

**PACKET**

**FEB 29**

**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, February 29, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**Proposed Agenda**

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

- |          |      |   |
|----------|------|---|
| 7:00 pm  | 1.)  | Call to Order by Chair <ul style="list-style-type: none"><li>• Announcements; Review Agenda for the Public</li></ul>  |
| 7:02 pm  | 2.)  | Public Comment  |
| 7:15 pm  | 3.)  | Liquor License Hearing on Application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a New On-Premises Alcoholic Beverage License at 175 Commonwealth Road, and Discussion and Potential Vote on Common Victuallers License Application and Entertainment License Application            |
| 7:30 pm  | 4.)  | Energy Advisory Committee Update on State Solar Programs and Potential Board of Selectmen Letter to Support Continued Program   |
| 7:45 pm  | 5.)  | River's Edge Advisory Committee: Discussion and Vote to Approve Changes to Request for Proposal   |
| 8:00 pm  | 7.)  | Annual Town Meeting Discussion: Article Z – Library Wastewater  |
| 8:30 pm  | 8.)  | Annual Town Meeting: Discussion of all Articles and Vote on Potential Positions Including But Not Limited To: <ul style="list-style-type: none"><li>• Article E: Budget</li><li>• Article HH: Fund Recreation Projects</li><li>• Article TT: Mainstone</li><li>• Petitioners Articles</li></ul> |
| 9:30 pm  | 9.)  | Discussion with Town Moderator  |
| 9:45 pm  | 10.) | Annual Town Meeting: Discussion and Potential Vote to Withdraw Articles; Review and Confirm Order of Articles   |
| 10:00 pm | 11.) | Discuss Annual Town Meeting Public Information Plan   |
| 10:15 pm | 12.) | Review and Approve Consent Calendar (See Separate Sheet)  |
| 10:20 pm | 13.) | Review Correspondence (See Separate Index Sheet)  |
| 10:25 pm | 14.) | Report of the Town Administrator  |
| 10:35 pm | 15.) | Selectmen's Reports and Concerns  |
| 10:45 pm | 16.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any   |
| 10:50 pm | 17.) | Adjourn   |

**Balmer, Nan**

---

**Subject:** FW: Coffee with Cops

Members of the Wayland Police Department will be at Mel's Commonwealth Cafe on March 14 for another installment of Coffee with Cops.

The coffee times is offered as an opportunity for residents to come and speak with Wayland police officers and members of the department, asking questions or raising concerns.

The event takes place from 9-11 a.m. on March 14. There's no appointment necessary to speak with members of the department.

Robert Irving  
Chief of Police  
Wayland Police Department  
38 Cochituate Road  
Wayland, MA 01778  
508-358-1710  
508-358-1777 Fax  
FBINA Session #199



This e-mail message, and any attachment to it, may contain confidential and/or legally privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original e-mail message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's E-mail System Administrator.

(3) 110 GRILL



## 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

### LEGAL NOTICE

**110 GRILL CW WAYLAND LLC**  
dba 110 Grill  
175 Commonwealth Road  
Wayland MA

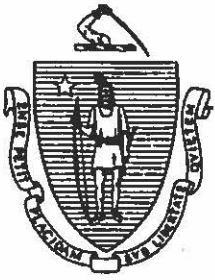
### LEGAL NOTICE

Notice is hereby given that the Board of Selectmen will hold a Public Hearing on Monday, February 29, 2016, at 7:15 p.m. in the Selectmen's Meeting Room at the Wayland Town Building, 41 Cochituate Road, Wayland, MA 01778, on the application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a new all alcoholic beverage license to serve and sell such beverages to be drunk on the premises at 175 Commonwealth Road, Wayland MA 01778.

Board of Selectmen  
Town of Wayland

/md

dc: Town Crier February 11, 2016  
Abutters  
Post Wayland Town Building  
Wayland Public Library



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

For Reconsideration

FORM 43

MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

ABCC License Number

WAYLAND

City/Town

February 29, 2016

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee

EIN of Licensee

D/B/A

Manager

ADDRESS:

CITY/TOWN:

STATE:

ZIP CODE:

Annual or Seasonal

Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Granted under Special Legislation? Yes  No

If Yes,

Chapter

Year

**Complete Description of Licensed Premises:**

4,800 square feet of space, more or less, along with a 1,000 s.f. more or less, outdoor patio. Five entrances, occupancy 180, seating capacity 148 inside and 32 patio

Application Filed:

Date & Time

Advertised:

Date & Attach Publication

Abutters Notified: Yes  No

Licensee Contact Person for Transaction

Phone:

ADDRESS:

CITY/TOWN:

STATE:

ZIP CODE:

Remarks:

The Local Licensing Authorities By:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABCC Remarks:



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

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

**TRANSACTION TYPE (Please check all relevant transactions):**

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) §15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
 P. O. BOX 3396  
 BOSTON, MA 02241-3396**

RECEIVED

FEB -3 2016

Board of Selectmen  
 Town of Wayland

3:30 PM

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Wayland

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) 110 Grill CW Wayland LLC

B. Business Name (if different) : 110 Grill C. Manager of Record: Douglas McLean

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: 175 Commonwealth Road City/Town: Wayland State: MA Zip: 01778

F. Business Phone: (978) 692-9450 G. Cell Phone:

H. Email: I. Website: <http://110grill.com/>

J. Mailing address (if different from E.): 4 Lan Drive City/Town: Westford State: MA Zip: 01886

2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wine & Malt Beverages Only     Wine or Malt Only  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME: Kevin S. Eriksen, Esq.

ADDRESS: 4 Lan Drive

CITY/TOWN: Westford STATE: MA ZIP CODE: 01886

CONTACT PHONE NUMBER: FAX NUMBER: (978) 692-4424

EMAIL:

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

4,800 square feet of space, more or less, along with a 1,000 s.f., more or less, outdoor patio located at 175 Commonwealth Road, Wayland, Massachusetts. Please see attached plan.

Total Square Footage: 4,800 (plus 1000sf patio) Number of Entrances: 5 Number of Exits: 5

Occupancy Number: 180 Seating Capacity: 148 (inside), 32 (patio)

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises? Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): Corporation Other:

Name: Main Street Property Inc. Phone: 508-655-2616

Address: P.O. Box 5 City/Town: Hopkinton State: MA Zip: 01748

Initial Lease Term: Beginning Date Occupancy Ending Date 15 Year Term

Renewal Term: See Lease Options/Extensions at: 3/5 Years Each

Rent: Per Year Rent: Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales? Yes  No

**IMPORTANT ATTACHMENTS( 4):**

- 1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application.
- 2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
- 3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.



**9. LICENSE STRUCTURE:**

The Applicant is a(n):  Other :

If the applicant is a Corporation or LLC, complete the following: Date of Incorporation/Organization:

State of Incorporation/Organization:

Is the Corporation publicly traded? Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

**IMPORTANT ATTACHMENTS (5):**

- A. All individuals or entities listed below are required to complete a Personal Information Form.
- B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form.

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Robert A. Walker	Manager of LLC	0%	
110 Grill Management LLC	Member	100% Membership Interest	
Michele Walker	Trustee of MW Trust of 1995		
Robert A. Walker Trust of 1999	Member of 110 Grill Management LLC		
Michele Walker Trust of 1999	Member of 110 Grill Management LLC		

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

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list said interest below:

Name	License Type	Licensee Name & Address
Robert A. Walker	<input type="text" value="§12 Restaurant"/>	Take Two 110 Grill, LLC, 116 Chelmsford Street, Chelmsford MA
Robert A. Walker	<input type="text" value="§12 Restaurant"/>	Evviva Cucina, LLC, 7 Cornerstone Square, Westford MA
Robert A. Walker	<input type="text" value="§12 Hotel"/>	Devens Inn LLC, 59 Andrews Pkwy, Devens, MA
Robert A. Walker	<input type="text" value="§12 Hotel"/>	Devens Hospitality LLC, 27 Andrews Pkwy, Devens MA
Robert A. Walker	<input type="text" value="§12 General On-Premise"/>	Devens Community Conference Center, LLC, 29 Andrews Pkwy, Devens, MA
Robert A. Walker	<input type="text" value="§12 Restaurant"/>	110 Grill HC Berlin, LLC 60 Highland Commons, Berlin, MA
	<input type="text" value="Please Select"/>	

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

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
Robert A. Walker	Westford Inn, LLC, 7 Lan Drive, Westford, MA	1999-2008	Transferred
			Please Select
			Please Select

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager or Principal Representative a U.S. Citizen?

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

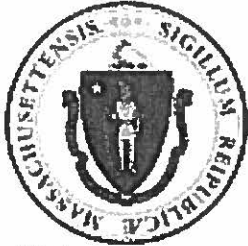
1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

**Certificate of Organization**

(General Laws, Chapter )

Identification Number: 001195663

1. The exact name of the limited liability company is: 110 GRILL CW WAYLAND LLC

2a. Location of its principal office:

No. and Street: 4 LAN DRIVE  
 City or Town: WESTFORD State: MA Zip: 01886 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 4 LAN DRIVE  
 City or Town: WESTFORD State: MA Zip: 01886 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

THE OWNERSHIP AND OPERATION OF A RESTAURANT, THE FINANCING, OWNERSHIP, LEASING, AND PURCHASING OF REAL PROPERTY, PERSONAL PROPERTY, IMPROVEMENTS, FIXTURES AND/OR EQUIPMENT UTILIZED IN CONNECTION THEREWITH, THE ENTRY INTO CONTRACTS INCIDENTAL THERETO, AND FOR ALL LAWFUL PURPOSES.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: ROBERT A. WALKER  
 No. and Street: 4 LAN DRIVE  
 City or Town: WESTFORD State: MA Zip: 01886 Country: USA

I, ROBERT A. WALKER resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	ROBERT A. WALKER	4 LAN DRIVE WESTFORD, MA 01886 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name	Address (no PO Box)
-------	-----------------	---------------------

	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
SOC SIGNATORY	ROBERT A. WALKER	4 LAN DRIVE WESTFORD, MA 01886 USA

**8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	ROBERT A. WALKER	4 LAN DRIVE WESTFORD, MA 01886 USA

**9. Additional matters:**

**SIGNED UNDER THE PENALTIES OF PERJURY, this 2 Day of November, 2015,  
ROBERT A. WALKER**

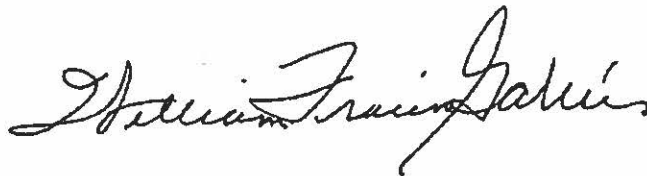
*(The certificate must be signed by the person forming the LLC.)*

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

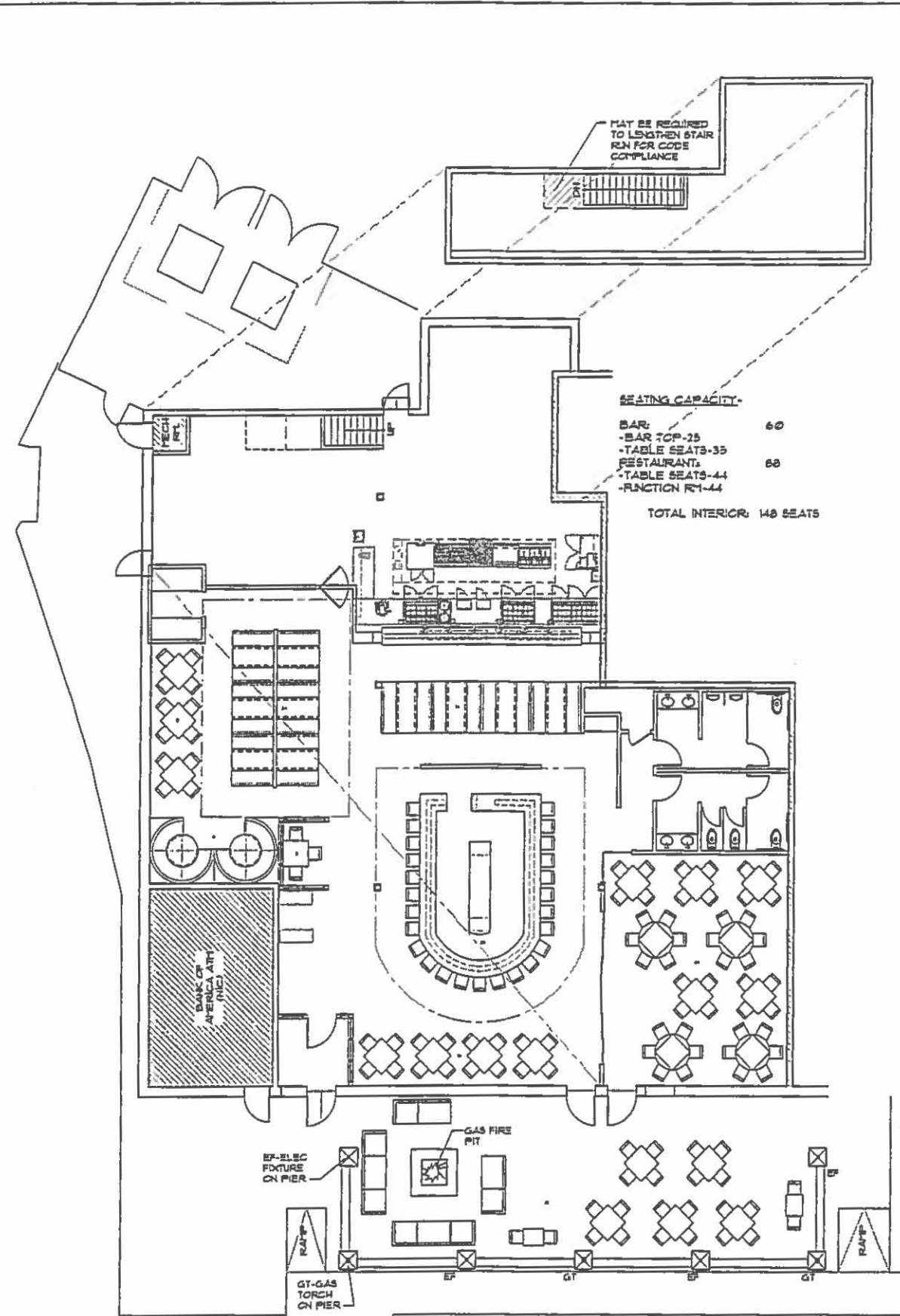
November 02, 2015 10:09 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

I:\active jobs\2582-Wayland\110 Grill Cochrutate Village\Drawings\1582-A1 01 rev01m.dwg, 11/17/2015 11:45:26 AM, Burch



**SEATING CAPACITY-**  
**BAR:** 60  
 -BAR TOP-25  
 -TABLE SEATS-35  
**RESTAURANT:** 60  
 -TABLE SEATS-44  
 -FUNCTION RM-14  
**TOTAL INTERIOR: 140 SEATS**

**SCHEMATIC PLAN**  
 SCALE: 3/16"=1'-0"

**JD LaGrasse**  
**& Associates, Inc.**  
 Architects - Engineers - Interiors - Land Planning  
 One Elm Square, Andover, MA 01810  
 T. 978-470-3675 F. 978-470-3670  
 www.jdla.com - E-mail: jdl@jdl.com

project: **110 GRILL WAYLAND**  
 COCHRUTATE VILLAGE 35 MAIN STREET WAYLAND, MA  
 title:

date: 2015-11-17  
 scale: AS NOTED  
 job no.: 2582  
 sheet: **SK-**  
 REV TO

**110 GRILL CW WAYLAND LLC  
JOINT MEETING OF THE MEMBERS AND MANAGERS**

A Joint Meeting of the Members and Managers of 110 Grill CW Wayland LLC was held by consent on December 7, 2015 at 2:00 pm.

Present: Robert A. Walker, Manager  
110 Grill Management LLC

Upon motion duly made and seconded, it was voted by all members 110 Grill CW Wayland LLC as follows:

VOTED: To take all steps necessary to accomplish/obtain a new Chapter 138 Section 12 Restaurant License including but not limited to the actions: filing of all necessary documentation with the Town of Wayland and Alcoholic Beverage Control Commission of the Commonwealth of Massachusetts for the premises known as 110 Grill, 175 Commonwealth Road, Wayland, MA.

VOTED: To appoint Douglas McLean as Manager of the Liquor License of the 110 Grill restaurant located at 175 Commonwealth Road, Wayland, MA.

VOTED: To authorize 110 Grill CW Wayland, LLC to pledge its liquor license to Northern Bank & Trust Company, or some other institutional lender, in order to secure financing.

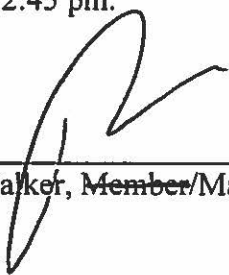
There being no further business to come before the Members and Managers, upon motion duly made and seconded, it was unanimously

VOTED: To adjourn.

Adjourned accordingly at 2:45 pm.

A true record.

ATTEST: \_\_\_\_\_  
Robert A. Walker, ~~Member~~ Manager





# 100 Abutters List Report

Wayland, MA  
December 10, 2015

---

**Abutters:**

Parcel Number: 51B-031B CAMA Number: 51B-031B Property Address: 116 MAIN ST	Mailing Address: MICHALOPOULOS DINO TRUSTEE NICOLAS MICHALOPOULOS TRUST 403 EDMANDS RD FRAMINGHAM, MA 01701
Parcel Number: 51B-032 CAMA Number: 51B-032 Property Address: 130 MAIN ST	Mailing Address: CUMBERLAND FARMS INC 100 CROSSING BLVD #9003 FRAMINGHAM, MA 01701-5401
Parcel Number: 51B-036 CAMA Number: 51B-036 Property Address: 145 MAIN ST	Mailing Address: TOWN OF WAYLAND COCHITUATE FIRE STATION 145 MAIN STREET WAYLAND, MA 01778
Parcel Number: 51B-054 CAMA Number: 51B-054 Property Address: 38 EAST PLAIN ST	Mailing Address: LANG DAVID A KATHLEEN M LANG 38 EAST PLAIN ST WAYLAND, MA 01778
Parcel Number: 51B-068 CAMA Number: 51B-068 Property Address: 37 EAST PLAIN ST	Mailing Address: BERRY JAMES R HELEN F BERRY 37 EAST PLAIN ST WAYLAND, MA 01778
Parcel Number: 51B-069 CAMA Number: 51B-069 Property Address: 29 EAST PLAIN ST	Mailing Address: AHEARNE OLIVER & PAULINE T/E 29 EAST PLAIN ST WAYLAND, MA 01778
Parcel Number: 51B-070 CAMA Number: 51B-070 Property Address: 22 CENTER ST	Mailing Address: BERNOTAS PAUL BERNOTAS DALIA 22 CENTER ST WAYLAND, MA 01778
Parcel Number: 51B-073 CAMA Number: 51B-073 Property Address: 150 MAIN ST	Mailing Address: 150 MAIN STREET LLC PO BOX 5458 WAYLAND, MA 01778
Parcel Number: 51D-039 CAMA Number: 51D-039 Property Address: 115 MAIN ST	Mailing Address: MICHALOPOULOS, DINO, TRUSTEE NICOLAS MICHALOPOULOS TRST 403 EDMANDS RD FRAMINGHAM, MA 01701
Parcel Number: 51D-040 CAMA Number: 51D-040 Property Address: 111 MAIN ST	Mailing Address: MABARDY MICHAEL PO BOX 6254 NATICK, MA 01760
Parcel Number: 51D-060 CAMA Number: 51D-060 Property Address: 37 WINTER ST	Mailing Address: BAUER MAXIMILIAN KELLY NIAMH O T/E 37 WINTER ST WAYLAND, MA 01778



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/10/2015

Page 1 of 2





# 100 Abutters List Report

Wayland, MA  
December 10, 2015

Parcel Number: 51D-061  
CAMA Number: 51D-061  
Property Address: 17 CENTER ST

Mailing Address: RIJK LOUISE H RIJK JOOP C  
17 CENTER ST  
WAYLAND, MA 01778

---

Parcel Number: 51D-062  
CAMA Number: 51D-062  
Property Address: 15 CENTER ST

Mailing Address: HORAN JEFFREY  
15 CENTER ST  
WAYLAND, MA 01778

---



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/10/2015

Page 2 of 2



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Memorandum

2/24/2016

**To:** Board of Selectmen

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

**Subject:** Entertainment and Common Victuallers License Applications for 110 Grill

---

I have reviewed the applications for an Entertainment License and Common Victuallers License for 110 Grill.

I have no concerns with the application for the Common Victuallers License. The Board may want to consider hours of operation for this establishment. All restaurants in town, with the exception of The Local, have a closing time of midnight. The Local has a closing time of 1:00 A.M.

I believe the application for an entertainment license lacks the specificity that the Board should have when considering the license. In particular, the license describes live music, Sunday to Saturday 11:00 A.M. – 1:00 A.M.. I believe the Board should require 110 Grill to specify what type of live music, how often will there be live music, where will the live music be set up, and whether live or recorded music will be played on the outside patio area of the establishment. Current entertainment licenses for establishments in town are attached.

RECEIVED

FEB 24 2016

Board of Selectmen  
Town of Wayland

**NUMBER**

536

**FEE**

\$50.00

**THE COMMONWEALTH OF MASSACHUSETTS**

**Town of Wayland**

This is to certify that The Local Restaurant of Wayland LLC, dba The Local Restaurant, 11 Andrew Avenue, Wayland MA 01778

**IS HEREBY GRANTED A LICENSE**

For Entertainment, consisting of playing recorded background music only and four televisions at above establishment during hours of operation

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires December 31, 2016, unless sooner suspended or revoked.

December 7, 2015

---

---

---

---

---

**NUMBER**

537

**FEE**

\$50.00

**THE COMMONWEALTH OF MASSACHUSETTS**

**Town of Wayland**

This is to certify that China Rose LLC dba China Rose, 15 East Plain Street, Wayland MA 01778, Bei Huan Deng, Manager

**IS HEREBY GRANTED A LICENSE**

For Entertainment, consisting of Karaoke, on Friday and Saturday nights only from 9:00 p.m. to 12:00 p.m. midnight

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires December 31, 2016, unless sooner suspended or revoked.

December 7, 2015

---

---

---

---

---

**NUMBER**

532

**FEE**

\$50.00

**THE COMMONWEALTH OF MASSACHUSETTS**

**Town of Wayland**

This is to certify that The Villa Inc., 124 East Plain Street, Wayland MA 01778

**IS HEREBY GRANTED A LICENSE**

For Entertainment, limited to organ, piano, and acoustical guitar on Thursday, Friday and Saturday nights only, 7:00 p.m. to midnight

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires December 31, 2016, unless sooner suspended or revoked.

December 7, 2015

---



---



---



---

**NUMBER**

533

**FEE**

\$50.00

**THE COMMONWEALTH OF MASSACHUSETTS**

**Town of Wayland**

This is to certify that Old Wayland Restaurant Inc. dba Prime131 Grill, 131 Boston Post Road, Wayland MA 01778, Nicholas Mimosos, Manager

**IS HEREBY GRANTED A LICENSE**

For Entertainment, consisting of playing background music only at above establishment during hours of operation

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires December 31, 2016, unless sooner suspended or revoked.

December 7, 2015

---



---



---



---

Search

# the METROWEST DAILY NEWS

AdChoices

Boston	10/17/2016	London	10/24/2016	1	0	0
--------	------------	--------	------------	---	---	---

HOME NEWS SPORTS BUSINESS ENTERTAINMENT LIFE OPINION OBITS TOWNS CLASSIFIEDS JOBS CARS HOMES

FEATURED CONTACT US CALENDAR SUBMIT YOUR NEWS BLOGS VIDEOS READERS CHOICE BRANDED CONTENT BUSINESS SERVICES TV GUIDE EXPLORE

NEWS NOW

RMV services available at Westborough Senior Center

Congresswoman Niki Tsongas to liftoff for Japan

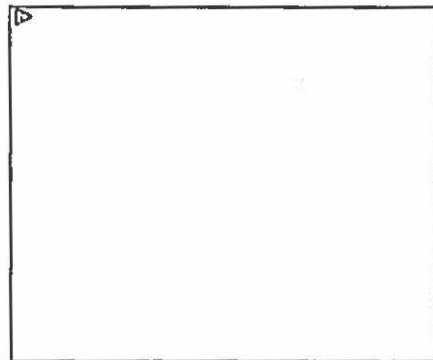
View

ADVERTISEMENT

## 110 Grill licenses on hold in Hopkinton



COMMENT 1



By Jonathan Phelps/Daily News Staff

Posted Oct. 22, 2015 at 6:38 PM

HOPKINTON — The liquor license for a new restaurant to open on Lumber Street is on hold, with selectmen looking to iron out some of the details.

The restaurant, 110 Grill, which has locations in Chelmsford and Nashua, New Hampshire, is seeking an all alcohol restaurant, entertainment and common victualler licenses to open at a new plaza at 1 Lumber St.

Selectmen decided to continue a public hearing to clear up incorrect information on the application and to meet the restaurant owner, Robert Walker, at the next meeting.

"We are not trying to hold you up," Selectmen Chairman Ben Palleiko said at the meeting. "We just want to make sure the packet is complete and is accurate."

Several selectmen expressed concerns on outdoor entertainment and hours of operation. The restaurant is hoping to be open from 11 a.m. to 1 a.m. seven days a week, according to the application.

Kevin Erikson, an attorney for 110 Grill, said the chain is hoping to open three new restaurants in 2016, Berlin, Acton and Hopkinton. Hopkinton will likely be the fourth location and is predicted to open in March.

The restaurant will feature modern American cuisine in a "trendy casual atmosphere," according to its website, [110grill.com](http://110grill.com). The restaurant has both a lunch and dinner menu.

"We are an upscale American grill," Erikson said. "We have a very unique concept in the sense that our food is high-quality, reasonably priced, with an open kitchen concept in the inside."

The 5,000-square-foot restaurant will have 140 indoor seats, and 40 outside. The patio will have a fire pit and comfortable seating.

The entertainment license will cover both recorded and live entertainment for both inside and outside.

Erikson said the restaurant typically offers two nights of acoustic live music. "We've found that to be very well-received," he said.

Selectman Todd Cestari expressed concerns about the closing time.



Time is running out to apply for this Massachusetts program to eliminate your debt.

GEICO

Saving money brightens your day :)

Begin a Quote

metrowestdailynews.com

### NEWSmax

- **Rush: Trump Not Conservative, Cruz Is**
- **Barbara Walters Refuses to Return to the View, Due to This Secret**
- **How Melissa McCarthy Dropped 50 Pounds - It Wasn't Exercise**
- **Blake Shelton Finally Confesses How He Dropped All of the Weight**
- **2016's Hottest Diet Trend - Lose 18 lbs in One Month**
- **Princess Kate Middleton Leaves Royal**

"My personal feeling is that there's not a need for that," Cestari said. "I'd prefer to start scaled back and then see how things go."

Erikson said the hours are for flexibility.

"We are going to feel out the market," he said.

Town Manager Norman Khumalo said there are two establishments with approved 1 a.m. closing, Cornell's Pub on Hayden Rowe Street and Ko Sushi and Grill on Hayward Street.

Selectman John Mosher said he'd like to hear more specifics on the outdoor entertainment.

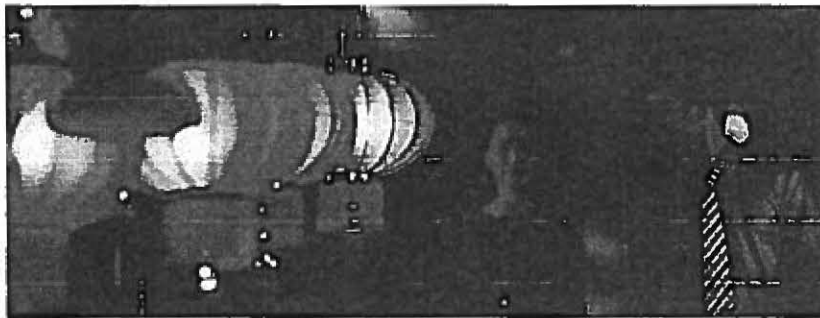
Developer Paul Mastrolanni, who is building the plaza, said there is no restaurant like it in town. The 32,000-square-foot shopping plaza on Lumber Street will also feature the Golden Spoon restaurant, an e-commerce bank and offices.

Jonathan Phelps can be reached at 508-626-4338 or [jphelps@wickedlocal.com](mailto:jphelps@wickedlocal.com). Follow him on Twitter @JPhelps\_MW.

» [Comment or view comments](#)

Top Video Headlines

of 3



» SUGGESTED STORIES

- State Appeals Court overturns OUI conviction of Framingham woman
- Framingham man faces road rage charges
- Framingham man charged with beating wife
- Blizzard pounds Cape Cod, pastes rest of Mass.
- Wednesday's Local Scores
- Marlborough man wins \$4 million on lottery scratch ticket

» PROMOTED STORIES

- Forget Your 401k If You Own A Home (Do This Instead) [Lendage.com](#)
- 10 New Cars We Are Super Excited About [Kelley Blue Book](#)
- The Best Kept Secret For Coloring Gray Hair [Feb over Fifty](#)
- It's Hard to Believe These 10 Cool Cars Cost Less Than \$25,000 [Kelley Blue Book](#)
- 15 Hilarious Work Comics to Put in Your Youbicle [Reader's Digest](#)
- Arrest warrant expected to be issued for McCoy [ESPN](#)

Recommended by

» Popular Articles and Offers

ADVERTISEMENT



If You Have Gas. Bloating, Constipation or an Upset Stomach Please Watch This



Shocking and embarrassing photos caught on camera. It's amazing what alcohol does to some people.



Ex-CIA officer shocks many by releasing 101 Spy Secrets - for FREE.



Most Embarrassing Wedding Photos Ever Captured!

Family, Starts Skincare Line

- Princess Kate Middleton Spends Time Away From the Royal Family
- Neuropathy Breakthrough: Is Nerve Pain Destroying Your Life?

What's This?

TOP CLICKS

POPULAR EMAILED COMMENTED

Marlborough man wins \$4 million on lottery scratch ticket Feb. 6, 2016

CVS hiring sign misspells town name in Hopkinton Feb. 9, 2016

Blizzard pounds Cape Cod, pastes rest of Mass. Feb. 8, 2016

Woman arrested after prostitution sting in Sudbury Feb. 5, 2016

REVIEW: Springsteen's 'River' is deep in Boston Feb. 5, 2016

DA: Framingham man assaults, drags daughter Feb. 5, 2016

**BOSTON/METROWEST DIRECTORY**

**Featured Businesses**

- Pincushion Hill Montessori School
- Gibson Sotheby's International Realty - Tremont
- The GarbageMan
- Town of Framingham
- Charlie's Tire & Service Center

Find Boston/MetroWest Attractions

Search business by keyword  Search

Add your business here +

» EVENTS CALENDAR

THU FRI SAT SUN MON TUE WED  
Thursday, February 11, 2016

**Brett Brumby** 9:00 pm  
Michael's Cigar Bar

**Ladies Night w DJ Shaboo & Hustle Squad** 9:00 pm  
Industry Bar Room

**'Made in the Americas: The New World Discovers Asia'** All Day  
Boston Museum Of Fine Arts

**'Alchemy of the Soul: Maria'** All Day  
More Events » Add Events »

EVENTS VENUES DINING  
Events by [eviesays.com](http://eviesays.com)





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## APPLICATION FOR ENTERTAINMENT LICENSE

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

Name of Applicant (must be an individual): Kevin Erikson, General Counsel

Name of Company: 110 Gull

If Business is a Corporation, Corporate Name and Officers: 110 Gull CW Wayland, LLC  
Robert A. Walker, Manager


Address: 171-175 Commonwealth Road, Wayland

Mailing Address (if different from establishment): 4 Lan Drive, Westford MA 01886

Email Address: kerikson@caventres.net

Telephone Number: 978-692-9450 (Ext 103) Fax Number: 978-692-4424

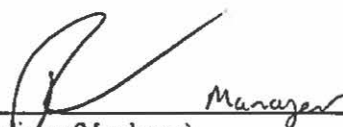
Description of Entertainment: Televisions, recorded music and live music.  
(Sunday → Saturday) 11 a.m. → 1 a.m.

Signature of Applicant:  Date: 12/14/15

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

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

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

  
\_\_\_\_\_  
Signature of Applicant (Mandatory)

\_\_\_\_\_  
By Corporate Officer  
(if applicable)

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

2/3/16  
\_\_\_\_\_  
Date (required)

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

Return this form, along with a certificate of insurance, and a check for the annual fee of \$50 made out to the TOWN OF WAYLAND, to:

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

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





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## APPLICATION FOR COMMON VICTUALLER'S LICENSE

The undersigned hereby applies for a License for a Common Victualler's License in accordance with the provisions of the Statutes relating thereto:

Name of Applicant (must be an individual): Kevin S. Eriksen, Counsel

Name of Company: 110 Gull

If Business is a Corporation, Corporate Name And Officers: 110 Gull CW Wayland LLC  
Robert A. Walker, Manager 1

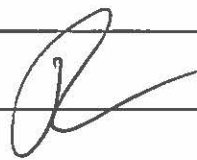
Address: 171 - 175 Commonwealth Road

Mailing Address (if different from establishment): 4 Lan Drive, Westford MA 01886

Email Address: Keirksen@raventures.net

Telephone Number: 978-692-9450 (Ext 103) Fax Number: 978-692-4424


Description of Premises: Approximately 4800 s.f. of restaurant space  
with associated outdoor patio area located at  
171 - 175 Commonwealth Road.

Signature of Applicant:  Date: 12/14/15

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

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

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

  
\_\_\_\_\_  
Signature of Applicant (Mandatory)

\_\_\_\_\_  
By Corporate Officer  
(if applicable)

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

10/14/15  
\_\_\_\_\_  
Date (required)

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

Return this form, along with a certificate of insurance, and a check for the annual fee of \$50 made out to the TOWN OF WAYLAND, to:

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

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

4. ENERGY ADVISORY COMMITTEE  
LETTERS

Senator Richard Ross  
State House  
P.O. Box 419  
Boston, MA 02133

Representative Alice Peisch  
State House  
P.O. Box 473G  
Boston, MA 02133

Representative Carmine Gentile  
State House  
P.O. Box 39  
Boston, MA 02133

Dear [Senator Ross]/[Representative Peisch]/[Representative Gentile]:

In 2010, the Town of Wayland committed itself to be a Green Community. Since then, Wayland has undertaken several major initiatives to reduce our municipal fossil fuel energy consumption, including a successful Solarize programs for residential solar systems, major energy efficiency improvements to almost every Town facility, including our five schools and our Town Building, and a long-term agreement for a local company to purchase the power equal to a quarter of the Town's municipal energy consumption from four solar systems to be installed this year on Town lands and buildings.

These solar systems have been made possible by Massachusetts' strong state leadership in creating its nation-leading net metering and solar renewable energy credit (SREC) incentives. The net metering program will enable Wayland to sell the power generated from the solar systems for utility credits that we can apply against our power bills. By giving value to solar's environmental benefits, the SREC incentives make solar projects still more affordable.

The success of these programs has created a crisis that will negatively impact the Town of Wayland. The net metering incentive is no longer available for new non-residential projects in National Grid's service territory. The SREC incentive is no longer available for any new project anywhere in the state. One of Wayland's four municipal solar projects, worth over \$20,000 in annual utility savings and property tax payments and potentially over \$500,000 over the next 20 years, cannot go forward due to the SREC incentive cap having been reached.

This is not just Wayland's loss. All non-residential projects in towns served by National Grid are stalled. Every new solar project in the state not already qualified for the SREC incentive is stalled. Towns, houses of worship, non-profits, low-income building authorities, private employers, homeowners, and ratepayers in community solar projects all are affected. Trades jobs are being lost, and investment dollars that otherwise would flow into the state are going elsewhere.

We ask your assistance and support for three immediate actions:

1. Passing parallel House and Senate legislation to raise the net metering cap;
2. Directing the Massachusetts Department of Energy Resources (DOER) to implement an immediate emergency increase to the SREC incentive program, and to speed development of a successor SREC incentive program;
3. Passing an omnibus energy bill to require development of a balanced plan for net metering and SREC incentives that enables the Town of Wayland, its residents, and others throughout the Commonwealth to lower their energy costs through solar deployment, while controlling its costs.

Please let us know your positions on these issues, and if Wayland can offer any assistance in your efforts on our behalf.

Sincerely,

[Board of Selectmen]

Town Letterhead

Date

State Representatives and Senators  
<https://malegislature.gov/People/Search>

Dear Senators and Representatives,

I am writing to ask your support to keep our proposed municipal solar projects from being cancelled.

First, to our surprise, the Department of Energy Resources (DOER) suddenly announced late Friday afternoon on February 5<sup>th</sup>, 2016 that, subject to further review, the SREC II program had ended. We counted on the SREC II program to last until 2020. Now, our solar projects that have been in development for the past year or more will not go into construction, causing financial harm to our [Town/City] budgets.

We, therefore, request that you urge the DOER to immediately extend the existing SREC II program through calendar year 2016 or until the DOER develops a replacement program, whichever date is later.

We understand the DOER will go through a deliberative and consultative regulatory process to design a replacement SREC II program, and, therefore, an extension of the existing program is warranted and necessary during this program gap period. Without DOER action to extend the SREC II program, our projects and project benefits will be lost. We also do not want to waste the time and expense that have been spent-to-date.

Secondly, Net Metering capacity suddenly ran out in National Grid's service territory last year, and now Unitil's capacity limit has been reached. We request that you support an emergency bill to eliminate the Net Metering cap through the same SREC II extension period. Net metering is required for our solar PV projects on schools, landfills, and police stations to: a) balance the hourly PV-generated electricity with our buildings' hourly electricity needs and 2) to realize the project cost savings.

Municipalities cannot react suddenly to instant changes in executive or legislative programs. Regulatory and municipal approvals take up to a year or more. The approval process is expensive and time-consuming for the municipality and our solar PV provider. These project development expenses fund Massachusetts engineers and consultants to obtain utility interconnection agreements, Department of Environmental Protection permits, Town planning board permits, and approvals from the DOER and municipal boards.

We have worked diligently to procure and negotiate the best Power Purchase Agreement (PPA) arrangement for our [Town/City]. The procurement process for municipal solar PV is managed and reviewed by the DOER and executed in our [Town/City] by several boards and departments, as well as volunteers, [Town/City] Counsel, and consultants. Through this process our citizens receive the most advantageous project and economic benefits, which then provides needed funds once paid to [utility name] to go back to our schools, police, DPW, and fire departments.

Thank you for your help on this important issue for our community, and please contact me if I can be of any help as you work to support our citizens.

With kind regards,

Name  
Title

Cc: Board of Selectmen  
Governor Baker  
Judith Judson, Commissioner, Department of Energy Resources  
Mathew Beaton, Secretary of Energy and Environmental Affairs  
Geoffrey Beckwith, Executive Director & CEO, Massachusetts Municipal Association

**RIVER'S EDGE ADVISORY COMMITTEE  
CONCLUSIONS ON REVISIONS TO RIVER'S EDGE RFP  
From REAC Meeting 2/24/15 7:30 pm**

REAC over the past month has reviewed, drafted and approved brief revisions to the River's Edge RFP based on feedback from the potential bidders. These were to address the two main concerns that

a) the RFP was too onerous in that bidders had to do full due diligence before bidding (a significant investment of time and money), all with uncertainty as to whether they would be successful; and

b) the 25% senior requirement was not an issue, however, meeting Fair Housing Law (FHL) in how that 25% was satisfied created issues with their designs (i.e. FHL requires segregation, which they didn't necessarily see as ideal).

Changes were drafted by REAC which a) created a due diligence period after award, so that the successful bidder would complete due diligence within 90 days of signing; and b) outlined that bids that might not meet Fair Housing Law could be considered – however if a zoning change were required to clean up any FHL inconsistency, RFP would clearly state this could require 2/3 Town Meeting vote and this could not be guaranteed by the Town. (These were changes generally discussed with prospective bidders in the public meeting in January, and all the developers then felt they would now be able to bid.)

RFP Language drafted by REAC was reviewed by Anderson & Kreiger (A&K) for compliance with 30B requirements, and their comments/suggestions were reviewed by REAC 2/24.

A&K's main concern was that the Town must be, per 30B, disciplined in making any adjustments after award, i.e. after due diligence, so that they are not considered discretionary. They suggested several alternatives, of which REAC elected to pursue the following:

- Bidders must provide estimates of the four key variable items with their bids (septage facility demo, on-site sewer treatment, new water line to site, and environmental soils management)
- The successful bidder would have 90 days due diligence period to verify these estimates after signing an Agreement. If they found pricing to be higher than their estimates, they could present data for consideration by the Town. If the revised estimate was more than 30% on any of the demo, sewer or water line tasks, or 50% on the soils management, the Town could elect, at its discretion, to terminate the Agreement outright.
- In order for BOS to consider a change to the estimate(s), the successful bidder would have to provide multiple third party bids and/or professional engineering/data, and the Town would engage a relevant consultant, at bidder's expense.
- The relevant consultant's judgment of the bidder's new pricing/information, based on their own expertise, would set the adjustment to the estimate. (If the bidder did not agree with the consultant, an arbiter would be mutually selected and that number would be binding)

- If any estimates were adjusted in this manner, then on those tasks the bidder would need to track costs during construction and if actual costs were lower than the revised estimate, then they would pay the balance to the Town. This will help provide certainty that any due diligence adjustment ultimately is not discretionary but based on real information at the end of the day.
- In terms of the soils pile estimate, at the end of due diligence the successful bidder would outline its anticipated soils removal costs, in terms of quantity and unit pricing. Unit pricing would be fixed thereafter, and only quantities would fluctuate based on actual LSP results. All removal would need to be completed in the first 90 days of construction. This will provide a limited duration for the Town, as well as certainty for the bidder that they will not be caught with any surprise (not expected, but no one knows with absolute certainty) at the bottom of the pile(s). Any adjustment to the land price based difference of soils quantities from the estimate, from the Town to bidder or vice versa, would occur after that 90 days, and Town would be free to release and use all land sale proceeds thereafter.

Note that REAC declined to set a floor land price, or require the bidders to set a floor land price, which was one of the suggestions of A&K. It is ultimately too difficult for either party to determine that price in advance -- and if the Town has the ability to walk if the revisions to the estimates are too radical, then it protects the Town and it has no need for a floor. (And bidders will likely resist setting a floor without having the information from due diligence, so it removes that chicken-and-egg on their side.)

As for fair housing, A&K reviewed REAC language and concurred, with a few minor drafting points. Again, REAC outlined that bidders could propose a project not in accordance with Fair Housing Law -- although still meeting the essence of the 25% senior goal -- but it would be with full knowledge that if it required zoning change then it was subject to Town Meeting vote and was at their risk. (If successful bidder was not successful at Town Meeting, then their deposit would be returned)

-----

Outside of A&K review, the last feedback from developers involved the Design Guidelines. Developers were taking them very literally, which was not necessarily the intent, so language is being added in the preamble that the Design Guidelines are just that -- *guidelines*, not hard and fast rules in their entirety but an overall picture of the level of attention to detail, and quality of community, that the Town is looking for at River's Edge. Creativity and thoughtful design is the goal, not strict adherence to every item if it doesn't somehow fit with a bidders' individual plans.

These changes were agreed by REAC to be included to the RFP, pending BOS approval 2/29.

Submitted by: Rebecca Stanizzi, Vice Chair River's Edge Advisory Committee 2/24/16

**Balmer, Nan**

---

**From:** Balmer, Nan  
**Sent:** Thursday, February 25, 2016 8:13 AM  
**To:** Balmer, Nan  
**Subject:** FW: River's Edge- Revised RFP/LDA and Price Proposal  
**Attachments:** Memo to RAC re. Revised RFP and LDA (A0353056xB0BA5).docx; Redline of Exhibit 1.2 Price Proposal- AK Comments 2-17 (A0353049xB0BA5).pdf; Price Proposal- Exhibit 1.2 (A0352933-4xB0BA5).docx

---

**From:** Stephanie B. Dubanowitz [mailto:sdubanowitz@andersonkreiger.com]  
**Sent:** Wednesday, February 17, 2016 6:15 PM  
**To:** Rebecca Stanizzi (rstanizzi@comcast.net); heller.j@comcast.net  
**Cc:** Balmer, Nan; Stephen D. Anderson  
**Subject:** River's Edge- Revised RFP/LDA and Price Proposal

Becky and Jerry,

As requested, we have reviewed the revised RFP and LDA, with a focus on the price proposal form attached as Exhibit 1.2 to the RFP. In the attached memorandum, we have provided comments and recommendations for addressing a post-bid price negotiation in the documents while still maintaining compliance with 30B's purpose of providing an open, fair and competitive disposition process. We have also made direct changes to the price proposal form, and attached are both clean and redline versions reflecting our changes to the price proposal form (please note that there are two comments to the committee in the word version that do not show up in the redline pdf).

By incorporating our suggested edits to the price proposal and adhering to the recommendations contained in the memo, it will ensure that both the RFP itself and the process is 30B compliant.

Best,  
Stephanie

**ANDERSON  
KREIGER**

**Stephanie B. Dubanowitz**  
T. 617.621.6551 | F. 617.621.6651  
Anderson & Kreiger LLP | One Canal Park, Suite 200, Cambridge, MA 02141



# **ANDERSON KREIGER**

## **MEMORANDUM**

**To:** Jerome Heller, Chair, River's Edge Advisory Committee  
Rebecca Stanizzi, Vice-Chair, River's Edge Advisory Committee

**cc:** Nan Balmer, Town Administrator  
Stephen D. Anderson, Special Counsel

**From:** Stephanie Dubanowitz  
ANDERSON & KREIGER LLP

**Re:** Revised RFP and LDA- River's Edge, Wayland

**Date:** February 17, 2016

### **Overview**

Based on a limited (10 hour) budget for supplemental legal services on the River's Edge Project, we have preliminarily reviewed REAC's revised RFP and LDA with a particular focus on the price proposal form and the new concept of post-bid price negotiations. Under G.L. c. 30B, § 16, the key goal of the RFP is to "structure an open, fair and competitive disposition process to accomplish your public purpose." See IG's Chapter 30B Manual, at p. 103. All bidders must be on an equal footing in terms of submitting bids and providing estimates of the proposed adjustments to the price. Once bids are in and the successful bidder is selected, there can be a due diligence period specified by the RFP in which the estimated adjustments are refined based on objective, verifiable testing and third party estimates. But to mitigate the potential for bid challenges, there should not be the possibility for unfettered renegotiation of the price. So we recommend below and in our suggested edits to the price proposal some increased protections aimed at ensuring a 30B-compliant RFP and a fair and transparent competitive process.

Our review has not been comprehensive, and we would welcome the opportunity to provide more complete comments and input.

### **A&K Comments of RFP Price Approach**

- **Section A.2 RFP Schedule**
  - If the Town wants to shorten the time line, the Town can collapse the consideration of the price and non-price proposals into one step. See IG's Chapter 30B Manual at p. 104 ("Price and non-price proposals need not be

submitted separately. Unlike Chapter 30B's RFP requirements for supplies and services, Chapter 30B does not require separate submissions of price and non-price proposals for real property transactions. Moreover, real property proposals, including price proposals, are not confidential after they are opened.") Conforming changes would need to be made throughout the RFP to adopt this approach.

- In order to reflect the ability to adjust the Purchase Price after completion of the diligence period, an additional "Milestone" date should be added to the schedule to provide for a deadline after the Due Diligence Period by which the bidder must submit any proposed adjustments and applicable third party reports and estimates.
- Section A.6 and A.7: Bid Price and Adjustments
  - The revised RFP provides: "Any adjustments to the Net Purchase Price shall be by mutual agreement of the parties. If the parties are not able to come to agreement, either party may terminate the Agreement." This approach provides maximum flexibility for the Town (a legitimate goal in a complex c. 30B land disposition RFP); however, it may lead to a potential bid challenge depending on the final Net Purchase Price of the successful RFP Respondent compared to the prices submitted by it and the other bidders at the time of the bid submission.
  - To protect the Town's business position and ensure an open, fair and competitive disposition process under c. 30B, the Town may want to consider building into the RFP, the LDA and the Price Form one or more of the following protections:
    - Giving the Town the specific right to terminate the Land Disposition Agreement if the proposed Adjustments after due diligence exceed by more than XXX percent the Estimates included in the bidder's price proposal.
      - Comment: While exercising this termination right would be optional, the provision will tend to "shorten the leash" on efforts by the successful RFP Respondent to increase the Adjustments and thereby lower the Net Purchase Price.
      - Comment: If the Town terminates, it would be best if the Town can retain the deposit.
    - Giving the Town the right to receive a refund (post-closing) if the Actual Costs incurred by the developer are less than the corresponding updated Adjustments to the Net Purchase Price (post-due-diligence).

- **Comment:** We recognize that at page 30 and the price form of the revised RFP, the Committee struck a similar provision from the prior draft. We only raise this idea again here because the ability to “true up” the adjustments against actual numbers will abate the criticism that the adjustments were excessive or that any other bidder could have done better.
- **Setting a “Minimum Price”** (either established by the Town in the RFP or proposed by each respondent in the bid) and providing that the Net Purchase Price cannot be adjusted to be less the “Minimum Price.”
  - **Comment:** Given the Town’s historical and potential for future use of the property, there is likely some price below which the Town would not sell the property. Specifying the floor further brackets the potential adjustments to the price after the opening.
  - **Comment:** One possible exception to the Minimum Price relates to the costs of dealing with the soil pile. The cost estimate for the Soil Pile will be largely a guesstimate at the time the bids are submitted and can be quantified with more certainty based on due diligence testing which will reveal what needs to be done with the soil and objective unit prices to do so. The real question is how much soil falls into each soil management category. Once testing determines that, the soil will need to be managed accordingly.
- We have edited the price form to include all of these alternatives, and the Town can delete those it considers overkill.
- **Section E.3 Costs of Demolition Work for the Former Wayland/Sudbury Septage Facility**
  - Given that the bidder will be including its cost for demolition work in its worksheet for the price proposal, there should be an acknowledgement that the bidder has estimated these costs in the Net Purchase Price.
- **Section B14: Fair Housing Act**
  - We recommend revising the text to read:

“The RFP currently requires compliance with the Fair Housing Act and with the Zoning Bylaw. If the RFP Respondent believes that a zoning change will be necessary or appropriate for its proposal to be compliant with both the Zoning Bylaw and the Fair Housing Act, Respondent must note this condition, describe how its proposal will otherwise meet the essence of the Town’s goal of providing

25% of the housing for those over 55, and describe project aspects and amenities which will support residents over 55. The RFP Respondent must be aware that changing the zoning to allow such a proposal would require a 2/3 Town Meeting vote. The Town, if it elects such a proposal, may elect to pursue such zoning changes, however zoning changes cannot be guaranteed.

### **A&K Comments to LDA**

- **Section 2.1 Net Purchase Price to Town.**
  - Given that the soil pile on the property is a large unknown, we have drafted an additional worksheet for the RFP solely for environmental costs relating to managing the soil on or disposing of the soil off the property. After the Due Diligence Period has expired, the buyer will have the opportunity to not only adjust the estimates of the primary infrastructure and site conditions costs, but also to adjust the units in the various soil categories, but not the price per unit amounts. The adjustments will then result in a change of the Net Purchase Price, and may result in a reduction below the minimum Purchase Price, but by placing these parameters on the adjustments, it prevents an unfettered renegotiation of the purchase price. Language should be added to this section to reflect this concept. It should also provide that the Town may terminate if it does not agree to the adjusted Purchase Price.
  - This section of the LDA could also include a provision addressing a possible scenario where the buyer's disposal of the soil post-closing results in a savings to the buyer. In such event, the Town should receive a refund.
- **Section 2.2 Deposit**
  - The Initial Deposit and the Additional Deposit should be based upon the Gross Purchase Price.
- **Section 3.1 Due Diligence**
  - Language will need to be inserted to reflect that at the end of the Due Diligence Period, or within a certain period after expiration of the Due Diligence Period, the buyer should only be allowed to reduce the Purchase Price as specified above. If the price is reduced by more than this amount, the Town must have the ability to terminate and retain the deposit. The buyer should not have the ability to terminate if the adjustment is still equal to or greater than the minimum Net Purchase Price.
- **Section 3.4 Title Review**

- We should discuss whether the Cure Amount with respect to title objections should be a percentage of the Gross Purchase Price or Net Purchase Price.
- Section 3.6
  - Language should be inserted that if the zoning is not secured and either party terminates, the deposit should be returned as well.
- Section 3.8 Project Permitting
  - We should discuss whether the extension deposits should be a percentage of the Gross Purchase Price or the Net Purchase Price.
- Exhibit L- Repurchase Agreement
  - The Repurchase Price, as defined in the Repurchase Agreement, will need to be defined to reflect the actual price paid by buyer after the adjustments are made.
- Depending on whether the Town elects to include a right to receive a refund post-closing, appropriate language will need to be added to the LDA, including in the relevant article addressing the closing.

**EXHIBIT 1.2**

**PRICE SUMMARY FORM, PROJECT PRO FORMA, AND STATEMENT OF ESTIMATED TAX REVENUES**

**I. Disposition of Municipal Real Estate – River’s Edge Property**

TOWN OF WAYLAND  
Town Building  
41 Cochituate Road  
Wayland, Massachusetts 01778

Name of RFP Respondent: \_\_\_\_\_

**PURCHASE PRICE**

The RFP Respondent (as Buyer) agrees to pay to the Town of Wayland (as Seller) the following net purchase price for the purchase of the Property identified in the RFP (“Purchase Price”):<sup>1</sup>

Net Purchase Price to Town
\$ _____

The net purchase price shall be calculated as follows: The RFP Respondent (as Buyer) shall assign a gross purchase price representing its offer for the property without any adjustments as to infrastructure and site condition costs. Under the RFP, the RFP Respondent (as Buyer) shall be solely responsible for all costs and expenses of the Project including without limitation all costs and expenses for the RFP Respondent to undertake and complete the Demolition Work concerning the former Wayland/Sudbury Septage Facility, to perform any necessary Management, Reuse and Disposal of Soil currently stockpiled on site, to design and construct the Water Main Extension to connect the Project to the public water supply, and to design and construct the On-Site Package Treatment Plant. The RFP Respondent (as Buyer) may deduct from the Gross Purchase Price its contractor’s or engineering estimate of its costs and expenses for each of these four items as follows (each an “Estimate”) to arrive at the Net Purchase Price to the Town:

Gross Purchase Price, unadjusted:	\$
<b>Adjustments for Infrastructure and Site Condition Costs</b>	<b>Estimate</b>
Cost of Demolition Work for the former Wayland/Sudbury Septage Facility (Contractor’s Estimate)	(\$ )
Costs for Management, Reuse and Disposal of Soil (See Attachment 4)	(\$ )
Cost for Design and Construction of Water Main Extension	(\$ )
Cost for On Site Package Treatment Plant	(\$ )
(Sub-Total of Adjustments)	(\$ )
<b>Net Purchase Price to Town</b>	<b>\$</b>

In addition to the Purchase Price, the RFP Respondent agrees to pay to the Town:

<sup>1</sup> Capitalized Terms are defined below or are defined in the RFP.

- A. All applicable and lawful taxes, betterments, assessments, connection fees and annual use rates (i.e. for public water) assessed by the Town to the Property in accordance with Massachusetts law;
- B. All applicable permit fees and review costs for the On Site Package Treatment Plan as may be required by the Town of Wayland; and
- C. All closing costs and other charges to be assessed to the Buyer in accordance with the Land Disposition Agreement to be executed with the Town and the RFP Respondent.

Attached hereto as Attachment 1 is the RFP Respondent's Pro Forma for the Project. [Please complete in the form attached].

Attached hereto as Attachment 2 is the RFP Respondent's Statement of Estimated Tax Revenues. [Please complete in the form attached].

Attached hereto as Attachment 3 is the RFP Respondent's Estimate Cost of Demolition Work for the former Wayland/Sudbury Septage Facility. [Please provide.]

Attached hereto as Attachment 4 is the RFP Respondent's Estimate of Management, Reuse and Disposal of Soil for the Project [Please complete in the form attached].

Attached hereto as Attachment 5 is the RFP Respondent's Estimate of the Cost for Design and Construction of Water Main Extension. [Please provide.]

Attached hereto as Attachment 6 is the RFP Respondent's Estimate of Cost for On Site Package Treatment Plant. [Please provide.]

Pursuant to the RFP's proposed form of Land Disposition Agreement, the RFP Respondent understands that these Estimates and the resulting Adjustments to the price may be refined during the due diligence period based on objective, verifiable scientific testing data and third party on site inspections; provided, however, that (a) the Town may terminate the Land Disposition Agreement if the updated Adjustments vary by more than XXX percent from the Estimates in the above table; (b) If any such updated Adjustments are made to the Net Purchase Price, the Town may require the RFP Respondent (as Buyer) to provide to the Town post-closing proof of Actual Costs incurred with respect to each such updated Adjustment and shall require the RFP Respondent to refund to the Town the delta (if any) between the such updated Adjustment minus such Actual Costs, and (c) in no event shall the Net Purchase Price be adjusted to be less than \$\_\_\_\_\_ (the "Minimum Price").

**Comment [A1]:** It is preferable (but not mandatory) for the Town to require the submission of Attachments 3, 5 and 6.

**Comment [A2]:** Town should select which alternative(s) to impose here and in the RFP and the LDA both to protect the Town and in the interests of preserving fair competition.

**AUTHORIZED SIGNATURE**

This Proposal will remain subject to acceptance by the Town of Wayland for one (1) year after the date of submission of proposals or for such additional time as the Town and the RFP Respondent may agree in writing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Person Signing

\_\_\_\_\_  
Title

Date \_\_\_\_\_



**ATTACHMENT 1 TO PRICE SUMMARY FORM:  
PROJECT PRO FORMA**

Name of RFP Respondent: \_\_\_\_\_

**OPERATING PRO FORMA  
FIRST FULL OPERATING YEAR:**

<b>Project Revenues</b>						
# Units	Type	Avg Size	Total SF	Mo Rent	Rent psf/yr	Annual Revenues
	Studio			\$	\$	\$
	1-BR			\$	\$	\$
	2-BR			\$	\$	\$
	3-BR			\$	\$	\$
				<i>Average</i>		
				\$	\$	\$
# Units	Type	Avg Size	Total SF	Mo Rent	Rent psf/yr	Annual Revenues
	Studio			\$	\$	\$
	1-BR			\$	\$	\$
	2-BR			\$	\$	\$
	3-BR			\$	\$	\$
				<i>Average</i>		
				\$	\$	\$
Plus: Miscellaneous Income (tenant fees)						\$
Gross Revenues						\$
Less: 5% vacancy						\$
<b>Effective Gross Income</b>					Revenue/unit	\$

*Expenses and  
Net Cash Flow  
(next page) >>>>*

<b>Operating Expenses</b>		
	Per unit cost	Expenses
Administrative	\$	\$
Marketing & Leasing	\$	\$
Repairs & Maintenance	\$	\$
Payroll (Maintenance & Manager Staff)	\$	\$
Property Management Fee	\$	\$
Insurance	\$	\$
Utilities	\$	\$
Other:	\$	\$
Real Estate Taxes (see attached)	\$	\$
<b>Total Expenses</b>	\$	\$
Expenses as % of Effective Gross Income		%

	Per unit	Total
<b>NET OPERATING INCOME</b>	\$	\$

		Per unit	Total
<b>PROPERTY VALUE</b>	5.0% cap rate	\$	\$

**ATTACHMENT 2 TO PRICE SUMMARY FORM:  
STATEMENT OF ESTIMATED TAX REVENUES**

Name of RFP Respondent: \_\_\_\_\_

<b>Project Revenues</b>	
Gross Revenues (from Pro Forma)	\$
Less: 5% vacancy	\$
<b>Effective Gross Income</b>	\$

<b>Operating Expenses</b>	30%	\$
---------------------------	-----	----

<b>NET OPERATING INCOME</b>	\$
-----------------------------	----

<b>Estimated Property Assessment</b>	8.0% cap rate	\$
--------------------------------------	---------------	----

<b>Estimated Taxes based on FY2016 Tax Rate</b>	\$17.34	\$
---	---------	----

**ATTACHMENT 3 TO PRICE SUMMARY FORM:**

**MANAGEMENT/REUSE/DISPOSAL OF SOIL LOCATED ON THE PROPERTY**

Name of RFP Respondent: \_\_\_\_\_

Item	Work	Units	Estimated Quantity	Proposal Price	
				Unit Cost	Total Amount
1.	Mobilization/Demobilization			\$	\$
2.	Cost to reuse soil on the Property (e.g. as fill under the parking lot)	Cubic Yards		\$	\$
3.	Removal and off-site disposal of contaminated soil not considered hazardous waste  Specify Anticipated Destination: _____	Cubic Yards		\$	\$
4.	Removal and off-site disposal of "hot spots" or other contaminated soil considered hazardous waste  Specify Anticipated Destination: _____				
		Cubic Yards		\$	\$
5.	Other (specify):			\$	\$
	<b>TOTAL OF ITEMS 1-5</b>			\$	\$
6.	Sampling, analysis, testing and supervision by Licensed Site Professional (LSP)			\$	\$
	<b>TOTAL</b>			\$	\$

**EXHIBIT 1.2**

**PRICE SUMMARY FORM, PROJECT PRO FORMA, AND  
STATEMENT OF ESTIMATED TAX REVENUES**

i. Disposition of Municipal Real Estate – River’s Edge Property

TOWN OF WAYLAND  
Town Building  
41 Cochituate Road  
Wayland, Massachusetts 01778

Name of RFP Respondent: \_\_\_\_\_

**PURCHASE PRICE**

The RFP Respondent (as Buyer) agrees to pay to the Town of Wayland (as Seller) the following net purchase price for the purchase of the Property identified in the RFP (“Purchase Price”):<sup>1</sup>

<b>Net Purchase Price to Town</b>
\$ _____

The net purchase price shall be calculated as follows: The RFP Respondent (as Buyer) shall assign a gross purchase price representing its offer for the property without any adjustments as to infrastructure and site condition costs. Under the RFP, the RFP Respondent (as Buyer) shall be solely responsible for all costs and expenses of the Project including without limitation all costs and expenses for the RFP Respondent to undertake and complete the Demolition Work concerning the former Wayland/Sudbury Septage Facility, to perform any necessary Management, Reuse and Disposal of Soil currently stockpiled on site, to design and construct the Water Main Extension to connect the Project to the public water supply, and to design and construct the On-Site Package Treatment Plant. The RFP Respondent’s (as Buyer) may deduct from the Gross Purchase Price its contractor’s or engineering estimate of its costs and expenses for each of these ~~three~~four items is as follows (each an “Estimate”) to arrive at the Net Purchase Price to the Town:

<b>Gross Purchase Price, <del>unencumbered; unadjusted;</del></b>	\$ _____
<b><u>Adjustments for Infrastructure <del>or</del> and Site Condition Costs</u></b>	<b>Estimate</b>
<u>Cost of Demolition Work for the former Wayland/Sudbury Septage Facility (Contractor’s Estimate)</u>	(\$ _____)
<u>Costs for Management, Reuse and Disposal of Soil <del>Environmental Remediation</del> (See Attachment 4)</u>	(\$ _____)
<u>Cost for Design and Construction of Water Main Extension</u>	(\$ _____)
	(\$ _____)

<sup>1</sup> Capitalized Terms are defined below or are defined in the RFP.

<u>Cost for On Site Package Treatment <del>Plan</del> Plant</u>	
<u>(Sub-Total of Adjustments)</u>	<u>(\$ _____)</u>
<b>Net Purchase Price to Town</b>	<b>\$ _____</b>

In addition to the Purchase Price, the RFP Respondent agrees to pay to the Town:

- A. All applicable and lawful taxes, betterments, assessments, connection fees and annual use rates (i.e. for public water) assessed by the Town to the Property in accordance with Massachusetts law;
- B. All applicable permit fees and review costs for the On Site Package Treatment Plan as may be required by the Town of Wayland; and
- C. All closing costs and other charges to be assessed to the Buyer in accordance with the Land Disposition Agreement to be executed with the Town and the RFP Respondent.

**Attached hereto as Attachment 1 is the RFP Respondent's Pro Forma for the Project.** [Please complete in the form attached].

**Attached hereto as Attachment 2 is the RFP Respondent's Statement of Estimated Tax Revenues.** [Please complete in the form attached].

**Attached hereto as Attachment 3 is the RFP Respondent's Estimate Cost of Demolition Work for the former Wayland/Sudbury Septage Facility.** [Please provide.]

**Attached hereto as Attachment 4 is the RFP Respondent's Estimate of Management, Reuse and Disposal of Soil for the Project.** [Please complete in the form attached].

**Attached hereto as Attachment 5 is the RFP Respondent's Estimate of the Cost for Design and Construction of Water Main Extension.** [Please provide.]

**Attached hereto as Attachment 6 is the RFP Respondent's Estimate of Cost for On Site Package Treatment Plant.** [Please provide.]

Pursuant to the RFP's proposed form of Land Disposition Agreement, the RFP Respondent understands that these Estimates and the resulting Adjustments to the price may be refined during the due diligence period based on objective, verifiable scientific testing data and third party on site inspections; provided, however, that (a) the Town may terminate the Land Disposition Agreement if the updated Adjustments vary by more than XXX percent from the Estimates in the above table; (b) if any such updated Adjustments are made to the Net Purchase Price, the Town may require the RFP Respondent (as Buyer) to provide to the Town post-closing proof of Actual Costs incurred with respect to each such updated Adjustment and shall require the RFP Respondent to refund to the Town the delta (if any) between the such updated Adjustment minus such Actual Costs, and (c) in no event shall the Net Purchase Price be adjusted to be less than \$ \_\_\_\_\_ (the "Minimum Price").

#### **AUTHORIZED SIGNATURE**

This Proposal will remain subject to acceptance by the Town of Wayland for one (1) ~~year~~year after the date of submission of proposals or for such additional time as the Town and the RFP Respondent may agree in writing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Person Signing

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ATTACHMENT 1 TO PRICE SUMMARY FORM:  
PROJECT PRO FORMA**

Name of RFP Respondent: \_\_\_\_\_

**OPERATING PRO FORMA  
FIRST FULL OPERATING YEAR:**

<b>Project Revenues</b>						
# Units	Type	Avg Size	Total SF	Mo Rent	Rent psf/yr	Annual Revenues
	Studio			\$	\$	\$
	1-BR			\$	\$	\$
	2-BR			\$	\$	\$
	3-BR			\$	\$	\$
				<i>Average</i>		
				\$	\$	\$
# Units	Type	Avg Size	Total SF	Mo Rent	Rent psf/yr	Annual Revenues
	Studio			\$	\$	\$
	1-BR			\$	\$	\$
	2-BR			\$	\$	\$
	3-BR			\$	\$	\$
				<i>Average</i>		
				\$	\$	\$
Plus: Miscellaneous Income (tenant fees)						\$
Gross Revenues						\$
Less: 5% vacancy						\$
<b>Effective Gross Income</b>					Revenue/unit	\$

*Expenses and  
Net Cash Flow*



(next page) >>>>

<b>Operating Expenses</b>		
	Per unit cost	Expenses
Administrative	\$	\$
Marketing & Leasing	\$	\$
Repairs & Maintenance	\$	\$
Payroll (Maintenance & Manager Staff)	\$	\$
Property Management Fee	\$	\$
Insurance	\$	\$
Utilities	\$	\$
Other:	\$	\$
Real Estate Taxes (see attached)	\$	\$
<b>Total Expenses</b>	<b>\$</b>	<b>\$</b>
Expenses as % of Effective Gross Income		%

	Per unit	Total
<b>NET OPERATING INCOME</b>	<b>\$</b>	<b>\$</b>

	5.0% cap rate	Per unit	Total
<b>PROPERTY VALUE</b>		<b>\$</b>	<b>\$</b>

**ATTACHMENT 2 TO PRICE SUMMARY FORM:  
STATEMENT OF ESTIMATED TAX REVENUES**

Name of RFP Respondent: \_\_\_\_\_

<b>Project Revenues</b>	
Gross Revenues (from Pro Forma)	\$
Less: 5% vacancy	\$
<b>Effective Gross Income</b>	\$

<b>Operating Expenses</b>	30%	\$
---------------------------	-----	----

<b>NET OPERATING INCOME</b>	\$
-----------------------------	----

<b>Estimated Property Assessment</b>	8.0% cap rate	\$
--------------------------------------	---------------	----

<b>Estimated Taxes based on FY2016 Tax Rate</b>	\$17.34	\$
---	---------	----

**ATTACHMENT 3 TO PRICE SUMMARY FORM:**

**MANAGEMENT/REUSE/DISPOSAL OF SOIL LOCATED ON THE PROPERTY**

**Name of RFP Respondent:** \_\_\_\_\_

Item	Work	Units	Estimated Quantity	Proposal Price	
				Unit Cost	Total Amount
1.	<u>Mobilization/Demobilization</u>			\$	\$
2.	<u>Cost to reuse soil on the Property (e.g. as fill under the parking lot)</u>	<u>Cubic Yards</u>		\$	\$
3.	<u>Removal and off-site disposal of contaminated soil not considered hazardous waste</u>  <u>Specify Anticipated Destination:</u> _____	<u>Cubic Yards</u>		\$	\$
4.	<u>Removal and off-site disposal of "hot spots" or other contaminated soil considered hazardous waste</u>  <u>Specify Anticipated Destination:</u> _____				
		<u>Cubic Yards</u>		\$	\$
5.	<u>Other (specify):</u>			\$	\$
	<b>TOTAL OF ITEMS 1-5</b>			\$	\$
6.	<u>Sampling, analysis, testing and supervision by Licensed Site Professional (LSP)</u>			\$	\$
	<b>TOTAL</b>			\$	\$

(8)ARTICLE F: FY17  
BUDGET

Fiscal 2017 Budget-DRAFT 2/22/2016		GF / Enterprise Omnibus Budget	GF / Other Budget	Total Budget
<b>Expenses</b>				
General Fund		74,686,474.00	74,991,474.00	74,686,474.00
Enterprise Funds		4,565,855.00		4,565,855.00
Unappropriated			727,500.00	600,000.00
		-		110,000.00
		-		17,500.00
		-		305,000.00
<b>Total</b>		<b>79,252,329.00</b>	<b>75,718,974.00</b>	<b>80,284,829.00</b>
<b>Revenues</b>				
Taxation				
Real Estate	62,146,486.00		63,181,732.00	63,181,732.00
State Aid	4,741,957.00		4,741,957.00	4,741,957.00
Local Receipts	4,300,404.00		4,300,404.00	4,300,404.00
<b>Total</b>		<b>71,188,847.00</b>	<b>72,224,093.00</b>	<b>72,224,093.00</b>
Ambulance		360,000.00	360,000.00	360,000.00
Premium on Bond		90,291.00	90,291.00	90,291.00
Other funds		1,244,136.00	1,244,136.00	1,244,136.00
Overlay		300,454.00	300,454.00	300,454.00
Unreserved Fund Balance		1,500,000.00	1,500,000.00	1,500,000.00
Water Enterprise		3,787,352.00		3,787,352.00
Wastewater Enterprise		743,411.00		743,411.00
Septage		35,092.00		35,092.00
<b>Total Revenues:</b>		<b>79,249,583.00</b>	<b>75,718,974.00</b>	<b>80,284,829.00</b>

NOTE: FINANCE COMMITTEE WILL CONSIDER BUDGET ADOPTION AGAIN MONDAY 2/29. CHANGES TO CURRENT DRAFT WILL REFLECT IMPROVED ASSUMPTION ON HEALTH INSURANCE

BUDGET DOCUMENTS AT FINANCE DIRECTOR - PRESENTATION:

[http://www.wayland.ma.us/Pages/WaylandMA\\_Finance/pres](http://www.wayland.ma.us/Pages/WaylandMA_Finance/pres)

**ARTICLE TT: APPROPRIATE FUNDS TO PURCHASE CONSERVATION RESTRICTION ON MAINSTONE FARM – CPA AND GENERAL BORROWING**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with  
Massachusetts General Laws Chapter 184, Sections 31-33, to be held by the Town of Wayland Conservation Commission and by the Sudbury Valley Trustees, Inc., on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, being a portion of the land on Old Connecticut Path and Rice Road in Wayland, Massachusetts described in the deed dated April 18, 1991 and recorded with the Middlesex South Registry of Deeds in Book 21128, Page 94, which parcel of land to be covered by said conservation restriction is shown on Wayland Assessors Map as Parcel 35-031A and on an unrecorded plan entitled "Subdivision Plan of Land in Wayland Middlesex County Massachusetts" dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., a copy of which plan is attached to the Warrant for the Annual Town Meeting 2016 in Appendix\_\_;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.; and,
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise, provided:
  - i) not more than \$x of the funds so appropriated shall be transferred from the Community Preservation Fund of which \$x shall be from the Open Space Fund and \$x from the uncommitted funds in the Community Preservation Fund, and
  - ii) not more than \$x of the funds to be borrowed from Community Preservation Fund future receipts, and
  - iii) not more than \$x from general borrowing.

8. ARTICLE TT: MAINSTONE

CPA CHAIR

**TO: Community Preservation Committee**  
**FROM: Gretchen G. Schuler, Chair**  
**RE: Proposals for Financing Purchase of Mainstone Farm CR**  
**DATE: February 23, 2016**

---

As you all know we submitted an article that had general and CPA borrowing and at the time we wanted to leave \$s in the Uncommitted Funds and have a decent amount going into Uncommitted after debt service is paid each year. Here is new information that we will consider at our meeting on Monday February 29, 2016.

- 1) FinCom voted unanimously NOT to support our Mainstone article due to general borrowing.
- 2) A solution is to move all borrowing to CPA. Here are some facts that may help in thinking about funding of Mainstone.
  - a) FinCom recommends that the borrowing be based on 2.5% interest rather than the ultra-conservative 4.5% interest rate that our first figures were based on.
  - b) 5% was taken out of surcharge receipts annually for Admin costs. This equaled over \$37,000, which we have never used annually. That has been added back in to determine remainder in Uncommitted Balance annually.
  - c) There are sufficient funds raised from 1.5% surcharge to pay annual debt on a \$7 million loan.
  - d) The debt service on \$7 million at 4.5% would be \$430,000 per annum.

The following is the estimated annual fund flow (based on FY16) if all borrowing was against the Community Preservation Fund (CPF) future receipts only:

No.	Description	Amount
1	Projected FY'16 surcharge at 1.5%	\$736,851
2	Less: 10% set aside for 3 dedicated funds (OS, HP, CH)	(\$221,055)
3	Less: Estimated annual payments at 2.5% over 30 years	(\$335,000)
4	Plus: Estimated State Trust Fund Contribution (FY16)	\$220,085
5	Less: 10% State Fun set aside for 3 dedicated funds (OS, HP, CH)	(\$66,231)
6	Plus: Estimated annual interest payments	\$1,000
7	Remaining Annual Uncommitted Balance in CPF for other projects	\$335,650

The above table led the Finance Committee to believe that "there is enough money available in the current CPF to not require an additional tax levy using the Town's general fund."

As you know we agreed to take \$5 million of existing CPA funds. This chart shows the monies in existing CPA funds before and after ATM.

**CPA FUNDS – AVAILABLE FUNDING BEFORE AND AFTER MAINSTONE FARM CONSERVATION RESTRICTION**

CPA FUNDS	As of 12/31/15	Change at ATM 2016	TOTAL AFTER ATM (end of FY'16) without Mainstone	Mainstone – Use CPA Existing Funds	TOTAL AFTER ATM (end of FY'16) with MAINSTONE
HISTORIC	\$145,980	+\$95,694 (10%) - 72,000 (CEM) - 29,000 (Clock)	\$140,673	\$0	\$140,673
HOUSING	\$1	+ \$95,694 (10%) - 95,694(MAHT)	\$1	\$0	\$1
OPEN SPACE	\$2,036,750	+ \$95,694 (10%)	\$2,132,444	\$2,100,000	\$32,444
ADMIN	\$19,605	+ \$10,000	\$29,605		\$29,605
UNCOMMITTED	\$3,809,133	- \$95,694 (HP) - 95,694 (CH) - 95,694 (OS) - 10,000 (Adm)	\$3,512,051 + 356,378 (*) = \$3,868,429	\$2,900,000	\$612,051 + 356,378 (*) = \$968,429

\* By end of FY'16 (June 30, 2016) an additional \$356,378 is expected to be collected from surcharge of last two quarters of fiscal year. The 10% allocations have already been subtracted (the \$95,694 includes all FY'16 receipts – already collected + expected surcharge + State Trust Fund).

Thus Uncommitted Balance at end of FY'16 (June 30, 2016) would be \$3,868,429 without Mainstone and \$968,429 with Mainstone.

This means that in FY'17 (by November when the State Trust Fund distribution is made) the Uncommitted Balance will rise above \$1 million again.

**ARTICLE VV: AMEND CHAPTER 36 OF THE TOWN BYLAWS RELATIVE TO REMARKS AT TOWN MEETINGS**

WITHDRAWN

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend Chapter 36 of the Code of the Town of Wayland entitled "Meetings" by adding thereto the following new section entitled "Time for Remarks on an Article":

"§ 36-20. Time for Remarks on an Article

Principal presenter(s) or principal opponent(s) of an article shall complete their remarks on the article in seven (7) minutes or less, and all other persons who wish to address the town meeting shall, when recognized, complete their remarks in two (2) minutes or less."

---

**ARTICLE WW: CLARIFY PETITIONER ACCESS TO TOWN COUNSEL**

*Sponsored by: Petitioners*

To determine whether the town will vote to:

2) Replace chapter 36-38 of the town code with the following:

Town Counsel shall be available for consultation or research at the request of the lead petitioner for an article. There will be no charge for the initial 20 minutes. If the time spent exceeds 20 minutes, the Board of Selectmen may require the lead petitioner to reimburse the Town for Town Counsel's time at his or her standard hourly rate.

---

**ARTICLE XX: AMEND CHAPTER 36 OF CURRENT BYLAWS**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend § 36-1 of the Code of the Town of Wayland titled "Town meeting and election" by changing the start date of annual Town meeting as follows:

[Key to changes: underlining denotes additions; ~~strikethrough~~ denotes deletions]

"§ 36-1. Town meeting and election.

The annual Town meeting shall commence on ~~a day between April 1 and May 15 inclusive~~ or after the fourth Thursday in April as ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no fewer than two days, before the annual Town meeting. In addition to the warrant required by MGL c.39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual and special Town meeting and each annual and special election (1) to be published in a newspaper of general circulation in Wayland no later than the date fixed by them for the closing of the warrant

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Thursday, April 7, 2016. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.



**RESOLUTION xx: REMARKS AT TOWN MEETING**

*Sponsored by: Petitioners*

*Estimated Cost: \$0*

To determine whether the Town will vote to adopt a resolution encouraging the town moderator to modify the time period that persons have to address the town meeting, requiring that persons complete their remarks in two (2) minutes or less, excluding principal presenter(s) or principal opponent(s).

**PETITIONERS' COMMENTS:** Wayland's Town Meeting (TM) is consistently among the lengthiest in the Commonwealth. Petitioners argue that the length discourages residents from attending. Normally, only 1.5% to 3% of registered voters attend the 2<sup>nd</sup> or later sessions.

The 2005 TM Study Committee's survey confirmed that "virtually everyone surveyed...expressed frustration at the amount of time required to attend TM..." The 2005 TM Study Committee recommended a 2 minute cap for pro/con remarks. The 2010 TM Procedures Committee advocated for a "Limitation on Debate."

Concord allows 2 minutes for pro/con.

Wayland pro/con speakers will have three opportunities at 2 minutes each to address TM.

This change is estimated to save 30 minutes.

This article is meant to encourage greater attendance at Town Meeting.

**FINANCE COMMITTEE COMMENTS:** Wayland's Town Meetings are generally longer than that of our peer towns with open town meeting. Because we generally require multiple days, some residents are unable or unwilling to attend all sessions, and there may be voters that have decided to attend few or none because they are unsure when a given article they are particularly concerned about will be addressed.

Petitioners believe that by reducing pro and con remarks time to 2 minutes (from the current practice in the Moderators Rules of 3 minutes) town meeting will be shortened by a material amount.

While voters sometimes make pro and con comments that would clearly benefit from shortening, there are also times when a voter has important expertise, complicated facts to share, or feels that they have important perspectives that require more than 2 minutes to communicate. At the same time, there are other voters, perhaps not as adept at public speaking, who may need the additional minute to communicate a complex or emotional thought.

Based on analysis of the 2012, 2013 and 2015 town meetings, reducing the limit for pro and con and similar remarks from 3 minutes to 2 minutes would have saved 43, 29 and 19 minutes

respectively (assuming none of the speakers affected would have gone back for another time to complete their remarks). In the past four years, Annual Town Meeting length has ranged from 10 hours 13 minutes to 15 hours 33 minutes with an average of 12 hours 32 minutes (752 minutes). Wayland's Annual Town Meeting has typically taken 4-5 days since 1985.

A Town Meeting Study Committee was appointed as a result of article in Town Meeting in 2005. It consisted of 23 volunteers. The TMSC made many recommendations to improve town meeting, including limiting time for remarks to 2 minutes.

The Board of Selectmen recommends xxxx . Vote x-y

**ARGUMENTS IN FAVOR:** Everyone agrees that it would be better if Town Meetings could be shorter (without impacting the "quality" of results).

Shorter town meetings won't happen unless we take actions to accomplish it.

Some remarks that are made would arguably be more powerful if they focused on content and were made more crisply - eschewing introductory clauses, quotes from founding fathers, analogies, and similar rhetorical devices that sometimes subtract rather than add.

**ARGUMENTS OPPOSED:** The current three minute limit has been in place a long time and many would argue has served us well.

Reducing the time limit for remarks may be result in votes that have not been informed by important details or strongly held points of view.

Speakers may feel disenfranchised by shorter time limits.

Some have argued that with a two minute limit some speakers may speak a second or third time when they wouldn't have with a three minute limit, potentially leading to an increase in meeting length rather than a decrease.

Some might argue that this change will only have a small impact and is unlikely to make a difference in meeting attendance.

**RECOMMENDATION:** The Finance Committee recommends..... Vote x-y

**QUANTUM OF VOTE:** Majority [M.Lanza to provide citation].

**CONSISTENCY WITH LAW:** It is the opinion of Town Counsel that the foregoing article...

*For more information about this article, contact Chris Riley at [gcriley@gmail.com](mailto:gcriley@gmail.com)*

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING FEBRUARY 26, 2016**

**GLEZEN LANE**

The judge in the Glezen Lane case will hold in abeyance the requirement that the signs be re-erected at Glezen Lane and Route 27 until there is a written decision on motions before the court.

**150 MAIN STREET STATUS: TOWN COUNSEL'S SUMMARY**

In the lawsuit between 150 Main Street, LLC and Arlene Martino, the Massachusetts Appeals Court reversed the Land Court's decision regarding the status of Hammond Road and ruled that 150 Main St., LLC may amend the Land Court plan to replace "way" with "easement". The Appeals Court also noted that 150 Main Street, LLC amended its petition in the Land Court to include a request to merge its abutting lots with the "Way" shown on the plan into a single lot, subject to the easement for the Martino's. In sum, Appeals Court ruled that "we see no impediment to granting the requested relief." In the near future, 150 Main Street, LLC may proceed to seek Land Court approval to amend the Land Court plan consistent with the Appeals Court's decision. Approval of the Wayland Planning Board will also be required. If 150 Main Street, LLC obtains the necessary approvals and amends the Land Court plan as it requested, it will have complied with Condition 30 of the its approved site plan.

**TREASURER: DEBT REFINANCING**

The Selectmen authorized the Treasurer to refinance town debt, originally projecting a \$426,000 savings over the life of the debt. The actual savings will be \$578,049.

**HEALTH INSURANCE**

Health insurance increases came in lower than expected, reducing the FY 17 budget by \$150,000.

**MOU: SCHOOL COMMITTEE, BOARD OF PUBLIC WORKS AND SCHOOL COMMITTEE**

A Memorandum of Understanding for departments working to maintain town playing fields is expected to be presented for consideration to governing bodies responsible for ownership and maintenance of town playing fields. The purpose of the MOU is to outline the responsibilities of each party and work toward a comprehensive and detailed maintenance plan and budget for the maintenance and development of recreational facilities owned by town and school.

**MINUTEMAN**

Attached is a notice from Mintuteman regarding approval of the new agreement and withdrawal of six towns from the district.

**MEETING WITH REPRESENTATIVE GENTILE AND SENATOR ROSS**

The attached projects were reviewed in a meeting with the two legislators.

## Balmer, Nan

---

**From:** Rozan, Elizabeth <e.rozan@minuteman.org>  
**Sent:** Thursday, February 25, 2016 3:06 PM  
**To:** Rozan, Elizabeth  
**Subject:** Approval of the New Regional Agreement

Sent to the Town Managers and Boards of Selectmen on behalf of Ed Bouquillon:

Good afternoon:

Subject to the Commissioner's final approval, **we have a new Minuteman Regional Agreement**. And we have a new Minuteman School District comprised of ten (10) communities – a brand new 'coalition of the willing'.

Last night, the Towns of Weston and Boxborough both voted to approve the new Agreement, becoming the 15<sup>th</sup> and 16<sup>th</sup> towns to do so. By a vote of 231-137, Weston Town Meeting voted to withdraw from the District. By a vote of 94-61, Boxborough Town Meeting did the same. (Assuming DESE approval, the effective date of the towns' withdrawal will be July 1, 2017.)

While it is a bit disappointing to see any town leave, the Minuteman District now consists of towns that truly want to be in it. Further, in virtually all of the towns that decided to leave, many positive things were said by Minuteman parents, students, alumni and community members about the excellent education provided at Minuteman. For those towns that decided to leave, it was purely a matter of money. They felt it would cost less to provide vocational technical education to their young people by not remaining members of the Minuteman School District.

Thank you to everyone who helped us get a new Regional Agreement. With it, the School Committee will now be able to move forward with bonding for a new school.

**Edward A. Bouquillon, PhD**

*Superintendent-Director*

**Minuteman High School**

758 Marrett Road, Lexington, MA 02421

T 781.861.6500 x 7301

F 781.863.1747

C 413.537.6451

[www.minuteman.org](http://www.minuteman.org)

**MINUTEMAN**

**A REVOLUTION IN LEARNING**

Prepare for College and Life | Learn from the Experts | Make a Fresh Start |

Be More Than Just Another Student | Experience The Modern American High School | Believe In Yourself



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

February 12, 2016

Representative Carmine Gentile  
State House  
Room 39  
Boston MA 02133

Dear Representative Gentile:

Thank you for asking about the town's needs for state assistance. We look forward to your consideration of the following projects that are important to the future of Wayland and the Metro-West region:

**1. ASSIST WITH PURCHASE OF CONSERVATION RESTRICTION FOR MAINSTONE FARM: UP TO \$800,000 IN STATE FUNDING REQUESTED**

The Town of Wayland, in partnership with Sudbury Valley Trustees (SVT), Inc. seeks to purchase a Conservation Restriction (CR) on Mainstone Farm for \$15 million, which is \$2 million below the appraised value for this property. This is a once-in-generations opportunity to preserve the largest remaining piece of undeveloped, unprotected open space in Wayland – and one of the largest working farms in close proximity to Boston. The CR will permanently protect 208 of the farm and woodland acres, preserve scenic vistas, protect wildlife habitat, protect water quality and provide opportunities for passive recreation on a network of trails connecting to other conservation areas. Town funding for this project would come from Community Preservation Act (CPA) funds and borrowing against future CPA surcharge receipts as well as borrowing against general taxation. Our land trust partner SVT has committed to raising more than \$3 million in donations. **State funding up to \$800,000** will significantly ease the pressure on the general borrowing segment and contribute in a meaningful way toward the preservation of Mainstone Farm, which has long been a priority of the Town and SVT.

**CONTACT PERSON:** Gretchen Schuler, Community Preservation Chair, at [ggschuler@verizon.net](mailto:ggschuler@verizon.net)

**2. ASSIST WITH FUNDING WATER AND SEWER IMPROVEMENTS FOR AFFORDABLE HOUSING: \$2,500,000**

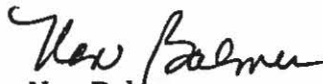
The Town of Wayland at the Annual 2014 Town Meeting approved a zoning overlay district on Town owned land consisting of 8 acres to define the scope and nature of the River's Edge Development at 489-490 Boston Post Road, at and including the former Wayland/Sudbury Septage Facility site, for the development of 190 units of affordable and market-rate rental housing units. This density equates to 24 units per acre, far exceeding the Mass Works requirement of four units per acre. The Town has worked on the pre-development process for the site for over three years. A significant amount of due diligence work by the Town has been completed to assist potential bidders. One of the major costs for this project is providing water and sewer to the site. An RFP is scheduled to be issued this Spring of 2016.

The project was included in last year's environmental bond bill. Link to bond bill: <https://malegislature.gov/Bills/188/House/H4375>.

**CONTACT PERSON:** Sarkis Sarkisian, Town Planner at [ssarkisian@wayland.ma.us](mailto:ssarkisian@wayland.ma.us)

Thank you very much for your consideration and attention to these assistance requests.

Sincerely,



Nan Balmer  
Town Administrator

cc: Board of Selectmen  
Gretchen Schuler, Community Preservation Committee Chair  
Brian Monahan, Conservation Director  
Sherre Greenbaum, Conservation Commission Chair  
Sarkis Sarkisian, Town Planner  
Jerry Heller, River's Edge Advisory Committee Chair



**WAYLAND DEPARTMENT OF PUBLIC WORKS**

TOWN OF WAYLAND

66 River Road, Wayland, Massachusetts 01778-2697

(508) 358-3672 • FAX (508) 358-4082

Stephen Kadlik

DPW Director

February 12, 2016

Nan Balmer  
Town Administrator  
41 Cochituate Road  
Wayland, MA 01778

Thanks you for the opportunity to identify potential FY17 State budget request. The DPW has one project for consideration:

**Bridge Deck for Bridge over Sudbury River on Old Sudbury Road (Route 27). Total Cost: \$315,000**  
This project would consist of a long-term repair to the concrete deck, which would include milling the existing deck and installing a new overlay of dense or latex-modified concrete. This project would also include patching the sidewalk as well as milling and paving the approaches to the bridge with hot mix asphalt. A rough estimate for this project would be \$280,000 for construction costs and \$35,000 for design / preparation of bid documents, for a total requested funding of \$315,000.

Thanks you for your consideration of this request – please let me know if you need any further information.

Sincerely,

Stephen Kadlik  
DPW Director



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
[www.wayland.ma.us](http://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, February 29, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**CONSENT CALENDAR**

1. **Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants**





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE  
BOARD OF SELECTMEN FROM FEBRUARY 18, 2016,  
THROUGH AND INCLUDING FEBRUARY 25, 2016,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR FEBRUARY 29, 2016**

**Items Distributed To the Board of Selectmen – February 18-25, 2016**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the  
Meetings of February 22 and 26, 2016**

1. Letter of 2/22/2016 from Town Counsel Mark Lanza to Nan Balmer, Town Administrator, re: Recreation Department Financial Matters
2. Revised Article, Appropriate Funds for Design, Construction Documents and Bidding For a Proposed Council on Aging/Community Center at Wayland Town Center

**Items Included as Part of Agenda Packet for Discussion During the February 29,  
2016, Board of Selectmen's Meeting**

1. Announcement, "Coffee with Cops," March 14 at Mel's Commonwealth Café
2. Application filed by 110 Grill CW Wayland LLC, dba 110 Grill, for a New On-Premises Alcoholic Beverage License at 175 Commonwealth Road Common, and Common Victuallers License Application and Entertainment License Application
3. Sample Letters to State Representatives and Senator re: Energy Initiatives Advisory Committee Activities
4. Conclusions on Revisions to River's Edge RFP, from River's Edge Advisory Committee, February 24, 2015
5. Annual Town Meeting Articles for Discussion
6. Town Administrator's Report for the Week Ending February 26, 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, February 29, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**CORRESPONDENCE**

**Selectmen**

1. Letter of 2/12/16 from Stephen Kadlik, DPW Director, to Nan Balmer, Town Administrator, re: Potential FY17 State Budget Request
2. Letter of 2/22/16 from Town Counsel Mark Lanza to Nan Balmer, Town Administrator, re: Recreation Department Financial Matters
3. Memorandum of 2/24/16 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Thomas J. Abdella from the Finance Committee

**Conservation Commission**

4. Order of Conditions and Chapter 194 Permit, 2/22/16 from Brian Monahan, Conservation Administrator, re: Carport Solar Array Project at 41 Cochituate Road
5. Order of Conditions and Chapter 194 Permit, 2/25/16 from Brian Monahan, Conservation Administrator, re: 246 Stonebridge Road

**Zoning Board of Appeals**

6. Continued Hearing, February 23, 2016, 14 Hawthorne Road, 10 Chestnut Road

**Minutes**

7. Finance Committee, February 1, 2016
8. Historic District Commission, October 15, 2016, November 19, 2015, January 21, 2016
9. Public Ceremonies Committee, February 11, 2016
10. Board of Public Works, February 9, 2016

**State**

11. Email of 2/16/16 from Office of State Representative Alice Peisch re: Wayland Support for Modernization Act



WAYLAND DEPARTMENT OF PUBLIC WORKS

TOWN OF WAYLAND

66 River Road, Wayland, Massachusetts 01778-2697

(508) 358-3672 • FAX (508) 358-4082

Stephen Kadlik  
DPW Director

February 12, 2016

Nan Balmer  
Town Administrator  
41 Cochituate Road  
Wayland, MA 01778

Thanks you for the opportunity to identify potential FY17 State budget request. The DPW has one project for consideration:

**Bridge Deck for Bridge over Sudbury River on Old Sudbury Road (Route 27). Total Cost: \$315,000**  
This project would consist of a long-term repair to the concrete deck, which would include milling the existing deck and installing a new overlay of dense or latex-modified concrete. This project would also include patching the sidewalk as well as milling and paving the approaches to the bridge with hot mix asphalt. A rough estimate for this project would be \$280,000 for construction costs and \$35,000 for design / preparation of bid documents, for a total requested funding of \$315,000.

Thanks you for your consideration of this request – please let me know if you need any further information.

Sincerely,

*Stephen Kadlik*  
Stephen Kadlik  
DPW Director

*FORWARDED TO  
Rep Gentile & Rep Reisch,  
& Sen Ross*

RECEIVED

FEB 12 2016

Board of Selectmen  
Town of Wayland



# TOWN OF WAYLAND

MASSACHUSETTS  
01778

2

TOWN BUILDING  
41 COCHITUATE ROAD  
TEL. (508) 358-7701  
www.wayland.ma.us

February 22, 2016

VIA FIRST CLASS MAIL  
AND ELECTRONIC MAIL

RECEIVED

FEB 24 2016

Board of Selectmen  
Town of Wayland

Nan Balmer, Town Administrator  
Wayland Town Building  
41 Cochituate Road  
Wayland, MA 01778

RE: Recreation Department Financial Matters

Dear Nan:

Through you, the Recreation Commission has requested responses to several legal issues that have arisen relative to financing the Recreation Department's operations and projects. My responses to the specific questions asked by the Commission follow the questions in bold italics below.

- Is there any constraint on how much money can be in a Stabilization Fund (min. or max)?

***Yes - Not more than 10% of the amount raised by taxation in the prior fiscal year may be appropriated and deposited in all stabilization funds in any one fiscal year, unless a greater amount is approved by DOR. The aggregate amount in all stabilization funds at any time cannot exceed 10% of the equalized valuation of all taxable property in the Town.***

- How much of a stabilization fund can be spent in a fiscal year?

***There is no limit in the law on how much can be spent annually. Town meeting approval by a 2/3rds vote is required for stabilization fund expenditures.***

- Can funds that are collected from user fees be deposited directly into the Stabilization Fund?

**No. Stabilization funds are funded by a 2/3rds vote of town meeting and not from direct deposit of user fees or other receipts.**

- What are all of the acceptable revenue sources for a Stabilization Fund?

**They are too numerous to list here. Town meeting may appropriate and transfer an amount of funds up to the legally allowed limit by a 2/3rds vote from any available fund (e.g., Free Cash), taxation or other funding source that is subject to appropriation by town meeting.**

- Is there any constraint on how much money in a Stabilization Fund can be carried over from one year to the next?

**No, except that the aggregate amount in all town stabilization funds cannot exceed 10% of the equalized valuation of all taxable property in the Town.**

- Do all user fees collected in a fiscal year need to be spent in that fiscal year for the purpose for which they were collected?

**No, if fees are in a 53E½ revolving fund, the fees must be used to offset the costs to the town to make public facilities or services available for present use to users. There must be a reasonable relationship between the payment of the fee and the cost of providing the service or making the facility available. For example, excess user fees collected for the use of the Town Building field could be used to offset the costs of preparing the field in the next fiscal year for play. The ability to spend the funds is limited by the spending cap recommended in the annual article authorizing the 53E½ accounts, which is recommended by the Board of Selectmen for adoption by Town Meeting.**

Yes, if the fees are deposited in the General fund, fees are spent for the purpose for which they are paid and surplus fees are closed out to Free Cash. The fees must be established to match the costs of making the facilities or services available to the public, so there should be no substantial surplus revenue collected. An annual schedule showing the costs to make each facility or service available to the users should be the basis for setting the fees and for budgeting expenses.

Also, an enterprise fund under M.G.L. Chapter 44, Section 53F½ can be adopted for a minimum of 3 years. Such an enterprise fund requires full accounting for all service - related revenues and expenses and allows a community to accumulate a surplus from certain operations in a separate fund. These funds can then be used for future capital expenditures, to support operations, or to reduce rates. In order to use an enterprise fund, all costs of a function including personnel and indirect costs must be accounted for in the enterprise fund.

- Can user fees be carried over to another fiscal year as long as they are earmarked for projects that are in line with their required use?

Yes, such funds may be carried over in a 53E½ revolving fund. There must be a reasonable relationship between the payment of the fee by the user and the cost to the Town of providing the service or making the facility available. This could include near term projects in the subsequent fiscal year that make the facility for which the user paid the fee available for use.

However, if the fees are deposited in the General Fund, they may not be carried over to another fiscal year.

Regardless of where user fees are deposited, the Town must have the ability to use them to offset the costs of making the facilities or services available to the users.

- Can field user fees that are collected in a 53E ½ Revolving Account be used for capital type projects? Are we allowed to collect user fees during a fiscal year and then expend them on capital maintenance the following year?

**Yes, as long as the user fees pay for the cost to the Town of making the facility available to the users. DOR Attorney Donald Gorton has advised (paraphrased) "user fees must be expended to make public facilities or services available in the present to the users that paid the fee to use the facilities or services".**

- What does Local receipts mean?

**In DOR's Municipal Finance Glossary, they are defined as "[l]ocally generated revenues, other than real and personal property taxes." Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. They are not appropriated as an annual budget or capital project funding sources by town meeting vote. However, they are taken into account when calculating how much the Town must raise by property taxes each year for purposes of setting the tax rate.**

- What is the mechanism for collecting Local receipts and insuring that those monies are spent in keeping with their legal requirements?

i.e. User fees collected as local receipts: How do you insure that these fees are retained and ultimately spent for the purpose they were collected (improving Recreation Facilities)?

**The mechanism is to adopt fees that offset the expenses to the Town to make a facility or service available for present use by the users of the facility or service. Expenses must be identified, budgeted and expended for the purpose for which fees are paid.**

- If the town statute says that the Recreation Department is the sole proprietor of the monies that it generates through user fees and has jurisdiction over how these fees are spent for the benefit of the users, (with the approval of voters at Town Meeting) how can they be collected as local receipts and placed in the General Fund? Can DOR interpret the authority and control that the Special Act gave the Recreation Commission when DPW was created? (this question refers to the wording in the TM Warrant from when the DPW was created in 2008)

*Section 8(c) of the Act provides that "In addition, the Recreation Commission shall be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the Park and Recreation Commission and held or employed for playground or recreation purposes." The Recreation Commission holds the funds and expends them in accordance town meeting votes, DOR's interpretations of municipal finance law and the Finance Director's classification of accounts and receipts consistent with town meeting votes and municipal finance law.*

Please contact me if additional clarification of these matters is needed.

Thank you very much.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Mark J. Lanza', with a long horizontal flourish extending to the right.

Mark J. Lanza  
Town Counsel

MJL/ms



Nan

3

# TOWN OF WAYLAND

MASSACHUSETTS  
01778



**TOWN CLERK**  
Beth R. Klein  
[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)

**ASSISTANT TOWN CLERK**  
Diane M. Gorham  
[dgorham@wayland.ma.us](mailto:dgorham@wayland.ma.us)

**TOWN BUILDING**  
41 COCHITUATE ROAD

TEL: 508-358-3630  
508-358-3631  
[www.wayland.ma.us](http://www.wayland.ma.us)

Date: February 24, 2016  
To: Board of Selectmen  
From: Beth R. Klein, Town Clerk  
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office on February 24, 2016 effective March 10, 2016:

Thomas J. Abdella                      Finance Committee  
Term Expires:                              6/30/17

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

cc: Nan Balmer, Town Administrator  
Nancy Funkhouser, Chair Finance Committee  
Brian Keveny, Finance Director

RECEIVED

FEB 24 2016

Board of Selectmen  
Town of Wayland

February 24, 2016

Beth R. Klein, Town Clerk  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Subject: Resignation from the Finance Committee

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2016 FEB 24 AM 8:39

Dear Ms. Klein,

I am writing to inform you that I am resigning as a member of the Finance Committee. This resignation will be effective as of March 10, 2016.

Respectfully submitted,



Thomas J. Abdella  
78 Riverview Circle  
Wayland, Massachusetts 01778



4

**TOWN OF WAYLAND**  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

February 22, 2016

Jim Walker  
Wayland Municipal Solar LLC  
111 Speen Street, Suite 410  
Framingham, MA 01701

RE: Order of Conditions and Chapter 194 Permit for Carport Solar Array Project at 41 Cochituate Road, Wayland (DEP File 322-856)

Dear Mr. Walker:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the Carport Solar Array project at the Wayland Town Building, 41 Cochituate 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 Bukowski, AMEC Massachusetts, Inc. w/enc.  
**Board of Selectmen**  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File

**RECEIVED**

**FEB 22 2016**

Board of Selectmen  
Town of Wayland



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

5

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

February 25, 2016

Sherre Greenbaum, Chair  
Wayland Conservation Commission  
41 Cochituate Road  
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 246 Stonebridge Road, Wayland (DEP File 322-854)

Dear Ms. Greenbaum:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the home demolition project at 246 Stonebridge 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, Inc. w/enc.  
**Board of Selectmen**  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File

RECEIVED

FEB 25 2016

Board of Selectmen  
Town of Wayland



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

*Selectmen*  
**6**

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

**FEBRUARY 17, 2016**

**POSTED**

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

**continued hearing on**

**FEBRUARY 23, 2016**

**at**

**7:00p.m.**

**for the applicant**

**STEPHEN COY**

**SANDRA COY**

**(16-01)**

**14 HAWTHORNE ROAD**

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

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2016 FEB 17 AM 10:47



# 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**

**February 1, 2016**

**Attendance:** N. Funkhouser, B. Steinberg, D. Watkins, G. Cliff, C. Martin and B. Keveny (Finance Director). T. Abdella & 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 7:00pm when a quorum was present. Ms. Funkhouser indicated the meeting was being recorded by WayCam and may be recorded by others.

Mr. Watkins left to attend the Special Town Meeting Warrant Hearing.

**Public Comment:** With no one from the public in attendance, Chair Funkhouser deferred public comment to discuss the DPW Engineering FTE request.

**DPW Engineer FTE Request Discussion:** Mike Lowry, Board of Public Works member and DPW Director Steven Kadlik distributed a handout detailing the engineering staff/staffing positions at a number of FinCom peer towns. The handout stated that based on FY15 DPW and Water Capital projects, approximately \$115K would have been saved by using an in-house engineer. Several discussions ensued concerning capacity to engage this person year round, potential FY17 capital projects savings and the possibility to allot the salary to the DPW, Water and Transfer Station.

Both Mr. Kadlik and Mr. Lowry indicated that approximately 10-15% savings on road and water main projects would be realized once the position was filled. For proposed FY17 projects, they felt a 5-8% reduction in the capital requests would be appropriate.

**Public Comment:** Ms. Funkhouser read a copy of an email from Betty Salzberg of Grove Street. Ms.

Salzberg indicated that through the efforts of Library Building Committee she had learned the State does not allow municipalities to build on non-owned town land. She cautioned the FinCom to be aware of this fact as it considers an COA /Community Center design request at the Town Center.

Anette Lewis, of Claypit Road advised the Committee she had sent the proformas regarding benefit costs to Chair Funkhouser. She asked that information be distributed to the Committee. She stated that although benefits may differ by collective bargaining unit, on average the Town's benefit cost per FTE is 40% of their salary. Ms. Lewis urged the committee to be mindful of benefit costs when considering additional FTE's.

Ms. Lewis also discussed the recent Moody's bond offering report which stated it was uncomfortable with the town's recent trend to use substantial free cash to support the operating budget. Ms. Lewis suggested less free cash would be available if turnbacks, especially from Unclassified were more closely monitored.

**Committee Response to Public Comment:** Ms. Funkhouse indicated she would forward Ms. Lewis' email concerning benefit costs to the Committee.

Mr. Watkins returned to the meeting

**Current and Projected Free Cash Review and Discussion:** Finance Director Brian Keveny distributed a 5-year Free Cash analysis along with three scenarios involving the use of \$1.5M, \$2.0M and \$2.5M against the FY17 Operating budget, noting his recommendation is \$1.5M. The analysis shows that using \$1.5M of Free Cash projects a year-end Free Cash balance of \$5.1M or 6.75% based on a \$75M budget.

A discussion ensued about where the Committee felt the Free Cash should be at year end, noting it's policy is 5-10% yet for the past few years the goal has been more in the 5-7.5% range. The Committee inquired about the progress of the cash reconciliation and the status of the cash flow analysis which would indicate the Town's cash needs. It was noted without that information, it is difficult for the FinCom to accurately state what level/% of Free Cash is appropriate for Wayland. Mr. Keveny pointed out that Moody's in its latest bond offering report expressed concerned that the Town has been using large amounts of Free Cash to support the Operating Budget. Mr. Cliff moved and Ms. Funkhouser seconded support the use of \$1.5M Free Cash in the FY17 Operating Budget. Vote 4-0-1.

**FY2017 Operating Budget Discussion and Vote:** Mr. Keveny distributed a Draft Recap of FY17 Budget, stating it includes a projected increase to the IT budget. He added he will update the borrowing figures as soon as those numbers are available and as the collective bargaining units are being settled, he is making those salary adjustments to the operating budget.

The Committee returned to its discussion concerning the Engineer request from DPW. It was noted that although the position will be funded via the Operating Budget, the savings would come from capital projects and would be reflected in the debt service. That being the case, it was determined a potential first year savings would be approx \$15-\$20K with those savings continuing for the duration of the bond. Savings are expected to increase each year. The Committee was in agreement the position has the

potential to save the Town on contracted Engineering expenses. Some members felt with several large budget drivers in place for FY17, this position could perhaps be delayed a year. Mr. Steinberg moved the Engineering position be included in the FY17 budget. Ms. Funkhouser seconded. Vote: 3-2.

Mr. Keveny pointed out the Town has to pay Sudbury \$60K. Those funds will come from the Septage funds which is expected to deplete that fund and that adding the Engineering position to the budget increases the year-over budget increase from 2.79% to 3.1% with the additional IT costs yet to be added. The Committee discussed the Operating Budget. Mr. Cliff moved an Operating Budget for FY17 as follows: \$75,193,466 General Fund, \$4,486,931 Enterprise Funds for a total FY17 budget of \$79,680,397. Mr. Steinberg seconded. Vote 5-0.

**CIP Write-ups for Warrant/Progress/Questions:** Mr. Watkins stated things were shaping up nicely.

**Budget Presentation Discussion and Preparation:** Ms. Funkhouser solicited comments on the FY16 Budget Presentation. The Committee discussed and edited the 37 slides used for the FY16 Budget Presentation. Suggestions were made to add, eliminate and replace various slides including a slide that would highlight the FY17 Budget Drivers. Mr. Cliff distributed revisions to several of the FY16 slides for Committee consideration. An updated presentation will be presented to the Committee at its February 4th meeting.

**Liaison & Members' Reports, Concerns and Topics:** Ms. Martin suggested "Finance Director's report" be included as an on-going agenda item. Mr. Cliff noted the projected increase in the IT budget to be discussed at the next meeting has the potential to increase the budget by \$300-400K which could increase the 3.1% to 3.5 or 3.6%.

Ms. Martin stated she had reviewed the most recent Mainstone financial models and noted the projected borrowing rate is 4.50%. Given the fact that the Town just completed its latest round of borrowing at 2.13%, she asked if it would be more appropriate to use a borrowing rate of 2.75 or 3.0%, the effect of which would be a greater borrowing capacity. Mr. Keveny indicated some discussion was taking place concerning the borrowing rate and that question in particular. Mr. Martin also inquired as to the current balances within the CPC fund. Mr. Watkins announced that information had just become available and he would forward to Committee members.

**Chair's Update/Minutes/Future Meeting Schedule:** Ms. Funkhouser noted there were no minutes to approve, but added the minutes from 1/4/16 although approved hadn't been posted to the web site. She asked those minutes be resent.

**Adjourn:** Ms. Martin moved for adjournment. Mr. Cliff seconded. Motion passed 5-0. Meeting adjourned at 10:27.

Respectfully Submitted,



Carol Martin

**Documents:**

**B. Salzberg: 1/29/16 Email entitled Funding Article O (COA/CC)**

**DPW: List of FinCom peer towns and current Engineering staffing**

**G. Cliff: Suggested revisions for tables 1-7 for FinCom Budget Presentation**

**Distributed by B. Keveny**

**Draft- Recap of Fy17 Budget Requests - dated 2/1/16**

**Fiscal 2017 Budget - Draft - dated 2/1/16**

**Draft - Tax Rate /FY17 Year-Over Budget Increase**

**Free Cash Analysis - Using \$1.5M**

**Free Cash Analysis - Using \$2.0M**

**Free Cash Analysis - Using \$2.5M**

Minutes  
WHDC Meeting  
October 15, 2015

Members present: Alice Boelter (presiding), Margery Baston, Marji Ford, Kate Finlayson, Desmond McAuley, Kathie Steinberg

Others: Carter Williams (architect for 47 Old Sudbury Road), Carrie Lapp (homeowner, 47 Old Sudbury Road), Jane Sciacca, Bob Mainer, Kate Jenney, Woody Baston, Richard Turner

1) Public Comment: There was none.

2) 7:30 pm - Public Hearing. The Rev. Josiah Bridge House, 47 Old Sudbury Road. The architect, Carter Williams, said that they were only considering paint color changes right now. They will be back with another application later concerning other work including damaged shutters and porch supports. They would like to change the siding color to Coventry Gray (HC-169). Their second choice is Windham cream (HC 6). They would like to go with black shutters and a cottage red for the front door. Desmond commented on the nice color range. He then asked. "What historically was the color of the house - as it may be very close to the cream color you have." The architect and owner did not know. Desmond asked if the clapboards were original but the Architect and homeowner did not think so. Carrie said Gretchen Schuler will be sending an assessment of the house. Desmond asked about the state of the gutters and if they were wood. These have not yet been evaluated. Kathie asked about the trim on the house; and if it would require repair. Carrie answered that some windows were in poor shape. Desmond noted that the current work is designed to stabilize the house for the winter and that other work would be proposed to the WHDC later (with additional projects). Kathie moved that we approve colors, the white trim, the black shutters, the cottage red door, and body to be decided by the owner between the two colors Coventry gray or Windham cream. This motion received a unanimous, favorable vote. (6-0-0) This was followed by a favorable, unanimous vote to close the hearing (6-0-0)

3) 7:50 pm - Public Hearing. Grout-Heard House Museum, 12 Cochituate Road. New Sign. Alice Boelter and Margery Baston recused themselves as they are members of the Wayland Historical Society Board of Managers. Kathie Steinberg served as acting chair and Marji Ford took minutes. With the first informal proposal for a sign having been shared with the HDC about a year ago, Kate Jenney from the Wayland Historical Society (WHS) made a new presentation for an updated sign. Kate also introduced WHS members Jane Sciacca and Bob Mainer. Kate explained that the sign would be made by Old Colony Artisans out of Wiscasset, Maine. Bob Leonard, head of Old Colony Artisans, has created signs for many historical societies. The sign's 4"x 4", cedar post will come from Walpole Woodworkers; it will be an 11-foot post with a beveled top. Three feet of the post will be buried in the ground. There will be a wrought iron hanger. The sign will be made of MDO (medium density overlay). The color of the sign will be the same as the trim on the GHH Museum. The wavy lines at the bottom of sign are

supposed to indicate the Sudbury River. The application showed three lines but there will be only two. The paint color for the sign is Benjamin Moore Salem white. Desmond asked about fastening the detachable signs and whether eyelets would be used; and the response was affirmative. The sign will be aligned with northwest corner of house; and placed 15 feet from the property line along Cochituate Road. The size of the sign is 30 inches by 40 inches. The sign will be ¾-inch thick. Desmond asked if the sign would be hung from the iron bracket to which the answer was. "Yes." Desmond thought the design of the sign was very appropriate. Marji moved that the HDC approve the sign for the Wayland Museum and Historical Society as presented. The HDC approved the design, shape, coloring and lettering of the sign. The HDC asked that the Historical Society Board return to tell the HDC informally about the type of lighting and wattage which is selected to display the sign at night. The motion received a unanimous, favorable vote from those members voting. (4-0-0) The hearing was closed at 8:15 pm.

4) 8:15 pm - Public Hearing. Depot Parking Lot, 1 Cochituate Road regarding the Rail-trail through or around parking area. There was a lengthy, informal discussion by HDC members of the various options for a trail through the Depot parking lot, of the materials to be used for the trail, and more. Margery spoke favorably of an option presented by Kevin Dandrade that was an alternative to Option 1. Desmond suggested that a landscape designer should be involved in this process. There was a motion to continue the hearing until November 19 at 8 pm. All were in favor. (6-0-0)

5) Library Trustees Report. Presentation of STM article relative to library expansion or relocation. No trustee was available at the meeting to speak on this subject; but a trustee may attend our next HDC meeting.

6) Minutes of September 17, 2015 Meeting were approved as amended. (5-0-0)

7) Other business not anticipated prior to meeting. There was none.

8) The meeting adjourned at 9 pm.

Respectfully submitted,  
Margery Baston

Minutes  
WHDC Meeting  
November 19, 2015

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Marji Ford, Desmond McAuley, Sheryl Simon

Others: Woody Baston, Rick Conard, Chief Irving, Suzanne Woodruff, Christopher Biddle, Larry Kiernan, Don Verrecchia

1) Public Comment: There was none.

2) 7:35 pm Public Hearing. Public Safety Building, 38 Cochituate Road. Change one parking sign on Millbrook Road side of building with larger sign with different lettering. Chief Irving came with the new sign which is to replace a sign for 15 minute parking. The proposed sign will read "Internet Purchase Exchange Location -- This Area Is Under 24 Hour Video Surveillance." There was a motion to accept the application as proposed. This was followed by a unanimous, favorable vote. (6-0-0)

3) 7:45 pm Public Hearing. James Austin Draper Farm, 27 Bow Road. Add gooseneck light above each gable end barn door (east and west ends). Christopher Biddle presented pictures of the type of light he wanted on his barn. The light bulb is not exposed. The two lights would be vintage-style; but they are new. Desmond noted that this style of lighting would be most appropriate on the barn. Marji moved that we accept the application as proposed. This was followed with a unanimous, favorable vote. (6-0-0)

4) 8:00 pm Public Hearing. Depot Parking Lot, 1 Cochituate Road. Rail-trail through or around parking area. Larry Kiernan made the presentation and reported that Chief Irving liked this plan because it is safer. There is more green space and bikers and walkers will be more visible to motorists using the parking lot. Larry stated that a major priority is to get people safely across the Depot parking lot. Some parking spaces will be lost. The current plan makes no curb changes along the road. It also avoids railroad artifacts including the rails, ties, platform, etc. A construction estimate for this proposed plan is \$60,000. There was a motion to approve the concept plan dated October 13, 2015. Desmond and Marji abstained because of a concern over the perceived lack of an overall town plan. (4-0-2)

5) Library Trustee Report. Discussion of library expansion or relocation. Aida Gennis, chair of the Library Board of Trustees spoke to the need for library expansion. She pointed out that today, people are using the library in different ways, many of which are constrained by the size of the building. When flooding forced the library's closure for several months some time ago, patrons used libraries in surrounding towns, many of which have new attractive facilities and features now sought by Town residents for the Wayland Library. Weston is most often mentioned.

Currently, Wayland's space for children and teens is inadequate for desired programs/use. The elevator is not ADA compliant and some interior spaces cannot accommodate people in wheel chairs. There is no dedicated quiet space in the library. In January, 2015 a planning committee convened to look into state financing for library construction. The committee agreed to take steps to apply for such state funding including retaining professional assistance and identifying two sites for consideration as required. The current library site and one next to the Middle School will be evaluated. A Building Committee will also be involved in this process.

Desmond asked if the state provided information about other libraries that had been recently built. Aida responded in the affirmative. Aida also mentioned that we were one of the smallest towns applying. The next smallest town is Bolton, which has half the population of Wayland.

Desmond asked about renovation and Aida responded that state funding is for new construction or renovation and expansion. In response to a question whether the wealth of a town is a funding consideration, Aida responded that the process is "revenue neutral."

Were the library to expand at its current location, it could possibly connect to the town center sewer system thereby freeing up the current septic system site on the north side of the library for building expansion. The other site, next to the Middle School, has the advantage of high population density in the surrounding area. This was but one of 13 sites within Wayland which the planning committee evaluated when considering a new library.

Aida noted that applications for state funding are either accepted for a grant, put on a wait-list, or denied. She noted that such grants have not been available for some time.

6) Minutes of the October 15, 2015 HDC meeting will be considered at the next meeting since there could be additions forthcoming to the draft minutes previously circulated.

7) Design Review Guidelines. Dormers and Skylights, Fences, Gutters and Downspouts along with plan for reviewing and making edits to remaining building features. The HDC reviewed the draft guidelines related to dormers and skylights and fences. At the next meeting we will address edits to the Gutters and Downspouts section of the draft Guidelines.

8) Other business not anticipated prior to meeting. There was none.

9) Adjourn. The meeting ended at 9:40 pm. Gretchen suggested that we meet in December if an application is received. Otherwise we will meet in January.

Respectfully submitted,  
Margery Baston

Minutes  
WHDC Meeting  
January 21, 2016

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Marji Ford, Kate Finlayson, Sheryl Simon, Kathie Steinberg

Others: Woody Baston, Mike Lowery, Timothy Burke, Susan and Bill Wagner, Nadine and Dan Hill, Dana and Matt Cooper, Ted Price, Denise Passaretti, Peter Reynolds, Nik Andersson, Cindy Reardon,

Public Comment:

Mike Lowery suggested that the Library Town parcel be added to the Town Center Historic District.

25 Bow Road -- James Henry Small House - Informal discussion about potential addition of a conservatory. Dan and Nadine Hill and their architect presented plans for a mostly glass conservatory on the front of their house. It would measure about 7.5 feet by 14 feet, and would extend 3 feet closer to the road than the tower. It would be painted the trim color of the house. After some brief questioning, there was general approval of the concepts for the plans for this addition. An application will follow and will be heard at a posted hearing.

31 Cochituate Road - George Smith House - Complaints about displays in front of the building. Gretchen started this discussion by having the Commission review pertinent legislation (including references to Mass. General Law 40C). She explained that she had had discussions with the owner of 31 Cochituate Road, who in turn spoke with Matt Cooper who is currently renting the first floor of the building and placing displays on the front porch and lawn. Gretchen reported that she has also met with the building commissioner who feels that the displays would not fall under current town bylaws for a sign -- that there is currently no zoning violation.

Gretchen also reviewed the definition of "sign" under HD Bylaws: "Any symbol, design, or device used to identify or advertise any place of business product, activity or person."

Gretchen gave the example of a parking lot being considered a "structure" under HD bylaws, that is not generally considered a structure in zoning. The definition for "structure" under HD Bylaws is: "A combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway."

Gretchen asked the Commission the question: Is it a sign? Marji responded that it is staging intending to advertise the chiropractor's business; this is not constructive or consistent with the HD. It also doesn't enhance the architecture; it hides it. Marji also spoke of the precedent that could be set. Kathie felt that the mannequins or figures could not be considered a "structure" -- but that the wall-like backdrop for the current Star Wars display could be considered "structure." Kate felt that decorations or mannequins were not structures, but agreed with Kathie and others that the large back-drop could be a

“structure.” (It is about 10 feet long and 5 feet high, supported by two by four wood posts and metal sign posts).

For the public record Gretchen read aloud a letter to HDC and Board of Selectmen from Mike Lowery and Sue Wagner. She also read emails received from Mary and Brian Farley (30 Cochituate Road), Cathleen Reynolds, and Edmund Price.

Gretchen then opened up the discussion to all those in attendance. Mike Lowery spoke first and said he agreed that the HDC must decide if the displays in front of 31 Cochituate Road are under its jurisdiction. Mike also had given the HDC at the beginning of the meeting a large photo showing that the display covered the front steps and front entrance and most of the front corner yard. Bill Wagner reminded the HDC that their reason for being was to preserve the historical nature of the HD.

There were many comments made by those present in favor of the displays. Some mentioned the community spirit and humor it represented. Dana Cooper spoke of the recent contests involving elementary age children in town to determine the themes and to take part with the creativity. A number felt that such displays should be outside of the HDC jurisdiction. Matt Cooper reported that he had received over 20 letters/emails in support of the displays; and he turned these letters/emails over to the HDC at the end of the meeting.\*

Members of the HDC were in agreement that the figures or mannequins did not fall under their purview -- but there was general agreement that the large (approx. 10 feet by 5 feet) backdrop for the Star Wars figures could be considered a “structure” and thus under the purview of the Commission. Alice Boelter asked if there was a record of what other HD Commissions have done in other communities under similar circumstances. Gretchen offered to try to track down such information. Gretchen also was willing to meet with Matt Cooper and Sherman Lin (owner of 31 Cochituate Road) prior to the next HD meeting tentatively scheduled for February 18.

Design Review Guidelines - Review of guidelines. There was a brief discussion of “shutters” on pages 13 and 14 of the Guidelines. The word “synthetic” in the final sentence was changed to “vinyl”. The most recent version of the Guidelines with edits from previous meetings and some rewriting to reflect the nature of the edits have been posted online.

Elections - annually in January - Chair, Vice-Chair, Clerk. Gretchen Schuler was elected unanimously to continue as chair. Alice Boelter was unanimously elected as vice-chair; and Margery Baston was unanimously elected to continue as clerk.

Demolition Delay Bylaw. There was discussion of the Demolition Delay Bylaw, Article W for Town Meeting, proposed by the Historical Commission. There was a motion that the HDC sponsor/support this Article. A unanimous, favorable vote followed this motion.  
7-0-0

The next HDC meeting is scheduled for February 18th, 2016.

The meeting adjourned at 9:20 pm.

Respectfully submitted,  
Margery Baston

\*Matt Cooper gave the HDC a collection of emails/letters in support of the displays in front of 31 Cochituate Road from the following people:  
Benjamin Downs, Jean Prince, Pamela Kaufman, The Donovan Family, Thom and Michelle Davidson, Debi Morrell, Victoria Walton, Kate Anderson, Cathleen Reynolds, Tami Bloomstein, Amy Ferrer, Denise Passaretti, Kim Brown, Mark Reardon, Nancy Hopkins, Lynne McVie, Nina Corcoran, The Lloyd Family, Nikki Milott McCay, Jamie Larsen, Mary and Brian Farley



**PUBLIC CEREMONIES COMMITTEE  
Minutes of meeting on February 11, 2016**

- 1) The committee meeting was called to order at 7:03 p.m.  
In attendance: Richard Turner (RT), Carl Bernardo (CB), Stephen Streeter (SS), George Bernard (GB). Not Present: Dennis Berry and John Dyer
- 2) Public Comments: None
- 3) Old Business:
  - Reviewed previous minutes of January 13, 2016.
  - PCC asked George Bernard if he had received reimbursement for Veteran’s Day program totaling \$904.06. GB stated he had received the full reimbursement of \$904.06.
  - Ongoing issue as to whether Boy Scouts will weed the grounds around the Veterans Memorial at Town Hall and possibly other locations before Memorial Day and Veterans Day. It was determined that the Department of Public Works (DPW) should be contacted to find out if a DPW worker or workers are assigned to take care of the grounds at the Wayland Veterans Memorial and other locations. The PCC is concerned that no DPW union rules are violated by allowing Boy Scouts to take care of the grounds mentioned. Richard Turner to contact the Director of the DPW, Stephen Kadlik for further clarification of this issue.
- 4) New Business:
  - Richard Turner and George Bernard were contacted by the Superintendent of Schools, Paul Stein about free counseling services to U.S. Military members, Veterans who served after 9/11 and family members. The name of the program is: “Give an Hour”. It is an organization of mental health professionals who donate their time free of charge to assist military personnel and their families who may need their services.  
The website is: <http://www.giveanhour.org>  
From the Give an Hour website the organization offers treatment for:
    - \* anxiety
    - \* depression
    - \* substance abuse
    - \* post-traumatic stress disorder
    - \* traumatic brain injuries
    - \* sexual health and intimacy concerns
    - \* loss and grieving
    - \* and more
 Richard Turner to give the website information to the new Wayland Veterans Agent.
  - The Lydia Child Award for 2016 was discussed. A press release appeared in the Town Crier asking Wayland residents to nominate individuals who they want considered for this award. The press release will be published again in the Town

Crier. In addition, Richard Turner to have the information for the award advertised in the Wayland Cable Network.

- Need to have JD give status on Freedom Prize? When can students start writing essays for the Freedom Prize and when do they have to be completed? Who are the judges this year?
- With PCC approval, GB to contact Mr. Kevin Delaney, Chairman of the Wayland History Department. The purpose is to find out if Mr. Delaney and selected students have any interest in filming a documentary on the history of “Mainstone Farms” which dates back to the 1870s. This is a unique piece of property that is under consideration for being kept as conservation land. In addition, it also gives the opportunity to research the families that lived there from the eighteen hundreds to the present.

### Memorial Day Parade

- RT has developed a one page form, entitled: “Memorial Day Parade Participate Application” to be filled out by all individuals or groups who plan to walk or ride in the Memorial Day Parade. PCC members to study the form and advise any comments or concerns about the form at the next PCC meeting. This form to be put on the Town of Wayland website and the electronic “Patch”. Target date is April 1. SS to make up large cards/signs with a number for each parade participant or group at the Wayland Middle School, the day of the parade.
- GB and SS stated they will talk to the commander at Natick Soldier Systems Center before the end of February in order to find a speaker for the Memorial Day Lakeview Cemetery program. They will report on progress at the March meeting. The speaker will be allowed between 5 – 10 minutes to speak on Memorial Day.
- SS recommended that only members of the American Legion man the flag pole at the Memorial Day ceremony at Lakeview Cemetery. PCC concurred.
- SS presented impressive research on the cost to buy versus rent equipment for the Lakeview Cemetery Memorial Day program. The equipment consisted of two powerful outdoor speakers that are 1000 Watts, two heavy duty tripod speaker stands, wireless vocal set which includes the microphone, cables & wiring at a total cost of approximately \$1,108.00. This is based on catalog pricing. SS has stated he will donate the mixer at no charge to the PCC or Town of Wayland. The estimated cost for rental of the same equipment from the Guitar Center is \$340.00 per event. The payback period to buy vs. rent is only three years. Therefore, the PCC considers it advantageous to buy the equipment not only for Memorial Day but for Veterans Day and any other special Wayland event. RT has asked SS to get a Firm Fixed Price quotation (without tax – due to town exempt status) for the equipment by the next meeting and SS has agreed to do so. In the meantime, RT to look into available funding from the Town of Wayland should the PCC receive authorization to buy the equipment.

Meeting adjourned at 8:45 P.M.

The next PCC meeting was set for Wednesday, March, 9 at 7:00pm.

Respectfully submitted

George Bernard 2/16/2016

**WAYLAND BOARD OF PUBLIC WORKS**

Wayland DPW Facility

February 9, 2016

7:00 PM

**MEETING MINUTES**

Present: C. Brown (Chair), M. Lowery (Vice Chair), W. Baston, M. Wegerbauer, M. Lindeman (DPW Park & Highway Superintendent)

Absent: J. Mishara, S. Kadlik (DPW Director)

Meeting opened at 7:00 PM

Brown announced that the meeting is being recorded.

Brown opened the meeting with a review of the agenda.

Brown asked for public comment – there was none

**Discussion on the Potential Transfer of Cremains from the Church of the Holy Spirit to North Cemetery**

Lindeman described the process involved in the potential transfer of cremains from the Church of the Holy Spirit to a Town-owned cemetery.

Brown asked Lindeman if he is seeking a Board vote or just providing a report.

Lindeman noted that he hopes to put together an informational package to be reviewed by Town Counsel then sent to the church.

Cynthia Bryant of 48 Pemberton Road expressed her concern that the potential installation of a monument identifying a specific church may be a violation of the separation of church and state, and may unintentionally serve to designate a particular part of the cemetery to a specific church.

Lindeman noted that the individual graves would be marked with flat markers, but a discussion of what would be on a larger monument has not yet occurred.

Lowery asked Bryant if the monument only gave the address where the cremains were transferred from, and not the name of the church, would her concerns be adequately addressed.

Bryant reiterated her concern for a potential precedent that may be set by identifying a specific area of a municipal cemetery for a particular church.

Bryant added that under the law, all interments would need to be issued new burial permits since they are being relocated to a new cemetery.

Lindeman noted that he will address the issues surrounding the disinterment with Town Counsel, and the burden will ultimately fall onto the church and the family members to comply.

The Board encouraged Lindeman to meet with Town Counsel and continue the process.

*Items Included as Part of Agenda Packet for Discussion  
- 2/1/2016 Draft of Letter to Rev. Frederick P. Moser*

### **Discussion and Vote Position on STM Article 3**

Brown asked if the Board feels they should vote their position on the article.

Lowery noted that in his opinion, items 1, 3, and 5 of the article do not fall under the purview of the Board; and he is under the impression that item 2 will be removed from the article on Town Meeting floor.

Lowery added that he feels the Board should consider commenting on item 4, but not necessarily offer their endorsement.

The Board discussed the issues concerning School Bus traffic on Oak Hill intersection.

Lowery noted that his opinion is that the Board should neither support nor oppose item 4 of the article.

Baston made a motion that the Board of Public Works not take a position on items 1, 2, 3, and 5 of STM Article 3; and that the Board cannot take a position on item 4 due to the ambiguity of the language in the article.

Wegerbauer 2<sup>nd</sup>, all in favor.

*Items Included as Part of Agenda Packet for Discussion  
- 2/11/2016 Special Town Meeting Warrant Articles*

### **Discussion of Water Rates and Payments for Town-Owned & Community Facilities**

The Board discussed the nature of billing of municipal meters.

Brown suggested that the item be discussed at the next meeting when Kadlik is available for comment and discussion.

Lowery requested copies of the bills for all municipal meters for the last year.

Lowery requested that Woodcock and Associates be consulted to discuss establishing a municipal water rate.

*Items Included as Part of Agenda Packet for Discussion  
- List of Town-Owned and Community Facility Meters*

Brown departed at 7:43 PM to attend Board of Selectmen Meeting

**Discussion of ATM Articles**

**Article DD: Accept Modified Route 30 and 27 Intersection as a Town Way**

Lowery asked for Board comment on Article DD: Accept Modified Route 30 and 27 Intersection as a Town Way

Lowery requested that the amount of funding needed be added to the article.

**Article AA: Transfer Custody of Small Portion of Lakeview Cemetery**

Lowery asked for Board comment on Article AA: Transfer Custody of Small Portion of Lakeview Cemetery

Lowery noted that a map needs to be provided by Town Planner Alf Barry noting the boundary in question for the article to proceed.

The Board determined the language ‘that mistakenly got placed...’ with ‘that should have been transferred to the Parks portion of the Board of Public Works for cemetery purposes, rather than recreation, when the Board of Public Works was created.’

**Article EE: Regulating Temporary Signs within Town Rights-of-Way**

Lowery asked for Board comment on the Article EE: Regulating Temporary Signs within Town Rights-of-Way.

Lowery noted that the fourth page of the article was included in error, and should be disregarded.

Lowery suggested that additional DPW employees be added to the Selectmen sign approval e-mail notification list.

Lowery distributed an email exchange with Selectman Mary Antes regarding signs in right-of-way.

**Article CC: Fund Permanent Reconfiguration of the Intersection of East Plain Street, School Street, and Route 30 (Commonwealth Road)**

Lowery asked for Board comment on Article CC: Fund Permanent Reconfiguration of the Intersection of East Plain Street, School Street, and Route 30 (Commonwealth Road)

Wegerbauer asked if there are any additional changes to the intersection planned.

Lowery replied that the article seeks funding to make permanent the temporary measures currently in place.

Baston noted that the cost estimate of \$300,000 should be included in the article.

Lowery asked that Kadlik confirm with TEC that the radii of the changes are adequate for truck traffic.

The Board determined that merchants of the Villa and Mel's Plaza should be included as interested parties.

**Article BB: Five Paths Intersection Improvement**

Lowery asked for Board comment on Article BB: Five Paths Intersection Improvement

Baston noted that the cost estimate of \$300,000 should be included in the article.

The Board determined that the Police and Fire Departments be included as interested parties/stake holders.

The Board discussed the history of the intersection in its present configuration.

*Items Included as Part of Agenda Packet for Discussion*

- Article DD: Accept Modified Route 30 and 27 Intersection as a Town Way
- Article AA: Transfer Custody of Small Portion of Lakeview Cemetery
- Article: Regulating Temporary Signs within Town Right-of-Way

*Items Distributed for Information and Use by the Board of Public Works*

- Article: Fund Permanent Reconfiguration of the Intersection of East Plain Street, School Street, and Route 30 (Commonwealth Road)
- Article FF - Improve Five Paths Intersection (Signaling & Pedestrian Crossings)
- 2/3/2016 Email from Mary Antes re: Signs in the right-of-way

**Discussion of Library Drainage Project**

The Board was provided a copy of the Library Drainage Project extension approval.

Lowery requested that a copy of the extension approval be forwarded to the Library Trustees.

Lowery requested that Tighe & Bond again be requested to provide a project timeline.

Baston and Lowery described a recent on-site meeting they had involving representatives of Tighe & Bond and Conservation pertaining to library drainage.

Lowery requested that Tighe & Bond be asked to provide an update on the status of hiring a contractor to locate the existing drainage.

Lowery expressed his dissatisfaction with the performance of Tighe & Bond on the project, and felt that Tighe & Bond should again appear before the Board for further discussion.

*Items Distributed for Information and Use by the Board of Public Works*

- 1/20/2016 MEMA Library Drainage Grant Extension Approval

Brown returned from the Board of Selectmen meeting at 8:26 PM.

### **Topics Not Reasonably Anticipated by the Chair 48 Hours Prior to Posting**

Brown described the Board of Selectmen meeting he attended to discuss Town meeting articles.

Brown requested that maps of proposed changes be obtained from TEC for Articles AA, BB, and CC.

Brown described discussion among the Board of Selectmen regarding Article EE: Regulating Temporary Signs within Town Rights-of-Way.

Lowery discussed the differences in the signs regulated by the Planning Board, the Board of Public Works, and the Board of Selectmen.

Brown noted that there was some discussion encouraging the establishment of a cohesive policy among all three Boards.

Baston expressed his concern with proceeding without the support of the Board of Selectmen and Planning Board.

Brown noted that he has not had the chance to completely analyze the information from the Board of Selectmen meeting, noting that the article could be passed over on Town meeting floor if the Board desires.

Lowery expressed his concern for potentially delaying the article, as it addresses a public safety concern.

Lowery suggested potential changes to the language of Article EE, to specifically exclude signs on private property as well as specify the four areas in Town authorized by the Selectmen for sign placement.

### **DPW Director's Operation Report**

The Board discussed the Directors Report and the included letter from James Persky of the DEP regarding the Birch Road Wells.

#### ***Items Included as Part of Agenda Packet for Discussion***

***- 2/9/2016 DPW Director's Report***

***- 2/4/2016 Email from James Persky (DEP) re: Framingham Birch Road Wells***

### **Board Members' Reports, Concerns, and Updates**

Lowery discussed a recent meeting with the Finance Committee regarding the creation of a Town Engineer position.

Wegerbauer asked when Water Superintendent Don Millette will be conducting a file review with the DEP regarding the Birch Road Wells.



The Board determined that Lowery would draft a letter to be sent on behalf of Town Administrator Nan Balmer to the Town of Framingham regarding the Birch Road Wells.

**Review and Approve the Minutes of the 1/26/2016 Meeting**

Lowery page 2: Sole authority to bring to TM proposed expenditures from the water enterprise fund.

Lowery noted a correction to be made to page 2 to add that it is the Board's sole authority *to bring to Town Meeting* expenditures from the Water Enterprise Fund.

Brown made motion to approve the minutes of the 1/26/2016 meeting as amended.

Wegerbauer 2<sup>nd</sup>, all in favor.

*Items Included as Part of Agenda Packet for Discussion  
- 1/26/2016 Meeting Minutes Draft*

**Executive Session to Discuss Strategy with Respect to Recent Actions Regarding Bernstein et al v. Wayland Planning Board et al and Review and Approval of the Executive Session Minutes of the 1/12/2016 Meeting**

Brown made a motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to recent actions regarding Bernstein et al v. Wayland Planning Board et al and the review and approval of the executive session minutes of the 1/12/2016 meeting.

Baston 2<sup>nd</sup>.

Roll Call Vote: Lowery aye, Brown aye, Wegerbauer aye, Baston aye.

Brown invited the attendance of DPW employees Mike Lindeman, Joe Doucette, and Daniel Cabral.

Brown noted that the Board will reconvene in open session in approximately ten minutes for the purpose of adjourning.

The Board entered into executive session at 9:04 PM.

The Board reconvened in open session at 9:14 PM.

Brown made motion to adjourn.

Baston 2<sup>nd</sup>, all in favor.

Meeting adjourned at 9:21 PM

11

## DiNapoli, MaryAnn

---

**From:** O'Leary, Allison (HOU) <Allison.O'Leary@mahouse.gov>  
**Sent:** Tuesday, February 16, 2016 11:45 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** RE: Wayland Support for Modernization Act

MaryAnn,

Representative Peisch asked me to let you know that we received the Town's letter regarding Governor Baker's municipal finance bill, and she is also generally supportive of it. The bill has been broken down into various sections based on subject matter that have been referred to different committees, so we will continue to track all the moving parts on this one.

Also, I know that the Representative briefly responded to your previous email passing along the Town's letter relative to public records legislation, so just to reiterate – she is supportive of the House version and will convey that support to the House conferees of the conference committee that will be working out the differences of the bill passed by the House and Senate, and you should encourage Sen. Ross to have the Senate conferees adopt certain House provisions that the Town prefers.

Finally, we received the Town's resolution dated January 25<sup>th</sup> in support of gas leaks legislation. We are very supportive of this legislation as well and have already communicated such support to the Telecommunications, Utilities and Energy committee, which is where the bills currently are.

Thanks for passing along all of the recent communications from Wayland – much appreciated!

Regards,  
Alli

*Alli O'Leary*

*Staff Director  
Office of Representative Alice H. Peisch  
House Chair, Joint Committee on Education  
State House, Room 473G  
Boston, MA 02133  
(617) 722-2070  
[Allison.O'Leary@mahouse.gov](mailto:Allison.O'Leary@mahouse.gov)*

---

**From:** DiNapoli, MaryAnn [mailto:MDiNapoli@wayland.ma.us]  
**Sent:** Thursday, February 11, 2016 12:08 PM  
**To:** Peisch, Alice - Rep. (HOU)  
**Subject:** Wayland Support for Modernization Act

Attached is a letter of support from the Wayland Board of Selectmen for the Act Relative to Modernizing Municipal Finance and Government.

MaryAnn DiNapoli  
Executive Assistant  
Board of Selectmen