

PACKET

JAN 11

2016



NAN BALMER
TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN Monday, January 11, 2016 Wayland Town Building Selectmen's Meeting Room

REVISED 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
- Announcements; Review Agenda for the Public
- 7:02 pm 2.) Public Comment
- 7:15 pm 3.) Attend Finance Committee's Special Town Meeting Warrant Article Hearing
- 7:35 pm 4.) Potential Vote to Amend the Location of the February 11, 2016, Special Town Meeting
- 7:40 pm 5.) Special Town Meeting
- a.) Petitioners' Workshop
 - b.) Vote Positions on Articles to Amend Minuteman Agreement and to Withdraw from the Minute School District
 - c.) Discuss Special Town Meeting Logistics/Budget
- 8:05 pm 6.) Discuss Massachusetts Gas Leaks Legislation with Paul Dale, Sierra Club, and Vote to Adopt Resolution
- 8:15 pm 7.) Annual Town Meeting 2016: Discussion and Review List of Potential Articles and Vote to Submit Articles
- a.) Petition Legislature for New Special Legislation for OPEB and Rescind OPEB Special Act
 - b.) Petition Legislature regarding Police Civil Service
 - c.) Amend Private Fire Hydrant Bylaw
 - d.) Fund Next Step in Council on Aging/Community Center Project
 - e.) Fund Glezen Lane Construction of Permanent Turn Restrictions on Glezen Lane
 - f.) Authorize 53 E 1/2 Accounts
 - g.) Allow Town Counsel to Speak at Meeting Without Meeting Vote
 - h.) Minuteman Borrowing for New School
 - i.) Authorize Confirmatory Taking of Newbury Conservation Land

**BOARD OF SELECTMEN
Monday, January 11, 2016
Wayland Town Building
Selectmen's Meeting Room**

Proposed Agenda Two

- | | | |
|---------|------|---|
| 9:15 pm | 8.) | Review and Approve Consent Calendar (See Separate Sheet) |
| 9:20 pm | 9.) | Review Correspondence (See Separate Index Sheet) |
| 9:30 pm | 10.) | Report of the Town Administrator |
| 9:40 pm | 11.) | Selectmen's Reports and Concerns |
| 9:50 pm | 12.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:55 pm | 13.) | Adjourn |

4) AMEND VOTE

DATE: January 11, 2016
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: Amend February 11, 2016 Special Town Meeting Location

REQUESTED MOTION:

MOVE TO AMEND THE JANUARY 4, 2016 VOTE ESTABLISHING THE FEBRUARY 11, 2016 SPECIAL TOWN MEETING BY CHANGING THE LOCATION FROM THE WAYLAND HIGHSCHOOL AUDITORIUM TO THE WAYLAND MIDDLE SCHOOL AUDITORIUM.

BACKGROUND:

On Monday, January 4, 2016, the Board voted to open the Warrant for a Special Town Meeting to begin on Thursday, February 11, 2016, at 7:30 p.m. in the Wayland High School Auditorium, or, in case of inclement weather, on Tuesday, February 23, 2016, at 7:30 p.m. in the Wayland High School Auditorium.

While there is no conflict with the High School Auditorium, Wayland Sings is holding its concert in the Field House on the same evening. A very large turnout is expected for this K through 12 event. The potential for a significant parking problem exists if the events occur simultaneously.

Working with the School Administration and the Facilities Department, we suggest moving the location of the February 11, 2016 Special Town Meeting, and the February 23, 2016 inclement weather option, to the Middle School Auditorium. The facility will seat 300 with the ability to expand another 100 seats if needed.

The warrant has not been sent to the printer, so the relevant location information can be corrected. We are also working with Metro West news to amend the legal notice.

Town Counsel was consulted and advised that the Board of Selectmen may amend their January 4th vote to change the location of the meeting. In changing the location of the meeting, there is absolutely no change to the opening or closing dates for the warrant.

Following are the projected costs for the February 11, 2016 Special Town Meeting:

Town Reimbursement (to include Public Safety details)	\$ 700
Electronic Voting	\$ 6,500
Printing	\$ 3,000
<u>Postage</u>	<u>\$ 1,600</u>
Total	\$11,800

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

56) STM Vote Position

ARTICLE FOR FEBRUARY 2016 SPECIAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN DATE RECEIVED: _____

CONTACT PERSON: TOWN ADMINISTRATOR TELEPHONE/Day: _____

TELEPHONE/Evening: _____

BOARD VOTE: 4-0 DATE OF VOTE: 1-4-16

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 *Clayton* DATE 1-5-16

Mark Lanza Approval _____ DATE _____

ARTICLE FOR FEBRUARY 2016 SPECIAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN DATE RECEIVED: _____

CONTACT PERSON: TOWN ADMINISTRATOR TELEPHONE/Day: _____

TELEPHONE/Evening: _____

BOARD VOTE: 4-0 DATE OF VOTE: 1-4-16

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 *Clayton K...* DATE 1-5-16

Mark Lanza Approval _____ DATE _____

Minuteman High School FAQ

Published originally by the Sudbury Board of Selectmen and edited with permission for Wayland's use by Lea Anderson

Frequently Asked Questions about Wayland's relationship with Minuteman Vocational Regional High School (Minuteman):

Why are we having a Special Town Meeting on February 11?

All sixteen towns in the Minuteman Regional School District must hold a Special Town Meeting prior to March 1 to approve a new version of the Minuteman Regional Agreement. Those towns, including Wayland, which have indicated they might withdraw also need to obtain Town Meeting's approval to withdraw from the district under the new agreement.

Why can't this wait until our Annual Town Meeting in April?

At our annual Town Meeting, Minuteman will present a request for capital funding for a new school building construction project to all towns in the Minuteman District. In order to present an accurate estimate of the costs of this project for each of the member communities, the composition of the district—who's in and who's out—must be known beforehand. Before May, Minuteman needs to know what we decide at our February 11 Special Town Meeting.

Why doesn't Minuteman wait and request capital funding next year in 2017?

The Massachusetts School Building Authority (MSBA) has set a deadline of June 30, 2016, for approval of funding to construct a new Minuteman School Building by the member towns in the Minuteman School District. If the deadline is met, the MSBA will pay for a significant fraction, variously described as \$58 million or 40% of the total eligible project costs, of the \$144.9 million building. If the deadline is not met, the MSBA will withdraw funding for the project. Minuteman wants to meet the June 30, 2016, deadline to obtain the funds from MSBA to construct the new school building.

What's the urgency on the new school?

The Minuteman School Building is, by all accounts, in need of major updating and refurbishing. Minuteman is in danger of de-accreditation because of the poor condition of the building, which hasn't had any significant improvements since it was originally built in the 1970s. Tackling the maintenance needs, including maintenance deferred in anticipation of a new building, needs to happen soon. Spending the amount of money to address the building's problems will trigger the requirement that the facility be brought up to current code; up till now, many non-compliance issues have been grandfathered. Repairs and upgrades will run in the tens of millions of dollars, and MSBA is not expected to reimburse. Rather than spend money on the existing school, Minuteman would like to build the new school with current facilities and up to current code. If the building project is approved in 2016, the anticipated opening date on the new building is 2020.

So Minuteman needs approval from district member towns for capital funding for a new building by June 30, 2016. Why are they just now proposing this amended regional agreement for our approval?

The existing Minuteman Regional Agreement was adopted in 1970, and last amended in 1980. Amending the Minuteman Regional Agreement requires that each of the sixteen member towns approve the proposed amendment at its Town Meeting. Wayland was one of six member towns not to adopt the most recent proposed set of changes in 2014 and again in 2015. Following this defeat, Minuteman declined any further attempt to modify the Regional Agreement and focused on getting approval for the building project under the current agreement. For various reasons it appears that funding for the new building project would not be successful. In November and December of 2015 selectmen from district towns negotiated the amended regional agreement containing a provision allowing withdrawal for some towns, which is now under consideration.

What are the provisions of the new agreement?

Check it out at <https://sudbury.ma.us/veoc/documents/> It's the Proposed Amended Minuteman Regional District Agreement (2015.12.21). The existing agreement is posted there, too.

Could you just summarize the changes from the existing agreement?

- Enrollment will be determined using a four-year rolling average of enrollment, rather than the previous year's enrollment, to calculate operating and capital budget assessments.
- School Committee votes including that approving the operating budget are weighted based upon enrollment from the member town. Capital projects require approval by a unanimous vote of the School Committee members present. In either case, 75% of the School Committee members must be present at the meeting for a binding vote to occur.
- A member community is permitted to withdraw if approved by a majority of representatives on the School Committee.
- Responsibility for the capital budget is determined as follows: 50% will be based on the four-year rolling average enrollment, 1% will be paid by each member town, and the remainder will be covered by the member towns based upon factors outlined by the state.
- Any income identified as a contribution to capital costs will be applied to the capital budget to reduce member town obligations.
- A member town will pay the capital costs for at least one student, even if no student from that town attends Minuteman.
- Each of the member towns will have to approve any borrowing by the District at Town Meeting.
- The School Committee is empowered to negotiate terms for capital assessments with any community wanting to join the District.
- The regional school must be located in a member town, or within five miles of the intersection of Route 2 and Bedford Road in Lincoln. If a community in which the school is located leaves the district, the school may continue to be located in that community.
- Towns sending out-of-district students must pay their share of both operating and capital costs. This restriction may be waived only by a weighted two-thirds vote of the school committee.
- Any town seeking to withdraw and announcing this intention by a vote of its Board of Selectmen will be named explicitly in the proposed regional agreement and must vote at Town Meeting to withdraw during the same town meeting at which voters approve the new regional agreement. This constitutes a one-time guarantee that, if the Department of Elementary and Secondary Education (DESE) approves the proposed agreement, Wayland would be allowed to withdraw from the Minuteman District.

What do these changes mean for Wayland?

Let's start with withdrawal. Wayland has voted three times (2014 ATM, 2015 ATM, and Nov. 2015 STM) on a path to withdrawal under the current agreement. This approach has failed because it requires all 16-member communities to approve our withdrawal and some voted against it. The Wayland Board of Selectmen has voted to request that Wayland withdraw from the Minuteman District under the amended agreement. Town Meeting will decide whether to withdraw or not at the February 11 Special Town Meeting.

Why should Wayland withdraw from the Minuteman District?

Wayland's enrollment at Minuteman has declined over the past few years to only 2 students attending today. The cost of educating a student at Minuteman continues to increase, now costing us about \$28,000 per student per year. By comparison, Wayland costs about \$17,000 per student per year. Any capital costs incurred by building a new school will be in addition to the \$28,000 per student costs. If Wayland is a member of the district when the building costs are incurred and leaves the district later, we are still obliged to continue paying our share of those capital costs until the debt is retired. Other vocational schools in the area have desirable programs, which our students can attend at lower cost. Under the new weighted voting, our vote

would be about 3.81% of the total (compared with 6.25% today) —significantly less than towns like Arlington, Lexington, and Belmont, which send many more students.

Are any other towns asking to withdraw from Minuteman, as Wayland is?

Yes, 7 of the 16 towns in the Minuteman District will be voting on whether or not to withdraw from Minuteman. The other towns are Boxborough, Carlisle, Dover, Lincoln, Sudbury, and Weston.

Why is the cost of sending a student to Minuteman so high?

Vocational education is generally more expensive than academic education, since it requires more specialized equipment and instructional space. However, the per-pupil cost of educating a student at Minuteman is the highest of all the state vocational schools. In addition, Minuteman admits about 45% of its students from out-of-district. These students currently pay no capital costs, and their tuition is capped by the state at about \$17,000 per year. Minuteman member towns must make up any operating shortfalls for educating these students as part of their annual assessments from Minuteman. In effect, member towns are subsidizing out-of-district students in addition to paying for our own students.

Why should Wayland NOT withdraw from the Minuteman District?

In-district students have the first choice of their preferred programs; out-of-district students are permitted to enroll in whatever programs remain available after in-district students are enrolled. As a district member, Wayland would have a seat on the School Committee to direct Minuteman school policy.

What are the options available to Wayland's vocational students if we choose to withdraw from the Minuteman District?

Wayland's students can attend approved Chapter 74 (vocational education) programs as out-of-district students. These programs are available at Assabet Valley Regional Vocational in Marlborough, Nashoba Valley Regional Vocational in Westford, and South Middlesex Regional Vocational (Keefe Tech) in Framingham. Wayland students could also attend Minuteman as out-of-district students. Wayland's Superintendent of Public Schools and members of a task force have visited each of these schools, and believe they all offer an excellent vocational education for their students.

If Sudbury withdraws from the Minuteman District, what happens to our students who are currently attending Minuteman?

They will be allowed to complete their program at Minuteman.

I've heard that new regulations allow Minuteman to charge a capital fee for out-of-district students. Won't that require students from non-member towns to cover their costs?

Under the new regulations, Minuteman may charge a capital fee now estimated to be \$8,100 per student for out-of-district students attending Minuteman, in addition to their tuition. This is a significant incentive for non-member towns that currently send large numbers of students to Minuteman not to send students to Minuteman but, rather, to accommodate these students at in-district vocational programs or to send them to other less-expensive schools.

Won't the new school be filled with in-district students?

Minuteman member towns currently send 388 in-district students to Minuteman. MSBA projected in 2012 that by 2020 the Minuteman district will send 435 students to Minuteman. However, MSBA also approved a plan for the new school with a capacity of 628 students, stating that they would not support any design for a school of less than 600 students. Filling this school will require continued significant out-of-district enrollment at Minuteman. Minuteman expresses optimism that with an attractive new facility the school will fill from within the district. The concern is that the MSBA projections are correct, and Minuteman's overstated. In that case the school committee may offer discounted rates to out-of-district students to attract sufficient numbers to fill the school, requiring the district towns to cover the shortfalls between the amounts charged and the cost of educating the students.

If we vote on February 11 both to approve the new regional agreement and to withdraw from Minuteman, does that mean we've withdrawn?

The Department of Elementary and Secondary Education (DESE) must also approve the new regional agreement for it to become effective. DESE will not approve it until all the towns currently in the district have adopted it; however, the Department has reviewed the new agreement and given preliminary approval. The earliest possible date for Wayland's withdrawal is July 2017.

If we vote on February 11 to approve the new regional agreement but do NOT vote to withdraw from Minuteman, what happens?

Assuming that all sixteen towns adopt the new regional agreement, Wayland continues as a member of the Minuteman District under the new regional agreement and votes upon the proposed capital article for the new Minuteman school building at the Annual Town Meeting in April. We will, at that time, know the number and composition of the Minuteman District and be able to calculate our precise capital costs for the building project.

What if not all the towns in the Minuteman District approve the new regional agreement?

If all 16 towns do not approve the new regional agreement, then Minuteman would continue to operate under the existing agreement. To raise funds for the new school Minuteman would attempt to get approval for the building project under the existing (1970) agreement, probably by holding a district-wide election prior to June 30, 2016. Let's hope it doesn't come to that.

**Minuteman
New Agreement Cost Comparison
DRAFT - 1/7/2016**

	Minuteman	Minuteman Non-Member Tuition Student	Assabet Valley (Marlborough)	Nashoba Valley (Westford)
	Assessment	DESE Tuition Rates (FY16)		
OPERATING:				
Tuition/ Per Pupil Fee	\$ 28,207	\$ 17,556	\$ 16,420	\$ 14,341
Transportation*	(included)	\$ 18,000	\$ 19,000	\$ 19,000
Capital Assessment Fee (Negotiable)	(see below)	\$ 8,121	\$ -	\$ -
Special Ed**	(included)	**	\$ -	\$ -
Sub-Total	\$ 28,207	\$ 43,677	\$ 35,420	\$ 33,341
Assumed No. of Students	0-1	1	1	1
CAPITAL:				
New Building Project Debt Assessment to Wayland***	\$ 77,472	\$ -	\$ -	\$ -
Total Cost	\$ 105,679	\$ 43,677	\$ 35,420	\$ 33,341
Cost Savings of Withdrawal	-	\$ 62,002	\$ 70,259	\$ 72,338

Wayland's 2017 Capital Assessmt (revised agreemt	\$ 77,472
Wayland's Total Obligation of New Debt (assumes current capital assessment for 30 years)	\$ 2,324,160
Per student capital assessment	\$ 14,617

Wayland's 2017 Projected Operating Assessment	\$ 149,497
No. of Students in Assessment (4 yr rolling ave.)	5.3
Per Student Assessment	\$ 28,207

FY16 Budget Under Current Agreement	
Wayland's 2016 Operating Assessment	\$ 110,045
Actual Number of Students (2014)	3
Per Student Assessment	\$ 36,682

Total Cost with 1, 5 and 10 students

1 student (2017) (assumes 4-yr ave. of 5.3 student)	\$ 105,679	\$ 43,677	\$ 35,420	\$ 33,341
1 student (2020) (assumes 4-yr ave. of 1 student)	\$ 42,824	\$ 43,677	\$ 35,420	\$ 33,341
5 students (2020) (assumes 4-yr ave. of 5 students)	\$ 214,122	\$ 146,385	\$ 101,100	\$ 90,705
10 students (2020) (assumes 4-yr ave. of 10 students)	\$ 428,244	\$ 292,770	\$ 202,200	\$ 181,410

NOTES:

- * = Assumes use of a 6 passenger van. Transportation expenses are partially reimbursable. Our experience is that the reimbursement is not predictable or definite. Joint transportation with neighboring towns will be explored.
- ** = Possible additional cost of \$5000 per student depending on individual students. Appx. 45% of the MM total population receive SPED services.
- *** = Assumes that non-member town students will continue attending Minuteman.

6) GAS LEAKS

Massachusetts Gas Leaks Legislation – The View from Wayland

DECEMBER 18, 2015

DAVID ZEEK

SIERRA CLUB, MASSACHUSETTS CHAPTER

74 unrepaired Gas Leaks in Wayland

The oldest is from 1994.

Across Massachusetts,
Unaccounted For Gas exceeds 8 billion cubic feet per year

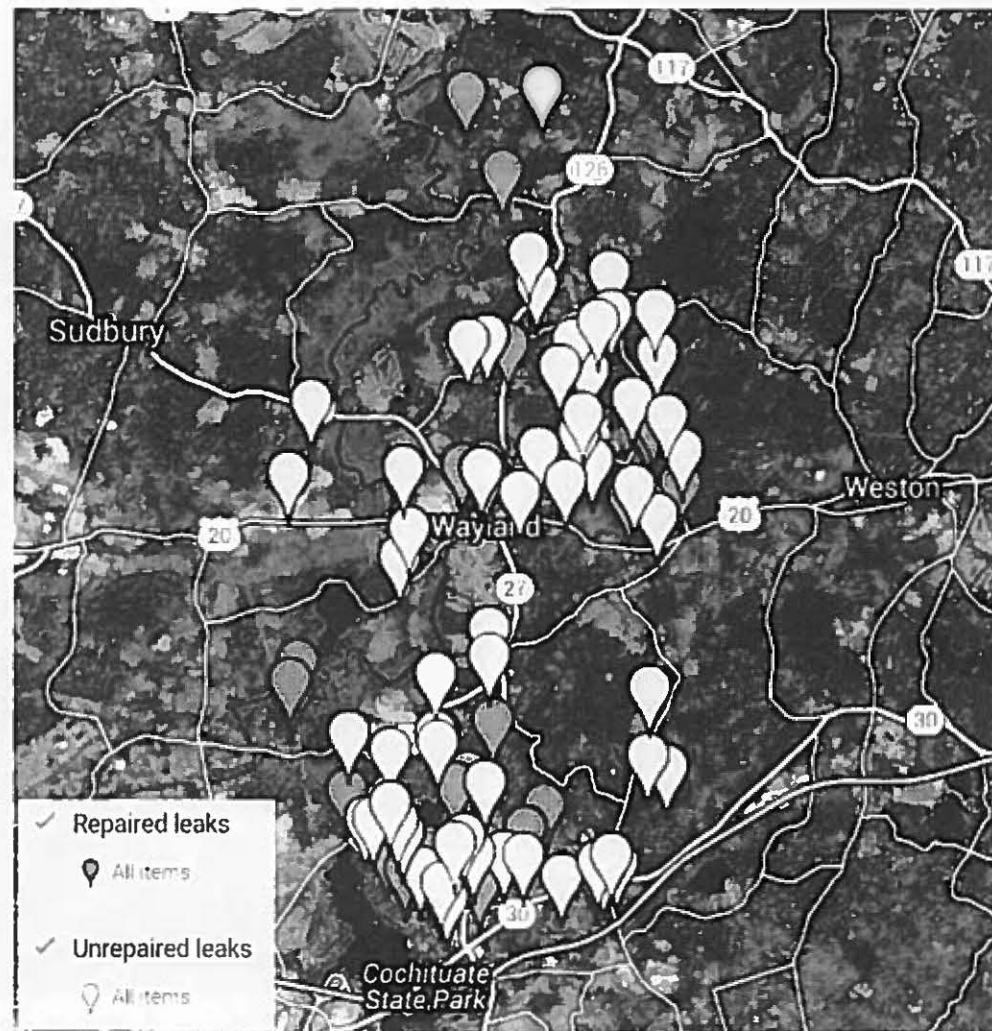
That lost gas is worth more than \$50M

Gas utilities can completely recover the cost of that lost gas through charges to customers.

Gas utilities are not required to repair Grade 3 (non-threatening) gas leaks – ever!

Natural gas (methane) is a global warming gas 84 times as bad as carbon dioxide for 20 years.

Natural gas kills plants and creates ozone which affects human health and allergies.



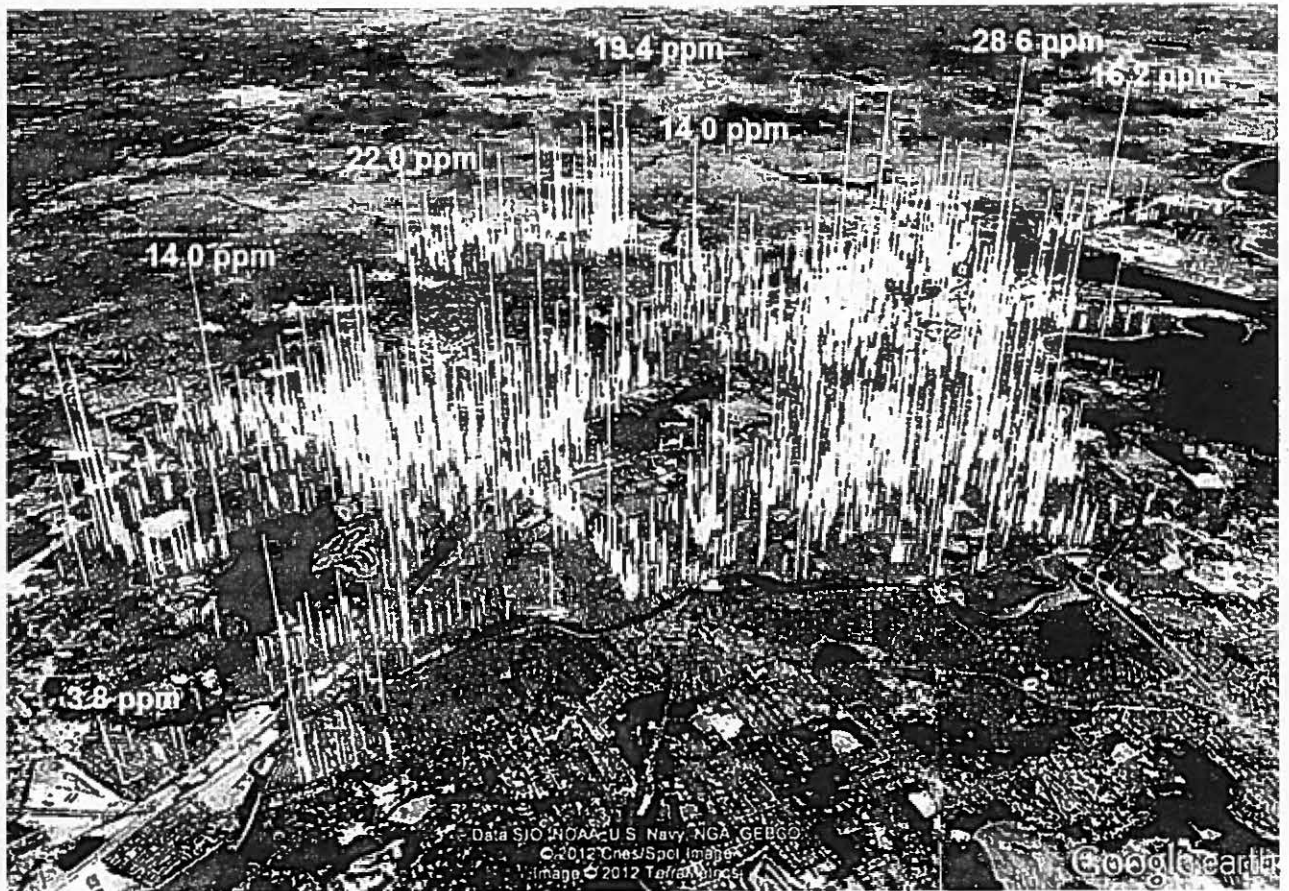
From <<http://www.heetma.org/squeaky-leak/natural-gas-leaks-maps/>>

Methane Emissions over Boston

Harvard University, Boston University, and other researchers evaluated methane emissions in the Boston area.

Natural gas accounted for 250-1000% of methane emissions, depending on season.

Emissions from natural gas were found to be two to three times larger than predicted by existing inventory methodologies and industry reports.



Using sophisticated instruments, researchers at Boston University detected thousands of methane leaks in the City of Boston. ©Nathan Phillips

Two Gas Leaks Bills in the Massachusetts Legislature Address This Problem

Two bills assigned to the Joint Committee on Telecommunications, Utilities and Energy ensure that gas consumers no longer pay for gas leaked from neglected, obsolete and decrepit pipes

H.2870, An Act Relative to Protecting Consumers of Gas and Electricity from Paying for Leaked and Unaccounted for Gas

- Precludes utility companies from charging customers for the cost of lost and unaccounted for gas, protecting consumers from expenses that they have no ability to control or reduce
- Precludes utility companies from charging customers to reduce or remedy the losses, i.e., fix the leaky pipes
- Consumers means homeowners, businesses, companies using gas in manufacturing, municipalities, state, and federal government
- Presented by Rep. Lori Ehrlich and Sen. James Eldridge with 49 additional petitioners

H.2871, An Act Relative to Gas Leak Repairs During Road Projects

- Requires all gas leaks under a road to be repaired when it is opened up for a construction project. This is a sensible, cost saving, efficient way to ensure more leaks are repaired.
- Expands coverage of safety leaks bill passed last year
- Presented by Rep. Lori Ehrlich with 47 additional petitioners

These bills provide sound economic incentive to fix the problem.

Municipal Support for Gas Leaks Legislation

Sixteen municipalities have already passed resolutions supporting one or both gas leaks bills

Arlington
Bedford
Boston
Brookline
Cambridge
Chelmsford
Concord
Framingham
Lexington
Marblehead
Newton
Northampton
Pittsfield
Somerville
Swampscott
Waltham



City of Waltham, Massachusetts

Resolution

Concerning Lost and Unaccounted For Gas

June 8, 2015

WHEREAS... "Unaccounted For Gas" (UFG) or "Lost And Unaccounted For Gas" (LAUF) represents the difference between the total gas from all sources and the total gas accounted for as sales, interchange, and use and include: leakage or loss by other means, discrepancies in measuring or monitoring, variations of temperatures or pressures and other variants, and

WHEREAS... The cost of UFG is typically passed down from providers to consumers, and

WHEREAS... Leaking gas in the ground is harmful to vegetation and can kill valuable shade trees by depriving roots of oxygen, and

WHEREAS... Massachusetts House Bill (H.2870), "An Act relative to protecting consumers of gas and electricity from paying for leaked and UFG" seeks to protect all gas and electricity customers from paying for UFG by prohibiting providers from including the cost of UFG, as well as the costs of reducing or remedying loss, in the rate base, and

WHEREAS... H.2870 will provide economic incentive to gas providers to mitigate loss, pushing development of improved technologies and practices, as well as to reduce heat-trapping gases released during transportation, distribution and storage, which have an impact on global warming,

THEREFORE, BE IT RESOLVED... That the Waltham City Council supports H.2870, and

BE IT FURTHER RESOLVED... That the Waltham City Clerk forward an engrossed copy of this resolution to the elected Waltham delegation in the House and Senate as well as House Speaker Robert A. DeLeo and Senate President Stanley C. Rosenberg on behalf of the entire Waltham City Council,

Read and adopted _____

Attest: Rotarie C. Malone, City Clerk

Respectfully submitted

Councillor George A. Darcy III

Councillor Stephen F. Rourke

Example Language

Backup

Grades of Gas Leaks

Massachusetts Law (2014) Chapter 149 AN ACT RELATIVE TO NATURAL GAS LEAKS changes to: Chapter 164, MANUFACTURE AND SALE OF GAS AND ELECTRICITY, Section 144.

- (a) There shall be uniform natural gas leaks classification for all gas companies.
- (b)
 - (1) Gas companies shall assess a grade to all reported natural gas leaks based on the system provided in this section.
 - (2) A **Grade 1** leak shall be a leak that represents an existing or probable hazard to persons or property. **Grade 1 leaks require repair as immediately as possible and continuous action until the conditions are no longer hazardous.** The gas company shall immediately schedule a completion of repairs and the condition shall be kept under continuous surveillance until the hazard or source of the leak is eliminated. Whenever appropriate and feasible, a gas company shall notify the fire department and chief law enforcement officer in each city or town where a Grade 1 leak is identified.
 - (3) A **Grade 2** leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection, but justifies scheduled repair based on probable future hazard. **The gas company shall repair Grade 2 leaks or replace the main within 12 months from the date the leak was classified.** All Grade 2 leaks shall be reevaluated by a gas company at least once every 6 months until eliminated; provided, however, that the frequency of reevaluation shall be determined by the location and magnitude of the leakage condition.
 - (4) A **Grade 3** leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection and can be reasonably expected to remain non-hazardous. The gas company shall reevaluate Grade 3 leaks during the next scheduled survey, or within 12 months from the date last evaluated, whichever occurs first, until the leak is eliminated or the main is replaced. A municipal or state public safety official may request a reevaluation of a Grade 3 leak prior to the next scheduled survey, or sooner than 12 months of the date last evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter149>

Gas Leaks in the News

The public is just now becoming aware of the cost, waste, and personal and environmental hazard of gas leaks as they have become a significant current topic in the news. See:

Boston Globe, Aug. 20, "Leaks widespread in state's gas lines"

<http://www.bostonglobe.com/metro/2015/08/20/new-law-casts-light-state-natural-gas-leaks/qJJPCiRZITc5ai0JeHNOqO/story.html>

WBUR, Aug. 21, Radio story on gas leaks,

<http://radioboston.wbur.org/2015/08/21/leaky-gas-lines>

WCVB television news, Aug. 21, "Hidden danger, cost of gas leaks in Massachusetts"

<http://www.wcvb.com/news/hidden-danger-cost-of-gas-leaks-in-massachusetts/34852528>

Resources

Resource	Source	Link or Reference
Report on Lost and Unaccounted for Gas Into Thin Air	DPU	http://www.mass.gov/eea/docs/dpu/gas/icf-lauf-report.pdf
America Pays for Gas Leaks	CLF	http://www.clf.org/static/natural-gas-leaks/WhitePaper_Final_lowres.pdf
David Abel "Leaks in Boston area gas pipes exceed estimates"	Sen. Ed Markey	http://www.markey.senate.gov/documents/markey_lost_gas_report.pdf
"Methane emissions from natural gas infrastructure and use in the urban region of Boston, Massachusetts"	Boston Globe	http://www.bostonglobe.com/metro/2015/01/22/natural-gas-leaks-boston-area-are-far-more-extensive-than-thought/5BykQrmaGRr2XLtXpHqLIM/story.html
An Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas	Proceedings of the National Academy of Sciences of the United States of America	http://www.pnas.org/content/112/7/1941.full?sid=544e506b-2c46-4e28-b620-1dc30c6cea62
An Act Relative to Gas Leak Repairs During Road Projects	Massachusetts House	https://malegislature.gov/Bills/189/House/H2870
Understanding the Impact of Natural Gas Leaks on Public Safety, the Environment and Your Wallet	Massachusetts House	https://malegislature.gov/Bills/189/House/H2871
	CLF	http://clf.org/map/

Methane Is a Powerful Global Warming Gas

Table 5.7 | Global Warming Potentials (GWPs) and Global Temperature Change Potentials (GTPs) for various greenhouse gases relative to carbon dioxide (CO₂) over different time horizons. Source: IPCC Climate Change Report, "Climate Change 2013: The Physical Science Basis"

Gas	Lifetime (years)	Scenario	GWP ₁₀₀	GWP ₁₀₀ cc-fb	GTP ₁₀₀	GTP ₁₀₀ cc-fb
CH ₄	12.4 ^a	Nice fb	51	27	67	4
		With cc-fb	36	20	50	3
HFC-135a	37.4	Nice fb	3710	1600	1900	200
		With cc-fb	2710	1550	1810	190
CFC-11	45.0	Nice fb	4900	2460	2890	310
		With cc-fb	3220	1910	2290	240
N ₂ O	121.0 ^b	Nice fb	274	265	277	234
		With cc-fb	209	257	254	217
CF ₄	73,000.0	Nice fb	8500	4130	5270	860
		With cc-fb	5900	2150	3240	560

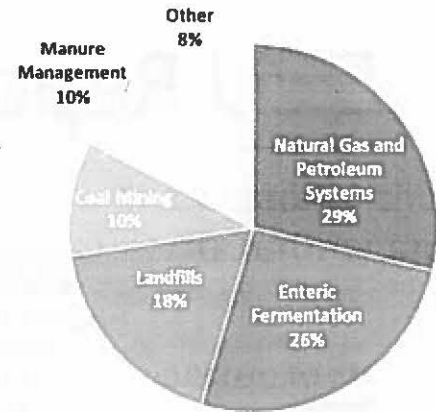
^a Lifetime is related to the atmospheric lifetime of the gas in the troposphere. The actual lifetime for a molecule depends on its chemical reactivity and other processes.
^b Deposition velocity is determined as follows:
 • For gases that do not react with OH, the deposition velocity is 1 cm s⁻¹ for the 2000-2010 period, and is given by $V_{deposition} = 1.5 \times \text{GWP}^{-0.5}$.

GWP is ratio of heat retained by subject gas relative to carbon dioxide (CO₂) [GWP for CO₂ = 1]

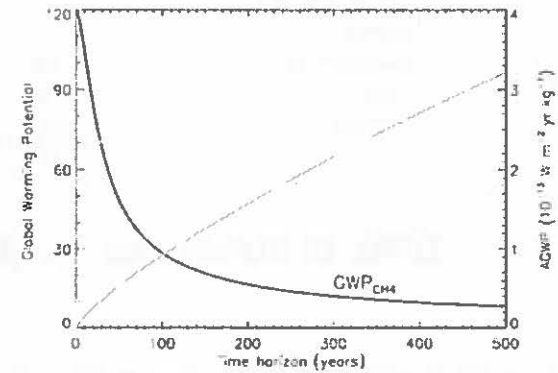
GTP is the ration of temperature change due to subject gas relative to carbon dioxide

cc-fb is climate-carbon feedback which accounts for CO₂ interactions with the environment

Between 65% and 80% of CO₂ released into the air dissolves into the ocean over a period of 20–200 years. The rest is removed by slower processes that take up to several hundreds of thousands of years, including chemical weathering and rock formation.



Note: All emission estimates from the *Inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990–2012*.



REV: 11 95% of natural gas is methane (CH₄). Methane retains 84 times as much heat as carbon dioxide for 20 years!

DPU Report on Gas Leak Status EOY 2014

Gas Leaks Local Distribution Company	LAUF 2014 Mcf (thousand cubic feet)	Methane Emissions 2014 MT (Metric Tons)	YR 2014 Total Gas Leaks				EOY 2014 Remaining Gas Leaks				Fixed in 2014	Repair Cost	
			Grade 1	Grade 2	Grade 3	Total	Grade 1	Grade 2	Grade 3	Total		Hours	Dollars
Bay State (Columbia Gas)	278,532.2	6,133.8	2,797	2,162	3,145	8,104	0	494	2,945	3,439	4,665	135,615	\$25,030,937
Berkshire	35,987.3	724.0	75	227	356	658	0	61	285	346	312	8,304	\$1,583,596
Blackstone	60.1	na	0	0	19	19	0	0	0	0	19	na	na
Liberty Utilities	126,109.2	1,297.0	86	151	652	889	0	13	411	424	465	10,176	\$1,484,000
National Grid	967,517.5	18,209.0	5,386	4,386	12,994	22,766	86	470	11,435	11,991	10,775	389,418	\$59,468,101
NSTAR (Eversource)	223,518.5	4,085.5	892	1,230	3,915	6,037	0	89	3,889	3,978	2,059	111,384	\$12,300,000
Unitil (Fitchburg)	209.6	431.8	329	585	144	1,058	0	0	105	105	953	3,600	\$487,655
Holyoke	21,109.2	340.9	55	80	179	314	0	11	150	161	153	5,715	\$517,124
Middleborough	292.4	70.3	21	26	30	77	0	0	0	0	77	na	na
Wakefield	25,138.2	na	13	133	89	235	0	90	72	162	73	5,280	\$459,175
Westfield	25.2	9,178.5	19	59	190	268	0	2	167	169	99	6,060	\$525,200
	1,678,499.4	40,470.8				40,425				20,775	19,650		\$101,855,788

D.P.U. 15-GLR-01 (Sep. 18, 2015): Report on the Prevalence of Natural Gas Leaks in the Natural Gas System

7 ANNUAL TOWN
MEETING ARTICLES

DATE: JANUARY 11, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: ANNUAL TOWN MEETING ARTICLES

REQUESTED ACTION:

VOTE TO SUBMIT ARTICLES SPONSORED BY THE BOARD OF SELECTMEN

BACKGROUND:

Attached is the current list of 52 potential Annual Town Meeting articles.

There are 9 articles (Articles labeled A through H are attached; I will be provided by Town Counsel on Monday) for the Board to consider for submission for inclusion in the Annual Town Meeting Warrant:

- A. **REQUEST NEW SPECIAL LEGISLATION FOR OPEB AND RESCIND OPEB SPECIAL ACT**
The OPEB Committee recommended the creation of an OPEB Trust including an appointed Board of OPEB Trustees. The attached article was drafted by Town Counsel to provide the Board of Selectmen the authority to petition the legislature to create the Trust and rescind the existing special OPEB act. Town Counsel is working with Special Counsel Brian Fox to refine the language.
- B. **PETITION LEGISLATURE REGARDING POLICE CIVIL SERVICE**
The article is proposed for the Town to withdraw from Civil Service for the Wayland Police Department. Current officers appointed under civil service would retain their civil service rights.
- C. **AMEND PRIVATE FIRE HYDRANT BYLAW**
Minor amendments to by-law recommended by Fire Chief and Water Superintendent for legal compliance.
- D. **COA/CC: FUND NEXT STEP**
Recommended by COA / CC which is Advisory to Board of Selectmen for additional funding for the project. Cost estimate of \$560,000 (8% of the anticipated maximum project cost of \$7 million is still under consideration.

- E. FUND GLEZEN LANE- CONSTRUCTION OF PERMANENT TURN RESTRICTIONS**
Project is currently under design. Additional funding will be needed for construction.
- F. ARTICLE AUTHORIZING 53 E ½ ACCOUNTS / INCLUDES TWO NEW SCHOOL ACCOUNTS**
MGL Chapter 44, Section 53 E ½ requires authorization and annual reauthorization by Town Meeting with the approval of the Board of Selectmen of revolving funds under this section. The authorization must include the specific information included in the table that is part of the article. The School Committee submitted articles for two new 53 E 1/2 Revolving Funds (attached). These articles can be subsumed in an omnibus article to be submitted annually by the Selectmen. Submission of an article on 53 E ½ revolving funds is a change from the prior practice of including authorization of the 53 E ½ Revolving Funds in the budget article. The change in practice is recommended by the Town Administrator after consultation with Department of Revenue legal staff to provide greater transparency and to meet the law's requirements for approval by the Board of Selectmen and specificity regarding authority to spend from the revolving funds, allowable uses of the fund and revenue source.
- G. ALLOW TOWN COUNSEL TO SPEAK AT TOWN MEETING WITHOUT TOWN MEETING VOTE**
Amends existing by-law.
- H. AUTHORIZE DEBT FOR MINUTEMAN SCHOOL PROJECT**
If any of the 16 member Minuteman Town meetings do not adopt the revised regional agreement at the February Town Meeting, the MM School Committee will request the Board of Selectmen place an article on the Annual Town Meeting warrant. The Minuteman Superintendent was not able to provide a draft article at this time. The attached article was adopted from the town's prior MSBA articles to serve as a placeholder.
- I. AUTHORIZE CONFIRMATORY TAKING OF NEWBURY CONSERVATION LAND**
Town counsel will provide an article to provide for an eminent domain taking in order to clear title on this land donation.

**2016 ANNUAL TOWN MEETING
POTENTIAL ARTICLES AS OF JANUARY 11, 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. CONSERVATION CLUSTER AMENDMENT
18. BUILDING HEIGHT: DEFINITION
19. ASSISTED LIVING / NURSING HOME REQUIREMENTS
20. ACCEPT PRIVATE ROADS

POTENTIAL BOARD OF SELECTMEN ARTICLES

21. REQUEST NEW SPECIAL LEGISLATION FOR OPEB AND RESCIND OPEB SPECIAL ACT
22. PETITION LEGISLATURE REGARDING POLICE CIVIL SERVICE
23. AMEND PRIVATE FIRE HYDRANT BYLAW
24. COA/CC: FUND NEXT STEP
25. FUND GLEZEN LANE- CONSTRUCTION OF PERMANENT TURN RESTRICTIONS
26. ARTICLE AUTHORIZING 53 E ½ ACCOUNTS / INCLUDES TWO NEW SCHOOL ACCOUNTS
27. ALLOW TOWN COUNSEL TO SPEAK AT TOWN MEETING WITHOUT MEETING VOTE
28. AUTHORIZE DEBT FOR MINUTEMAN SCHOOL PROJECT
29. AUTHORIZE CONFIRMATORY TAKING OF NEWBURY CONSERVATION LAND

POTENTIAL ARTICLES FROM OTHER PUBLIC BODIES

30. LIBRARY TRUSTEES: WASTEWATER CAPACITY FOR BUILDING PROJECT
31. LIBRARY TRUSTEES: TRANSFER DPW LAND TO LIBRARY
32. LIBRARY: TRANSFER MUNICIPAL LAND AT 137 OLD CONNECTICUT PATH TO LIBRARY
33. BOPW: WATER CONSERVATION BY-LAW
34. BOPW: 5 PATHS INTERSECTION IMPROVEMENTS (SIGNALS AND WALKWAYS)
35. BOPW: RT. 30/SCHOOL STREET IMPROVEMENTS
36. BOPW: TEMPORARY SIGNS IN RIGHT OF WAY
37. BOPW: ACCEPT ROAD LAY-OUT FOR RT. 27 AND 30 INTERSECTION
38. RECREATION COMMISSION: CREATE 53 D OR 53 F BEACH FUND
39. RECREATION COMMISSION: CREATE STABILIZATION FUND
40. HOUSING AUTHORITY: COCHITUATE VILLAGE SPRINKLER PROJECT
41. CPC: SET 10% ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING
42. CPC: TRANSFER OF COMMUNITY HOUSING FUNDS TO WMAHTF
43. CPC: FUND REPAIR OF MONUMENTS AT NORTH CEMETERY
44. CPC: FIX TOWN CLOCK
45. CPC: MAINSTONE FARM ARTICLES
46. CPC: INCREASE PERCENTAGE CPA SURCHARGE
47. HISTORICAL COMMISSION: DEMOLITION DELAY BYLAW
48. COA: AMEND CIRCUIT BREAKER BY-LAW
49. – 52: POTENTIAL PETITIONERS' ARTICLES

1/11/16

7 (a) OPEB

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: 1/ /16
CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620
TELEPHONE/Evening:
BOARD VOTE: DATE OF VOTE:

TITLE: Petition the State Legislature to Adopt Special Act for Other Employment Benefits Trust Funds and Repeal Existing OPEB Trust Fund Special Act

COST: NO COST: XX COST ESTIMATE:

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act relative to the Town's Other Employment Benefits Trust Fund and repeal Chapter 372 of the Acts of 2010 substantially the same as the following act:

AN ACT ESTABLISHING A POSTEMPLOYMENT BENEFITS TRUST FUND IN THE TOWN OF WAYLAND

Section 1. Definitions. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Commission", the public employee retirement administration commission established under section 49 of chapter 7.

"GASB", the Governmental Accounting Standards Board.

"Health Care Security Trust board of trustees", the board of trustees established by section 4 of chapter 29D of the Massachusetts General Laws.

"Other Post-Employment Benefits Liability Trust Fund" or "OPEB Fund"; a trust fund established by a the Town under this section for the deposit of gifts, grants and appropriations and other funds for the benefit of retired employees and their dependents, the payment of required contributions of the Town to the group health insurance benefits and other post-employment benefits provided to employees and their dependents after retirement and the reduction and elimination of the unfunded liability of the town for such benefits.

"OPEB Fund board of trustees"; an independent board of trustees appointed by the Board of Selectmen with investing authority for the OPEB Fund.

“OPEB investing authority” or “investing authority”; the trustee or board of trustees appointed by the Board of Selectmen to invest and reinvest the OPEB Fund using the investment standard or investment vehicle established under this section.

“PERAC”, the public employee retirement administration commission established under section 49 of chapter 7 of the Massachusetts General Laws.

Section 2. Establishment and Management of OPEB Fund. The Town of Wayland shall establish and continue on its books and accounts the Other Post-Employment Benefits Liability Trust Fund, the assets of which shall be held solely to meet the current and future liabilities of the Town for group health insurance benefits and other post-employment benefits for retirees and their dependents. The town may appropriate amounts to be credited to the fund and the Town Treasurer, with the approval of the Board of Selectmen, may accept gifts, grants and other contributions to the fund. The fund shall be an expendable trust subject to appropriation and shall be managed by a trustee or a board of trustees as provided in subsection (b). Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that the Town receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be dedicated to and become part of the fund by vote of the town at a town meeting. All monies held in the fund shall be accounted for separately from other funds of the town and shall not be subject to the claims of any general creditor of the town.

(a) The Town Treasurer shall be the custodian of the OPEB Fund and shall be bonded in any additional amounts necessary to protect fund assets.

(b) The Board of Selectmen, upon recommendation of the Town Administrator, shall appoint a trustee or board of trustees, which shall have general supervision of the management, investment and reinvestment of the OPEB Fund. The Board of Selectmen may appoint as the trustee or board of trustees (i) the custodian; or (ii) an OPEB Fund board of trustees appointed by the Board of Selectmen under subsection (c). If no designation is made, the Town Treasurer shall be the trustee and shall manage and invest the fund. The duties and obligations of the trustee or board of trustees with respect to the fund shall be set forth in a declaration of trust to be adopted by the Board of Selectmen, but shall not be inconsistent with this section. The declaration of trust and any amendments thereto shall be filed with the Board of Selectmen and the Town Clerk and take effect upon filing. The trustee or board of trustees may employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the fund, if authorized by the Board of Selectmen upon recommendation of the Town Administrator. The trustee or trustees may, with the approval of the Health Care Security Trust board of trustees, invest the OPEB Fund in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A of the Massachusetts General Laws.

(c) The Board of Selectmen, upon recommendation of the Town Administrator, may vote to establish a separate OPEB Fund board of trustees to be the investing authority. The board of trustees shall consist of 5 to 9 individuals, including a person or persons with the investment experience desired by the Town, a citizen or citizens of the town, an employee of the town, a retiree or retirees of the town,, and a town officer or officers. The trustees will serve for terms of 3 or 5 years as determined by the Board of Selectmen, and if a vacancy occurs, a trustee may be appointed to serve for the remainder of the term. Trustees shall be eligible for reappointment.

(d) The trustee or board of trustees shall act in a fiduciary capacity and shall discharge its duties for the primary purpose of enhancing the value of the OPEB Fund and shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and with like aims and by diversifying the investments in the fund so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.

In any civil action brought against a trustee or the board of trustees, acting within the scope of official duties, the defense or settlement of which is made by Town Counsel, such trustee or employee shall be indemnified from the OPEB Fund for all expenses incurred in the defense thereof and for damages to the same extent as provided for public employees in chapter 258 of the Massachusetts General Laws. No trustee or employee shall be indemnified for expenses in an action or damages awarded in such action in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such trustee or employee.

(e) Monies in the OPEB Fund not required for expenditures or anticipated expenditures within the investment period, shall be invested and reinvested by the custodian as directed by the investing authority from time to time; provided such investment is made in accordance with (i) section 54 of chapter 44 of the Massachusetts General Laws, in the case of the Town Treasurer or OPEB Fund board of trustees as investing authority, unless the Board of Selectmen, upon recommendation by the Town Administrator, authorizes investment under the prudent investor rule established in chapter 203C of the Massachusetts General Laws; or (ii) section 4 of chapter 29D and section 24 of chapter 32A of the Massachusetts General Laws, if the OPEB Fund is invested in the State Retiree Benefits Trust Fund.

(f) Amounts in the OPEB Fund may be appropriated by a majority vote of town meeting to pay the Town's share of health insurance benefits and other post-employment benefits for retirees and their dependents upon certification by the trustee or board of trustees that such amounts are available in the fund. The Town Treasurer after consulting with the Town Administrator shall determine the amount to be appropriated from the fund to the annual budget for retiree health insurance and notify the trustee or board of trustees of that amount at the earliest possible opportunity in the annual budget process. Upon notification, the trustee or board of trustees shall take diligent steps to certify those funds as available for appropriation by the town, or will be available by the time the appropriation would become effective or provide an explanation why the funds are or will not be available or should not be made available.

Section 3. Actuarial Reports. Whenever the Town obtains an actuarial valuation report in accordance with GASB statements of the liabilities of the unit for health care and other post-employment benefits for its retired employees and their dependents, it shall submit a copy to PERAC no later than 90 days after receipt of such report. PERAC may require that the Town provide additional information related to such liabilities, normal cost and benefit payments, as specified by the executive office for administration and finance in consultation with PERAC. The Town shall file the report and the additional information with PERAC and the division of local services. PERAC shall file a summary report of the information received under this section with the chairs of the house and senate committees on ways and means, the secretary of administration and finance and the board of trustees of the Health Care Security Trust established under section 4 of chapter 29D of the Massachusetts General Laws.

Section 4. Repeal of Existing OPEB Special Act. Chapter 372 of the Acts of 2010 is hereby repealed.

Section 5: Effective Date. This act shall take effect upon its passage.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7 (b) Civil Service

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:

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act exempting all Town of Wayland Police Personnel from the provisions of Civil Service Law substantially the same as the following act:

AN ACT EXEMPTING ALL POLICE PERSONNEL IN THE TOWN OF WAYLAND POLICE DEPARTMENT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

Section 1: All police personnel in the Town of Wayland Police Department shall be exempt from the provisions of Chapter 31 of the General Laws and related regulations applicable thereto.

Section 2: The provisions of Section 1 of this act shall not impair the civil service status of the present employees of the Town of Wayland Police Department except for the purpose of promotion.

Section 3: This act shall take effect upon its passage.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7 (c) Hydrant
Bylaw

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Fire / DPW DATE RECEIVED: _____

CONTACT PERSON: David Houghton TELEPHONE/Day: 508-358-6910

TELEPHONE/Evening: 508-404-0473

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: Amend Chapter 145 – Inspection, Testing, Maintenance of Private Fire Hydrants

COST: _____ NO COST: X COST ESTIMATE: _____

TEXT:

To see if the town will amend Town Code Chapter 145, Inspection, Testing, & Maintenance of Private Fire Hydrants and Underground and Exposed Piping

Chapter 145 – Inspection, Testing, & Maintenance of Private Fire Hydrants and Underground and Exposed Piping

Section 1 – Purpose

The purpose of this chapter is to set requirements for the testing, inspection, and maintenance of privately owned fire hydrants and underground and exposed piping. It is the responsibility of the property owner to have all the hydrants and piping located on his/her property maintained, inspected, and tested in accordance with this regulation. This procedure is necessary in order to assure proper function of the fire hydrants located on the property.

Section 2 - Referenced Documents

- A. NFPA Publication. National Fire Protection Association (“NFPA”), 1 Batterymarch Park, Quincy, MA 02169-7471.
- B. NFPA 25, the Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protections Systems (2014 edition).
- C. **Commonwealth of Massachusetts Regulation – 310CMR22**

Section 3 - Definitions - As used in this section, the following terms shall have the meanings indicated:

filed with the Fire Chief at the Wayland Fire Department by **December 1**, each year.

Section 5 – Violations

For any violation of this bylaw, the property owner will be assessed the following fines. Property owners will be notified of all fines assessed and must be paid within 30 days of notification.

\$50. First offense, for each violation. This applies to each private fire hydrant. For instance, a subdivision with three hydrants in non-compliance with this bylaw would be assessed a fine of \$150.

\$200. An additional \$200 fine will be assessed if the same violation(s) has (have) not been remedied after notification by the Fire department and after a 30 day period.

\$300. If the same violation(s) is (are) not remedied after notification by the Fire Department during the next April 15 – June 15 time period. Failure to pay the fine within the prescribed time period will result in court action for violation of a Town bylaw or a municipal charges lien being placed on the subject real property pursuant to Massachusetts General Laws Chapter 40, Section 58, in the Middlesex County Registry of Deeds, South District, until the fine is paid.

As an alternative to the assessment of fines through criminal process, violations of this bylaw may be enforced through civil disposition in the manner provided in Massachusetts General Laws Chapter 40, Section 21D. The Fire Chief or his designee shall be the enforcing person.

COMMENTS:

This amendment incorporates Commonwealth of Massachusetts 310 CMR 22 Department of Environmental Protection – Drinking Water. This requires that all testing and maintenance will be done in cooperation and following the procedures of the DPW- Water Division and will allow this testing to be done in harmony with town wide flushing procedures.

7 (d)
COA-CC

ARTICLE FOR ANNUAL TOWN MEETING

Sponsor: Board of Selectmen - Council on Aging/Community Center Advisory Committee Date Received: _____

Contact Person: Nan Balmer, Town Administrator Telephone/Day: (508) 358 - 3620

Telephone/Evening: _____

Board Vote: _____ Date Of Vote: _____

Title: Appropriate Funds For Design, Construction Documents And Bidding For A Proposed Council On Aging/Community Center At Wayland Town Center

COST: x NO COST: _____ COST ESTIMATE: _____

TEXT: To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Selectmen for the purpose of preparing Bid Documents and obtaining bids for a Council on Aging/Community Center building on the "municipal pad," the parcels of land located on and off Boston Post Road (Route 20) and Andrew Avenue in Wayland Massachusetts shown as Lot 4-1, Parcel R-20-1, Parcel R-21 and Lot 8-1 on a plan entitled "Plan of Land in Wayland, MA," dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 or 2013, a copy of which plan is on file in the Office of the Town Clerk.

In addition, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and to authorize the Town Administrator with the approval by the voters of the Town of Wayland to take any action necessary to carry out this program.

COMMENTS: With the expenditure contingent on the Town taking control of the property, and with the design factoring in the programming and other studies completed by the Board of Selectmen and Council of Aging/Community Center Advisory Committee, the design scope shall be as follows: a) design renovations to the existing building, b) design of a new building, or c) design of both renovations to the existing building and new building. Related site development on the municipal parcel is included under all scenarios.

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7 (e)
Glezen Lane

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: _____

CONTACT PERSON: Town Administrator TELEPHONE/Day: (508) 358- 3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: FUND GLEZEN LANE TRAFFIC CONTROL MEASURES

COST: NO COST: COST ESTIMATE: Under design

TEXT:

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Public Works for the costs of design and construction of traffic control measures and improvements to Glezen Lane; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds for another purpose, by borrowing under Massachusetts General laws Chapter 44 or other enabling authority, or otherwise.

COMMENTS:

(Please see 2015 ATM Warrant, p. 73, Article 15.)

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

PROS:

This allows the flowing of water to be done as part of the Town wide flushing program that scheduled and engineered for optimum cleaning and protection of the drinking water system and allows the provision of 510CMR 22 to be followed.

CONS:

The flushing and testing will need to be coordinated and scheduled with the DPW- Water Division and not independently done.

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7 (f) Revolving Funds

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: _____

CONTACT PERSON: Town Administrator TELEPHONE/Day: (508) 358- 3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: ADOPT M.G.L.CH. 44. SECTION 53 E ½ – REVOLVING ACCOUNTS

COST: _____ NO COST: X COST ESTIMATE: _____

TEXT:

To determine whether the Town will vote to authorize the establishment or continuance of the following Revolving Accounts for the Fiscal Year beginning July 1, 2016, in accordance with Massachusetts General Law Chapter 44, Section 53 E ½.

	<u>REVOLVING FUND</u>	<u>AUTHORITY TO SPEND FUND</u>	<u>REVENUE SOURCE</u>	<u>USE OF FUND</u>	<u>FY 17 SPENDING LIMIT</u>
1	Transfer Station	DPW Director and Board of Public Works	Transfer Station fees, recycling fees	Transfer Station programs and activities	\$550,000
2	Recreation	Recreation Director and Commission	Recreation program user fees	Recreation programs	\$585,000
3	Council on Aging	Council on Aging Director and Council	COA program user fees	Education, cultural and entertainment programs	\$50,000
4	School Department – Professional Development	School Business Manager and School Committee	Teachers’ user fees for training programs	Training program costs; instructional fees and materials	\$50,000
5	School Department – Curriculum	School Business Manager and School Committee	Departmental receipts from parents for materials	Instructional materials	\$25,000

COMMENTS:

MGL Chapter 44, Section 53 E ½ requires authorization and annual reauthorization by Town Meeting with the approval of the Board of Selectmen of revolving funds under this section. The authorization must include the specific information included in the table that is part of the article. The School Committee submitted articles for two new 53 E 1/2 Revolving Funds (attached). These articles can be subsumed in an omnibus article to be submitted annually by the Selectmen. This is a change from the prior practice of including authorization of the 53 E ½ Revolving Funds in the budget article. The change in practice is recommended by the Town Administrator after consultation with Department of Revenue legal staff to provide greater transparency and to meet the law's requirements for approval the Board of Selectmen and specificity regarding authority to spend from the revolving funds, allowable uses of the fund and revenue source.

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

To be included in BOS
omnibus 53E 1/2 ARTICLE

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Wayland Public Schools:
School Committee DATE RECEIVED: _____
CONTACT PERSON: Dr. Paul Stein,
Superintendent TELEPHONE/Day: 508-358-3774
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Establish School Department Revolving Fund for Professional Development

COST: _____ NO COST: COST ESTIMATE: _____

TEXT:

To determine whether the Town will vote to establish and authorize the use of a revolving fund pursuant to Massachusetts General Law Chapter 44, Section 53E1/2 by the School Department for professional development for teacher training programs for which the costs, which are instructional fees and materials, are to be funded by teacher user fees. Fund limit is \$50,000. The School Committee and School Business Officer authorize all expenditures.

COMMENTS:

PROS:

CONS:

SIGNATURE OF SCHOOL COMMITTEE CHAIR _____ DATE _____

SIGNATURE OF BOARD OF SELECTMEN CHAIR _____ DATE _____

Signature of Mark Lanza _____ DATE _____

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Wayland Public Schools:
School Committee DATE RECEIVED: _____
CONTACT PERSON: Dr. Paul Stein,
Superintendent TELEPHONE/Day: 508-358-3774
TELEPHONE/Evening: _____
BOARD VOTE: _____ DATE OF VOTE: _____
TITLE: Establish School Department Revolving Fund for Curriculum Enhancement

COST: _____ NO COST: COST ESTIMATE: _____

TEXT:

To determine whether the Town will vote to establish and authorize the use of a revolving fund pursuant to Massachusetts General Law Chapter 44, Section 53E1/2 by the School Department for the enhancement of curriculum for which the costs, which are instructional materials, are to be funded by departmental receipts from parents. Fund limit is \$25,000. The School Committee and School Business Officer authorize all expenditures.

COMMENTS:

PROS:

CONS:

SIGNATURE OF SCHOOL COMMITTEE CHAIR _____ DATE _____

SIGNATURE OF BOARD OF SELECTMEN CHAIR _____ DATE _____

Signature of Mark Lanza _____ DATE _____

7 (g) Town Counsel

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: AMEND CHAPTER 36, SECTION 18 OF TOWN CODE, ATTENDANCE AND PARTICIPATION OF
NONRESIDENT TOWN OFFICIALS

COST: _____ NO COST: _____ COST ESTIMATE: _____

TEXT:

To determine whether the Town will amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words "Town Counsel" as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

7 (#) MINUTEMAN

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: _____

Nan Balmer, Town
CONTACT PERSON: Administrator TELEPHONE/Day: 508-358-3620

TELEPHONE/Evening: _____

BOARD VOTE: _____ DATE OF VOTE: _____

TITLE: _____

COST: NO COST: COST ESTIMATE AVAILABLE ON: _____

TEXT: That the Town:

- a.) appropriate the sum of ----- dollars for the purpose of construction of a new Regional Vocational Technical High School , ----- to be expended under the direction of the Minuteman School Committee; and to meet said appropriation the Minuteman School Committee is authorized to borrow said sum under M.G.L. Chapter 44, or pursuant to any other enabling authority. The District acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District through its members; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1)----- percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA; and
- b.) to meet said appropriation, authorize the the Minuteman School Committee to borrow ----- ---- under Massachusetts General Laws Chapter 44, or any other enabling authority; and
- c.) to authorize the Minuteman School Committee to enter into all necessary and appropriate agreements for the construction of a new Regional; Vocational Technical High School, including but not limited to a project funding agreement and a project scope and budget agreement with the MSBA, which agreements with the MSBA may include a provision requiring said School Committee to indemnify the MSBA for losses associated with the District's performance of its obligations and exercise of its rights under such agreements.

PROS:

CONS:

SIGNATURE OF CHAIR _____ DATE _____

Mark Lanza Approval _____ DATE _____

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JANUARY 8, 2015**

RIVERS EDGE

The Rivers Edge Advisory Committee held a forum Thursday to discuss how the town should move forward to develop the Rivers Edge property. Some suggested changes to the RFP included:

1) Changing the age – restricted / senior housing requirement; 2) Structuring the RFP to share risk for unknown costs on water, wastewater, demolition and soil removal / remediation. It was a positive meeting attended by 10 members of the real estate development and affordable housing community. The River's Edge Advisory Committee will draft changes to the RFP for consideration by the Board of Selectmen. (Town Counsel would review the changes assuming they are minor revisions, not requiring Special Counsel). Upon approval by the Board of Selectmen, the RFP would be re-issued.

RECREATION

On Thursday I met with the Recreation Commission which voted to submit an article to create an MGL Chapter 44, Section 53D Beach Revolving Fund. Because beach revenues are collected in the spring of every year and would be unavailable to the new fund, and under 53D the fund would be swept to a balance of \$10,000 (after encumbrances annually), the budget article would need to include a transfer in the budget article from the 53 E ½ Recreation Revolving fund each year the 53D fund is in existence. To operate in a separate fund, the Recreation Commission will need to consider raising fees to add expenses for the Beach. By removing revenue to cover beach expenses (\$100,000+) from the 53 E ½ fund, there will be adequate room to operate under the FY 17 expense cap.

The Recreation Commission also voted to submit an article to establish a Special Purpose Recreation Stabilization Fund and to transfer from the 53 E ½ Revolving Funds to establish the fund. This fund will require a 2/3 vote of Town meeting to create. It will be used for future capital projects. Appropriations from the fund for projects will require a 2/3 vote of town meeting.

For FY 16, we will continue to work together to stay under the expense cap by managing programs and monthly monitoring of revolving fund expenses. Also to provide potential relief from the expense cap, Elizabeth Doucette is evaluating indirect costs to be sure they are calculated correctly. The Recreation Commission is requesting detail on these charges and an explicit policy on indirect cost methodology. I have committed to provide that detail before the indirect costs are paid from the fund.

IT

The following is an update on the status of IT initiatives:

- IT Director
 - o Through HR the IT Director position was approved by the Personnel Board and advertised. Acceptance of resumes is in process. A number of resumes have been received thus far.
 - o Through Procurement an RFP for Interim IT Director was advertised on November 25. Several proposals were received by the December 10 deadline. These are in the process of being evaluated to determine if they meet the RFP requirements.
- Long Range Plan
 - o Final report received from RSM and planned for publication on Town website by next week.
- Firewall
 - o Research is in process to determine products that meet the Town's requirements

SNOW PLOWING AND ROAD MAINTENANCE: PRIVATE WAYS

Citizens inquired about adoption of statute under parts C and N of MGL 40, Section 6. Section C (Snow and Ice Removal on private ways) was adopted by the Town in 1968. Section I, later repealed by the legislature (Maintenance), was adopted in 1964. The Town later adopted a by-law on temporary maintenance of private ways. The ways that were recently deleted from the plowing list are considered "common driveways" and are not covered by the statute.

Good morning Nan,

PLANNING BOARD ARTICLES -- CLASS II AUTO LICENSES

The Planning Board did not go forward with 3 zoning articles: (1) floor area ratio, (2) non-conforming use and (3) Sales of Used Autos-Accessory Use to Service Station. The Planning Board decided it does not want to allow auto sales in Business Zone A – because of visibility of the use.

BUILDING COMMISSIONER'S REPORT:

Per your request this is a brief update on the Building Department's review of the permitting history of the 8 locations connected with current Used Car Dealer's License-Class II. Please be advised that to date 3 of the 8 locations have been vetted and in good faith it has been currently determined that: No zoning objections are anticipated to be raised by the zoning official at the next Used Car Dealer's License renewal cycle if the following 3 license holders, at the same locations, and as controlled by the same license conditions, apply to renew their licenses. These locations are:

1. 70 Boston Post Road
2. 322 Commonwealth Road
3. 118 Main Street

As this review process moves forward with the remaining 5 locations the Building Department will provide updates as requested.

MINUTES

The Minutes of 11/16/15 and 11/30/15 are attached for your review.



NAN BALMER
TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

DRAFT

Board of Selectmen
Meeting Minutes
November 16, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, 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)(3) to Discuss Strategy with Respect To Healthcare in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association

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)(3) to discuss strategy with respect to healthcare in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association, 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, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Committee Chair Ellen Grieco, Personnel Board Chair Jessica Green, Finance Committee Chair Nancy Funkhouser, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 6:58 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes said the first duplex built by Habitat for Humanity will be completed on December 5. L. Anderson commended the Wayland Police Department for receiving state certification from the Massachusetts Police Accreditation Commission on November 5. C. Karlson noted that the water ban was lifted today.

A3. Public Comment Steven Glovsky, 36 Shaw Drive, requested that the Board consider whether the town is best served by the current Town Counsel.

A13. 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, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A14. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. In regard to the issue of maintaining common driveways, N. Balmer advised that the issue came to light during an insurance dispute, at which time the Board of Public Works reviewed its policies and notified the affected homeowners that the town will no longer plow common driveways. The Board discussed the appropriateness of the action and the legal definition of common driveways versus rights-of-way. The Board requested documentation from the Board of Public Works for further review.

A4. Public Hearing regarding a Petition from Nstar Electric Company dba Eversource Energy for the Purpose of Obtaining a Grant of Locations to Install Approximately Forty-Five (45) Feet of Conduit in Shaw Drive C. Karlson opened the public hearing at 7:19 p.m. regarding the petition from Nstar Electric Company dba Eversource Energy for the purpose of obtaining a grant of locations to install approximately forty-five (45) feet of conduit in Shaw Drive. The Board was joined by Christine Cosby of Eversource, who explained the need to obtain approval from the Board to access public property to bring electricity to new construction on Shaw Drive. Steven Glovsky, 36 Shaw Drive, said he was opposed to putting a conduit under Shaw Drive, as the construction will create a divot in the road. He said Fox Meadow Lane and Shaw Drive need to be repaved, and the cost should be charged to Eversource. C. Cosby said the roadway would not be disturbed, as the conduit is drilled below ground. J. Nolan suggested that S. Glovsky refer his concerns to the Board of Public Works. He also asked if there was a precedent for a utility to make a donation to the town for further work; C. Cosby said no. C. Karlson closed the hearing at 7:28 p.m.

J. Nolan moved, seconded by M. Antes, to approve the petition from Nstar Electric Company dba Eversource Energy for the purpose of obtaining a grant of locations to install approximately forty-five (45) feet of conduit in Shaw Drive. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

J. Nolan asked C. Cosby to provide the Board with a count of double poles, and he noted a streetlight outage.

A5. Joint Meeting with the Planning Board to Interview and Potential Appointment as an Associate Member of the Planning Board for a Term to Expire Upon the April 2016 Annual Town Election The Board was joined by members of the Planning Board (Andrew Reck, Kevin Murphy, Colleen Sheehan, Daniel Hill, Ira Montague) to interview Paul Morenberg, Nicole Riley and Jennifer Steel for the position of associate member of the Planning Board. Applicants discussed their backgrounds and their interest in serving in the position. K. Murphy moved, seconded by D. Hill, to appoint Nicole Riley as an Associate Member of the Planning Board for a term to expire upon the April 2016 Annual Town Election. YEA: A. Reck, K. Murphy, C. Sheehan, D. Hill, I. Montague. NAY: none. ABSTAIN: none. Adopted 5-0. M. Antes moved, seconded by J. Nolan, to appoint Nicole Riley as an Associate Member of the Planning Board for a term to expire upon the April 2016 Annual Town Election. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 4-0.

A10. Review of New Positions Proposed to the Personnel Board for Departments under the Board of Selectmen for FY17 The Board was joined by John Senchyshyn, Human Resources Director/Assistant Town Administration, to discuss potential new positions. He said the Personnel Board is reviewing the requests and will submit its recommendations to the Finance Committee. Requested new positions include a Business Systems Administrator, an Executive IT Director, one new Police Officer, one part-time clerical staff for the Board of Health and the Town Clerk, and several requests from the DPW, including two maintenance workers. He noted that the Recreation Commission wants to replace the Program Administrator with two full-time positions, but needs to find funding for the second position. He said that in

total, there are nine new requests and five reclassifications. The Board discussed procedures, and agreed to review the information and make its recommendation to the Finance Committee.

A7. Discussion and Potential Appointment of Board of Selectmen Representative to the River's Edge Advisory Committee for a Term to Expire upon the Final Disposition of Said Land by Sale, Lease or Otherwise, and Vote to Rescind Appointment of Mary Antes The Board was joined by Michael Ellenbogen to interview for the River's Edge Advisory Committee. M. Antes moved, seconded by J. Nolan, to rescind the vote of October 26, 2015, to appoint Mary Antes to the River's Edge Advisory Committee as the representative of the Board of Selectmen for a term to expire upon the final disposition of said land by sale, lease or otherwise. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 4-0. M. Ellenbogen reviewed his background and his interest in serving on the committee. J. Nolan moved, seconded by L. Anderson, to appoint Michael Ellenbogen to the River's Edge Advisory Committee as the representative of the Board of Selectmen for a term to expire upon the final disposition of said land by sale, lease or otherwise. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 4-0.

A6. Discussion and Potential Vote on Priorities for Wayland Real Asset Planning (WRAP) Committee The Board reviewed the discussion points prepared by the Wayland Real Asset Planning (WRAP) Committee for property under the control of the Board. J. Nolan noted the deferred maintenance of the town building, and said an upgrade is needed soon. C. Karlson asked about the need for storage and meeting space. M. Antes noted the need for parking, and the potential ability to rent space to people who want to have a community event. In regard to the scattered parcels of town-owned land, C. Karlson suggested that the Board review its policy and consider four points: the Board's willingness to sell the land, the ability to combine parcels to provide community space, the potential for municipal use, and whether the land is conducive to affordable housing.

A8. Town Meeting Follow-up The Board reviewed a chart prepared by the Town Administrator regarding Special Town Meeting follow-up. N. Balmer reviewed discussions with the Superintendent of Schools regarding IT services, and the decision to hire a permanent Executive IT Director, an interim manager, or a consultant. C. Karlson asked that she prepare a recommendation for the Board. The Board agreed that the discussion regarding the municipal parcel and the library project will continue, and C. Karlson suggested that the Permanent Municipal Building Committee get involved. The Board requested that the chart be kept updated.

A9. Presentation of FY17 Operating Budgets under the Board of Selectmen The Board reviewed the FY17 operating budgets under its jurisdiction. N. Balmer said the Finance Director will appear before the Board on December 15 to review the full budget. She noted the biggest budget variance was in the IT department. J. Nolan asked for a comparison of the current budget to the previous year's budget, with a description of any variances. C. Karlson requested an overview of the increases that exceed the Finance Committee guidelines, with an explanation, such as contractual obligations or salary increases. She also noted that if increases are necessary, then corresponding budget cuts should be suggested. C. Karlson asked for a worksheet on healthcare costs and utilities, and a packet of quarterly reports. M. Antes said she would support the inclusion of the work previously done by the Beautification Committee in the new DPW positions. The Board asked the Town Administrator to provide her recommendations to the Board.

A11. Vote FY17 Capital Project Recommendations The Board reviewed the FY17 capital project recommendations, and a draft memorandum to the Finance Committee prepared by the Town Administrator. J. Nolan questioned the cost of demolition of the former DPW garage. The Board discussed the estimated cost of the Council on Aging/Community Center building, and M. Antes asked that estimates also be prepared for different scenarios, including the potential addition of an arts center or a recreation facility.

C. Karlson noted that a decision is needed from the Wayland Real Asset Planning (WRAP) Committee, and the project may not be ready by Annual Town Meeting. The Board noted the prioritization of the requested fire vehicles. J. Nolan moved, seconded by L. Anderson, to approve the FY17 capital projects as presented with two amendments: that the Council on Aging/Community Center be noted as under consideration, and that the cost of the demolition of the old DPW building be examined further. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 4-0.

A12. Discuss Evaluation with Town Administrator The Board reviewed the Town Administrator evaluation. M. Antes said she was pleased that the Board seemed unanimous in its evaluations. She said she is very pleased with her work, noting it would be helpful if she provided more recommendations; for example, in the case of the Minuteman issue. L. Anderson praised her willingness to bring departments together, and her rapport with residents. She thanked her for the implementation of electronic packets, and also requested that she provide more recommendations, such as in the budget process. J. Nolan said she is professional and communicates well with the residents. He noted that he expects the Town Administrator to be able to provide advice. C. Karlson thanked her for her work, and noted the progress being made in several issues. She expressed concern about the workload, and asked that more projects be brought to closure. The Board suggested better communication with local media. N. Balmer thanked the Board, the residents of Wayland, and the staff.

A15. Report of the Town Administrator N. Balmer said the holiday lighting is being put up at the Public Safety Building, and she updated the Board on the special legislation for a town center liquor license.

A16. Selectmen's Reports and Concerns L. Anderson provided an update on the issue of the Minuteman Regional School. She said that Selectmen and representatives from the Minuteman regional towns met recently and expressed displeasure with the proposed district wide vote. She described an alternative process for returning to the revised agreement, with changes, that can be put before town meetings, which would allow communities to withdraw before incurring debt for the new construction. She said she will work with N. Balmer and Special Counsel to put together a plan moving forward. C. Karlson said the review of executive session minutes will be on the November 30 agenda, and the auditors will appear before the Board in December.

A17. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A18. Adjourn There being no further business before the Board, J. Nolan moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:32 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of November 16, 2015

1. Résumés of Nicole Riley and Jennifer Steel
2. Final Town Administrator Evaluation, September 2014-September 2015

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

1. Memorandum of 11/16/15 from Nan Balmer, Town Administrator, to Board of Selectmen
re: Order for Location of Conduit, 41 Shaw Drive, and Backup Material

2. Memorandum of 11/13/15 from Office of the Town Administrator to Board of Selectmen
re: Appointment to Vacant Position as Associate to the Planning Board and Letters of Interest from Jennifer Steel, Nicole Riley, and Paul Morenberg
3. Discussion Points and Municipal Land Data Base provided by Gretchen Schuler, Wayland Real Asset Planning (WRAP) Committee
4. Memorandum of 11/13/15 from Office of the Town Administrator to Board of Selectmen
re: Appointment to River's Edge Advisory Committee and Letter of Interest from Mike Ellenbogen
5. Chart of 2015 Special Town Meeting Article and Suggested Board of Selectmen/Town Administrator Next Steps prepared by Nan Balmer, Town Administrator
6. Memorandum of 11/16/15 from Nan Balmer, Town Administrator, to Board of Selectmen
re: Preliminary Submission of FY17 Operating Budget Under Chapter 19-4 of Town Code/FY17 Budget Process
7. Memorandum of 11/16/15 from Nan Balmer, Town Administrator, to Board of Selectmen
re: FY17 Personnel Requests
8. Memorandum of 11/16/15 from Nan Balmer, Town Administrator, to Board of Selectmen
re: FY17 Capital Projects, and Memorandum of 11/16/15 from Nan Balmer, Town Administrator, to Finance Committee re: FY17 Capital Projects
9. Town Administrator's Report for the Week Ending November 13, 2015



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TOWN OF WAYLAND

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

DRAFT

Board of Selectmen
Meeting Minutes
November 30, 2015

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, 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)(5) to Investigate Charges of Criminal Misconduct; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Collective Bargaining; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel At 6:01 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)(5) to discuss the investigation of charges of criminal misconduct; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining in regard to the AFSCME clerical union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, taking, lease or value of real property in regard to the municipal parcel in the Town Center Project. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:03 p.m.

A2. Call to Order by Chair Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:05 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. M. Antes announced that the dedication for the new Habitat home will be Saturday, December 5, at 12:00 noon. L. Anderson noted the Raytheon PIP meeting at the Town Building on Thursday, December 3, at 7:00 p.m.

A3. Public Comment Mike Lowery, 120 Lakeshore Drive and member of the Board of Public Works, said the Board of Public Works is considering a bylaw regarding sign regulations in the town's rights-of-way.

A12. Review and Approve Consent Calendar (See Separate Sheet) L. Anderson moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A15. Selectmen's Reports and Concerns J. Nolan reported on the MetroWest Regional Transit Authority meeting. He said there was a budget discussion regarding the CNG facility in Framingham, and noted that

many towns have expressed interest in changing to natural gas vehicles. M. Antes reported on a meeting of the MetroWest Regional Collaborative on November 19, and reviewed the discussion of how local communities are handling the licensing of medical marijuana and farms. She said the Metropolitan Area Planning Council is urging municipalities to get involved in the Community Compact Cabinet.

A4. Tax Classification Hearing – Presentation by the Board of Assessors of Tax Classification Options; Potential Vote of the Board of Selectmen on Tax Classification; Review of Tax Recapitulation Sheets and Supporting Documents C. Karlson opened the tax classification hearing at 7:21 p.m. The Board was joined by the Board of Assessors (Jayson Brodie, David Hill, Cheryl Kane, and Susan Rufo), Director of Assessing Ellen Brideau, and Administrative Assessor Jessica Marchant. S. Rufo stated that the purpose of the hearing was to adopt the town's tax policy by allocating or classifying the tax levy among the property types. S. Rufo described the property assessment review, the classification percentages, and the new growth in Wayland. She reviewed how the tax rate is calculated, and the classification options being presented for consideration. Brian Keveny, Finance Director, said the Finance Committee recommended a residential tax factor of one. M. Antes asked about the use of the residential exemption to address the affordable housing rate; E. Brideau said the residential exemption is all-inclusive and cannot be applied to one class or owner. C. Karlson asked if the residential increase matched the commercial development in town center. E. Brideau said the percentage was stable, and in fact, the residential growth was higher.

M. Antes moved, seconded by J. Nolan, to establish the residential tax factor of one. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by M. Antes, to not adopt the small commercial exemption. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. M. Antes moved, seconded by L. Anderson, to not adopt a residential exemption. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

The Board was joined by Finance Director Brian Keveny to review the FY16 tax recapitulation sheet. He reviewed the spending appropriations from town meeting votes, funding sources, local receipts, expenses, enterprise fund balances, community preservation funds, and free cash. He said the new tax rate is 17.34%, noting that spending has increased, but is offset by the use of free cash and the CPA fund. He said the Department of Revenue has reviewed the tax recapitulation sheet and has no issues. J. Nolan asked if the increase in expenses was a concern for the future. B. Keveny said yes; he would like to stabilize the use of free cash and the slow the growth of expenses. C. Karlson closed the hearing at 7:57 p.m.

A5. Minuteman: Discuss Boxborough Proposal and Town Position on Minuteman Issues The Board was joined by Mary Ellen Castagno, Wayland representative to the Minuteman High School, Town Moderator Dennis Berry, and School Committee member Jeanne Downs. L. Anderson reviewed the current situation. She said the MSBA approved the new Minuteman school project, there are other towns that want to withdraw, and there are many towns that are interested in finalizing an amended agreement. She said a potential solution, proposed by the Town of Boxborough, would be a vote at each member's town meeting on three issues: withdrawal, approval of the proposed amended agreement to allow withdrawal before paying the capital costs, and approval for the new construction. The Board discussed the scheduling of a town meeting. L. Anderson said the wording is such that the agreement must be approved by all sixteen member communities by February 16, 2016. M. Castagno confirmed that Wayland students could continue to attend Minuteman. L. Anderson also noted that Dr. Paul Stein, Superintendent of Schools, is comfortable with using other regional technical schools. D. Berry asked if the vote could be extended to the April Annual Town Meeting. L. Anderson said there are many outstanding questions, and the dialogue will continue.

A6. Consider and Vote Recommendation of Facilities Director to Request Assignment of Library Project and Council on Aging/Community Center Project to Permanent Municipal Building Committee

The Board was joined by Facilities Director Ben Keefe to discuss the assignment of building projects to the Permanent Municipal Building Committee. J. Nolan moved, seconded by M. Antes, to assign the Library project and the Council on Aging/Community Center project to the Permanent Municipal Building Committee as recommended by the Facilities Director Ben Keefe. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A7. Discuss and Potential Vote to Approve Concept Plan and Authorize Modification to Depot Parking Lot Required by Rail Trail Project

The Board was joined by Larry Kiernan, Rail-Trail Committee, and Town Planner Sarkis Sarkisian. S. Sarkisian reviewed the process for the design of the rail-trail as it passes through the Depot parking lot. He said the Historic District Commission has issued its approval of the plan, and permission is now required from the Board of Selectmen as the owners of the property. The Board discussed parking and the need to address a plan for the turntable in the future. M. Antes moved, seconded by J. Nolan, to approve the concept plan for the Rail-Trail to pass through the Depot Parking Lot at 1 Cochituate Road, dated October 13, 2015, as presented. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A8. Meet New Building Commissioner Geoffrey Larsen and Discuss Approach to Class II Auto License Zoning with Building Commissioner and Town Planner

The Board was joined by Geoffrey Larsen, Building Commissioner, to address the issue of Class II auto licensing. Board members welcomed G. Larsen to the town. J. Nolan reviewed the background of the licensing of Class II auto dealers, and said there is a need to codify the town policy without putting an undue financial or regulatory burden on established businesses. G. Larsen said he plans to begin a dialogue with the auto dealers, with the expectation that a process can be established to resolve the zoning issues. He said the Town Planner, Sarkis Sarkisian, is updating the town bylaw to establish the sale of five used cars by right, with site plan approval required for an excess of five cars. He said there will be a public hearing on December 8. J. Nolan suggested that the business owners be invited to a forum to explain the process.

A9. FY17 Budget: Review IT and Facilities Budgets

The Board was joined by Financial Analyst Elizabeth Doucette to review the IT budget. N. Balmer said that the overall increase is 2 ¼ percent, including the \$400,000 increase in IT expenses; however, it does not include the \$200,000 for a potential new position. She said that Assistant Town Administrator/Human Resources Director John Senchyshyn will discuss the unclassified budget and health insurance next week, as well as two new positions proposed by the police department and the IT department. She said that on December 14, the Finance Director will discuss the entire budget. E. Doucette reviewed the town IT budget, noting that there were discrepancies due to the separation of the shared expenses of an IT Executive Director and the separation of recurring costs. She said the potential school/town budget split has not yet been decided.

The Board was joined by Facilities Director Ben Keefe to review the budget for utilities. B. Keefe discussed the stable cost of natural gas, the increase in electricity costs, and the savings impact of solar benefits. He said the ESCO savings are reflected in the budget. He said the water charges are unchanged, but noted increases in telephone charges, custodial supplies, and salaries. He said he cut the overtime budget, as it has been tracking low. He said the overall budget for utilities is approximately 2% over last year.

A10. Review Final Response to Wayland Real Asset Planning (WRAP) Committee Questionnaire

Ben Keefe, Facilities Director, appeared before the Board to review the WRAP questionnaire regarding property under the jurisdiction of the Board of Selectmen. He said the town building needs a substantial amount of work, and M. Antes said that there have been requests from builders to purchase the building for conversion to housing. C. Karlson suggested that alternative space be considered. In regard to the draft

priorities, the Board suggested that the municipal parcel be the first priority, followed by community space, affordable housing, and the disposition of land. J. Nolan asked that every town board be questioned as to surplus property. M. Antes said the committee would like to meet with the Board in December.

A11. Discuss Sign Policy M. Antes reviewed a draft sign policy. The Board discussed suggested edits, safety issues in regard to securing the signs, and the composition of the signs. The Board agreed that while businesses and religious institutions cannot advertise, community events sponsored by a business or a religious institution would be acceptable. Mike Lowery, Board of Public Works, said he is consulting with the Zoning Board of Appeals in regard to the town sign bylaws. C. Karlson said that the town bylaw applies to signs on private property; the policy before the Board deals with town-owned property. C. Karlson asked M. Antes to prepare a draft policy for review and comment.

A12. Review and Approve Consent Calendar (See Separate Sheet) L. Anderson moved, seconded by J. Nolan, to reconsider the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by J. Nolan, to approve the consent calendar with an edit to the minutes of October 5, 2015. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence.

A14. Report of the Town Administrator N. Balmer reported on ongoing budget issues in the recreation department, including a registration cap, a potential revolving fund for the beach program, account reconciliation, and the turf field fund. She said the Board of Public Works will discuss the issue of common driveways at its December 1 meeting, after residents were informed that the town will no longer plow on private property. She said the River's Edge proposals are due December 1.

A15. Selectmen's Reports and Concerns L. Anderson reported on the post-town meeting forum hosted by the Town Moderator.

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. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(6), to consider the Disposition of the Wayland/Sudbury Septage Facility, and to Consider the Purchase, Exchange, Lease or Value of Real Property Relative to the Town Center Municipal Parcel; and Pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(3), to Discuss Strategy with Respect to Pending Litigation regarding the Case of Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission and Potential Litigation by a Group of Wastewater Users; and to Discuss Strategy with Respect to Pending Litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding "Crown Path," and to Consider Potential Litigation regarding Bernstein et al v. Wayland Planning Board, and to Discuss Potential Litigation regarding Affordable Housing Restrictions, and to Discuss the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, and to Conduct a Grievance Hearing with Representatives of SEIU Local #888, and to Discuss Strategy with Respect to Collective Bargaining in Regard to Contract Negotiations with the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) 7, to Review and Consider for Approval the Potential Release of the

Following Minutes Pertaining to these Subjects: , because a Public Discussion of Pending Litigation and Collective Bargaining will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, September 8, 2015, September 14, 2011, March 5, 2012, November 5, 2012, May 6, 2013, August 26, 2013, January 27, 2014, June 23, 2014, November 24, 2014, March 30, 2015, May 18 2015, June 24, 2015, July 13, 2015, July 27, 2015, September 21, 2015, September 8, 2015, September 11, 2015, October 5, 2015, and October 19, 2015 At 10:36 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(6), to consider the disposition and value of the Wayland/Sudbury septage facility, and to consider the purchase, exchange, lease or value of real property relative to the Town Center Project municipal parcel; and to discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21(a)(3), to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland LLC and the Town of Wayland and the Wastewater Management District Commission and potential litigation by a group of wastewater users; and to discuss strategy with respect to pending litigation between Moss and Borner v. Lingleys and the Town of Wayland regarding "Crown Path," and to consider potential litigation regarding Bernstein et al v. Wayland Planning Board, and to discuss potential litigation regarding affordable housing restrictions, and to discuss the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone, and to discuss a grievance hearing with representatives of SEIU Local #888, and to discuss strategy with respect to collective bargaining in regard to contract negotiations with the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) 7 and 22, to review and consider for approval the potential release of the following executive session minutes pertaining to these subjects: March 31, 2010, November 6, 2013, March 23, 2015, August 31, 2015, September 8, 2015, September 14, 2011, March 5, 2012, November 5, 2012, May 6, 2013, August 26, 2013, January 27, 2014, June 23, 2014, November 24, 2014, March 30, 2015, May 18, 2015, June 24, 2015, July 13, 2015, July 27, 2015, September 21, 2015, September 8, 2015, September 11, 2015, October 5, 2015, and October 19, 2015. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 10:49 p.m.

A18. 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 10:50 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

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

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

Items Included as Part of Agenda Packet for Discussion During the November 30, 2015 Board of Selectmen's Meeting

1. Tax Classification Hearing Presentation from Board of Assessors

2. Notes on Minuteman, 11/20/2015, from Selectman Lea Anderson, and Protocol for Adopting Amended Agreement, Bonding, and Withdrawal
3. Memorandum of 11/24/15 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Permanent Municipal Building Committee Project Assignment
4. Memorandum of 11/23/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Rail Depot –Bike Path and Layout
5. Email of 11/23/15 from Geoff Larsen, Building Commissioner, to Nan Balmer, Town Administrator, re: Used Car Dealer’s License Class II Zoning Review Status Update
6. Memorandum of 11/24/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: Used Car Dealers
7. Memorandum of 11/30/15 from Nan Balmer, Town Administrator to Board of Selectmen re: FY17 Budget Variances: Departments Under the Board of Selectmen
8. Memorandum of 11/30/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Response to Request Regarding Facilities Under Selectmen Jurisdiction
9. Board of Selectmen Sign Policy with Suggested Changes and Questions prepared by Selectman Mary Antes
10. Town Administrator’s Report for the Week Ending November 25, 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 11, 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 for Structural Review, Building at Municipal Parcel in Town Center Project, for the Council on Aging/Community Center Advisory Committee, Invoice 15-336, January 4, 2016: \$1,280.00
3. Vote the Question of Approving the Expenditure of Funds Not to Exceed \$7,000.00 in Conjunction with Council On Aging/Community Center Advisory Committee Programming Study to be Conducted by Kang Associates
4. Vote the Question of Approving the Expenditure of Funds Not to Exceed \$20,000.00 in Conjunction with the Council On Aging/Community Center Advisory Committee Environmental Assessment/Site Engineering Regarding the Municipal Pad Site - This Contract to be Negotiated with On Call Engineering Services Provider Tighe & Bond on a Not to Exceed Basis
5. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through December 31, 2015: \$9,911.16
6. Vote the Question of Approving the Appointment of Jonathan Ward to the WayCAM Board of Directors as the Representative of the Board of Selectmen for a Term to Expire on June 30, 2018
7. Vote the Question of Approving the Extension of Hours to Serve Alcoholic Beverages at Broomstones Curling Club, One Curling Lane, on Saturday, January 16, 2016, until 1:00 a.m. (January 17, 2016), for the Broomstones Men's Bonspiel
8. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs for the Wayland Children and Parents Association Curious Creatures Show at 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 Street, from January 11-18, 2016
9. Vote the Question of Approving the Placement of Temporary Sandwich Board Signs for the Annual Summer Camp Fair for the Lincoln-Sudbury Regional High School at 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 Street, from January 16-24, 2016
10. 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 Carr's Ciderhouse, Nicole Blum, Manager, on Saturdays, January 23, 2016, February 6, 2016, February 27, 2016, and March 12, 2016, from 10:00 a.m. to 2:00 p.m.
11. 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 Westport Rivers Vineyard and Winery, Sarah Cogswell, Manager, on Saturdays, January 30, 2016, February 6, 2016, and February 27, 2016, from 10:00 a.m. to 2:00 p.m.



**TESTA ENGINEERING
ASSOCIATES**
Structural Engineering

Invoice

Testa's Structural Engineering

INVOICE # 15-336
DATE: JANUARY 4, 2016

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

TO Town of Wayland
Wayland, MA 01778

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!



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Kenneth Keefe
PUBLIC BUILDINGS DIRECTOR
TEL. (508) 358-3786
www.wayland.ma.us

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

DATE: January 7, 2016
TO: Nan Balmer, Town Administrator
FROM: Kenneth "Ben" Keefe, Public Buildings Director
RE: Board of Selectman update from Public Buildings Director.

REQUESTED ACTION:

Vote to authorize expenditure of funds not to exceed \$7,000.00 in conjunction with Council On Aging/Community Center Advisory Committee (COA/CC AC) Programming Study to be conducted by Kang Associates.

Vote to authorize expenditure of funds not to exceed \$20,000.00 in conjunction with COA/CC AC Environmental Assessment/Site Engineering regarding the municipal pad site. This contract to be negotiated with On Call Engineering Services provider Tighe & Bond on a not to exceed basis.

BACKGROUND:

COA CC AC is requesting funding to complete 2 additional studies to continue their due diligence in evaluating the overall space requirements and the suitability of the "municipal pad" as a location for a future Council On Aging/Community Center.

Attached are the Scopes of Work for both requested studies.

Both studies will provide valuable information useful for future planning.

**Environmental Assessment-Site Engineering for
Proposed Council on Aging/Community Center at Wayland Town Center**

- I. On-Call Engineering – Request for Quote – General Information**
- a. Seeking assistance to determine the environmental feasibility of a building and site redevelopment into a Council on Aging/Community Center in the Town of Wayland.
 - b. Contractors will be working with the Wayland Council on Aging/Community Center Advisory Committee. (COA/CCAC)
 - c. The project will be short-term in nature and will be comprised of three Steps that may occur concurrently:
 1. Step I will be to determine whether the project meets the definition of a redevelopment project under section 10.58(5) of the Wetlands Protection Act regulations. If not, than a Scope of Alternatives Analysis must be undertaken as required under the Riverfront regulations.
If Step I results in a positive assessment for the project,
 2. Step II will coordinate and conduct preliminary site engineering, wetland resource area delineation and any wildlife habitat and review environmental impact analyses and required environmental permitting.
 3. Step III will be to devise a definitive program of site development recommendations for the municipal parcel at the Wayland Town Center, including square footage of renovated building, square footage of new construction and square footage of parking proposed.
 - d. The work will be on a contract basis with a not-to-exceed amount of \$20,000.00. Contractor must have expertise in environmental permitting, especially with respect to redevelopment within Riverfront Areas, conducting an Alternatives Analysis (if necessary) with respect to Riverfront regulations and knowledge of Natural Heritage and Endangered Species Habitat Program requirements. Timeliness of response, ability to work on a short time frame, availability for evening meetings and familiarity with Massachusetts Wetlands Protection Act and Wayland Wetland Bylaws and associated regulations are important.
 - e. Timeframe and Deadlines
 - i. Step 1: as soon as contract is awarded to Feb 26
 - ii. Step 2: as soon as contract is awarded to Feb. 26
 - iii. Step 3: as soon as contract is awarded to March 4

II. Objective

The objective is to determine the environmental feasibility of a site and building redevelopment project located within 200' of the Sudbury River in the Town of Wayland.

The work involves the proposed redevelopment of an existing structure into a Council on Aging /Community Center (COA/CC) building located at 400 Boston Post Road. The building lies within the riverfront of the Sudbury River and within Priority Habitat of Endangered Species. Part of the contract will assess the location of a possible boathouse near the Sudbury River that would complement the project, parking, and other project needs. The analysis would look at both uses, but they do not have to be considered as one project; the building and the boathouse can be separated into two distinct uses in case one use is considered not feasible. The goal is to determine whether the project qualifies as a redevelopment project as described in 310 CMR Wetlands Protection Act regulations 10.58(5) or whether a Scope of Alternatives analysis must be undertaken.

After consultation with the COA/CCAC and the Wayland Conservation Commission, if it is determined that this project may be feasible either as a "redevelopment project" or after an alternatives analysis is undertaken, then preliminary site engineering and environmental impact analyses will be required to ensure the project can obtain the necessary environmental permits for the site's re-development, including site development parameters.

III. History

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

Previously, the Town of Wayland had entered into a Development Agreement with the developer of the Wayland Town Center project (Twenty Wayland), which provides for the right of the Town to own or lease parcels of land for \$1.00, containing approximately 70,000 square feet of land for the purpose of developing a municipal building of up to 40,000 square feet and 100 parking spaces. The purpose of this opportunity was to create a gathering place for residents of Wayland, as set

forth in the Mixed Use Overlay District document that was signed by the Planning Board in January 2008. The Town's ownership of this parcel and the eventual development of the parcel with a municipal facility will help to create a town community center for *all* residents – which the name of the Project was meant to convey.

The number and size of the parcels to be leased or purchased was increased to about 4.0 acres, or approximately 209,000 square feet, and represents the land west of Andrew Avenue and south of Lillian Drive, excluding the retention area, and including the existing building

An article with the larger parcel was introduced at a November 2015 Town meeting for consideration of taking ownership/or leasing by a 2/3 majority vote. The article was approved, which has allowed the Board of Selectmen (B.O.S.) to enter into negotiation with the property owner to purchase or lease the land and building.

The site abuts the Sudbury River and associated wetlands. Any design and usage will be reviewed with the Wayland Conservation Commission for compliance with local and MA Department of Environment Protection (DEP) and NHESP standards. Any development of a municipal facility on these parcels will also require the approval of Town Meeting.

This municipal parcel site is subject to a deed restriction based on the site cleanup prior to Town Center. That restriction does allow for a variety of potential municipal uses that have been contemplated by various Town boards and committees for this site. Detailed information about the condition of the site and mediation efforts are found at: Raytheon Remediation of the Former Raytheon Facility in Wayland, MA: <http://raytheon.erm.com/home.htm>

IV. Scope of Work

Step I:

- 1. Meet with the COA/CCAC to develop a Statement of Purpose for both the building, grounds, and proposed boathouse, outline the project tasks and set a timeline.**
- 2. Meet with relevant people, town personnel, boards and/or necessary committees to gather historical data. Conduct document searches for historical and pertinent data, including work completed by the Conservation Commission, Planning Board, Wayland library, and other sources identified by the COA/CCACC.**
- 3. Meet informally with the Wayland Conservation Commission to determine whether this project falls under the definition of redevelopment as described in the regulations. A filing for a Request for a Determination may be considered.**

4. If it is deemed the project does not meet the redevelopment criteria, an alternatives analysis must be undertaken. The analysis will look at whether there are any practicable and substantially equivalent economic alternatives to a potential project in the riverfront area with less adverse effects on the interests identified in the Rivers Act.
5. A review of alternative locations in town to compare suitability against the Statement of Purpose for the proposed site will be conducted.
6. Review existing site and its environmental constraints with respect to state and local regulations, including Wayland's Wetland Bylaw.
7. Factors to be considered include access, parking, any mitigation needed, the size of facility, ownership costs, existing technology, and logistics in light of the overall project purpose.
8. Draft an Alternatives Analysis report for the COA/CCAC. The burden of proof is on the COA/CCAC. The report needs to show, by a preponderance of the evidence, that a project will not have significant adverse impacts to the Riverfront Area and the purposes of the Rivers Protection Act.

Step II:

9. If possible, concurrent with Step I above, an initial investigation into a preliminary site evaluation for one preferred development scenario will be undertaken.
10. Consultant will engage with the COA/CCAC in preliminary site engineering to determine a project best suited to minimize, reduce, or negate adverse environmental impacts.
11. Factors to be considered, but not limited to include:
 - a. Whether the work, including proposed mitigation measures, will have a significant adverse impact on the Riverfront Area.
 - b. The impact and/or encroachment effect on the habitat of rare species. Consultation with MA NHESP may be required.
 - c. If this is not considered a "redevelopment" project, will alteration of up to 5,000 square feet or 10% of the Riverfront Area within the lot, whichever is greater, be allowed by the permitting authorities (if such alteration is allowed, a 100 foot area of undisturbed vegetation should be considered).
 - d. Review the areas of original Raytheon property that are included in the calculation of square footage of alteration.
 - e. If applicable, identify the area that has been considered redevelopment.
 - f. Identify what restoration and/or mitigation is required and/or proposed.
12. Review CMG report regarding boundary conditions from past data that should be confirmed and/or identified with respect to the redevelopment project.
13. Review environmental constraints and impacts, including but not limited to wetland; riverfront; floodplain; and rare and endangered wetland and wildlife habitat.

14. If possible, the overall net benefit of the improvement and the preservation/restoration of vegetative cover should be identified and addressed.

V. Outcome

Step I:

Following discussion(s) with the Wayland Conservation Commission, determine whether a COA/CC and/or a boathouse at this location is feasible either under the regulations defining “redevelopment” or after an Alternatives Analysis.

Step II:

If the above analysis results in a “yes”, then determine whether the project is feasible in scope with respect to environmental permitting.

Step III:

After reviews with the Board of Health, Conservation Commission and other relevant committees and boards, devise a definitive program of recommended site development for current and projected future expansion feasibility.

VI. Deliverables

1. A preliminary site development plan showing a proposed building and related parking location, environmental permitting requirements, and results of any impact analyses.
2. A confirmation from the Wayland Conservation Commission that this is a redevelopment project, or, if necessary, a written Alternative Analysis for both the COA/CCAC and the boathouse.
3. Updated fire flow and water pressure test report on water service to the site.
4. Sewer Commission and Board of Health determination of sanitary sewage design flow requirements for short term and long term development options, with or without an added on-site septic system.
5. Calculations and confirmation of new impervious area that will be allowed on the site, with or without pervious paving and /or compensatory storage systems.
6. Report on findings of review of MA DEP superseding Order of Conditions, File #322-701.
7. A written storm water drainage concept that meets Conservation Commission requirements, considering existing drainpipe elevation.
8. A written report from Raytheon’s LSP that the proposed site drainage and sewer design concept is acceptable under Raytheon’s deed restriction.
9. Report on recommended building finished floor elevations, given updated FEMA flood plain elevation.

**TOWN OF WAYLAND
REQUEST FOR SERVICES
PROGRAMMING FOR SELECTED TOWN AGENCIES
DECEMBER 2015**

GENERAL INFORMATION

The Town of Wayland, acting through its Council on Aging/Community Center Committee (COA/CCAC) seeks a qualified consultant to provide professional services for the completion of a programming study for Recreation Dept., Senior Center, Historical Commission, and Veterans Offices.

The Town of Wayland reserves the right to reject any proposal, in whole or in part, in the best interest of the Town.

PROPOSAL SUBMISSION REQUIREMENTS

General

To be considered proposals must be received by **Tuesday, December 22, 2015 at 10:00 a.m.** Written qualifications and fee proposal may be emailed to Ben Keefe, Public Buildings Director at bkeefe@wayland.ma.us, mailed, or delivered to:

Town of Wayland, Attn: Ben Keefe, Public Buildings Director
Town Hall
41 Cochituate Rd.
Wayland, MA 01778

Address all questions regarding this RFS to Ben Keefe, Public Buildings Director, telephone (508) 358-3786 or email bkeefe@wayland.ma.us

Responses shall be submitted in two parts: a Technical Proposal and a Fee Proposal.

Technical Proposal Requirements

Please submit three copies and a pdf file of the Technical Proposal. Include the following:

- **Approach** – Applicants should present a detailed approach for these services. The Town will evaluate the proposal’s adequacy, responsiveness to this RFS and completeness. Sufficient details shall be provided too demonstrate an understanding of services required, how they will be structured, and how the work will be performed.
- **Staffing and Management**- The consultant should provide the identity and qualifications of key personnel and any sub-consultants, including a description

- of similar previous assignments and a discussion of its capabilities and experience.
- **Related Experience** - The consultant should describe previous work illustrating its current qualifications and ability. A minimum of two comparable assignments will be required. Provide details in table format listing the description, timeframe, and client references with titles and current telephone number.
 - **Schedule** - The consultant should describe the phasing of work and present a schedule of activities. Please include a discussion of how the consultant intends to ensure that the schedule is met.

Fee Proposal Requirements

Fee Proposal, not to exceed \$10,000, shall be submitted as a lump sum figure. The figure shall include all aspects of the required services. No additional fees or "pass through" charges are acceptable.

Scope of Services

1. Work to be Performed:

- A. Update and refine specific programming needs, excluding sports fields, for the Town Recreation Department working with staff to understand current needs and those anticipated for the next 25 Years.
- B. Update and refine specific programming needs for a Senior Center working with staff and other stakeholders to understand current needs and those anticipated for the next 25 years.
- C. Refine specific programming needs provided by the COA/CCAC for the Archeology/Historical Commission and Veterans Administration.
- D. Develop adjacency diagrams with attention to grouping departments into "communities of interest."
- E. Prepare a blocking plan based upon program needs described above in A, B, C, and D.
- F. Prepare Final Report with Executive Summary that discusses methodology and fully illustrates and supports conclusions and recommendations made.
- G. Provide comparable community data that supports conclusions recommended in final report.
- H. Develop materials that can be shared with multiple constituent groups for use in print, social media, online, and meetings.
- I. Communicate with Town of Wayland COA/CCAC to update it on project status, timelines, guidance, and draft presentations including meetings as needed. Receive feedback from committee and other town officials and make amendments as necessary or warranted.
- J. Conduct a community meeting for public input.

2. Other Requirements:

- A. All work materials and products are to become the property of the Town of Wayland including all software, templates and electronic media.
- B. Work is to be completed on or before March 01, 2016. Work is to commence no later than fourteen (14) days after entry into a contract with the Town of Wayland.
- C. Consultant shall submit proof of applicable current professional registration in the Commonwealth of Massachusetts
- D. Consultant will submit certification of insurance at the time of contract execution.

SELECTION METHODOLOGY

The Town will review and rank the submitted Proposals using the following evaluation criteria. The Town reserves the right to award the contract to the firm with the most advantageous proposal, taking into consideration both technical and fee aspects of the proposal submitted and shall not be required to award the firm submitting the lowest fee proposal.

Evaluation Criteria

The following criteria will be used by the Town to evaluate the submitted proposals:

- **Approach:** The quality, completeness, and methodology of the proposed approach for the work will be evaluated for clearly demonstrated understanding of required deliverables.
- **Staffing and Management:** The experience of personnel and commitment of participation in the project will be evaluated with emphasis of ability to bring disparate groups together and build consensus.
- **Related Experience:** Prior experience and performance on comparable public projects is required. A minimum of demonstrated successful Senior Center projects is required to meet the Minimum Qualifications for performing the services under this RFS.
- **Schedule:** Approach to developing and maintaining the schedule as well as history of meeting schedules on similar projects will be evaluated.

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

INVOICE - TOWN OF WAYLAND - 12/31/2015

SUMMARY

FEE CALCULATION: 59.9 HOURS X \$160.00 PER HOUR = \$ 9,584.00
DISBURSEMENTS (See below for detail) 327.16
TOTAL 12/31/15 INVOICE.....\$ 9,911.16
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....\$ 9,911.16
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC
DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T0.00

DISBURSEMENTS

12/2015	Postage	18.66
12/2015	FAXing (978) 369-9916 & (978) 261-5034	0.00
12/2015	Copying	14.50
12/18/15	Recording Fee - Mid. S. ROD	125.00
12/18/15	Mileage: 46 @ \$.50 =	23.00
12/18/15	Parking	3.00
12/28/15	DEP Filing Fee -	100.00
12/28/15	Mileage: 46 @ \$.50 =	23.00
12/28/15	Parking	15.00
12/28/15	Tolls	5.00
	Total Disbursements	<u>\$327.16</u>

January 4, 2016

1/11/16

Nan Balmer, Wayland Town Administrator
Board of Selectmen, Town of Wayland
Wayland, MA 01778

Dear Nan and Selectmen:

I am writing to you to express my intent to be the Wayland Board of Selectmen's elected representative of WayCam, Wayland's Community Media Center.

I have been a board member of WayCam since November 2013, when I was elected to replace outgoing board member Frank Fuller. At last December's monthly meeting, my fellow board members asked me to replace Jerry Boos as the appointed representative on your board, and I accepted their request pending your approval.

Here is a brief history of my employment record and qualifications. Please feel free to contact me if there is any additional information you may need.

- November 2013 – Present Member, Board of Directors, WayCam
- May 2002 – Present Engineer, Massachusetts Institute of Technology*
- August 2001 – Present Chief Engineer, Dean College HD Television and WGAO-FM
- March 2000 – April 2001 System Integration and Test Technician, Trakus, Inc.
- 1995 – 1998 Producer/Technical Director, KTVB News Group (NBC)
- 1994 – 1995 Photographer, WTVD Eyewitness News Group (ABC)
- 1990 – 1993 Engineer, KRMA Rocky Mountain PBS (PBS)

*I have been with MIT almost 14 years. Due to 4 reorganizations during this period, I have held several positions. As a Technical Consultant, I ran the MIT cable television system, designing and operating a cable plant with approx. 7500 users. I later joined the Information Services & Technology as a computer network engineer. Currently, I serve in IS&T as a Campus Safety & Security Infrastructure Engineer.

Sincerely,
Jonathan Ward

jward@mit.edu
jwardma@gmail.com
617-201-0185 (cellular)

To: The Wayland Board of Selectmen

**Re: Request for extension of operating hours-for Broomstones Curling Club on Saturday,
January 16, 2016**

From: Kathy Holewa, Bar Manager

Date: January 7, 2016

Broomstones Curling Club, located at 1 Curling Lane/138 Rice Road, would like to ask for your consideration to extend our bar hours of operation from a 12:00 a.m. midnight close to a 1:00 a.m. close on Saturday, January 16, 2016.

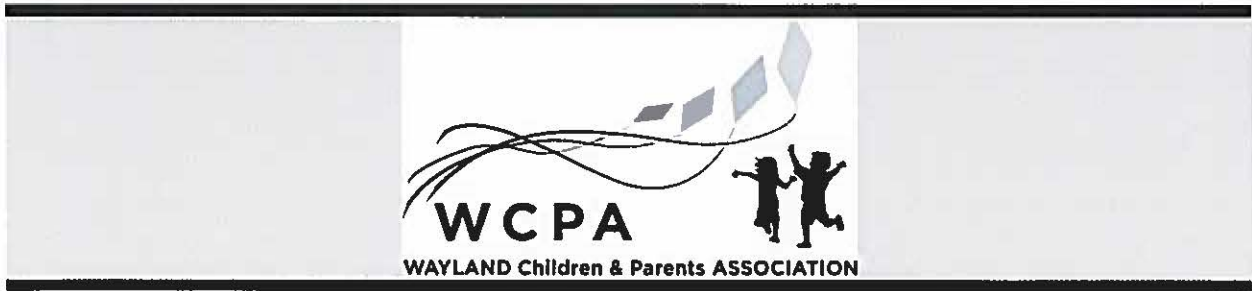
Broomstones annually hosts the Broomstones Men's Bonspiel. Twenty-four teams from around the US and Canada will come to compete. The tournament closes on Saturday evening with late evening curling matches, a steak fry and an awards ceremony.

Later closure will allow for those who get off the ice late in the evening to have a beverage before the bar closes.

Thank you for your consideration,

Kathy Holewa

Broomstones Curling Club, Bar Manager.



December 28, 2015

Via Email (mdinapoli@wayland.ma.us)

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

Re: Signboard Request

Dear Ms. DiNapoli:

The Wayland Children and Parents Association is hosting a Curious Creatures live animal show on Monday January 18th at the Claypit Hill School Gym.

We are requesting permission to post our sandwich boards to promote this event starting January 11th, 2016 at the following locations:

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

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

Sincerely,
Laura Jacques
WCPA External Marketing/Public Relations

DiNapoli, MaryAnn

From: Kathy Kinzfogl <kinzfogl@comcast.net>
Sent: Tuesday, January 05, 2016 11:48 AM
To: DiNapoli, MaryAnn
Subject: 14th Annual Summer Camp Fair

Hi MaryAnn,

Happy New Year! You have helped me in the past with the approval process for the signs in Wayland. I am looking for your help again regarding the positioning of small sign/sandwich boards in Wayland (all 4 spots). The signs advertise the Annual Summer Camp Fair being held at LSRHS on January 24. This is a Loring PTO Fundraiser that provides families with access to over 80 camps with various programs for kids from K-12. Admission is Free.

I would like to post the signs in Wayland the week leading up to the fair.

Please let me know if you need more information.

Thank you for your continued support.

Gratefully,

Kathy Kinzfogl
978-261-5043
kinzfogl@comcast.net

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

January 6, 2016

Carr's Ciderhouse
Nicole Blum
295 River Dr.
Hadley, MA 01035

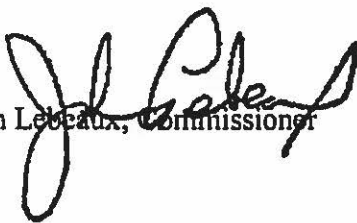
Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Ms. Blum:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Sundays 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,


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

January 6, 2016

Westport Rivers Vineyard & Winery
Sarah Cogswell
PO Box N145
Westport, MA 02790

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

Dear Ms. Cogswell:

Please be advised that your application for certification of the Wayland Winter Farmers' Market, on Sundays 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,

John Lebeaux, Commissioner



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

**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM DECEMBER 30, 2015,
THROUGH AND INCLUDING JANUARY 7, 2016, OTHERWISE
NOT LISTED AND INCLUDED IN THE CORRESPONDENCE
PACKET FOR JANUARY 11, 2016**

Items Distributed To the Board of Selectmen – December 30, 2015-January 7, 2016

1. Email of 1/7/16 from Ed Bouquillon, Superintendent-Director, Minuteman Regional School, to Board of Selectmen, re: Related to Upcoming Special Town Meetings

Items Distributed for Information and Use by the Board of Selectmen at the Meetings of January 4, 2016

1. Email of 1/4/16 from Ed Bouquillon, Superintendent-Director, Minuteman Regional School, to Nan Balmer, Town Administrator, re: New Regional Agreement
2. Minuteman, New Agreement Cost Comparison, Draft January 4, 2016
3. Email of 1/4/16 from Mike Lowery to Board of Selectmen re: Proposed Floor Area Restrictions Article
4. Email of 12/14/15 from Town Counsel Mark J. Lanza to N. Balmer re: Response to 150 Main Street Correspondence
5. Powerpoint Presentation, 12/18/15, from David Zeek, Sierra Club, re: Massachusetts Gas Leaks Legislation, The View from Wayland

Items Included as Part of Agenda Packet for Discussion During the January 11, 2016, Board of Selectmen's Meeting

1. Memorandum of 1/11/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Amend February 11, 2016, Special Town Meeting Location
2. Board of Selectmen Policy, Petitioners' Access to Town Counsel
3. Articles Submitted for February 11, 2016, Special Town Meeting, Minuteman High School FAQ, and New Agreement Cost Comparison
4. Powerpoint Presentation, 12/18/15, from David Zeek, Sierra Club, re: Massachusetts Gas Leaks Legislation, The View from Wayland
5. Memorandum of 1/11/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Annual Town Meeting Articles
6. Town Administrator's Report for the Week Ending January 8, 2016



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 11, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Letter of 12/15/15 from Christopher Brown, Chair, Board of Public Works, to Police Chief Robert Irving, re: Request for More Effective Enforcement of Speed Limits on Stonebridge Road
2. Letter of 12/17/15 from Police Chief Robert Irving to Christopher Brown, Chair, Board of Public Works, re: Response to Request, Stonebridge Road
3. Letter of 12/18/15 from Sherre Greenbaum, Chair, Conservation Commission, to Nathan Newbury III, re: Thank You for Donation of Pelham Island Road Land
4. Letter of 3/16/04, forwarded on 12/29/15, from Massachusetts Department of Revenue to Newburyport City Council, re: Position on Appropriation from Revolving Fund Balance
5. Email of 1/5/16 from Geoffrey Larsen, Building Commissioner, to Nan Balmer, Town Administrator, re: Used Car Dealer's Licenses, Zoning Review and Status Updates
6. Monthly Report, Animal Control, December 2015

Conservation Commission

7. Order of Conditions and Chapter 194 Permit, 12/30/15, from Brian J. Monahan, Conservation Administrator, re: 19 White Road
8. Order of Conditions and Chapter 194 Permit, 1/4/16, from Brian J. Monahan, Conservation Administrator, re: 113 Concord Road

Minutes

9. Finance Committee, November 30, 2015
10. Wayland Real Asset Planning (WRAP) Committee, December 11, 2015, December 17, 2015



WAYLAND BOARD OF PUBLIC WORKS

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

1

Chief Robert Irving
Wayland Police Department
38 Cochituate Road
Wayland, MA

December 15, 2015

Subject: Request for more effective enforcement of speed limits on Stonebridge Road

Dear Chief Irving:

During traffic calming hearings on Stonebridge Road, citizen-requested enforcement data over a three year period showed that four actual citations and forty-four warnings were issued – approximately one warning or citation every three weeks. Of these forty-eight, one citation and five warnings were issued to Wayland residents – roughly 12 percent of the total.

Stonebridge Road is a connector road where unlike neighborhood roads, we feel physical traffic calming measures would not be appropriate.

Traffic calming measures are costly to the town. Wayland's fire chief tells us that speed humps/bumps/tables can have adverse effects of ambulance services and fire equipment. Traffic calming measures become necessary only when enforcement is insufficient to deter speeding.

The bulk of citizen complaints concerned rush hour traffic passing through Wayland on Stonebridge Road. We believe that periodic, vigorous and visible enforcement on Stonebridge Road during rush hour periods would send the message that Wayland takes its speed limits seriously.

In future traffic calming hearings, in addition to the traffic counts, speed and accident data provided by WPD, the Board of Public Works will request enforcement history (with personal identifying data redacted), especially for connector roads.

Thank you for your support,
BOARD OF PUBLIC WORKS

A handwritten signature in black ink, appearing to read "Christopher Brown", is written over the printed name and title.

Christopher Brown
Chairman

cc: Nan Balmer, Town Administrator
Stephen Kadlick, DPW Director
Duane Galbi

RECEIVED

DEC 18 2015

Board of Selectmen
Town of Wayland

2



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Christopher Brown, Chairman
Wayland Board of Public Works
41 Cochituate Road
Wayland MA 01778

December 17, 2015

Subject: Request for more effective enforcement of speed limits on Stonebridge Road

Dear Chris,

Please be advised that I have received your letter, dated December 15th, 2015, in which the Board of Public Works requests "more effective enforcement" of speed limits on Stonebridge Road. I have taken the opportunity to share your letter with all members of the department so they are also aware of the concerns of the Board.

The Wayland Police Department does not have a quota system regarding the issuance of traffic citations. Officers are advised of locations where complaints of speeding cars have been received and directed to conduct periodic radar speed enforcement. There are numerous streets in our community that have complained about speeding cars and we try to address all of them as best as possible with the resources available. On most shifts, two patrol officers are assigned, one to the north section of town and one in the south section of town. Motor vehicle enforcement is a part of the many duties that officers perform on a daily basis.


It is illegal in the state of Massachusetts for a Police Chief to order police officers to issue citations instead of warnings. The decision on whether to issue a warning or a citation rests solely with the officer that observes the civil motor vehicle infraction. I have attached a copy of the decision of Newton Police Association vs. Police Chief of Newton, that that was decided in June of 2005, affirming the legislature's intent that the police officer on patrol has sole discretion on the issuance of a citation or a warning.

Please be assured that the Wayland Police Department does take its speed limits seriously and we have assigned hundreds of directed patrols on Wayland roads, including Stonebridge Road. We will continue to monitor this road and others with our available resources.

I believe that traffic calming measures are as important as enforcement in responding to citizen complaints of speeding or high accident areas. The Municipal Research and Services Center states, "Traffic calming objectives include slower speeds for motor vehicles, reducing collisions, reducing the need for police enforcement, improving the streetscape, and reducing cut-through motor vehicle traffic."

As far as the Board of Public Works requesting enforcement history (with personal identifying data redacted) we will be pleased to supply what information we have for traffic calming hearings as we have done in the past. Extensive redaction of civil citations is an expensive proposition and I would need to discuss ways that this could be accomplished before committing to do it.

Respectfully,



Robert Irving
Chief of Police

cc: Nan Balmer, Town Administrator
Stephen Kadlik, DPW Director
Duane Galbi



NEWTON POLICE ASSOCIATION vs. POLICE CHIEF OF
NEWTON.

63 Mass. App. Ct. 697

June 8, 2004 - June 9, 2005

Middlesex County

Present: ARMSTRONG, C.J., GELINAS, & BERRY, JJ.

Police, Authority of police chief. Municipal Corporations, Police. Motor Vehicle, Citation for violation of motor vehicle law. Words, "May."

A Superior Court judge properly entered judgment declaring invalid a police chief's order directing officers assigned to traffic enforcement duties in certain areas to issue traffic violation citations to traffic offenders, and to cease issuing written warnings, where the language and history of G. L. c. 90C, s 2, evinced a legislative purpose of divesting police headquarters of control over a decision that, under the statute, must be made by the officer at the scene. [697-701]

CIVIL ACTION commenced in the Superior Court Department on April 2, 2003.

The case was heard by Leila R. Kern, J.

Donnalynn B. Lynch Kahn, Assistant City Solicitor, for the defendant.

James F. Lamond for the plaintiff.

ARMSTRONG, C.J. The Newton Police Association (association), representing the police officers of the Newton police department, brought this action for declaratory relief in Superior Court, asking that the court declare invalid an order issued by the police chief of Newton directing officers assigned to traffic enforcement duty at designated high accident locations to issue traffic violation citations to traffic offenders, and to cease issuing written warnings. The association's position is that the order runs afoul of G. L. c. 90C, § 3(A)(1), which, as appearing in St. 1991, c. 138, § 161, reads:

"If a police officer observes . . . a civil motor vehicle infraction, the officer may issue a written warning or may

Page 698

cite the violator for a civil motor vehicle infraction If the officer issues a citation solely for one or more civil motor vehicle infractions without any associated criminal violations, the officer shall indicate on the citation the scheduled assessment for each civil motor vehicle infraction alleged."

[Note 1]

The police chief argues, to the contrary, that the word "may" in G. L. c. 90C, § 3(A)(1), is intended merely to provide authority to police officers to issue either citations or written warnings, and that

in the exercise of these grants of authority, the officers are subject to the direction of the police chief. The police chief is vested with inherent authority to direct the operations of the police department, as "[i]t would be practically impossible to organize and efficiently maintain a police department if control of the department were not conferred upon some one with authority to direct the members of the police force as to their respective rights and duties in different sections of the city." *Commonwealth v. Pelletier*, 264 Mass. 221 , 223 (1928). The police chief cites numerous statutes that confer authority on police officers, by use of the word "may," without suggesting that the officers can exercise their discretionary powers free from direction and control by superior officers. [\[Note 2\]](#)

The police chief's argument accurately reflects what is probably a general principle, that statutes so worded presumptively use the word "may" in the sense of "is permitted," or "is allowed," or "is authorized or empowered," to contrast the designated action with one that officers are not permitted to take.

Page 699

The history of G. L. c. 90C, however, convinces us that the word "may," as used in § 2 and § 3 of that chapter, was meant to confer independence on officers assigned to traffic enforcement duty. Chapter 90C was inserted in the General Laws by St. 1962, c. 789, § 2. Section 2 of c. 90C continued the earlier practice (under G. L. c. 90, § 27, as appearing in St. 1961, c. 592) that the police officer who witnessed a traffic offense would record the violation on a citation form and submit it to police headquarters. Within three days from receipt of the citation, the police chief or a designated officer of at least sergeant grade would decide whether to proceed by way of a written warning, a court complaint, [\[Note 3\]](#) reference to the Registry of Motor Vehicles, or voiding the citation. In 1965, concerned by the "opportunity for subsequent maneuvering or pressure" afforded by the three-day period, then-Governor John A. Volpe, by special message to the Legislature, proposed a "no-fix" traffic ticket bill. 1965 Senate Doc. No. 839. The object of the bill was to require, as a general rule, that the decision to issue a citation (in effect an application for a District Court complaint) be made by the police officer at the time and place of the violation. The crux of the Governor's draft legislation lay in this sentence: "A failure to give the original of the citation to the offender at the time and place of the violation shall constitute a bar to prosecution for such offense, except where the violator could not have been stopped, or where some other circumstance, not inconsistent with the purpose of this section, namely, to cause violators of automobile law to be brought uniformly to justice, justifies the failure." 1965 Senate Doc. No. 839, Appendix A. That sentence, as slightly amended in committee, [\[Note 4\]](#) remains the crux

Page 700

of G. L. c. 90C, § 2, in its present form. [\[Note 5\]](#)

General Laws c. 90C, § 3, upon which the association relies, sets out the detailed procedures for the noncriminal disposition of lesser automobile law violations ("civil motor vehicle infractions"). [\[Note 6\]](#) Read in isolation from § 2, the words of § 3(A)(1) ("the officer may issue a written

warning or may cite the violator for a civil motor vehicle infraction") could reasonably be read as merely providing authority for the officer to do one or the other. The words of § 3, however, echo and must be read together with § 2. The history of § 2 makes it clear that the Legislature's purpose was to divest police headquarters of control over a decision that, under the statute, must be made by the officer at the scene.

It could be argued for the city (although in fact it is not) that permitting the police chief to restrict the officer's discretion would not compromise the purpose of G. L. c. 90, § 2 -- the "prevention of corrupt manipulation," *Commonwealth v. Perry*, 15 Mass. App. Ct. 281, 283 (1983) -- because the treatment accorded offenders would be uniform. The argument is not insubstantial -- it respects the spirit if not the letter of § 2 -- but we decline to trench in that manner on the statute's literal meaning. The Legislature in 1965, at Governor Volpe's urging, very deliberately transferred this discretionary decision from the police chief to the officer on traffic control duty. General Laws c. 90C, § 2, was the vehicle they chose for dealing with the evil

Page 701

they perceived, and the judge did not err in declining to amend the Legislature's work.

Accordingly, the judge correctly entered a judgment declaring the police chief's order invalid.

Judgment affirmed.

FOOTNOTES

[Note 1] A "civil motor vehicle infraction," as defined in G. L. c. 90C, § 1, is, subject to certain exceptions, an automobile law violation, the maximum penalty for which does not include imprisonment. The "scheduled assessment" is the amount predetermined for listed violations as jointly promulgated by the Chief Justice of the District Court Department and the Registrar of Motor Vehicles. *Ibid.*

[Note 2] See, e.g., G. L. c. 41, § 98 (officers "*may* examine all persons abroad whom they have reason to suspect of unlawful design, and *may* demand of them their business *may* disperse any assembly *may* enter any building to suppress a riot, etc. . . . *may* search . . . for a dangerous weapon" [emphasis added]); G. L. c. 140, § 52 ("*may* enter and inspect [certain] premises . . ." [emphasis added]); G. L. c. 140, § 201 ("*may* at any time enter [certain premises]" [emphasis added]).

[Note 3] It was not until St. 1982, c. 586, § 2, that G. L. c. 90C was rewritten to decriminalize lesser automobile law violations and provide for the offender simply to remit a designated fine.

[Note 4] See 1965 Senate Doc. No. 1121 and 1965 House Doc. No. 4200, which was enacted as St. 1965, c. 692. The sentence, as appearing in St. 1965, c. 692, § 3, read: "A failure to give the original of the citation to the offender at the time and place of the violation shall constitute a defence in any trial for such offense, except where the violator could not have been stopped, or

where the court finds that some other circumstance, not inconsistent with the purpose of this section, namely, to cause violators of automobile law to be brought uniformly to justice, justifies the failure."

[[Note 5](#)] The sentence now reads: "A failure to give a copy of the citation to the violator at the time and place of the violation shall constitute a defense in any court proceeding for such violation, except where the violator could not have been stopped or where additional time was reasonably necessary to determine the nature of the violation or the identity of the violator, or where the court finds that a circumstance, not inconsistent with the purpose of this section to create a uniform, simplified and non-criminal method for disposing of automobile law violations, justifies the failure." G. L. c. 90C, § 2, as appearing in St. 1985, c. 794, § 3. The sentence took its present form in St. 1982, c. 586, § 2, which introduced the distinction between lesser infractions, which could be disposed of by mailing in the designated fine (now termed "scheduled assessment"), and which would result in no criminal record, and more serious automobile law violations, which would be processed by criminal complaint.

[[Note 6](#)] As recounted in note 3, supra, the provision for noncriminal disposition began with St. 1982, c. 586, § 2, and was refined by St. 1985, c. 794, § 3, and again by St. 1991, c. 138, § 161. General Laws c. 90C, § 3, was rewritten by each act.

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TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

December 28, 2015

Nathan Newbury, III
138 Pelham Island Road
Wayland, MA 01778

Dear Mr. ~~Newbury~~: *Ted*:

On behalf of the entire Wayland Conservation Commission, I would like to extend our sincere appreciation to you for your gracious and generous donation of the parcel of land to the rear of 138 Pelham Island Road. This piece was identified as meriting protection in the 1995 Open Space and Recreation Plan Update and the Commission is grateful for this contribution. It is a lasting tribute to Sally, you, and the Newbury family.

Thank you very much.

Sincerely,

Sherre Greenbaum
Chair, Conservation Commission

Cc. Conservation Commissioners
File

FORWARDED TO BOS 12/29/15

DOR POSITION ON APPROPRIATION
FROM REVOLVING
FUND BALANCE



Massachusetts Department of Revenue Division of Local Services
Alan LeBovidge, Commissioner Gerard D. Perry, Acting Deputy Commissioner

March 16, 2004

Bruce L. Vogel
City Council, City Hall
60 Pleasant St.
Newburyport, MA 01950

Re: Appropriation from Revolving Fund under GL Ch.44 §53E½
Our File No. 2003-422

Dear Mr. Vogel:

This is in reply to your letter raising several issues concerning a recreational services revolving fund established under GL Ch.44 §53E½. The mayor had sought city council approval for a transfer of part of the revolving fund balance to pay for a shortfall in an appropriation for the skateboard park account, which we understand was for the construction of the skateboard facility.

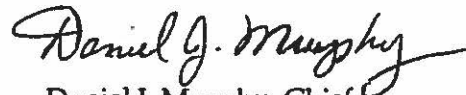
Irrespective of whether costs of the skateboard park were within the scope of the recreational services revolving fund, we believe that the mayor and council can appropriate an unencumbered balance in a revolving fund established under §53E½ for any lawful purpose. We think the restrictions on the expenditure purposes of the fund established by the vote to create it are binding on the department that has charge of the fund, but not on the municipal appropriating authority (in this case, the mayor and council acting together). In the absence of the appropriating body's vote to create the fund, the fund's receipts would be general fund revenues that could be appropriated for any municipal purpose. If the fund were not renewed, any balance would close out to the general fund at the end of the fiscal year, and become part of the city's free cash. We see no basis in the statutory language of §53E½ itself or the scheme of municipal finance generally why the appropriating authority should not be able to revoke the spending authority delegated to a department by the creation of a revolving fund under that section.

You also asked whether there were a problem with a cross-subsidy between different activities that were within the scope of a single revolving fund. We do not believe that §53E½ mandates an exact penny-for-penny accounting for, and segregation of, the revenues and expenditures of each activity within the scope of the fund. To the extent that the appropriating body wishes to insure that each activity is financially self-supporting, it can create distinct revolving funds for each activity. How much latitude a municipality or one of its departments has in establishing different fees and charges for different classes of participants in an activity is a matter on which we decline to comment. It is too remote

from our regulatory interest in the proper authorization of and accounting for revolving funds.

Please do not hesitate to contact us again if we may be of further assistance.

Very truly yours,

A handwritten signature in black ink that reads "Daniel J. Murphy". The signature is written in a cursive style with a long, sweeping tail on the "y".

Daniel J. Murphy, Chief
Property Tax Bureau

DJM/CH

Balmer, Nan

From: Larsen, Geoffrey
Sent: Tuesday, January 05, 2016 11:28 AM
To: Balmer, Nan
Cc: Sarkisian, Sarkis; mlanza@comcast.net; DiNapoli, MaryAnn; Badger, Norma
Subject: Used Car Dealer's Licenses, zoning review and status updates
Attachments: Scanned from a Xerox Multifunction Device.pdf

Good morning Nan,

Please see attached zoning determinations in effect supporting renewal of Used Car Dealer's Licenses for the following properties:

- 118 Main Street
- 322 Commonwealth Road
- 70 Boston Post Road.

These owners had already responded to my earlier letter requesting information.

Work is continuing on the remaining 5 businesses.

Regards,

Geoffrey S. Larsen

Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

January 5, 2016

Town Administrator
41 Cochituate Road
Wayland, MA 01778

Re: 118 Main Street, status of current zoning and Used Car Dealer's License.

Dear Ms. Balmer,

This letter is intended to serve as the current zoning official's determination that in effect supports next year's Class II Used Car Dealer's License renewal for the above referenced 'used' automotive sales and service/repair garage business.

The parcel history indicates that the original permit for a "public garage" was issued in 1947 and may reasonably be determined to be a pre-existing non-conforming use when the Town's zoning was amended in 1964. Until that time Automotive Sales and Service Garage may reasonably be interpreted as related "permitted by right" uses in the Business District A.

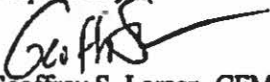
In 1980 an approved site plan for an adjacent tenant space within the same building references a Gas Station/Auto Body Shop use.

A subsequent site plan approved by the BOA in 1990 (see 90-27) limits all transactions of the auto body shop and includes the following language, "There will be no selling or parking of cars for sale at the front of the building..." I note that the current conditions controlling the Used Car Dealer's License appear to match the language of this approved site plan.

Based upon the above it would appear reasonable for the current zoning official to offer no objection when the BOS consider at the appropriate time the renewal of this license with the same conditions.

As you know a party aggrieved by this determination may appeal the same in the prescribed manner MGL 40A §§7,8,15 and Article 2 of Town zoning.

Respectfully,


Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel, Town Planner, Business Owner



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

January 5, 2016

Town Administrator
41 Cochituate Road
Wayland, MA 01778

Re: 322 Commonwealth Road, status of current zoning and Used Car Dealer's License.

Dear Ms. Balmer,

This letter is intended to serve as the zoning official's current determination that in effect supports next year's Class II Used Car Dealer's License renewal for the above referenced 'used' automotive sales and service/repair garage business.

The parcel history indicates that the original service station with garage bays may reasonably be determined to be a pre-existing non-conforming use when the Town's zoning was amended in 1964. Until that time Automotive Sales and Service may reasonably be interpreted as related "permitted by right" uses in the Business District A. The original approved site plan for this address dates from 1966 which predates the zoning amendment of 1970 that then required not only a special permit for such use(s) but held minimum lot area requirements as well. I note here that a building permit to build a new service station with 3 garage bays was issued in 1969 that predates the aforementioned 1970 zoning amendment and apparently was still based upon the approved 1966 site plan (66-36). From 1969 to the present there appears to be one (1) specific modification to the approved site plan (73-36) granting the area "...to the right of the existing service station to be used in connection with services performed at 322 Commonwealth Road." My review of the parcel detail from 1973 to the present indicates several BOA decisions related to dimensional relief and not by necessity extinguishing those aspects of the automotive uses that may currently be determined to remain pre-existing, non-conforming.

Based upon the above it is currently determined not to raise any "zoning" objections at the time of license renewal as currently conditioned if these same conditions are being complied with. As you know a party aggrieved by this determination may appeal the same in the prescribed manner (MGL 40A §§7,8,15 and Article 2 of Town zoning).

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel, Town Planner, Business Owner



TOWN OF WAYLAND
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BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

January 5, 2016

Town Administrator
41 Cochituate Road
Wayland MA, 01778

Re: 70 Boston Post Road, status of current zoning and Used Car Dealer's License.

Dear Ms. Balmer,

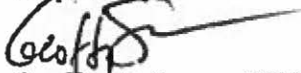
This letter is intended to serve as the current zoning official's determination that in effect supports next year's Class II Used Car Dealer's License renewal for the above referenced 'used' automotive sales business.

The parcel history indicates that the used car dealer's license with the specific conditions, "No storage of vehicles on property. Display of one vehicle, but no overnight display." was first issued in 1991. I note that the issuance of the license by the Board of Selectmen in 1991 followed the denial of a Board of Appeals application (#1990-29) for site plan approval and a use variance (Automobile Sales) in the Business District A in 1990.

The public record does provide a previous zoning determination (1991) by the building official that the use of this parcel by an "auto broker" in an "office" was thought to be permitted by right. It appears that the conditions of the license were deemed to be substantially in agreement with this earlier building official's determination and that what otherwise may be perceived as a zoning conflict is rather explained as controlled by this 1991 zoning determination.

I note also that there does not appear to be an enforcement history of any alleged zoning violations regarding the actual use of the parcel. Please be advised that any possible future written request for "zoning" enforcement is likely to be limited to enforcement action based on an alleged violation of the conditions of the license. As you know a party aggrieved by a zoning official's determination may appeal said determination in the prescribed manner as directed by MGL 40A §§7, 8, 15 and §198-205 of Town zoning.

Respectfully,


Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel, Town Planner, Business Owner

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
DECEMBER, 2015

6

TOTAL NUMBER CALLS HANDLED

54

# Complaint Calls	5
# Lost Dog Calls	3
# Lost Cat Calls	2
# Other Cat related calls	2
# Animal / Wildlife Calls	2
# Miscellaneous Calls	32

TOTAL # DOGS PICKED UP

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

TOTAL # HUMAN BITE CALLS

TOTAL # ANIMAL -> ANIMAL BITE

10 Day Quarantine Order -Human Bite	ISSUED 0 / RELEASED 1
10 Day Quarantine Order -Animal Bite	ISSUED 0 / RELEASED 0
45 Day/6 Month Quarantine Orders	ISSUED 2 / RELEASED 4

TOTAL # CITATIONS ISSUED

1

# No license citations	
# Leash Law/Dog not under owner control	1
# Other Offense	
# Court summons processed	

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



⑦

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

December 30, 2015

Colin and Diane Bailey
19 White Road
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 19 White Road, Wayland (DEP File 322-855)

Dear Mr. and Mrs. Bailey:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic repair/replacement project at 19 White 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.
Sullivan, Connors & Associates w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

8

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

January 4, 2016

RECEIVED

JAN -4 2016

Board of Selectmen
Town of Wayland

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

RE: Order of Conditions and Chapter 194 Permit for 113 Concord Road, Wayland (DEP File 322-852)

Dear Mr. Grose:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the grading and retaining wall construction project at 113 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



Town of Wayland Massachusetts

Finance Committee

- Nancy E. Funkhouser (Chair)
- Thomas Abdella
- Gordon Cliff
- Carol Martin
- Bill Steinberg
- David Watkins
- Gil Wolin

**Finance Committee
Minutes
November 30, 2015**

Attendance: N. Funkhouser, B. Steinberg, D. Watkins, C. Martin and B. Keveny (Finance Director). T. Abdella (7:30). G. Cliff & G. Wolin were not in attendance.

Call to Order: The meeting was called to order by Chair Funkhouser in the Senior Center at the Town Building at 7:04pm when a quorum was present. Ms. Funkhouser indicated the meeting was being recorded by WayCam and may be recorded by others.

Public Comment: None.

Finance Committee Response to Public Comment: N/A.

Debt Management Discussion: Finance Director Brian Keveny stated the Debt Management report was expected to be completed by the end of the week and he anticipated he along with Treasurer Zoe Pierce would be able to make this presentation at the FinCom’s December 14th meeting.

Proposed FY17 Over CIP Submissions - Group Discussion: To start shaping the FY17 Capital Budget, Chair Funkhouser suggested the Committee review the Capital Requests made to date and hold a general discussion. Mr. Keveny distributed a FY17 Capital Budget Request recap which itemized the \$18M of capital requests by department. He also distributed a memo from Town Administrator Nan

Balmer entitled FY17 Capital Requests which indicated the Board of Selectmen had reviewed the capital requests of the departments under their jurisdiction and their funding recommendations.

DPW: While the Committee recognizes the need for increased road maintenance and did increase this budget item for FY16, the FinCom would like to see the “spend plan” both for the FY16 and proposed FY17 funds. The Committee also would like to see the 20-year replacement vehicles schedule as well as the construction costs of the two intersection upgrades that are being submitted as article.

At 7:15pm - Mr. Keveny left to attend the Tax Recap meeting. He was asked by the FinCom to deliver the results of our vote to maintain a single tax rate.

Departmental CIP Discussion: The Fincom met with representatives of both IT and Recreation to discuss their FY17 capital requests:

IT: Leisha Simon, IT Director for the Schools and Beth Doucette, Financial Analyst presented two CIPs: Data Storage (SAN) replacement and Patch Management. The SAN will replace an outdated system and provide support for town and school virtual machines. Regarding Patch Management, the funds will determine most efficient system to scan, detect, assess and rectify security vulnerabilities.

Recreation: Jessica Brodie, Recreation Director and Brud Wright, Recreation Commission Chair discussed their open Capital Projects and FY17 Capital Requests. Mr. Keveny distributed copies of Ms. Bodie’s Report of Open Recreation Capital Projects which the FinCom found to be well prepared and quite informative.

Ms. Brodie and Mr. Wright indicated they have three outstanding projects: Loker Recreational Area, Dudley Woods Trails and Oxbow Meadows. They explained potential irrigation issues have surfaced at Loker which is prompting the Rec. Commission to pursue a turf versus grass field at Loker. The Committee suggested that since those funds were appropriated by the CPC, that the Commission review their findings/issues with the CPC before proceeding. The Dudley Woods project is in process and the Oxbow Meadow request is being submitted to the CPC and the CIP is withdrawn.

Regarding the annual request for Capital Field Maintenance, Ms. Brodie indicated this year’s request was for \$75K. There was a general discussion concerning unused Capital Field Maintenance funds from FY13, FY14, FY15 and FY16. While both Ms. Brodie and Mr. Wright indicated plans were in place to expend all funds, the FinCom expressed concern that additional monies were being requested.

The FinCom indicated the request for design funds for a second Turf field was premature because the Rec. Commission has not been awarded a site on which to build and referred the Recreation Commission to the WRAP group. Mr. Wright agreed it was a placeholder.

Ms. Brodie explained that although the total cost to update the Happy Hollow Playground is \$110K (\$10K to design and \$100K to build), because the goal is to rebuild the playground during summer

vacation, the request being presented to ATM will be \$100K for the building funds. Ms. Brodie indicated with such an expedited schedule, she hoped was to use \$10K of Rec's FY16 Capital Field Maintenance funds for the playground design. Following a general discussion, Chair Funkhouser indicated she would review the language and advise.

Proposed FY17 Over CIP Submissions - Group Discussion: Conservation: Resuming its discussion of the FY17 capital requests, Mr. Keveny stated he would circle back with the Conservation Commission to determine the status of the placeholder requests: Standish Road and Rice Road Dam. The committee also asked for clarity on the maintenance request as it appears to be two versus one request.

Police/Fire: The Committee discussed spending versus borrowing against the funds in the ambulance receipts account for the two requested fire vehicles. It was suggested that perhaps the Radio/Repeaters for the JCC could also be funded by the Ambulance Receipts fund. Mr. Keveny advised the Committee that a close eye would need to be kept on the fund balance to ensure sufficient funds were in place at the time of the ATM vote.

Facilities: The Committee would like a prioritized list of the FY17 capital requests and some clarification on whether the transfer station project has been previously funded.

Schools: During its discussion of the phone upgrade for Happy Hollow, the FinCom wondered what the ongoing operating costs would be and whether this new system is being installed on an existing platform or would it make more sense to invest in a new/different system.

IT: There were no follow up questions concerning the two capital requests as presented.

Recreation: Regarding the three CIP's submitted, the Committee felt it was premature to request turf field design money and was uncomfortable with granting additional field maintenance funds until the prior allocations had been utilized. Concerning the Happy Hollow Playground, the Committee did express concern that the design be consistent with the playgrounds at the other elementary schools.

Water: The Committee reviewed updated CIP's which indicated the Happy Hollow Access Road project has been expanded to include a water main, increasing the project cost by \$300K. Mr. Abdella wondered why the water main project was not being included in the Water Main CIP. New /additional CIPs that were reviewed regarding the Meter Radio water readers and associated billing software were confusing. The Committee decided to seek additional information.

ATM Article Write-Up Process - Preliminary Discussion: Mr. Abdella suggested that in an effort to reduce how laborious the Article Write-up process has become, a template be created that would request the proponent fully explain their request. The Committee concurred that currently the bulk of the work falls to the FinCom and if the departments making the requests had to prepare more of the article write up, there would be less preliminary work required of the FinCom. Mr. Watkins concurred that a template would help expedite the process.

Committee Members' Reports, Concerns: Mr. Steinberg reported the deadline to submit a bid for the River's Edge project was December 1st. Mr. Abdella advised the Committee the Police Chief is requesting an additional officer. Ms. Martin reported the three primary issues discussed at the Moderator's Special Town Meeting recap were how to shorten the length of Town Meeting, procedures as outlined in moderator's rules and ensuring the discourse is civil.

Minutes/Chair's Update: Ms. Funkhouser deferred the review and vote of the Draft Minutes for the November 2nd and November 16th meetings until December 14th and the Open Meeting Law update until January. She requested Committee members follow up with their liaison groups to obtain outstanding CIP information for the December 14th meeting. Chair Funkhouser asked Mr. Keveny to distribute copies of the FY17 budget book for discussion at future meeting.

Adjourn: Mr. Watkins moved and Ms. Funkhouser seconded a motion to adjourn. Vote 5-0. Meeting adjourned at 10:26pm.

Respectfully Submitted,

Carol Martin

Documents:

Distributed by B. Keveny:

Draft: FY17 Capital Budget Request, dated 11/30/15

Memo: FY17 Capital Requests (source N. Balmer)

Status Report of Open Recreation Capital Projects (source J. Brodie)

Recreation FY17 Capital Requests (source J. Brodie)

Distributed by C. Martin:

Follow-up Questions: FY17 Capital Requests

Wayland Real Asset Planning Committee

December 11, 2015 – 9:00 AM

APPROVED – 12/30/15

Present: Anette Lewis (presiding); Tom Abdella and Gretchen Schuler.

Also Present: Nan Balmer, Brendan Decker, Brian Keveny, Sarkis Sarkisian.

Public Comment. None.

Minutes The minutes for November 12, 2015 and December 3, 2015 were approved as amended at the end of the meeting.

Update of WRAP progress: Potential Outline of Topics for Report of WRAP. Anette Lewis discussed the outline dated 10.30.15 to give staff members in attendance an idea of the types of information that the WRAP Committee will need in order to present a report on its findings to Town Meeting. She listed the criteria relating to buildings/structures and those related to municipally owned land. The information will assist the Committee in knowing which parcels the town owns and considering what the best use for each would be. Ms. Lewis explained that it is important to tie the building data to the GIS. Brendan Decker, GIS Specialist, explained that he is looking into programs that will tie the GIS to MUNIS. Brian Keveny, Finance Director, then explained that MUNIS is an operating system that the IT department should be overseeing; however presently there is not a staff person in IT with the skill set to oversee this operating system as they have been focused on hardware rather than software. Thus the job falls to Mr. Keveny since he uses MUNIS for financial side of town data, where in fact he is not conversant in other applications of MUNIS so has to stop and learn more about the operating system in order to help other departments use applications relevant to their departments.

Next, Ms. Lewis discussed demographics as part of the report. Sarkis Sarkisian, Planning Director, asked if we had received the water study which he will send to Ms. Lewis and put on WRAP webpage. In preparing the section of report on Siting Strategy the Committee is looking at other studies that developed criteria for analyzing sites such as the Salt Shed report and the DPW report. In mentioning the “Criteria for establishing Priorities and Sequencing” section of the report, Ms. Lewis explained that the Committee is looking for measurable characteristics to make it objective. Included in sequencing is the debt policy of the FinCom. Can the town sustain the debt for major projects at the same time? Mr. Keveny noted that debt comes off the ledger as new debt is added and the FinCom tries to maintain a 10% level of debt to overall budget. He spoke of a finance report that the FinCom will be discussing next week. Ms. Lewis asked if the report tells of what or how much debt can be added over time. It was noted that WRAP needs a debt model to put in projects to determine whether the town can handle the level of debt.

The conversation turned to the value of a Capital Planning Committee that could focus on developing a longer-range plan and how to pay and how to borrow for capital projects. Several agreed that the town would benefit from more discipline on long term processes. Presently the FinCom will make decisions on 2017 but not on future budgets. We need that long term vision. Nan Balmer, Town Administrator, said that she believes that the town needs a plan and would like to bring in a representative from Local Services Division of Department of Revenue to help with such a plan. Additional discussion led to a strong recommendation for a Capital Planning Committee to be established by Town Meeting. It was noted that WRAP grew out of a recommendation for a capital planning committee.

Ms. Balmer asked for a copy of the draft outline to add to the Board of Selectmen's packet to prep them for the discussion of WRAP progress on the Board's agenda for Monday December 14th. Ms. Lewis will represent WRAP at that meeting. It has been clear that the BOS is anticipating recommendations from WRAP on where to locate two projects that will be before the town – the Library and a Council on Aging/ Community Center.

On this topic Tom Abdella stated that the larger issue is how can these projects be accomplished together. He stated that it is pretty clear that residents want a library (addition or new) and a community center/COA; yet it seems that they have not sat down and talked to one another to understand overlap of programming and planning. It was recommended that WRAP may be able to engage multiple groups to have this conversation including Library trustees, COA Board, community center advisory committee and Recreation Commission with the topic being a Building considered as a need for all four.

WRAP to Staff – Staff to WRAP. The largest missing piece is information on facilities most of which is not in the data base and will be provided by Ben Keefe, Facilities Director. There was a brief discussion about the role of Town Administrator and policies affecting town-owned properties as well as the management of data. Ms. Balmer pointed out that the position of Town Administrator is not structured to give the TA the authority to make policy decisions that would affect issues of use of town owned parcels and buildings. Ms. Lewis noted that in her view the purpose of changing to a TA form of leadership was to have the TA take care of management issues and the BOS to focus on policy.

Mr. Decker stated that he is chipping away at verifying information about each town-owned property and entering into GIS data base. He plans to finish up in the new year. Recently Ms. Schuler sent him a list of key properties on which he will work first. They are properties that are not Conservation, larger than a few acres and either of interest or with buildings that may be in flux.

Ms. Lewis asked Mr. Sarkisian to organize the webpage by document types so that the three items related to Growth Policy of the 1990s be under one heading – perhaps Prior Studies, that the reports to WRAP from town boards and commissions be filed together, etc. It was also determined that Ms. Schuler will send items to Mr. Sarkisian for the website after the Committee members have had an opportunity to review them.

Mr. Sarkisian asked that someone on WRAP report to the Planning Board. Since the WRAP chair, Colleen Sheehan, is on the PB, she will report.

At this point most of staff members left and the three WRAP members continued their discussion on the following issues:

Decision Criteria Matrix. Mr. Abdella took the Draft Capital Improvements Decision Criteria Matrix that Ms. Lewis had prepared for last meeting, consolidated the information tried to apply the matrix to the library project. All three members present agreed that the results did not show any clear recommendation.

Each criterion and factors of the criterion were discussed to try to understand what types of answers the Committee expects and what that information will tell about each project. When discussing public perception members wondered if people select a community for its community resources – for instance do we need a community center in order to be of interest to newcomers. Would real estate brokers know whether services make a community desirable and contribute to the real estate value? Is the real question: whether a project would have a positive impact on real estate values or how do municipal resources affect real estate values? A factor to consider is: Are

there alternatives – for instance new construction/renovation – would the cost of each contribute to deciding which way to lean?

Mr. Abdella suggested that the matrix should be broken into four pages: the first would have three columns: Criteria/Factors/Weight; the next would be Projects; the third would be siting criteria for parcels; the fourth would be the key or instructions – what is meant by each column and row.

Mr. Abdella also suggested a scoring mechanism that was then tried by him, Ms. Lewis and Ms. Schuler. It included:

Criteria	Factors	Weight
1. Public Health & Safety	*Project addresses an immediate hazard or public health/safety need	4 x (*)
2. Compliance with Mandates or Other Legal Requirements	*Project required by compliance with regs. *Project required by court order	3 x (*)
3. Stated Community Goals	*Project conforms to adopted plan *Asset Preservation *Required to maintain standard *More efficient /improved standard	2 x (*)
4. Public Perception of Need	*Sustained change in demographic *Improve sustainability of environment	1 x (*)

In discussing the Library it was asked whether the trustees could give us: renovation footprint and square footage and parking for that square footage.

It was also noted that part of the thought process should be to build for future growth – for instance the library addition of 1987-88 did not take into account the possibility of future growth by adding sufficient infrastructure for a future second story. The alternatives to the project that the Committee will consider are things such as site alternatives, project alternatives, programming alternatives, whether the programs are available elsewhere.

FinCom will appoint a new member to WRAP. Mr. Abdella stated that he thought it is unlikely that a member of FinCom will be the appointee and that they are likely to look to residents. He believes that someone who is a good strategic thinker would be appropriate.

Next Meetings

December 17th (Thurs.) 7:30 PM
 Week of December 28 ?
 Week of January 4th Meeting with Library/COA/COACC/Recreation

The meeting adjourned at 12:03 PM following a 3-0-0 vote.

Respectfully submitted,
 Gretchen G. Schuler

Materials Received at Meeting

- 1) Draft #2 Capital Improvements – Decision Criteria Matrix (12-11-15, Abdella)

Wayland Real Asset Planning Committee

December 17, 2015 – 7:30 PM

APPROVED – 12/30/15

Present: Colleen Sheehan (presiding); Anette Lewis and Gretchen Schuler.

Call to Order: 7:48 PM

Public Comment. None.

Minutes. The minutes for December 11, 2015 were distributed and held for next meeting.

Update of WRAP Meetings with Boards/Commissions. Anette Lewis reported on a meeting with the Wayland Wastewater Management District Commission (WWMDC), which sees no need for new infrastructure over the next 20 years. The only area for which there has been inquiry is Dudley Pond. Ms. Sheehan asked about issues with gallonage for the businesses in the center of Wayland. In response Ms. Lewis said that the Committee sent a response to the standard questions which Ms. Lewis distributed via e-mail just before this evening's meeting. She then explained that there was no information about an Administrative Consent Order entered into between DEP and WWMDC that states that if a defined discharge trigger is reached the WWMDC must build a groundwater discharge area in the area of the present athletic field on the east side of the Town Building. She noted that the WWMDC does not have control of that parcel. Ms. Lewis also asked that the Consent Order be posted on WWMDC webpage so that it is in the public domain. It was noted that the data base should include all such information affecting town owned parcels as such needs will be important in planning for town-owned land and buildings.

Ms. Lewis also asked WWMDC about the piping – how long will it last? It went online in 1998 and they do not have a monitoring system. Clearly pipes will have to be replaced and most will require road openings that will have to be coordinated with DPW. Finally the WWMDC does not anticipate any problem with its next Discharge Permit although it is behind schedule.

Next Ms. Lewis reported on her meeting with Board of Public Works (BoPW). The new building provides increased office, storage and meeting spaces. Its meeting space could be used by others however they have said that traffic would be limited to 27 vehicles per day so that a large meeting may be problematic. Ms. Lewis asked the BoPW to report on each facet under its jurisdiction: water, transfer station, parks, highway and cemetery. They are working on a water distribution plan which will not be ready for about three weeks. There is a possibility for need for expansion of cemetery land. The Board confirmed that it would not need a water treatment plant in the near future. Ms. Lewis asked them to think about need for new or expanded transfer station. BoPW asked about document storage – they have plenty of room for their own needs, but probably do not want to become the repository for other parts of town government. They also asked about land where they may be able to store road material (should the River's Edge proposal go forward). They thought that they had identified a parcel but not sure now.

Finally Ms. Lewis reported on her attendance at Board of Selectmen meeting on December 14th as requested by Nan Balmer, Town Administrator. Ms Lewis reported that WRAP has met 10 times and held a forum, identified liaisons for town boards/commissions/committees, developed points of discussion, identified information needed and potential outline for report, and is in process of developing criteria by which to measure projects. She also explained that the data base is in need of work and that Brendan Decker is presently working on information about the larger town-owned parcels. She asked the BoS for clarification as to whether WRAP should be looking at infrastructure projects. Cherry Karlson, chair of BoS stated "yes" and other members cautioned all on the

\$500,000 threshold; for instance storage space would not likely be triggered by this threshold; however storage is an issue that has been expressed by multiple entities. Ms. Lewis was asked about the number of projects that have come to WRAP's attention. She listed Library, COACC, Station #2, athletic fields. BoS members noted that the Library and COA are of some urgency, particularly the library that must have approval/control of a parcel to be considered by Spring ATM. It was noted that there are large capital projects competing for large amounts of funds, which is the reason WRAP was initiated. Ms. Lewis told of the WRAP idea of pulling together four groups to discuss needs since there seem to be overlapping wants and needs. They are Library, Council on Aging, COACC, and Recreation. She asked BoS whether they had any objection to such a meeting. Ms. Karlson expressed support. Ms. Lewis was asked about the Town Building to which she responded that WRAP is awaiting information for Ben Keefe about the building. Ms. Karlson reported that a few years ago a member of FinCom (Sam Peper) drew up a draft assessment form for capital improvement projects for FinCom however it was never adopted.

At this point Ms. Lewis and Ms. Schuler noted that we had tried a few ways in which to use criteria for pending projects. Tom Abdella redid the chart into three sheets and we used a scoring method that worked better than a non-scoring discussion of each category in the meeting before.

Ms. Sheehan reported on her meeting with Wayland Municipal Affordable Housing Trust (WMAHT). There will be one set of answers to questions for the housing groups – Authority, Partnership and Trust. The Trust was reviewing the Partnership draft.

Ms. Sheehan then reported on her meeting with the Conservation Commission. Their priority now is to complete the Open Space and Recreation Plan for which they have received CPA funds. The RFP should go out soon and they anticipate having it completed by late Spring. This is imperative so that the town can apply for a self-help grant toward the purchase of the Mainstone Conservation Restriction. Conservation Commission members also discussed the fact that the GIS does not have all the layers that they use. Brian Monahan, Conservation Director, has some of those that he can send to WRAP. Two members commented on Orchard Lane parcel (under School Committee jurisdiction) wondering if it would be a possible cemetery use. ConCom also reminded WRAP to think about capture zones for aquifer protection when planning for uses or reuses of town-owned parcels. Members asked which constituency are we considering in planning – present day residents or those twenty years out.

Based on question of BoS about other projects, Ms. Sheehan will bring the laundry list of projects that was made during pre-WRAP committee on Long Range Planning.

WRAP to Staff – Staff to WRAP Update. Since Ms. Sheehan was not at the last meeting with Staff Ms. Lewis and Ms. Schuler pointed out the potential action items from that meeting to include: encouraging the hiring of an IT person to deal with MUNIS integration other than financial into workings of town; consider an article for ATM for Capital Facilities Committee.

Planning of Group Meeting. In line with Mr. Abdella's suggestion at last WRAP meeting January 7, 2016 was selected to hold a group meeting among Library Trustees, Council on Aging, Council on Aging/ Community Center Advisory Committee, and Recreation Commission. The goal will be to discuss the synergies among the groups, meeting spaces needed/wanted, and kinds of services. It is anticipated that this will be an opportunity for the groups to talk to one another. WRAP would like to also get a better understanding of the plans for space and programs. Each group could tell what types of programs they want to run, what types of spaces they need and what is unique to their program that cannot work for others. There has been much discussion about the need for small meeting spaces in a library. Would these be the same as those at the new high school library? In addition we know that the library is anticipating application for a grant to help fund a new or

renovated library. How limiting is that to use for space that may be used by other non-library programs? Ms. Sheehan will send e-mail to the four groups asking for availability on January 7th as well as finding the best date for the planning meeting week of December 28th.

There was a brief discussion of constructing buildings for growth – for example the ability to support a second story if a single story building is designed or space for an addition.

Add to website responses of various boards/commissions/committees with dates.

FinCom Appointment to Replace Steinberg. Tom had mentioned at last meeting that it would not be a member rather a representative – hopefully one who was good at strategic thinking. Ms. Sheehan asked to have on next agenda and to be thinking of potential candidates.

Next Meetings

December 29th (Tues.) 7:30 PM or December 30th (Wed.) AM to plan January 7th meeting
January 7th 2016 with Library/COA/COACC/Recreation

The meeting adjourned at 9:10 PM following a 3-0-0 vote.

Respectfully submitted,
Gretchen G. Schuler

Materials Received at Meeting

- 1) Capital Improvement Program – Evaluation Criteria Scoring Matrix (Anette Lewis via Cherry Karlson – For Discussion Purposes Only 12/15/15)