

PACKET

MAR 7

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, March 7, 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">• Announcements; Review Agenda for the Public |
| 7:02 pm | 2.) Public Comment |
| 7:15 pm | 3.) Meet with Police Chief to Discuss Letter to Massachusetts Department of Transportation on Stonebridge Road |
| 7:35 pm | 4.) Discuss and Authorize Response to Open Meeting Law Complaint |
| 7:55 pm | 5.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Frishman V. Lanza, et al, and West Beit Olam Corporation v. Board of Assessors and to Review and Consider for Approval the Executive Session Minutes of February 1, 2016, Relative to the Said Subjects |
| 8:10 pm | 6.) Potential Vote to Release Executive Session Minutes of February 1, 2016 |
| 8:15 pm | 7.) Discuss any Town Meeting Issues |
| 8:30 pm | 8.) Review Special Town Meeting Date and Calendar of Selectmen's Meetings through June |
| 8:45 pm | 9.) Review and Approve Consent Calendar (See Separate Sheet) |
| 8:50 pm | 10.) Review Correspondence (See Separate Index Sheet) |
| 9:00 pm | 11.) Report of the Town Administrator |
| 9:10 pm | 12.) Selectmen's Reports and Concerns |
| 9:20 pm | 13.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:20 pm | 14.) Adjourn |

DRAFT

March 3, 2016

Mr. Jonathan L. Gulliver
District Highway Director
Massachusetts Highway Department, District 3
403 Belmont Street
Worcester, MA 01604

Dear Mr. Gulliver,

This is in response to your letter dated July 24, 2014 denying our request to lower the posted speed limit on a section of Stonebridge Road to 30 mph (from the current limit of 35 mph) based on the speed zone study. We believe there are additional important factors to consider, several of which represent information that was not available to you (or to us) at the time you made your decision. Most notably:

1. The section of road currently marked at 35 mph is only about 0.5 miles in length (with 30 mph being the limit on both ends). The difference in travel time saved is therefore only about 10 seconds.
2. Coming from Old Connecticut Path the 35 mph limit starts at Oak Hill Road. Several years ago our school officials determined that Oak Hill Road (appropriately named) is too dangerous for school buses so all the children from that development now congregate at the corner of Oak Hill Road and Stonebridge for the school bus. Thus, the 35 mph speed limit begins where there is a busy school bus stop.
3. The section currently marked at 35 mph includes a steep hill. Several "habitat for humanity" homes have been constructed on it and the driveway for those homes is on a section of that blind and steep curve.
4. Residents are very upset about this situation. At a Special Town Meeting held on February 11, 2016, residents introduced a petitioners' article with three separate motions, one of which would have required that we petition the General Court to introduce a special act lowering the speed limit. The motion was defeated (cooler heads prevailed) but only by a narrow margin.

5. Three years ago, residents complained that traffic on Stonebridge was going too fast. In investigating it, it was discovered that the road was missing several signs and it was corrected by posting new signs in the correct places showing the 35 mph section.
6. Needless to say, residents were incensed because they thought this section of road was a 30 mile per hour zone. In many residents minds they believed the speed limit had been raised to 35 miles per hour. The school's decision to stop having a bus stop in the Oak Hill Road development has made a bad situation much worse.
7. On February 17th and 22nd of this year two new speed distribution counts were collected by the Wayland Police Department. These showed 85th percentile speeds of 38 and 39 miles per hour westbound and 42 and 41 miles per hour eastbound. Although not within the 7 miles per hour less than the 85th percentile guideline, these numbers show a reduction of the 85th percentile speed from similar studies done in 2014.

We understand that MassDOT needs to use a simple and straightforward approach to making such decisions that effectively balance the rights of residents with the rights of "passers through". In this particular case, we now believe even more strongly that lowering the speed limit on this section of road to 30 mph is the right decision and ask that you permit us to do so.

Respectfully,

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Joseph F. Nolan

Lea Anderson



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

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

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

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

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

Date of alleged violation: Feb. 1, 2016

Description of alleged violation:

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

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

Please see attached statement with exhibits.

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

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

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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


II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: Feb. 26, 2016

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:

OPEN MEETING LAW COMPLAINT

According to the public notice for the February 1, 2016 meeting of the Wayland Board of the Selectmen (Board), an executive session was held “pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding” seven identified cases. See Exhibit 1 attached hereto. More specifically, the Board met, as it does twice a year, to obtain “an update from Town Counsel on all legal cases involving town entities. This is to keep the [Board] informed and provide oversight on our legal expenses.” See Exhibit 2 attached hereto (February 24, 2016 email from Board Chair Cherry Karlson).

For three of these seven cases (namely, 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, and West Beit Olam Corporation v. Board of Assessors), neither the Board nor the Town of Wayland (Town) is a named party. Nor does the Board or Town have a “litigating position” to protect in any of these three cases. Therefore, the Board’s discussion of these cases in executive session constituted violations of the Open Meeting Law. See G. L. c. 30A, § 21(a)(3); Collins v. Wayland Bd. of Selectmen, 31 Mass. L. Rptr. No. 8, 189, 191-192 (2013).

The proper procedure would have been for the Board to participate in an executive session called by the appropriate public body defendant, pursuant to Section 21(a)(3).

ACTIONS REQUESTED

1. The Board shall release that portion of its February 1, 2016 executive session minutes documenting discussion of the above three subject cases.

2. At a public meeting, the Board shall acknowledge and explain its violations of the Open Meeting Law.

EXHIBIT 1



NAN BALMER
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LEA T. ANDERSON
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BOARD OF SELECTMEN
Monday, February 1, 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.

- 6:00 pm 1.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Frishman V. Lanza, et al, and West Beit Glam Corporation v. Board of Assessors
- 6:45 pm 2.) Call to Order by Chair
 - Announcements; Review Agenda for the Public
- 6:47 pm 3.) Public Comment
- 7:00 pm 4.) Special Town Meeting Warrant Hearing
- 7:20 pm 5.) Discuss Petitioners' Request for Information for Town Meetings
- 7:25 pm 6.) Update on February Special Town Meeting Logistics
- 7:30 pm 7.) Discuss FY17 Budget Requests: IT and Facilities
- 7:45 pm 8.) Report from WayCAM, Interview and Appointment of Jonathan Ward to the WayCam Board of Directors as the Representative of the Board of Selectmen
- 8:15 pm 9.) Meet with Town Treasurer:
 - Vote to Award Bonds
 - Vote to Refund/Refinance Debt
 - Vote to Recommend Annual Town Meeting Article L: Rescind Debt
 - Update (RFP, Tax Liens, Cash Reconciliation)
- 8:45 pm 10.) Discuss and Vote Positions on Annual Town Meeting Articles, Including:
 - Identify Abbreviated Motion Articles
 - (P) Fund Glezen Lane Traffic Control Measures
 - (S) Adopt Massachusetts General Laws Chapter 44, Section 53 E 1/2, Revolving Accounts

Subject: FW: Open Meeting Law Question
From: "Karlson, Cherry" <ckarlson@wayland.ma.us>
Date: 2/24/2016 6:30 AM
To: "geoharris2@gmail.com" <geoharris2@gmail.com>
CC: "Balmer, Nan" <nbalmer@wayland.ma.us>

George,

Twice a year the BoS gets an update from Town Counsel on all legal cases involving town entities. This is to keep the BoS informed and provide oversight on our legal expenses. I agree with your statement that the BoS may not be a named party in each case, but an entity/board of the Town is a named party in each of the cases for which we went into executive session that evening.

We last received an update in July 2015.

Also, this is my email account for town business. My comcast email is for my personal use. Old habits die hard (and email programs make it harder), but please use this account for town business.

best,
Cherry

The Secretary of State's office has determined that most emails to and from municipal officials are public records. Consequently, confidentiality should not be expected.

From: Cherry Karlson [ckarlson@comcast.net]
Sent: Wednesday, February 24, 2016 6:20 AM
To: Karlson, Cherry
Subject: Fwd: Open Meeting Law Question

Begin forwarded message:

From: George Harris <geoharris2@gmail.com<mailto:geoharris2@gmail.com>>
Subject: Open Meeting Law Question
Date: February 24, 2016 at 12:37:17 AM EST
To: Cherry Karlson
<ckarlson@comcast.net<mailto:ckarlson@comcast.net>>
Cc: "Balmer, Nan" <nbalmer@wayland.ma.us<mailto:nbalmer@wayland.ma.us>>

Cherry,

On Feb. 1, 2016 the BOS met in executive session to discuss several legal cases in which neither it nor the Town is a party. How do you justify doing so? I realize this is not the first time the BOS has done so.

George

MANAGEMENT OF THE LEGAL AFFAIRS OF THE TOWN

I. GENERAL AUTHORITY, RESPONSIBILITY, AND ACCOUNTABILITY

The Board of Selectmen shall supervise the legal affairs of the Town and shall have full authority as the agent of the Town to employ Counsel to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town. (See section 58-1 of the Town Code as amended in 2014.)

The Town Administrator is responsible for oversight of Town legal activities. (See Section 60.2.1 of the Town Code). Oversight includes but is not limited to managing access to Town Counsel, procurement of legal services, management of the legal budget and making recommendations to the Selectmen for approval of legal bills.

Town Counsel will maintain a log of all ongoing legal matters assigned to Town Counsel and will make a semi-annual report to the Board of Selectmen on the status of each matter. Legal bills will be presented in line item form on each subject upon which Counsel advises. Legal bills will specifically reference legal costs applicable to enterprise funds or the School Committee.

II. APPOINTMENT OF TOWN COUNSEL

The Board of Selectmen will appoint by majority vote an attorney or law firm, on the basis of qualifications and cost, to serve as Wayland Town Counsel to provide legal advice to the Board of Selectmen, Town Administrator, Town Departments, and other appointed and elected governmental bodies of the Town.

Town Counsel will be available to advise the School Department which may also be represented by separate Counsel appointed by the School Committee.

The Board may, as it sees fit, seek proposals from attorneys and law firms to serve in the capacity of Town Counsel. The Board of Selectmen will approve the contract terms for the engagement of Town Counsel, which will include but not be limited to terms for evaluation, reappointment and removal.

III. ACCESS TO TOWN COUNSEL

All requests for access to Town Counsel from Departments, Boards and Committees shall be approved by the Town Administrator or the Board of Selectmen as indicated below. Except for Town Meeting petitioners, citizen requests for access to Town Counsel are not generally granted.

1. Requests for Advice on Routine Legal Matters

Governmental bodies, municipal officials, and department directors may request advice from Town Counsel on routine legal matters through a written or electronic request to the Town Administrator. The request will include a specific legal question and sufficient background information to understand the request. Such written requests are necessary only for new legal matters and can be waived at the discretion of the Town Administrator. The purpose of this requirement is to use Counsel to respond to legal questions only and to promote the appropriate use of other available

legal resources including but not limited to legal resources available through offices of state government.

2. Requests for Formal Written Legal Opinions

The Town Administrator may request a written legal opinion when necessary to comply with what he or she believes is the general direction of the Board of Selectmen. Other governmental bodies, municipal officials, and department directors may request formal written legal opinions through a written or electronic request to the Town Administrator who shall forward a recommendation on the request to the Board of Selectmen for consideration and approval. The request will include a specific legal question and sufficient background information to understand the request. Requests from governmental bodies for formal written legal opinions must be pursuant to a majority vote of the body.

The formal opinions of the Town Counsel shall be delivered in writing, and a permanent public file of such opinions shall be established under the care of the Town Administrator which, if deemed a public record, shall be made available for inspection to those requesting it.

3. Approval for Representation of the Town in Litigation

Approval of the Board of Selectmen is required to commence, prosecute and defend suits in the name of the Town unless otherwise especially ordered by a vote of the Town.

IV. PETITIONERS' ACCESS TO TOWN COUNSEL

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

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

4. Access to Town Counsel during Town Meeting sessions is not permitted.

V. APPOINTMENT OF SPECIAL COUNSEL

Requests to the Board of Selectmen to seek Special Counsel originate from: 1) the Board of Selectmen, 2) Town Council, 3) the Town Administrator, or 3) other appointed or elected bodies of the Town.

Requests must clearly state:

- 1) the legal work requested,
- 2) the estimated length and costs of the engagement, and
- 3) the reason appointment of Special Counsel is in the best interest of the Town.

The Board of Selectmen will appoint Special Counsel based on a majority vote on the basis of cost and the qualifications to undertake the legal work requested.

Unless specified by the Board of Selectmen, Special Counsel will be advisory to the Board of Selectmen and under the supervision of the Town Administrator or as delegated by the Town Administrator to a Department Head. The Town Administrator will maintain a log of all ongoing legal matters assigned to Special Counsel. Special Counsel will make a report to the Board of Selectmen on the status of each matter as required. Legal bills will be presented in line item form on each subject upon which Counsel advises.

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

940 CMR 29:00 ATTY. GEN'L REGS

29.05: Complaints

- (1) All complaints shall be in writing, using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney General will not, investigate or address anonymous complaints.
- (2) Public bodies, or the municipal clerk in the case of a local public body, should provide any person, on request, with an Open Meeting Law complaint form. If a paper copy is unavailable, then the public body should direct the requesting party to the Attorney General's website, where an electronic copy of the form will be available for downloading and printing.
- (3) For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours. For all other public bodies, the complainant shall file the complaint with the chair of the relevant public body, or if there is no chair, then with the public body. The complaint shall be filed within 30 days of the alleged violation of M.G.L. c. 30A, sec. 18-25, or if the alleged violation of M.G.L. c. 30A, sec. 18-25, could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.
- (4) The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation. If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within 10 business days after he or she receives the request. The public body will then have an additional 10 business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5)..
- (5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(a) and (b), the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.
 - (a) Any remedial action taken by the public body in response to a complaint under 940 CMR 29.05(5) shall not be admissible as evidence that a violation occurred in any later administrative or judicial proceeding against the public body relating to the alleged violation.

(b) If the public body requires additional time to resolve the complaint, it may obtain an extension from the Attorney General by submitting a written request within 14 business days after receiving the complaint. The Attorney General will grant an extension if the request demonstrates good cause. Good cause will generally be found if, for example, the public body cannot meet within the 14 business day period to consider proposed remedial action. The Attorney General shall notify the complainant of any extension and the reason for it.

(6) If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the complainant may file a complaint with the Attorney General. When filing a complaint with the Attorney General, the complainant shall include a copy of the original complaint along with any other materials the complainant believes are relevant. The Attorney General may decline to investigate complaints filed with the Attorney General more than 90 days after the alleged violation of M.G.L. c. 30A, sec. 18-25, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

(7) The Attorney General shall acknowledge receipt of all complaints and will resolve them within a reasonable period of time, generally 90 days. If additional time is necessary to resolve a particular complaint, the Attorney General will notify the complainant and the public body.

(8) If a complaint appears untimely, is not in the proper form, or is missing information, the Attorney General shall return the complaint to the complainant within 14 business days of its receipt, noting its deficiencies. The complainant shall then have 14 business days to correct the deficiencies and resubmit the complaint to the Attorney General. If the deficiencies are not corrected, no further action on the complaint will be taken by the Attorney General.

7) DISCUSS TOWN MEETING
ISSUES

ARTICLE LIST FOR 2016 ANNUAL TOWN MEETING

* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
1	Recognize Citizens and Employees for Particular Service to the Town	Board of Selectmen	C. Karlson	N. Funkhouser	3-0	5-0
2*	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	C. Karlson	N. Funkhouser	4-0	
3*	Current Year Transfers	Board of Selectmen	C. Karlson	N. Funkhouser	4-0	5-0
4*	OPEB Funding	Finance Committee	C. Karlson	G. Cliff	4-0	5-0
5	Establish 53D Recreation Revolving Fund for the Wayland Town Beach	Recreation Commission	J. Nolan	C. Martin	4-0	4-0
6	Establish and Fund a Recreation Stabilization Fund	Recreation Commission	J. Nolan	C. Martin	4-0	3-1
7	Adopt Massachusetts General Laws Chapter 44, Section 53 E ½, Revolving Accounts	Board of Selectmen	C. Karlson	C. Martin	4-0	4-0
8	FY 2017 Omnibus Budget	Finance Committee	C. Karlson	N. Funkhouser	4-0	5-0
9	Accept Gifts of Land	Board of Selectmen	C. Karlson	N. Funkhouser	3-0	5-0
10*	Confirmatory Taking of Newbury Conservation Land	Board of Selectmen/Conservation Commission	M. Antes	D. Watkins	3-0	4-0
11	Streamlining Town Meeting Discussion	Petitioners	M. Antes	G. Cliff	4-0	4-1

ARTICLE LIST FOR 2016 ANNUAL TOWN MEETING

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Article	2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
12	Personnel Bylaws and Wage & Classification Plan	Personnel Board	C. Karlson	N. Funkhouser	4-0	5-0-1
13*	Compensation for Town Clerk	Board of Selectmen	C. Karlson	N. Funkhouser	3-0	4-0
14*	Amend Chapter 145-Inspection, Testing, Maintenance of Private Fire Hydrants	Board of Selectmen	L. Anderson	T. Abdella	4-0	5-1
15	Fund Permanent Reconfiguration of the Intersection of East Plain Street, School Street, and Route 30 (Commonwealth Road)	Board of Public Works	J. Nolan	T. Abdella	3-0	6-0
16	Fund Reconfiguration of the Five Paths Intersection (Cochituate Road and Old Connecticut Path)	Board of Public Works	J. Nolan	T. Abdella	3-0	6-0
17	Authorize the Transfer of 207 and 195 Main Street to Library Trustees, Recreation Commission, and School Committee	Board of Library Trustees, Recreation Commission	J. Nolan	G. Cliff	4-0	3-1
18	Authorize the Transfer of 202 Old Connecticut Path to Library Trustees for Library Use	Board of Library Trustees	J. Nolan	G. Cliff	4-0	4-0
19	Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town Library or Other Town Building	Board of Library Trustees	J. Nolan	G. Cliff		4-0
20	Amend Chapter 36 of Current Bylaws	Petitioners	L. Anderson	G. Cliff	Against 0-4	Against 0-4

ARTICLE LIST FOR 2016 ANNUAL TOWN MEETING

* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
21	Appropriate Funds for Design, Construction Documents and Bidding for a Proposed Council on Aging/Community Center at Wayland Town Center	Board of Selectmen/Council on Aging Community Center Advisory Committee	M. Antes	B. Steinberg	4-0	3-1
22	Funding to Design a Multi-Purpose, Rectangular, Artificial Turf Field 207 & 195 Main Street, also Known as the Former DPW Site	Recreation Commission	J. Nolan	C. Martin	No Position	Against 0-5
23*	Accept Modified Route 30 and 27 Intersection as a Town Way	Board of Public Works	J. Nolan	T. Abdella	3-0	6-0
24*	Set Aside Community Preservation Funds for Later Spending	Community Preservation Committee	M. Antes	D. Watkins	4-0	4-0
25*	Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund	Community Preservation Committee	M. Antes	D. Watkins	4-0	4-0
26	Appropriate Funds to Restore Monuments at North Cemetery	Community Preservation Committee	M. Antes	D. Watkins	4-0	6-0
27	Appropriate Funds to Restore Cochituate Town Clock	Community Preservation Committee	M. Antes	D. Watkins	4-0	5-1
28	Vote to Appropriate Funding for New Minuteman High School	Board of Selectmen	L. Anderson	C. Martin	No position	No position

ARTICLE LIST FOR 2016 ANNUAL TOWN MEETING

* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
29	Appropriate Funds to Purchase Conservation Restriction on Mainstone Farm – CPA and General Borrowing	Community Preservation Committee	M. Antes	D. Watkins	4-0	4-0
30	Clarify Petitioner Access to Town Counsel	Petitioners	J. Nolan	G. Cliff	Against 0-4	Against 0-4
31	Fund Glezen Lane Traffic Control Measures	Board of Selectmen	C. Karlson	B. Steinberg	3-0-1	3-3
32*	Rescind Authorized but Unissued Debt	Board of Selectmen	C. Karlson	N. Funkhouser	4-0	4-0
33*	Transfer Custody of Small Portion of Lakeview Cemetery	Board of Public Works	J. Nolan	C. Martin	3-0	4-0
34*	Accept Law Increasing Real Estate Tax Exemption Amounts	Board of Selectmen	L. Anderson	N. Funkhouser	3-0	6-0
35*	Hear Reports	Board of Selectmen	C. Karlson	N. Funkhouser	3-0	5-0
36*	Choose Town Officers	Board of Selectmen	C. Karlson	N. Funkhouser	3-0	5-0
37*	Sell or Trade Vehicles and Equipment	Board of Selectmen	J. Nolan	N. Funkhouser	3-0	5-0

ARTICLE LIST FOR 2016 ANNUAL TOWN MEETING

* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	PULLED 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
Q	Petition the State Legislature to Remove All Police Personnel from the Provisions of Civil Service Without Affecting the Civil Service Rights of Incumbents	Board of Selectmen	C. Karlson	T. Abdella	4-0	6-0
R	Petition the State Legislature to Adopt Special Act for Other Employment Benefits Trust Funds and Repeal Existing OPEB Trust Fund Special Act	Board of Selectmen	C. Karlson	G. Cliff	No position	
F	Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials	Board of Selectmen	C. Karlson	C. Martin		
W	Preservation of Historically Significant Buildings Through Demolition Delay	Historical Commission	M. Antes	D. Watkins	3-0	Against 0-2
EE	Regulating Temporary Signs Within Town-Owned Rights of Way	Board of Public Works	M. Antes	T. Abdella	Against 0-3	Against 0-6
H	Home Occupation	Planning Board	L. Anderson	B. Steinberg		
JJ	Assisted/Independent Living and Nursing Home	Planning Board	L. Anderson	B. Steinberg		
KK	Landscaping in Parking Areas Zoning Bylaw	Planning Board	L. Anderson	B. Steinberg		Against 1-3

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Article	PULLED 2016 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
LL	Building Height	Planning Board	L. Anderson	B. Steinberg		3-1
MM	Sidewalk Construction in Roadside, Business Districts A and B, Light Manufacturing and Limited Commercial of the Zoning Bylaw	Planning Board	L. Anderson	B. Steinberg		
NN	Conservation Cluster Developments	Planning Board	L. Anderson	B. Steinberg		
SS	Appropriate Funds to Purchase Conservation Restriction on Mainstone Farm — CPA Only	Community Preservation Committee	M. Antes	D. Watkins		
UU	Amend Chapter 36 of the Town Bylaws Relative to Time for Debate at Town Meetings	Petitioners	M. Antes	G. Cliff		3-1

8) PROPOSED BOS MEETINGS
MARCH - JUNE 2016

365 January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
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31						

365 February 2016

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365 March 2016

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365 April 2016

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365 May 2016

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365 June 2016

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365 July 2016

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365 August 2016

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365 September 2016

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365 October 2016

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365 November 2016

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365 December 2016

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- 1 Jan New Year's Day
- 18 Jan Martin Luther King Day
- 9 Feb Mardi Gras Carnival
- 12 Feb Lincoln's Birthday
- 14 Feb Valentine's Day
- 15 Feb Presidents Day
- 13 Mar Daylight Saving (Start)

- 17 Mar St. Patrick's Day
- 25 Mar Good Friday
- 27 Mar Easter
- 28 Mar Easter Monday
- 1 Apr April Fool's Day
- 5 May Cinco de Mayo
- 8 May Mother's Day

- 15 May Pentecost
- 16 May Pentecost Monday
- 21 May Armed Forces Day
- 30 May Memorial Day
- 14 Jun Flag Day
- 19 Jun Father's Day
- 4 Jul Independence Day

- 5 Sep Labor Day
- 11 Sep September 11th
- 17 Sep Citizenship Day
- 23 Sep Native American Day
- 10 Oct Columbus Day
- 15 Oct Sweetest Day
- 17 Oct Boss's Day

- 31 Oct Halloween
- 6 Nov Daylight Saving (End)
- 11 Nov Veterans' Day
- 24 Nov Thanksgiving
- 7 Dec Pearl Harbor
- 25 Dec Christmas Day
- 31 Dec New Year's Eve

Calendar & Holidays

2016

Calendar-365.com

4/22-4/30
PASSOVER

10/11 + 10/12 -
YOM KIPPUR
10/3 Rosh Hashana begins

3-7-16

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING MARCH 4, 2016**

LIBRARY ARTICLE: \$57,000 PILOB ARTICLE

Next week, the Building Commissioner, Health Director and Facilities Director will meet to review potential wastewater capacity needs for a proposed Library expansion and buildings that might be constructed on the Municipal Pad.

WWMDC

I am beginning work with the WWMDC to address current issues and develop a structure to provide professional resources to develop policies and procedures. The following will be discussed at next week's WWMDC meeting:

1. Betterment billing and accounting / Financial analysis
2. Review of allocations for Town Center
3. Process for assigning design flows
4. Close-out status of the WWTP Project.
5. Administration of the WWMDC

APPLICATION FOR MA HISTORIC PRESERVATION GRANT FOR STONE'S BRIDGE ARCH PROJECT

On March 21st the Board will be asked to vote its support for a grant application for this project. The information is provided for your review --- If you have questions please let me know. The documents are due to MHC on March 23rd.

MEMO

**TO: Board of Selectmen
Nan Balmer, Town Administrator**

**FROM: Elisa Scola, Historical Commission Chair, Community Preservation Committee Member
Gretchen Schuler, Community Preservation Committee Chair**

DATE: March 2, 2016

RE: Stone's Bridge

As perhaps you recall, last year after allocating \$480,000 to stabilize and preserve two arches of Stone's Bridge, the Historical Commission on behalf of the town applied for Massachusetts Preservation Projects Fund (MPPF) administered by the Massachusetts Historical Commission (MHC). It was a rushed process and there were certain parts of the application that remained unfinished. However we are into a new year and hope to be more ready. The first step is for you to send a letter of support of the National Register nomination for the bridge. This is a prerequisite of applying for MPPF. The nomination application was submitted in early February. A draft letter of your support is attached.

We will recycle the application from last year and also the various letters that your board and others needed to sign in order for us to apply. This memo outlines the information and requests two votes of the Board.

- 1) Vote to agree to apply a preservation restriction on the bridge that will run with the deed should we be awarded the grant and sign Statement of Intent (draft attached);
- 2) Designate by way of vote that Nan Balmer as Town Administrator is authorized to:
 - a) sign contracts with the MHC if awarded this grant and;
 - b) sign a preservation restriction, if awarded this grant.
- 3) Include a letter of support of preservation of Stone's Bridge with application (draft attached).

MPPF is a matching grant program for construction projects that preserve historic resources listed in the State Register of Historic Places. (This qualification is being pursued through National Register listing.) Grant requests can be up to \$100,000 as long as there are matching funds. CPA Funds qualify as a match.

In order to apply for MPPF there are several approvals and signatures required that will need your attention. The owner of the property –the Board of Public Works – will be requested to sign the application as owner. In addition they must agree to enter into a Preservation Restriction in perpetuity on the resource that is being preserved with MPPF dollars. The Preservation Restriction is recorded in accordance with MGL Chapter 184, Sections 30-33 (the

same law governing Conservation Restrictions). In this instance the MHC would hold the restriction and the purpose is to protect the public investment in the resource. Upon guidance from Town Attorney Lanza, the Board of Selectmen must agree to apply a preservation restriction to the Bridge. You can authorize Nan to sign the agreement but the original authority must begin with the Board.

The application also requires names and signatures of:

- 1) Project Contact – Local Project Coordinator – (Steve Kadlik)
- 2) Authorization name – a person who will prepare project reports and is authorized to execute contract with MHC, oversee procurement, enter into contracts, and sign preservation restriction. – (Nan Balmer and Stephen Kadlik)
- 3) Certificate of Authorization – a person who certifies the authority of the person signing contracts and signing preservation restriction. (Beth Klein, Town Clerk)
- 4) Legal Opinion prepared by attorney about ownership of property and that a deed restriction can be recorded at the Registry of Deeds. (Mark Lanza)

The applications are due Wednesday March 23, 2016. Awards are named June 8th. Work must be completed by June 30, 2017. Design and engineering fees are not included and all work is reimbursed after completed.

Thank you for your attention to this project.

Attachments and Links:

- Draft Letter of Support for National Register Nomination
- Draft Statement of Intent and letter of support to accompany application (in one electronic file)
- MPPF Application Form <http://www.sec.state.ma.us/mhc/mhcpdf/MPPF/MPPF-Round-22-Application.pdf>
- MPPF Application Instructions (Sample Preservation Restriction included in Appendix C) <http://www.sec.state.ma.us/mhc/mhcpdf/MPPF/MPPF-Round-22-Instructions.pdf>

LETTER IN SUPPORT OF PRESERVATION OF STONE'S BRIDGE

May 11, 2015

Brona Simon, Executive Director and SHPO, MHC
Massachusetts Historical Commission
220 Morrissey Blvd
Boston, MA 02125

Dear Ms. Simon:

The Wayland Board of Selectmen fully supports the project to restore Stone's Bridge located across the Sudbury River off of Old Stonebridge Road in Wayland. The bridge is located at an historically significant crossing that is part of the Knox Cannon Trail commemorating General Knox's passage through Wayland, then part of Sudbury. The Town also has plans to purchase the abutting property at 246 Old Stonebridge Road to create a conservation area along the Sudbury River. The historic Stone's Bridge is an integral part of the plan as it creates a focus for sight seers and an additional way of enjoying the river.

Sincerely,

Cherry Karlson
Wayland Board of Selectmen, Chair

STATEMENT OF INTENT LETTER

May 12, 2015

Brona Simon, Executive Director and SHPO, MHC
Massachusetts Historical Commission
220 Morrissey Blvd
Boston, MA 02125

Dear Ms. Simon:

On behalf of the Town of Wayland, I by this letter and as owners of record, confirm our intention to record a permanent Preservation Restriction and maintenance agreement on Stone's Bridge in Wayland, should we be awarded a grant from the Massachusetts Preservation Project Fund. The Preservation Restriction shall be recorded under the provisions of M.G.L., Chapter 184, Sections 31-33. There is no mortgage on the property.

The Board of Selectmen voted x-x-x in favor of this action at its meeting on May 11, 2015.

Sincerely,

Cherry Karlson
Chair, Board of Selectmen

DATE:

Betsy Friedberg, Director of National Register Program
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

RE: Stone's Bridge, Wayland/Framingham National Register Nomination

Dear Ms. Friedberg,

The Wayland Board of Selectmen would like to express its support for the National Register nomination application for Stone's Bridge that was submitted to your office by Gretchen Schuler on behalf of the Wayland Historical Commission. We are part owners of the bridge along with the Town of Framingham and as the elected officials of Wayland approve listing of Stone's Bridge in the National Register of Historic Places.

Thank you for your attention to this matter.

Sincerely yours,

Cherry Karlson, Chair
Wayland Board of Selectmen

cc: Elisa Scola, Chair, Wayland Historical Commission
Charles Sisitsky, Chair, Framingham Board of Selectmen
Fred Wallace, Chair, Framingham Historical Commission



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, March 7, 2016
Wayland Town Building
Selectmen's Meeting Room
CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Letters to Legislators and Baker Administration regarding State Energy Programs
3. Vote the Question of Approving the Authorization for the Wayland Police Chief to Expend the \$500 Gift from the Wayland Senior Citizens Club to Promote Public Safety
4. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through February 29, 2016: \$9,746.82
5. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through January 31, 2016, Invoice 173, Account 5673-01M: \$2,869.72



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BOARD OF SELECTMEN

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CHERRY C. KARLSON
JOSEPH F. NOLAN

March 7, 2016

Representative Alice Hanlon Peisch
State House
Room 473G
Boston MA 02133

Dear Representative Peisch:

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 earn utility credits that we can apply against our power bills. By giving value to solar's environmental benefits received by all citizens in the Commonwealth, the SREC incentives make our solar projects still more affordable.

The success of these programs has created a crisis that may hurt 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 non-residential scale 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, may not be able to go forward due to the SREC incentive cap having been reached.

This will not just be Wayland's loss. All non-residential projects in in the state not already qualified for the SREC incentive are stalled. Towns, houses of worship, non-profits, low-

income building authorities, private employers, and ratepayers in community solar projects everywhere are affected. Existing trades jobs are in jeopardy, 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 lowering the costs for ratepayers.

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

Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea T. Anderson

Joseph F. Nolan



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BOARD OF SELECTMEN

LEA T. ANDERSON
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CHERRY C. KARLSON
JOSEPH F. NOLAN

March 7, 2016

Senator Richard Ross
State House
Room 419
Boston MA 02133

Dear Senator Ross:

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.

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

Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea T. Anderson

Joseph F. Nolan



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CHERRY C. KARLSON
JOSEPH F. NOLAN

March 7, 2016

Representative Carmine Gentile
State House
Room 39
Boston MA 02133

Dear 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.

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

Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea T. Anderson

Joseph F. Nolan



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JOSEPH F. NOLAN

March 7, 2016

Governor Charlie Baker
Massachusetts State House
Office of the Governor
Room 280
Boston MA 02133

Dear Governor Baker:

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.

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We ask your assistance and support for two immediate actions:

1. Implementation by the Massachusetts Department of Energy Resources (DOER) of an immediate emergency increase to the SREC incentive program, and a speeding of development of a successor SREC incentive program;
2. Encouraging the legislature to pass an omnibus energy bill to require development of a balanced plan for future solar incentives that enables the Town of Wayland, its residents, and others throughout the Commonwealth to lower their energy costs through solar deployment, while lowering the costs for ratepayers.

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

Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

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March 7, 2016

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Beaton:

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.

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Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea T. Anderson

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JOSEPH F. NOLAN

March 7, 2016

Judith Judson, Commissioner
Massachusetts Department of Energy Resources
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Commissioner Judson:

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.

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

Respectfully,

Board of Selectmen

Cherry C. Karlson, Chair

Mary M. Antes, Vice Chair

Lea T. Anderson

Joseph F. Nolan



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

2/26/2016

To: Ms. Nan Balmer, Town Administrator

From: Robert Irving, Chief of Police

Subject: Wayland Senior Citizens Club Donation

Please be advised the Wayland Senior Citizens Club has donated \$500 to the Wayland Police Department. These funds will be placed in the Wayland Police Gift Account and will be used to promote public safety in our community.

RECEIVED

FEB 26 2016

Board of Selectmen
Town of Wayland

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

INVOICE - TOWN OF WAYLAND - 2/29/2016

SUMMARY

FEE CALCULATION: 59.1 HOURS X \$160.00 PER HOUR =	\$ 9,456.00
DISBURSEMENTS (See below for detail)	290.82
TOTAL 2/29/16 INVOICE.....	<u>\$ 9,746.82</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$ 9,746.82</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T	<u>0.00</u>

DISBURSEMENTS

2/2016	Postage	18.32
2/2016	FAXing (978) 369-9916 & (978) 261-5034	0.00
2/2016	Copying	19.50
2/11/16	Mileage: 44 @ \$.50 =	22.00
2/11/16	Parking	34.00
2/11/16	Tolls	5.00
2/19/16	Mileage: 44 @ \$.50 =	22.00
2/19/16	Parking	15.00
2/19/16	Tolls	5.00
2/19/16	Recording Fee	150.00
Total Disbursements		<u>\$290.82</u>

DEUTSCH WILLIAMS BROOKS
DeRENSIS & HOLLAND, P.C.
ONE DESIGN CENTER PLACE, SUITE 600
BOSTON, MASSACHUSETTS 02210-2327
(617) 951-2300
Fax (617) 951-2323

RECEIVED

FEB 24 2016

Board of Selectmen
Town of Wayland

INVOICE FOR LEGAL SERVICES

Town of Wayland
Town Building
41 Cochituate Rd.
Wayland MA 01778

Page 1
02/18/2016
Account No. 5673-01M
Invoice No. 173

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	2,869.72
BALANCE DUE	<u>\$2,869.72</u>



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

**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED
TO THE BOARD OF SELECTMEN FROM FEBRUARY 26,
2016, THROUGH AND INCLUDING MARCH 3, 2016,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR MARCH 7, 2016**

Items Distributed To the Board of Selectmen – February 26-March 3, 2016

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meeting of February 29, 2016**

1. Memorandum of 3/2/2106 from Petitioners to Board of Selectmen re: Streamlining Town Meeting Discussion
2. Massachusetts Municipal Association Best Practices Series, January 2016, Fiscal Policy Committee, Municipal Reserves
3. Revision of Article 30, Annual Town Meeting, Appropriate Funds to Purchase Conservation Restriction on Mainstone Farm
4. Revision to Article Z: Sewer Capacity for Library
5. Email of 2/29/16 from Wayland Real Asset Planning (WRAP) Committee to Board of Selectmen re: Annual Town Meeting 2016 Articles
6. Open Meeting Law Complaint filed February 26, 2016, from George Harris, re: Public Notice of Executive Session, February 1, 2016
7. FY17 Budget for Adoption by Finance Committee, February 29, 2016

**Items Included as Part of Agenda Packet for Discussion During the March 7, 2016,
Board of Selectmen's Meeting**

1. Draft Letter of 3/3/16 from Board of Selectmen to Mass Highway, prepared by Police Chief Robert Irving, re: Speed Limit on Stonebridge Road
2. Open Meeting Law Complaint filed February 26, 2016, from George Harris, re: Public Notice of Executive Session, February 1, 2016
3. Board of Selectmen Legal Affairs Policy
4. Open Meeting Law Complaint Regulations
5. Article List for 2016 Annual Town Meeting
6. Proposed Meeting Schedule, Board of Selectmen
7. Town Administrator's Report for the Week Ending March 4, 2016



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

TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, March 7, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Wayland Police Department Press Release, February 26, 2016, Underage Compliance Checks
2. Open Meeting Law Complaint filed February 26, 2016, from George Harris, re: Public Notice of Executive Session, February 1, 2016
3. Monthly Report, Animal Control, February 2016
4. Director of Public Health Report, February 24, 2016

Minutes

5. Council on Aging/Community Center Advisory Committee, August 19, 2015, October 29, 2015, February 4, 2016
6. Personnel Board, December 15, 2015, January 11, 2016, February 11, 2016

1

RECEIVED

FEB 26 2016

Board of Selectmen
Town of Wayland

Wayland Police Department

Press Release

February 26, 2016

On Thursday, February 25, 2016, the Wayland Police Department conducted underage alcohol compliance checks of local establishments that sell/serve alcoholic beverages. Two underage individuals, aged 20, were sent into establishments with instructions to attempt to purchase alcohol without showing any identification.

Two (2) of the fifteen (15) establishments checked sold alcohol to the underage individual(s); The Coach Grill Restaurant, 55 Boston Post Road and Post Road Liquors, 44 Boston Post Road. These establishments will be referred to the Board of Selectmen, the liquor licensing authority for the town, for a hearing. The Coach Grill Restaurant also did not have their TIPS (Training for Intervention Procedures) roster on premises. Post Road Liquors is currently on probation for a similar violation that occurred there in November of 2014.

The Wayland Police Department regularly conducts both alcohol and tobacco compliance checks at local businesses in an effort to reduce the underage consumption of alcohol and tobacco products.

2



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: 5083582379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

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

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

Date of alleged violation: Feb. 1, 2016

Description of alleged violation:

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

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

Please see attached statement with exhibits.

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

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

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

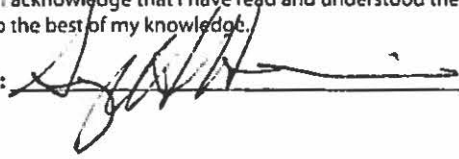
II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: Feb. 26, 2016
For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:

OPEN MEETING LAW COMPLAINT

According to the public notice for the February 1, 2016 meeting of the Wayland Board of the Selectmen (Board), an executive session was held "pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding" seven identified cases. See Exhibit 1 attached hereto. More specifically, the Board met, as it does twice a year, to obtain "an update from Town Counsel on all legal cases involving town entities. This is to keep the [Board] informed and provide oversight on our legal expenses." See Exhibit 2 attached hereto (February 24, 2016 email from Board Chair Cherry Karlson).

For three of these seven cases (namely, 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, and West Beit Olam Corporation v. Board of Assessors), neither the Board nor the Town of Wayland (Town) is a named party. Nor does the Board or Town have a "litigating position" to protect in any of these three cases. Therefore, the Board's discussion of these cases in executive session constituted violations of the Open Meeting Law. See G. L. c. 30A, § 21(a)(3); Collins v. Wayland Bd. of Selectmen, 31 Mass. L. Rptr. No. 8, 189, 191-192 (2013).

The proper procedure would have been for the Board to participate in an executive session called by the appropriate public body defendant, pursuant to Section 21(a)(3).

ACTIONS REQUESTED

1. The Board shall release that portion of its February 1, 2016 executive session minutes documenting discussion of the above three subject cases.
2. At a public meeting, the Board shall acknowledge and explain its violations of the Open Meeting Law.



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 H. ANTES
CHERRY C. KARLSON
JOSEPH F. NOLAN

EXHIBIT 1

BOARD OF SELECTMEN
Monday, February 1, 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.

- 6:00 pm 1.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission, Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, Frishman V. Lanza, et al, and West Beit Olam Corporation v. Board of Assessors
- 6:45 pm 2.) Call to Order by Chair
- Announcements; Review Agenda for the Public
- 6:47 pm 3.) Public Comment
- 7:00 pm 4.) Special Town Meeting Warrant Hearing
- 7:20 pm 5.) Discuss Petitioners' Request for Information for Town Meetings
- 7:25 pm 6.) Update on February Special Town Meeting Logistics
- 7:30 pm 7.) Discuss FY17 Budget Requests: IT and Facilities
- 7:45 pm 8.) Report from WayCAM, Interview and Appointment of Jonathan Ward to the WayCam Board of Directors as the Representative of the Board of Selectmen
- 8:15 pm 9.) Meet with Town Treasurer:
- Vote to Award Bonds
 - Vote to Refund/Refinance Debt
 - Vote to Recommend Annual Town Meeting Article L: Rescind Debt
 - Update (RFP, Tax Liens, Cash Reconciliation)
- 8:45 pm 10.) Discuss and Vote Positions on Annual Town Meeting Articles, Including:
- Identify Abbreviated Motion Articles
 - (P) Fund Glezen Lane Traffic Control Measures
 - (S) Adopt Massachusetts General Laws Chapter 44, Section 53 E 1/2, Revolving Accounts

EXHIBIT 2

Subject: FW: Open Meeting Law Question
From: "Karlson, Cherry" <ckarlson@wayland.ma.us>
Date: 2/24/2016 6:30 AM
To: "geoharris2@gmail.com" <geoharris2@gmail.com>
CC: "Balmer, Nan" <nbalmer@wayland.ma.us>

George,

Twice a year the BoS gets an update from Town Counsel on all legal cases involving town entities. This is to keep the BoS informed and provide oversight on our legal expenses. I agree with your statement that the BoS may not be a named party in each case, but an entity/board of the Town is a named party in each of the cases for which we went into executive session that evening.

We last received an update in July 2015.

Also, this is my email account for town business. My comcast email is for my personal use. Old habits die hard (and email programs make it harder), but please use this account for town business.

best,
Cherry

The Secretary of State's office has determined that most emails to and from municipal officials are public records. Consequently, confidentiality should not be expected.

From: Cherry Karlson [cckarlson@comcast.net]
Sent: Wednesday, February 24, 2016 6:20 AM
To: Karlson, Cherry
Subject: Fwd: Open Meeting Law Question

Begin forwarded message:

From: George Harris <geoharris2@gmail.com<mailto:geoharris2@gmail.com>>
Subject: Open Meeting Law Question
Date: February 24, 2016 at 12:37:17 AM EST
To: Cherry Karlson
<cckarlson@comcast.net<mailto:cckarlson@comcast.net>>
Cc: "Balmer, Nan" <nbalmer@wayland.ma.us<mailto:nbalmer@wayland.ma.us>>

Cherry,

On Feb. 1, 2016 the BOS met in executive session to discuss several legal cases in which neither it nor the Town is a party. How do you justify doing so? I realize this is not the first time the BOS has done so.

TOWN OF WAYLAND
MONTHLY SUMMARY REPORTS
FEBRUARY, 2016

3

TOTAL NUMBER CALLS HANDLED 48

# Complaint Calls	4
# Lost Dog Calls	5
# Lost Cat Calls	
# Other Cat related calls	1
# Animal / Wildlife Calls	6
# Miscellaneous Calls	25

TOTAL # ANIMALS PICKED UP

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

TOTAL # HUMAN BITE CALLS

TOTAL # ANIMAL -> ANIMAL BITE

10 Day Quarantine Order -Human Bite	Issued 0 / Released 0
10 Day Quarantine Order -Animal Bite	Issued 1 / Released 1
45 Day/6 Month Quarantine Orders	Issued 1 / Released 2

TOTAL # CITATIONS ISSUED

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

**# ANIMALS SUBMITTED TO STATE LAB FOR
RABIES TESTING**

NONE

Submitted by:
Jennifer Condon
Animal Control Inspector/Officer

Wayland Board of Health
Director's Report
February 24, 2016

Septic work and building approvals- due to the mild weather for this time year we have continued to receive soil testing appointments and field work has also continued. We also have had numerous meetings with residents to provide guidance for potential home renovations/septic projects.

PHN/Nurse Leader update- As mandated by the MDPH, Flu clinic related Mass Immunization Information System (MIIS) data entry is complete including verifying all data prior to submission. Tax work-off assistance was able to complete a large amount of this work, and some of the work involved paid staff time in order to complete the submission to the state. We are in the process of determining how this process will continue to be supported next flu season; specifically regarding required skill sets, hours of work, and continuity. New Physician for the Schools-Ruth is also working on a correspondence to the BoH regarding the Board's involvement with the process for appointing a new physician for the schools. More information will be forthcoming soon from Ruth to the Board.

Town center flows-Department staff has continued to assist/attend meetings and spend a good amount of time with the Building Commissioner and the Town Administrator to review the assigned flows associated with Town Center establishments in order to verify they were earmarked correctly using the State Title 5 Regulations. We will be using a checklist for change in use requests to track Health Department verification of the Title 5 flow. The form will go to WWMDC for their management/oversight of the aggregate wastewater flow for Town Center/the Wastewater treatment plant prior to submission to the building department. At some point the designed/permitted septic system for Town Center will/may need to be installed. Vaccine refrigerator backup batter-Ruth is also still working on obtaining the grant money that was earmarked to pay for a backup battery for the vaccine refrigerator (for during power outages), we are awaiting MDPH approval.

Town owned land-Office staff received a request for our input/information regarding 2 parcels of town owned land that a resident is interested in purchasing. A report was provided to Financial Analyst Beth Doucette and a copy provided to the BoH.

Meeting on Carport Solar Panels project –Office staff attended a meeting along with other key town officials to review the carport solar panels projects including the DPW solar panels

Management Conference-I attended a well presented management conference where several different workshops were presented related to office management and leadership skills.

Office construction- construction for office improvement has been ongoing for the past couple of weeks in my office, I have been conducting business in the middle of the

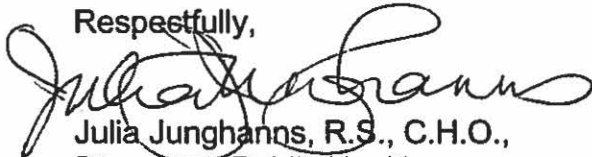
department and will continue to do so until it is completed. We are very pleased with the new space and I hope to move in to the new office on Tuesday.

Wrap Committee-We received a request from the Wayland Real Asset Planning Committee to provide information related to BoH/Health Department issues regarding several properties in preparation for Town Meeting. I will be pulling information together for BoH review.

Power outages and Food Safety-as a result of the power outages from a recent Friday storm Food Inspector Beth Grossman and I conducted Saturday inspections of various food establishments to ensure safe food handling and that emergency plans were being followed.

Department meetings-we are continuing to hold regular department meetings to plan for our Department Assistant being out for medical leave in early May as well as other projects/initiatives that need follow-up.

Respectfully,



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

COA / COMMUNITY CENTER ADVISORY COMMITTEE

Wednesday, August 19, 2015

Record of Gathering

7:00 PM at Town Building

Present: Jean Milburn, Bill Sterling, Mark Forman,

Staff: Julie Secord, Ben Keefe.

Public: Linda Segal

There were only 3 committee members present. We were unable to deliberate or vote. We conversed about topics of interest Ben Keefe described to us the municipal processes to be followed to complete the Phase I Environmental. We looked at a site plan diagram and talked about whether it could be made more informative and useful to the public. We talked about how we might approach preparing a good warrant article. We spent some time sharing background information with new member Mark Forman

Linda Segal made a point of order, suggesting that we not continue because there was not a quorum. This conversation was recorded by WAYCAM and is available to the public. Since no further committee members appeared within a reasonable period of time, the meeting was not held.

The next meeting is Monday

The Agenda below was postponed until then.

Public Comment

Members' Response to Public Comment (7:05pm)

Review meeting notes with motion to accept (7:10pm)

Review site engineering & alternative site analysis services (7:25pm)

[Review the results of the Phase I report & additional testing by CMG (7:30 PM)

Consider voting to proceed with archeological services funding request from CPC (8:15 PM)

Draft Warrant for Town Meeting Article (8:30 PM)

Report on site demonstration event planning for October 3 (8:45 PM)

Topics not reasonably anticipated by the co-chairs 48 hours in advance of the meeting, if any. (9:00pm)

Establish date/time schedule for subsequent meetings. (9:10pm)

Adjourn (9:15 PM)



Town of Wayland Massachusetts

Council on Aging/Community Center Advisory Committee

Bill Sterling, co-chair

Jean Milburn, co-chair

Steve Corriea

Carol Glick

Frank Krasin

Marylynn Gentry

Mark Foreman

Minutes – Thursday, October 29, 2015

The meeting was called to order at 7:00 p.m. by Bill Sterling in the Town Building.

1. Public Comment: Linda Segal, Andy Irwin.

- a. Andy Irwin. Mr. Irwin stated that he wished to speak about his concerns related to the environmental testing done on the “municipal pad” site. He described his meeting with the LSP, Ben Gould, this summer. Mr. Irwin is an LSP and has served as Chairman of Wayland’s Conservation Commission. Mr. Irwin described his suggestions for additional testing, which he believes would offer the Town better information and a better understanding of potential liability for environmental clean up on the site. Mr. Irwin stated that the testing done to this date, which involves the top 4” of soil on the site is not sufficient for a site that has been disturbed so thoroughly. His recommendations include testing in the ranges up to 2 feet below current soil levels. He is especially concerned that such testing be done so that the BOS could purchase suitable environmental liability insurance if they chose to do so. He stated that the testing already completed gives a 95% confidence level that the top 4” do not have reportable levels of pollutants but gives no information about the conditions of deeper soils.
- b. Linda Segal. Ms. Segal has obtained a packet of documents from the town administrator through submission of a public records request for copies of all correspondence between the LSP Ben Gould and the Town Administrator. She is concerned about a document written by Ben Gould to Nan Balmer dated August 31, 2015. She stated that she believes that the regimen of testing proposed in that document should be done.

2. Members’ Response to Public Comment

- a. Steve Correia discussed the unique nature of each environmentally challenging piece of land that the town has worked with in the past. For example, while the town gained experience through handling the former Dow and Nike sites, there is no expectations that site conditions will be the same between sites.
- b. Bill Sterling indicated that the committee has already used the budget for environmental testing allocated to it by Town Meeting. So, CoA/CCAC does not have further testing funds.



Town of Wayland Massachusetts

3. Review minutes of previous meetings.
 - a. February 12, 2015
 - i. Corrections – typographic errors.
 - ii. Bill Sterling made the motion to approve. Steve made the second. The motion passed. 4-0-3. Abstentions from members who were not present at that meeting, Marylynn Gentry, Carol Glick, Mark Foreman.
 - b. September 17, 2015
 - i. Corrections included typos and spelling corrections, and, corrections to the series of Roman Numerals.
 - ii. Jean Milburn made the motion to accept the minutes as corrected. Mark made the second. Approved. 4-0-2
 - c. October 1, 2015
 - i. Corrections-None.
 - ii. Steve made the motion to accept. Carol made the second. Approved 4-0-1
 - d. October 14 Minutes
 - i. Corrections. Regarding those present at meeting, delete Marylynn and add Carol. In last paragraph, replace reference to 20 Wayland with Raytheon.
 - ii. Bill made the motion to accept the minutes as corrected. Steve made the second. Minutes approved 4-0-1.
4. Review preparation for Town Meeting
 - a. Discussion of slide selection for presentation at Town Meeting. We have not been informed if the Moderator will impose a limit on the number of slides. We will attempt to select those slides that will be most helpful to the voters. Most important is a very clear map, since the map image in the warrant is hard to see. Image should include the riverfront line, the 200' setback line, and anything else that Con Com deems important.
 - b. Handout contents need to be decided.
 - c. Mark and Steve will work to select some slides for us to discuss at the next meeting.
 - d. Consider using a slide that shows all the options that BOS has to limit the Town's exposure to any future liability related to the condition of the land and building.
 - e. Are we at risk of losing the extra land that 20 Wayland has offered? They are only contractually obligated to give us the smaller, 2-acre portion. Answer unknown.
 - f. Consider if voters would like to see the drone video of the land.
 - g. Mark has agreed to make the presentation at TM after introduction by Mary Antes.
5. Review latest reports from consultants.
 - a. We have received a memorandum from PAL dated October 23, 2015. It reports on archeological conditions on the site and recommends appropriate actions that can be taken during any future development to assure that any assets uncovered are properly examined and documented.
 - b. If the land becomes municipal land, the Town will be obligated to do the recommended study.



Town of Wayland Massachusetts

- c. Marylynn made a motion to accept the report.

6. Review invoices from consultants and expenses
 - a. CMG has submitted an invoice. The total amount is \$3,070.
 - i. Bill made a motion to pay the invoice. Steve seconded. Approved 5-0.
 - b. Ben Gould, LSP, submitted change order #3 for attending meetings at a rate of \$115. Per hour. He anticipates additional costs of approx. \$2,500. through TM. We'll need to inform BoS.

7. Topics not reasonably anticipated by the co-chairs 48 hours in advance of the Meeting
 - a. BOH has asked that members of our committee attend their meeting next Wednesday. We will suggest that they send a representative to our meeting on Thursday.
8. Establish date/time schedule for subsequent meetings.
 - a. We will meet next Thursday.
9. Adjourn
 - a. Bill made the motion to adjourn. Mark made the second. Approved 5-0.

Submitted by Jean Milburn



Town of Wayland Massachusetts

Community Center Advisory Committee

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

Community Center Advisory Committee (CCAC)

Minutes: February 4, 2016

In attendance: Steve Correia, Frank Krasin, Carol Glick, Mark Foreman, Bill Sterling and Marylynn Gentry. Also in attendance were Public Buildings Director Ben Keefe and COA Director Julie Secord

The meeting was called to order at 8:05 when a quorum was established.

1. There was no public comment

2. Julie Secord still needs to meet with Jessica Brodie regarding programming. Recreation programming needs remain to be clarified. There is an effort to find overlap areas between the two uses. Kang and Associates were able to reduce the square footage from 25,500 sf to 21,184 sf of total gross area. The target is 21,500 sf.

The WRAP committee mentioned that some green space would be desirable in front of the building for activities, but perhaps the town green could serve that purpose.

3. The committee reviewed the Tighe and Bond submittal. Prior to the meeting, Bill had previously reviewed a full build-out plan, (25,000 sf) with Tighe and Bond that reduces parking from 100 to 84 spaces. The consultants had good comments and valid points with respect to the Conservation Commission permitting requirements. Tighe and Bond submitted an information packet to the ConComm on February 3, so we will be on the agenda for their next meeting, scheduled for Wednesday, February 10. Marylynn will try to schedule a meeting with Tighe and

Bond and Brian prior to the 2/10 meeting for feedback.

Parking was discussed with respect to zoning. It is unclear what the requirements are because the site is in an overlay district. Bill will look at regular zoning regulations to see what the norm is for parking spaces with respect to different building sizes.

4. Bill reviewed the list of outstanding minutes. Missing minutes include 8/19/15 (Jean), 8/24/15 (unclear who was assigned to take minutes during that meeting), 9/24 (meeting was cancelled so no minutes were submitted), 10/22 (public forum, Marylynn gave her notes to Mark and he will write something up), 10/29/15 (Jean), 12/3/15 (Carol), and 1/21/16 (Mark)

The minutes of the 1/5/16 meeting were reviewed. It was moved and seconded to accept the minutes as submitted. Vote was 6-0 unanimous.

The minutes of 1/28/16 were reviewed. It was moved and seconded to accept the minutes as submitted. Vote was 6-0 unanimous. Bill will file both sets of minutes with Mary Ann.

5. Steve reported the Tuesday meeting with the WRAP committee went well. Steve explained the site usage with respect to classroom space. He related that WRAP had more of a "campus vision" with all uses being located at the Paine estate. He thought the time frame is difficult given the library and COA would like to move forward now.

WRAP seems to be backing off from the middle school site for the library and the athletic field.

WRAP is planning on getting a report ready in time for Annual Town meeting with their opinions on various sites. The format is unclear. Bill will ask Jean Millburn to continue to attend WRAP meetings.

6. Unanticipated topics:

a. Need to confirm language in a Twenty Wayland agreement that the municipal pad be used as an active use by the residents of Wayland. Steve will investigate

b. A question arose on where the Board of Selectmen stands with the negotiations. Mary Antes, who was in the audience related that Cherry has been trying to set up a meeting but it has not happened. Mary will investigate for a progress report.

c. There is still a question on whether a town can borrow money to build a building on leased land. Mary's recollection is that it is not an issue, but will check on that as well.

d. A suggestion was made that the COA/CCAC make a formal request to WRAP as to whether the COA/CCAC is able to read their recommendations prior to TM. Bill will ask Jean to make that request during public comment at their next meeting. Bill will also call Coleen to make that request.

e. Everyone should plan to attend the ConComm hearing on February 10. Bill will post the meeting. Any feedback from that meeting might affect programming.

Adjournment: At approximately 9:08 PM, a motion was made and seconded to adjourn. The vote was unanimous.

Handouts:

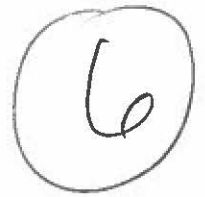
2/4/16 Agenda

Letter from Tighe and Bond dated February 3, 2016 including conceptual designs

Respectfully submitted,

Marylynn Gentry

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
December 15, 2015 7:10 pm



Members Present:

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

Also Present: J. Senchyshyn (JS)

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

Public Comment

None

Review of the 11/18/15 Minutes

The draft minutes were amended as follows:

... at approximately ~~7:12~~ 7:18 pm ...

... ~~MP MJ~~ seconded ...

MJ moved to approve the minutes of 11/18/15. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of the 11/30/15 Minutes

The draft minutes were amended as follows:

... ~~P. Schneider joined the meeting in Executive Session~~ ...

MP moved to approve the minutes of 11/30/15. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

Reclassification Requests

Water Treatment Plant Manager – JS stated that the incumbent is on vacation. The review will be moved to the January meeting.

Administrative Assistant Police (AA) – JS stated that the Police Chief had asked the Board to reconsider its decision from the previous meeting. JS reviewed the concern he raised at the previous meeting regarding the Fire Secretary. JS had spoken to the Fire Chief regarding the proposal for the AA. The Fire Chief did not anticipate any issues with respect to his Secretary. Members reviewed the hourly rates of other Police Department’s support positions vs the Wayland position as provided by the Police Chief. The Board discussed the merits of the request to advance the AA position from an N-3 to an N-4.

DC moved to reclassify the Police Administrative Assistant from an N-3 to an N-4 and place the incumbent at Step 9 of the pay grade. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Benefits Manager – JS noted that the as a result of contract negotiations with AFSCME 2, the Finance Assistant, Benefits position was no longer in the union. It is now a non-union position. JS proposed a Benefits Manager title and job description. Newly proposed duties for the position were highlighted. JS also proposed the position be graded as an N-4. Members discussed the role of the new position. JS mentioned the tie-in to health insurance bargaining. JG recommended amending one the Knowledge, Skills and Abilities.

MJ moved to approve the job description for the Benefits Manager as amended, to classify the Benefits Manager as an N-4 and to place the incumbent at Step 9 of the pay grade. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Job Description Review

Finance Assistant, Payroll - As a result of contract negotiations with AFSCME 2, the Finance Assistant, Payroll position's duties were adjusted. JS reviewed the changes and noted that there was no change to the grade.

MJ moved to approve the revised job description for the Finance Assistant, Payroll position at its existing C-15 grade. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Joint Communications Dispatcher Coordinator – Again, as a result of contract negotiations with AFSCME 2, the Joint Communications Dispatcher Coordinator position and grade were agreed to by the parties. The job description is as negotiated.

MJ moved to approve the Joint Communications Dispatcher Coordinator job description at a grade CDC. DC seconded the motion. Four members having voted in the affirmative, the motion passed.

Recreation Assistant Director – JS stated this is a confirmation of a job description previously reviewed by the Board, but not voted yet. He noted that negotiations with AFSCME 1 were complete

MJ moved to approve the Recreation Assistant Director job description at a grade G-6. DC seconded the motion. Four members having voted in the affirmative, the motion passed.

IT Director – JS presented the IT Director job description. The School's IT Director's comments were incorporated. The BOS had no significant recommended changes. JS then reviewed the comments of IT consultants Craig Finley and Mike McCann. The Board opted to keep the title as proposed. Other comments were incorporated. A question was posed regarding compensation – what if the proposed grade was not sufficient to complete a hire. JS suggested an "IT Stipend" for any possible shortfall. Handling a differential in this manner may keep integrity to the current classification plan.

MJ moved to approve the IT Director job description at a grade N-13. DC seconded the motion. Four members having voted in the affirmative, the motion passed.

Spring ATM Meeting Warrant

JS noted that the BOS had opened the warrant. He presented a draft warrant article for the Board's review and noted that there are proposed language changes this year in addition to a proposed COLA. The changes would be consistent with changes negotiated in the collective bargaining agreements. Language would be prepared for review at the January meeting.

MJ moved to approve the warrant article for the 2016 Spring ATM. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

JG signed the warrant.

JS then asked the Board about the minimum wage increase to \$10/hour effective 1/1/16. While not obligated to the increase, the Board indicated that it would prefer to comply with the law. JS noted that the Library Pages and certain seasonal employees would be affected. The third increase to \$11/hour becomes effective 1/1/17. Consideration should be given when applying the 1/1/16 increase to the effects of the 1/1/17 increase. JS stated that the wage charts should be presented at the January or February meeting.

CY 2015 Vacation Carryover Requests

JS presented the Board with employees' CY 2015 vacation carryover requests. These requests are for amounts identified in either the respective collective bargaining agreements or Town By-laws. JS noted that requests from B. Willet and A. Berry were omitted and should be added to the list. He also noted that Chief Houghton had an excess of days due to his transition to Chief earlier in the year. The Board agreed to permit him to carryover 15 days in addition to the base 10 day carryover.

DC moved to approve the CY 2015 vacation carryover as presented and amended. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations and Strategy with the Police and Fire unions; Discuss and Review a Potential MOA regarding a Police Grievance; and to Review and Potentially Approve Executive Session Minutes of 10/19/15, 11/18/15 and 11/30/15 as an open discussion might have a detrimental effect on the Town's negotiating position.

MJ seconded the motion.

JG took a roll call vote:

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

The Board having voted 4-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 25 minutes for the stated purpose. The Board would be returning to Open Session.

PS arrived during Executive Session and joined the meeting.

The Board entered Executive Session at approximately 8:20 pm.

The Board returned to Open Session at approximately 8:40 pm.

Next Meeting

The Board did not set a date for the January meeting, but would do so at a later date.

DC moved to adjourn at 8:45pm. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

December 15, 2015

Document:

- 2016 ATM Article
- CY 2015 Vacation Carryover Requests
- Draft Job Desc - Benefits Manager
- Draft Job Desc - Fin Asst, Payroll
- Draft Job Desc - IT Director
- Draft Job Desc - JCC Dispatch Coor
- Draft Job Desc - Rec Asst Director
- Draft Minutes 11/18/15
- Draft Minutes 11/30/16
- Reclass Request - AA Police
- Wage Charts - Minimum Wage Law

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
January 11, 2016 7:10 pm

Members Present:

M. Peabody (MP), P. Schneider (PS); M. Jones (MJ); D. Cohen (DC)

Also Present: J. Senchyshyn (JS)

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

Public Comment

None

Executive Session

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

DC seconded the motion.

MP took a roll call vote:

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

The Board having voted 4-0 to move into Executive Session, the motion carried. MP announced that the Board would be going into Executive Session for approximately 20 minutes for the stated purpose. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:12 pm.

The Board returned to Open Session at approximately 7:25 pm.

The Board discussed dates for the next meeting. 1/25 and 2/8 were proposed as potential dates. No date was selected. JS would email the Board to identify a date.

PS moved to adjourn at 7:30 pm. MJ seconded the motion. Four members having voted in the affirmative, the motion passed.

John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

January 11, 2016

Document:

No documents were used

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
February 11, 2016 6:00 pm

Members Present:

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

M. Jones (MJ) participated remotely.

Also Present: J. Senchyshyn (JS)

MP called the meeting to order at 6:00 pm.

Public Comment

None

Remote Participation

JG announced that MJ would participate remotely via speakerphone. A quorum of the Board was present in the room. The reason for the remote participation was geographic distance. Votes would be roll call.

Personnel Board Warrant Article

JS began by reviewing the wage charts to accompany the article. The BOS had approved the MOA with the Police on a successor contract. Adjustments need to be made to incorporate the settlement. Seasonal wages were increased to meet minimum wage requirements. A few seasonal titles need to have steps adjusted to accommodate the minimum wage increases.

D. Cohen (DC) arrived at 6:10 pm

There was discussion on the incorporation of the new titles for positions approved by the FinCom for the FY 17 budget. The newly approved DPW Engineer was not included as work needed to be completed on the position. JS did note that the Engineer was included in the FTE counts. He directed the Board’s attention to the FTE document and reviewed the specific changes in DPW.

The Board then reviewed the proposed language changes in the By-law. The changes were to align the non-union sick and vacation leave benefits with the recent negotiated changes in these benefits for union affiliated employees. JS noted that the non-union professional vacation accrual was set by policy and not defined in the By-law. Discussion followed regarding the sick leave incentive payment changes and the new cap on sick leave accruals. There was also a brief discussion on the use of accrued sick leave during approved FMLA absences.

JS requested that the Board allow him to address any late adjustments to the information prior to the article being sent to the printer.

MP moved to approve the wage charts, FTE counts and By-law language changes for the April 2016 Wage & Classification warrant article as amended and to authorize J. Senchyshyn to make any late adjustments to the information prior to submission for printing. Roll Call vote: Schneider – Aye, Cohen – Aye, Jones – Aye, Peabody – Aye, Green – Aye. Five members having voted in the affirmative, the motion passed.

Response to FinCom Memo of 1/13/16

JS stated that the FinCom had sent all warrant article sponsors a memo dated 1/13/16 requesting information for the preparation of warrant articles. JS presented a draft response. Members discussed the response and agreed upon several edits.

PS moved to approve the response to the FinCom’s 1/13/16 memo as amended. Roll Call vote: Schneider – Aye, Cohen – Aye, Jones – Aye, Peabody – Aye, Green – Aye. Five members having voted in the affirmative, the motion passed.

JS asked the Board if another meeting could be scheduled for 2/22 or 2/29. A quorum would be available for 2/29/16 and that was established as the next meeting date.

PS moved to adjourn at 6:35 pm. MJ seconded the motion. Roll Call vote: Schneider – Aye, Cohen – Aye, Jones – Aye, Peabody – Aye, Green – Aye. Five members having voted in the affirmative, the motion passed.

John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

February 11, 2016

Document:

Wage & Classification Article Documents

-Wage Charts, FTE Counts, By-Law Language Changes

FinCom Memo of 1/13/16

Draft Response to FinCom Memo