2. This act shall take effect upon passage.

Attached: Certified Town Meeting Vote



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630

508-358-3631

www.wayland.ma.us

SPECIAL TOWN MEETING VOTE CERTIFICATE

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

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

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

VOTED:

IN FAVOR: 127

OPPOSED: 47 MOTION PASSED

A true copy, Attest:

Beth R. Klein
Town Clerk

TOWN ADMINISTRATOR'S REPORT
WEEK ENDING DECEMBER 30, 2015

LIBRARY PROJECT: ANNUAL TOWN MEETING ARTICLES

Wastewater: The Library Trustees will consider submission of an article to request the purchase of additional wastewater capacity for the Library. Passage of this article is a grant requirement to assure the MA Board of Library Commissioners that wastewater capacity is available at the Library's existing site. I plan to write a letter to the WWMDCC requesting a review of the capacity assigned to Town Building to determine the necessity for the purchase.

Alternative Site: The Trustees will consider submission of an article to request authorization to allow transfer of the DPW site to the Library. This article is necessary to demonstrate to the MA Board of Library Commissioners the availability of an alternative site.

SIGN POLICY

Please see attached revision from Selectman Antes, recommending that the Board proceed with requesting public input on three remaining policy questions.

SOCIAL MEDIA

The New Human Resources Assistant, Katelyn O'Brien, has experience in development of social media communications programs for local government. Attached are her summary of how to get started and a model social media policy from the Town of Concord. Over the coming weeks we will work on how social media might best work for Wayland to communicate important information. Please share your thoughts.

WRAP: WAYLAND HOUSING PARTNERSHIP

Please see attached provided to the WRAP Committee.

RECREATION REVOLVING FUND

After work with staff and conference calls with Department of Revenue legal staff, below are my updated recommendations to maintain spending under the cap, reduce the fund balance include and bring the town into compliance with municipal finance requirements and best practices. There are 3 potential Town Meeting articles and some recommendations on appropriations in the FY 17 budget. The outline below will be provided to the Recreation Commission and Finance Committee as the Town Administrator's recommendation. (Summary at end of this section)

1. Indirect Costs – FY 16:
 - a. There may be an error in calculation that will allow for a margin between estimated program costs including recalculated indirect costs and the \$595,000 expense cap.
 - b. For FY 17, charging of indirect costs must be by direct appropriation of Town Meeting or with agreement of the Recreation Director.
 - c. Indirect costs in one year (or any liability to the fund) may not be deferred to a future year.
2. Program Management - FY 16
 - a. There may be programs that can be managed outside of the revolving fund to increase the margin between costs and expense cap.
3. Recreation Commission: Potential Town Meeting Article (2 alternatives)
 - a. 53 D Fund for Beach program only for FY 17 (Stop gap to provide FY 17 relief from cap)
 - i. Seed money through a \$100,000 Town Meeting appropriation from the existing fund is allowed. (TM appropriations do not count as expense against the cap)

- ii. Fund balance in excess of \$10,000 will be swept to the General Fund at the end of the year.
- iii. Note – 53 D included in Municipal Modernization Act for potential repeal
- b. Enterprise Fund for Beach
 - i. Can only be for “recreation facility”
 - ii. Requires 3 year commitment
 - iii. Would require charging all beach costs to fund

4. Fund Balance

- a. It is assumed by DOR and the town Auditor that user fees are not paying for corresponding program operating expenses if there are excess funds at year end in the Revolving Fund. (Some balance is expected and permitted).
- b. User fees should be applied to operating budget expenses. For example, field user fees for all fields should not be pooled for a future capital project unrelated to the purpose of the user fee.
- c. Going forward, the Finance Committee can recommend an FY 17 budget that includes field receipts as a general fund local receipt. Corresponding operating expenses should exist in the FY 17 operating budget.
- d. Town Meeting, through Finance Committee’s recommended budget article can transfer from the Revolving Fund for any lawful purpose including general purposes (See attached DOR opinion)
- e. Town Meeting by 2/3 vote may create a stabilization fund for recreation which can be expended by a 2/3 Town Meeting vote.

Change in Future Practice / Possible Next Steps:

- f. Review and adjust indirect costs to decrease program expense. / Review of all town indirect charges.
- g. Review of programs that can be “spun off” from the revolving fund to decrease program expense.
- h. Town Meeting Article (BOS) to annually authorize all 53 E ½ funds with more specific definition of revenue, expense, and authority to spend as well as expense cap.
- i. Town Meeting Article, if recommended by Recreation Commission, to create 53D Revolving Fund or Enterprise Fund for Beach program.
- j. Finance Committee includes field user fees (after contribution to Turf Replacement Fund) as local receipt in FY 17 budget and identifies corresponding operating expenses.
- k. Town Meeting Article to create a Stabilization Fund for Recreation.
- l. Indirect costs will be directly appropriated in FY 17 by Town Meeting or paid by agreement with Recreation Director. DOR does not recommend charging for fringe benefits only if salaries are not charged. (Still legally allowed)
- m. Fee setting process to be reviewed for all town departments.

Balmer, Nan

From: Mary Antes <mantes2@verizon.net>
Sent: Monday, December 28, 2015 4:49 PM
To: Balmer, Nan; Karlson, Cherry
Subject: Sign Policy
Attachments: SignPolicy.docx

Hi,

Attached is the sign policy. The revised policy is on last two pages, the working document is on the earlier pages. As I see it, there are three remaining questions listed at the bottom of the last page and pasted below:

1. Should out-of-town-organizations be allowed to display their signs on town-owned land? (Example: Private schools display signs across from Coach Grill.)
2. Should there be a limit to the number of sandwich boards displayed at one time? (As many as five free-standing signs have been observed at Five Paths.)
3. Should there be a penalty for not following the policy, such as not removing sandwich boards in a timely fashion or failing to secure the signs so they don't blow down? If so what?

It was my understanding that we would put the policy out for review and get some feedback on those questions. A suggested blurb for the paper/newsletters is below:

The Board of Selectmen is reviewing its policies over the course of the year. Because the sign policy is of interest to many organizations, the Board is making the draft available for review and comment. The major proposed changes to the policy include allowing banners to be attached to the signboards (already standard practice for many organizations) and allowing 4 x 8 foot banners to be securely tied to the sign board frames without being secured on a board and to allow a second sign to be tied below the standard 4 x 8 foot sign. This sign should be approximately 2 ½ feet by 4 feet. Permitting a second sign would allow more events to be promoted and perhaps reduce the number of free-standing signs.

The Selectmen are looking for feedback on several questions: whether to allow out-of-town organizations to display signs on town-owned land, whether to limit the number of free-standing signs in a location, and whether to penalize organizations that fail to follow the policy.

The draft policy will be available ?? on the town's website –links to electronic newsletters? Will there be an informal hearing? If so, should a date be set?

Thanks,

Mary

up at the Wayland DPW building as soon as possible after they have been taken down.		
7. The Town is not responsible for loss or damage to the signs.		

When the Town signboards have already been reserved, town-wide civic and non-profit organizations may request in writing permission from the Board of Selectmen to display sandwich board or A-frame signs adjacent to the Town signboards or at the following locations: (to come). (Signs that stick in the ground are not acceptable.) Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of two weeks and must be removed promptly after the advertised event. School theater productions are given blanket permission for advertising their productions as long as they abide by these regulations.

... town-wide civic and non-profit organizations		Should out-of-town organizations be allowed to post signs?
... sandwich board/A-frame signs		
... adjacent to the Town signboards ... secured in such a way that they are not displaced by wind ... displayed for a period of one week and must be removed promptly		Most of these signs do not follow any of these rules. The intersection at Five Paths, the entrance to the town building and the high school, and nearer the street at the Cochituate Fire Station and across from Coach Grill are all used for these signs. Most are displayed longer than a week and are not removed promptly. Should there be a limit to the number of sandwich boards displayed at one time. I've seen as many as five signs. Should the limit of one week be raised to two weeks?
	Do all the organizations using sandwich boards get permission? Should there	

	be blanket permission for all school plays, for example? Should there be a penalty for not following the rules?
	What about campaign signs? Farmers Market signs?
	The policy will be put out for comment for a reasonable period of time. Notifications will be placed in the Town Crier and other appropriate outlets for a minimum of two weeks. BOPW will be asked for comment.

SIGNS – PUBLIC DISPLAY AND USE OF TOWN SIGN BOARDS

The Town has made available frames to display four, 4 feet by 8 feet sign boards and four, 2 ½ feet by 8 feet banners to publicize events benefiting or open to the general public. The frames are located on Route 20 at the Weston town line, Route 20 at the intersection of Routes 27 and 126, the intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the corner of East Plain and Main Streets. The following procedures govern the use of these sign board.

1. Sign boards may be reserved by contacting the Department of Public Works.
2. Due to the demand for these signboards, priority is given as follows:
 - *Town Meeting and all elections, Special Town Meeting, and Candidates' Night take precedence over all organizations.
 - *Requests from Town departments
 - *Wayland civic, nonprofit, and Town-wide organizations
 - *Community Events
3. Signs must be 4 x 8 feet wood no thicker than 3/8 inch or 4 x 8 foot banner
 - *Boards may be painted attractively with waterproof paint
 - *Banners may be secured to the board or tied to the frame
4. A second sign may be tied securely below the 4 x 8 signs. These banners should be 2 ½ x 8 feet.
5. All signs must be delivered to the Wayland DPW building no later than 6:30am on the Monday on which they are to be displayed.
6. The usual period of display will be one week, from Monday to Monday. Signs must be picked up at the Wayland DPW building as soon as possible after they have been taken down.
7. The Town is not responsible for loss or damage to the signs.

When the Town signboards have already been reserved, town-wide civic and non-profit organizations may request permission in writing from the Board of Selectmen to display sandwich board or A-frame signs adjacent to the Town signboards or at the following locations: entrance to the Town Building and at the intersection of Old Connecticut Path and Cochituate Road. (Signs that stick in the ground are not acceptable.) Sandwich-board signs must be smaller than the Town signs. They must be placed so as not to obscure the Town signs and secured in such a way that they are not displaced by wind. They may be displayed for a period of two weeks and must be removed promptly after the advertised event. School theater productions are given blanket permission for advertising their productions as long as they abide by these regulations.

Remaining Questions:

1. Should out-of-town-organizations be allowed to display their signs on town-owned land? (Example: Private schools display signs across from Coach Grill.)
2. Should there be a limit to the number of sandwich boards displayed at one time? (As many as five free-standing signs have been observed at Five Paths.)
3. Should there be a penalty for not following the policy, such as not removing sandwich boards in a timely fashion or failing to secure the signs so they don't blow down? If so what?

SOCIAL MEDIA :
KATELYN O'BRIEN

Update on Social Media Strategy for Town of Wayland

Katelyn O'Brien/HR Assistant

12/30/15

Goals

- 1.) To create a Social Media Policy that will provide guidelines for all departments in Wayland to successfully utilize Facebook and Twitter to directly communicate town business information and public safety information to residents.
- 2.) To create an official Town of Wayland Facebook page and Twitter account. To develop a credible social media presence where residents can go and get the latest news and information. To do this, Wayland's official social media accounts will have to be updated daily.
- 4.) Have 4 authorized users for official account (TA, ATA/HR, HR ASSISTANT, and EXECUTIVE SEC.)
- 3.) To share information and interact with other Wayland departments on social media.

Where are we now?

DPW, Fire, Police and the Recreation Department all have a Facebook page. The Police Department has a Twitter account. The only department I'm aware of that has a social media policy is the Fire Department. Attached are Chief Houghton's standard operating procedures for social media.

I would suggest that all departments in the Town Building-excluding Recreation, who has already made a substantial presence on social media, share their information through Wayland's official account. Dept. heads and employees can email me any news worthy items or information they want to share.

Social Media Policy

I reached out to other communities through the Massachusetts Municipal Personnel Association's *listserve* and have asked for examples of their social media policies. I have received several and attached some of the better ones. Some municipalities don't have an actual social media policy but include language regarding social media in their personnel policies or include language under a broader technology policy. Since several departments in Wayland already using social media, I think the town would benefit from a broad social media policy that permits town departments to use social media to post official town business related articles and communicate information to Wayland residents in real-time.

Social Media Platforms

Wayland would benefit from an official Facebook page and a Twitter account. I think any policy should be open to introducing new social media formats since its constantly evolving. However at the present moment most cities and towns only utilize Facebook and Twitter and are very successful. Both platforms draw from different audiences and efforts will be made to make build relationships and connect with the community and businesses. Using Facebook and Twitter will also allow the town to notify citizens of the many resources available to them at town hall and on the town's website. Social media will help Wayland communicate to residents about what their government is doing and by posting pictures it can help the town build their social media brand among residents online.

TOWN OF CONCORD

APP #62
Social Media Policy

I. Policy:

A. Introduction. The Town of Concord depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

B. Purpose. The purpose of this policy is to provide notice to employees of the Town that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, its vendors and suppliers, or its employees; (2) expose the Town to legal liability for employer or employee behavior that may be harassing, offensive, or maliciously false; or (3) interfere with employees' productivity and/or their ability to perform the duties and responsibilities of their positions with the Town.

While this policy is primarily focused on addressing employees' use of social media, all Town board and committee members are expressly reminded to proceed with the utmost caution if using social media in their official capacity. Board and committee members are responsible for their own adherence to Massachusetts law governing open meetings, public records and ethics.

Social media provides a potentially valuable means of assisting various Town departments and their employees in carrying out their duties and responsibilities to the Town. Where it would be appropriate and beneficial to the Town and its constituents, departments are encouraged to actively pursue the use of social media. This policy identifies potential uses (i.e., Supported Social Media) that may be explored or expanded upon as deemed appropriate by Department Heads.

The Town also recognizes the role social media plays in the personal lives of some employees. Personal use of social media can have an impact on employees in their official capacity with the Town. This policy provides information and sets parameters for acceptable use of social media by Town employees.

C. No Expectation of Privacy. There is no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies (including policy for

compliance with public records requests), assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, Intranet, cell phone services, smart phones (e.g. Treos, iPhones, Droids, etc.), pagers, Town-owned lap tops and computers provided for home use, and computer software constitutes acceptance of such monitoring.

II. Definitions:

A. Supported Social Media. The Town will support the use of certain social media sites by Town Departments. All Department sponsored social media sites or pages shall be approved by the respective Department Head or his/her designee, and shall be maintained in coordination with the Town's Chief Information Officer (CIO). All Town-sponsored social media sites and pages must clearly indicate they are maintained by the respective Department, and shall prominently display Department contact information. The Town's logo, a Department logo, or some other distinguishing graphic symbol should be displayed on all Town-sponsored social media sites.

All content posted on Town-sponsored social media sites shall adhere to applicable laws, regulations, and policies, including the Town's information technology and records management policies. All content posted on Town-sponsored social media sites is also subject to the Commonwealth of Massachusetts' Public Records Law and must be managed, stored, and retrieved in a manner that complies with the Commonwealth's Public Records Law and electronic discovery laws and policies. Relevant records-retention schedules apply to social media content. Each respective Department shall be responsible for ensuring proper records retention, in coordination with the CIO as necessary.

Employees representing any Town Department via Town-sponsored social media sites or pages shall at all times conduct themselves as representatives of the Department and, accordingly, shall adhere to all Town and Department standards of conduct. In this context, employees shall identify themselves as a member of their respective Department and shall not disseminate confidential information of any nature through social media sites or pages.

The following is an exclusive list of supported social media sites, subject to modification by the Town:

1. Linked-In: Including the Town's account and individual Department accounts.

2. Twitter: In order to expand our online presence, the Town will link some of its web-content to the Town's Twitter account. This is currently the only supported use of Twitter. This portion of the policy does not include Twitter use by individual employees. For that policy, see section II.B of the unsupported social media policy.

3. Blogs: The Town may authorize the use of one or more blogs. Departments or Officials interested in creating a blog should submit a proposal to the Town Manager.

4. Facebook: The Town may authorize use of Facebook for practical applications such as linking to department pages so that information posted in one location may be shared with those who have "Friended" the department's Facebook page.

B. Unsupported Social Media. The Town does not support the use of any social media site that is not explicitly mentioned above in section II.A. However, the Town reserves the right to amend the list of supported sites at its discretion as new technologies and applications are constantly in development and additional legitimate work uses of social media may need to be accommodated in the future. Unsupported media are neither encouraged nor discouraged. Examples of unsupported social media are, but not limited to, the following:

[E.g.,

1. MySpace
2. Twitter (unsupported individual accounts)
3. Friendster:
4. Orkut
5. YouTube
6. Unsupported Blogs or Message Boards.]

C. Terms:

1. The Town: Town of Concord
2. Officials: Individuals who hold office in the Town, whether elected or appointed.
3. Employees: All persons employed by the Town regardless of position.
4. Users: Employees of the Town (individuals or groups) who use, direct, or control a social media account.
5. Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, wikis, and social networking sites (e.g., Facebook, LinkedIn, MySpace, Classmates.com, Twitter).
6. Social Network: An online platform where users can create profiles, share information, and socialize with others using a range of technologies.
7. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.
8. Blog: Short for "Web log," a blog is a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

9. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
10. Post: Content an individual shares on a social media site or the act of publishing content on a site or page.
11. Profile: Information that a user provides about himself or herself on a social networking site.
12. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
13. Wiki: Web page(s) that can be edited collaboratively.

III. General Provisions:

A. While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as employees of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Although the Town recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees of the Town.

B. Individuals must use their best personal judgment when using any form of social media and must ensure that doing so does not violate this or any other Town policy.

C. Employees' use of social media is also subject to the Town's Communications Policy and Harassment Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and ordinances.

D. All use of social media must conform to the following regulations:

1. All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
2. Users must not harass any Employees in contravention of the Sexual Harassment policies, regardless of the time, place, form, or manner in which the information is posted or transmitted. Online

postings that harass or threaten any other Town employees or officials are expressly prohibited. See Town Harassment Prevention Policies for further guidance. Harassing or discriminatory comments may be deemed inappropriate in violation of this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.

3. Employees may not portray themselves as speaking on behalf of the Town, unless expressly authorized by the Town to do so.
4. While public sector employees have the right to post comments anonymously under the First Amendment, they may not do so in a manner that otherwise violates this policy.
5. Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
6. Access to and use of social media must not interfere with employees' productivity and/or ability to perform their duties and responsibilities for the Town.
7. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees.
8. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.
9. Employees are expressly prohibited from using social media to request, acquire, or purchase genetic information as specified by EEOC regulations
10. Employees are prohibited from using Town computers to access social media sites or pages for personal use, including but not limited to engaging in political activity or private business.
11. Employees shall observe and abide by all copyright, trademark, and service mark restrictions when posting material on electronic media or social media sites or pages.

E. This policy is not intended to interfere with employee rights under Massachusetts General Laws Chapter 150E, Section 2, as amended, which protects employee rights of mutual aid and protection.

F. Complaints or Problems of Misuse. Should any employee of the Town receive information about or become aware of a violation of this policy, including but not limited to a harassing, offensive, threatening or intimidating communication via a social media site from another employee of the Town, the recipient employee should report the violation to the Harassment Grievance Officers as soon as possible. The current Harassment Grievance Officers are Amy Foley, Human Resources Director, and Douglas Meagher, Deputy Town Manager. Either party can be reached at the Town House, 22 Monument Square; Amy's telephone number is 978-318-3025 and Doug's telephone number is 978-318-3000. Any employee of the Town who is aware of any violation of this policy may also report such violations to his or her department head, or the Town Manager.

G. Questions. Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to contact the Town Manager's Office. As a general rule, if you are hesitating to post something, it probably should not be posted, but questions and concerns are nevertheless welcomed and encouraged.

H. Discipline. Any individual who violates this policy shall be subject to appropriate discipline, up to and including termination of employment. The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

WRAP QUESTIONS
Wayland Housing Partnership
Submitted by Rachel G. Bratt, Chair
December 14, 2015

- **Current conditions of your facilities?**

The Partnership does not own, or have control over, any buildings or land.

- **Are there specific regulatory requirements/consent agreements with governmental agencies that require major changes to existing facilities or construction or new facilities?**

There are a number of requirements governing the construction (or acquisition) of affordable housing, including bedroom-count based on family size and gender of children; health and safety standards; and eligibility based on income. The state also has a “local preference” rule, which gives the town the ability to give preferential treatment to Wayland residents, or to households with connections to Wayland, in assigning available affordable units. The Massachusetts Chapter 40B program also requires that affordable units not be outwardly identifiable as such and that they are merged within the overall development, not clustered together.

- **How much growth (i.e., population, geographic distribution) triggers need for additional new facilities/infrastructure?**

Below is data collected in spring of 2015 that confirm that there is significant demand for affordable units, particularly for households earning less than 50% AMI (area median income). More 2-BR (and larger) units are needed for families and retired couples. None of the developments listed below offer 3-BR apartments.¹

Affordable housing trends (focusing on MetroWest; most information obtained from WestMetro Housing Consortium):

- Shifting preference among younger households toward multi-family units.
- Seniors looking to downsize into condos or rentals.
- Greatest need in <50% income bracket, but also demand from >50%-120% income bracket.
- Need for rentals over home-ownership.
- Need for supportive services for seniors and persons with intellectual/developmental disabilities.
- Development pipeline through 2020 from MetroWest Consortium shows 760 rentals vs. 76 home ownership opportunities.

¹ The information was presented on this page and through p. 2 was compiled and presented in a report by Katherine Provost, Wayland Housing Authority, December 8, 2015.

Needs specific to Wayland:

- 78 households on Section 8 waitlist with Wayland preference (living or working in Wayland, parent in Wayland, child in Wayland schools). Majority (58%) are families needing 2 BR units.
- 148 households on 1-BR public housing waitlist. 60% seniors; 40% adults with disabilities.
- 349 families on waitlist for scattered site public housing (60% 2-BR; 35% 3-BR; 5% 4-BR).

Demand for affordable units in surrounding developments:

Avalon Apartments in Natick, MA (Speen St)

- Out of 407 units, 102 are affordable.
- 110 households are on the waitlist for the 51 2-BR affordable units
- 80 households are on the waitlist for the 51 1-BR affordable units.
- They don't predict the amount of time on the waitlist, but say households at the top have been on the list for at least one year.

Modera Mill Creek in Natick (this is the new development going up on Route 27 before you get to Natick Center)

- Move-in dates began in July. There is availability in the market-rate units, but they already have more applicants than they can accept for the affordable ones.
- The development consists of 150 1- and 2-BR units. 28 affordable (16 2-BR, 12 1-BR— all at 80% AMI
- 50 households on waitlist for 2-BR; 10 households on wait list for 1-BR
- Totally full and not expecting any turn-over until fall 2016.

Shillman in Framingham

- Of 150 units, 90 are set aside for low and moderate income - 50 units are Section 8; 40 units are tax credit units.
- For the 50 Section 8 units (all 1-BR) - projecting a 4-year wait.
- For the 40 Tax Credit units (13 2-BR, 27 1-BR), projecting a 2+ year wait.
- No wait for the market-rate units.

Coolidge at Sudbury (new Tax Credit Development on Boston Post Road)

- 64 units, 14 at 30% AMI, 50 at 60% AMI
- 3-5 year wait for the 30% units
- 2-year wait for the 60% units
- Only 3 units are 2-BR. 61 are 1-BR

The Town of Wayland, through various official documents, including the Master Plan Advisory Committee Report and the Housing Production Plan, has repeatedly stated that a key goal is to provide a diverse array of housing opportunities, for the full range of household incomes. This includes the most financially vulnerable residents. The various documents confirm the above observations about the current demand for larger, more deeply affordable units.

The new Housing Production Plan, which Town Planner, Sarkis Sarkisian, is currently finalizing, includes the stipulation that any town-owned land should: To the greatest extent possible, strive for at least fifty percent (50%) of the units developed being affordable to households earning at or below 80% AMI. An additional 10% of the units should be affordable to those at 120% AMI. Further, rental projects will also target some households earning at or below 60% AMI.

Master Plan Advisory Committee, August 2010

“The Master Plan housing goals focus on providing a variety of housing options to meet the needs of Wayland’s different demographic groups...While the Town has taken some steps toward addressing its housing needs...these gains are modest compared to the overall trends toward more expensive, less diverse housing...The most pressing task is to address the housing needs of its seniors and low and moderate-income households.”

Statements in new Draft Housing Production Plan (currently being finalized by Sarki)

p. 16: “Housing choice” is not a euphemism for low- and moderate-income housing, elderly or “over-55” housing, starter homes, rooming houses or manufactured housing developments. It means variety in housing types, a range of prices and access to ownership and rental opportunities, including special needs housing, so that people have meaningful choices about where they will live and will not be spending too much to do so. Wayland embraced the central principles of housing choice when the Town adopted its Master Plan in 2001, followed by the Comprehensive Housing Plan in 2005 that articulated the following major housing objectives:

Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families, etc.

p. 18 Wait lists and unit turnover rates for Wayland Housing Authority units suggest waits of at least two (2) years for Bent Park and three (3) to five (5) years for Cochituate Village and scattered family units.”

[NOTE: households eligible for housing at either Cochituate Village or Bent Park typically have incomes below 50% AMI.]

p. 19: Based on the information contained in Section 3, housing for young professionals, for ages 55 plus (empty nesters) and 85% (senior citizens) will be in demand. This translates into small housing units suitable for smaller household size as the greatest housing need in Wayland. Such housing must include rental housing targeted to the most financially vulnerable residents in the community.

p. 30: Poverty rates in Wayland tend to be lower than the surrounding communities, but the percentage of families living at or below the poverty line in the Town more than doubled from 2000 to 2010 to 1.7%. The majority of these households are single parent households and headed by a female with a child.

p. 69: The production goals are based largely on the following criteria:

To the greatest extent possible, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of area median income – the **affordable units** – and at least another 10% affordable to those earning up to 120% of area median income – **moderate-income “workforce” units** – depending on project feasibility. The rental projects will also target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements.

- **What constituency do you serve most directly (e.g., entire population of the town, seniors, school-age population)?**

Persons with incomes between 30-100% AMI and persons with disabilities. There is also a need for housing for those between 100-120% AMI, since the private unassisted housing market is not providing much housing for this more moderate income group. In addition, more group homes serving those with physical and intellectual disabilities are needed.

- **Is the facility required to be in a certain proximity to the end users?**

No. While it is convenient for affordable housing to be near services, the assumption is that those living in suburbs like Wayland will have a car and that those in group homes will be provided with transportation. Public transportation is not sufficiently frequent or affordable that someone can expect to use it routinely to get to work or needed services.

- **Are there cost implications related to geographic distance between facility and end users?**

No significant cost implications

- **Are there convenience implications related to geographic distance between facility and end users?**

While it would be nice to live within walking distance to services, schools, the library, and places of religious worship, there are no significant convenience implications. And, since Wayland does not have any public transportation, no site in Wayland has much advantage over any other.

- **What are your current and projected needs for additional storage space for equipment, materials, records, etc. (do you require immediate access or can storage be off-site)?**

In large developments, it is important to have sufficient storage space for maintenance equipment, tables and chairs, laundry area, common kitchen facilities, etc. Typical home storage space is needed for scattered-site affordable housing.

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

In large developments, it is important to have a meeting space large enough for residents to meet and have social events. For scattered site units, this question is not applicable. (As a committee, we need space for monthly meetings.)

- **What are your current and projected needs for additional meeting space?**

None

- **Are your current facilities meeting the needs of your constituents?**

No. Wayland, like every community in Massachusetts is striving to provide at least 10 percent of its year-round housing stock as affordable housing. [10% of 4,957 (year-round housing units in Wayland as of 2010 census) = 496 affordable units needed.] This is the statewide mandate for each city and town in the Commonwealth.

Currently, Wayland's affordable housing constitutes only 200 units, or 4% of its year-round housing stock (4,957), as recorded in the state's Subsidized Housing Inventory (SHI), most recently updated on December 5, 2014.

<http://www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf>

See Table 1 for a list of all Wayland developments currently counted in the SHI.

To attain the 10% goal, the Town needs an additional 296 units, but there are only 58 certain additional units in the production pipeline. As shown in Table 2, the rental development under construction at the former Kathryn Barton Nursing Home will add 13 affordable units but, because it is an all rental development, all 52 units will count. There are also an additional 6 units in several other projects that will count toward the SHI. Together, this will bring our SHI to 5.2%. If River's Edge is built, it will add between 160 and 190 additional rental units. That will increase Wayland's affordable housing inventory to 8-9% (depending on the number of units actually built).

But even if the most number of units allowed at River's Edge are built (190), the Town would still be below the 10% goal, with a shortage of some 47 units. And, of course if none of the units are built, the deficit could be as much as 237. Further, the gap is likely to increase in 2020 (the next census) when Wayland's year-round housing stock number is certain to increase.

- **Looking at the land parcels under your board's control: Do you have an overall policy concerning potential future use for each parcel?**

Not applicable

- **Do you have specific plans for any of the parcels?**

Not applicable

- **Thoughts on relinquishing control of any of the parcels?**

Not applicable

- **Do you have any documents or reports that outline your process for addressing and planning for future needs?**

Yes. Documents cited above, including the nearly finalized new Housing Production Plan.