

**PACKET**

**APR 04**

**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, April 4, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**Proposed Agenda**

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

- |         |   |
|---------|---|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none"><li>• Announcements; Review Agenda for the Public</li></ul>  |
| 7:02 pm | 2.) Public Comment  |
| 7:10 pm | 3.) Hearing on Liquor License Violation, Coach Grill, 55 Boston Post Road   |
| 7:30 pm | 4.) Hearing on Liquor License Violation, Post Road Liquors, 44 Boston Post Road   |
| 8:00 pm | 5.) Meet with Paul Todisco, PRIT Senior Client Services Officer, Discussion and Potential Vote to Authorize Treasurer and Assistant Treasurer to Take All Required Actions to Invest the Wayland OPEB Trust Fund in State Retiree Benefits Trust or the Pension Reserves Investment Trust |
| 8:30 pm | 6.) Discussion and Potential Vote, Suburban Coalition Resolution on Chapter 70 School Funding   |
| 8:40 pm | 7.) Discuss Any Annual Town Meeting Business, Final Discussion of Articles and Preparation of Board of Selectmen Roles  |
| 8:55 pm | 8.) Discuss Plan for Timely Preparation of Minutes  |
| 9:05 pm | 9.) Review and Approve Consent Calendar (See Separate Sheet)  |
| 9:10 pm | 10.) Review Correspondence (See Separate Index Sheet)   |
| 9:20 pm | 11.) Report of the Town Administrator   |
| 9:30 pm | 12.) Selectmen's Reports and Concerns   |
| 9:40 pm | 13.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any  |
| 9:45 pm | 14.) Adjourn  |

### PROCEDURE FOR LIQUOR LICENSE HEARING

1. Open the hearing by declaration of the Chair
2. Read the Notice of Hearing sent by the Town Administrator to the Licensee.
3. a.) Explain the order of presentation of evidence (see steps 4 through 11 below).  
  
b.) State that the Rules of Evidence will not be applied during the hearing but the Board expects that the Police Department and the Licensee will present credible and reliable evidence in a clear and concise manner. Objections are discouraged.  
  
c.) State that at the close of the hearing, the Board will either take the matter under advisement and make a decision at a later meeting or it will deliberate and make a decision tonight.
4. Ask the Police Chief to present any evidence he has relative to the alleged violations.
5. Allow the licensee or its counsel to question the Chief and any of his officers about the evidence they presented.
6. Allow the Selectmen to question the Chief and any of his officers about the evidence they presented.
7. Allow the licensee or its counsel to present evidence in rebuttal to the evidence presented by the Chief and any of his officers.
8. Allow the Chief to question the licensee or any of its witnesses about the rebuttal evidence presented.
9. Allow the Selectmen to question the licensee or any of its witnesses about the rebuttal evidence presented.
10. Ask the licensee or its counsel to summarize the licensee's case.
11. Ask the Chief to summarize his case and make a recommendation.
12. Upon motion, close the hearing.
13. Deliberate, consult with the Town Administrator and Town Counsel and vote on a decision.



NAN BALMER  
TOWN ADMINISTRATOR  
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41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

March 10, 2016

Mr. Hector Tovar  
Coach Grill Restaurant  
55 Boston Post Road  
Wayland MA 01778

## NOTICE OF HEARING

Please be advised that you are requested to attend a hearing for a Liquor License Violation scheduled for Monday, April 4, 2016, at 7:10 P.M. at the Town Building (Selectmen's Meeting Room) located at 41 Cochituate Road, Wayland.

The hearing is for violation of Massachusetts General Law, Chapter: 138 Section 34, regarding: Sale of Liquor to Underage Persons and for violation of the Wayland Board of Selectmen's Rules for Provision and Consumption of Alcoholic Beverages for not possessing a TIPS certification roster on premise. These violations are alleged to have occurred on February 25, 2016.

Please contact my office at (508) 358-3621 to confirm availability.

Sincerely,

Nan Balmer  
Town Administrator



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
[www.wayland.ma.us](http://www.wayland.ma.us)

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

March 10, 2016

Mr. John Recco  
Post Road Liquors  
44 Boston Post Road  
Wayland MA 01778

## NOTICE OF HEARING

Please be advised that you are requested to attend a hearing for a Liquor License Violation scheduled for Monday, April 4, 2016, at 7:30 P.M. at the Town Building (Selectmen's Meeting Room) located at 41 Cochituate Road, Wayland.

The hearing is for violation of Massachusetts General Law, Chapter: 138 Section 34, regarding: Sale of Liquor to Underage Persons. This violation is alleged to have occurred on February 25, 2016.

Please contact my office at (508) 358-3621 to confirm availability.

Sincerely,

Nan Balmer  
Town Administrator



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
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BOARD OF SELECTMEN  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

December 9, 2014

Mr. John Recco  
Post Road Liquors  
44 Boston Post Road  
Wayland MA 01778

## Decision of the Board of Selectmen

Liquor License Violation Hearing, December 8, 2014

### **For allowing the Sale of Alcohol to an Underage Person and Failure to Maintain TIPS Certification on November 25, 2014:**

The liquor license for Post Road Liquors, 44 Boston Post Road, Wayland, is hereby suspended for a period of one day, on December 15, 2014. The liquor license of Post Road Liquors is also placed on probation for a period of two years, commencing on December 8, 2014, and ending on December 8, 2016. During the period of probation, any violation of Massachusetts Liquor Laws, Chapter 138, or the rules supplement for "Provisions and Consumption of Alcoholic Beverages," will result in an automatic penalty of five days suspension of the liquor license for each separate violation.

Nan Balmer  
Town Administrator

cc: Robert Irving, Chief of Police  
Alcoholic Beverage Control Commission

**Wayland Police Department**



38 Cochituate Road  
Wayland, MA 01778  
(508) 358-4721

Incident Number: 2016000002361

File No: N/A

Dispatch Incident Number: 2016000002675

Print Date: February 26, 2016

Printed By: jberger

**Incident Report**

Narrative by: Det. Sergeant Jamie Berger (71JB) Division: Detective Division (continued)

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
02/26/2016 07:25	Alcohol Compliance Checks	Det. Sergeant Jamie Berger (71JB)	Open	Det. Sergeant Jamie Berger	02/26/2016

Detective Sergeant Jamie D. Berger  
Wayland Police Department

A handwritten signature in black ink, appearing to read "Ja D. Berger", written over a horizontal line.

Signature - Reporting Officer

A handwritten signature in black ink, appearing to read "Ja D. Berger", written over a horizontal line.

Signature - Reviewing Officer

# Wayland Police Department



38 Cochrane Road  
Wayland, MA 01778  
(508) 358-4721

Incident Number: 201600002361

File No: N/A

Dispatch Incident Number: 201600002675

Print Date: February 26, 2016

Printed By: jberger

## Incident Report

Narratives for Incident Number 201600002361 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Det. Sergeant Jamie Berger (71JB) Division: Detective Division

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
02/26/2016 07:25	Alcohol Compliance Checks	Det. Sergeant Jamie Berger (71JB)	Open	Det. Sergeant Jamie Berger	02/26/2016

On Thursday, February 25, 2016, I conducted underage alcohol compliance checks of all licensed liquor establishments within the Town of Wayland with the exception of Sandy Burr Country Club and Wayland Country Club, which were both closed due to the winter season.

During these compliance checks, I sent an individual(s) under 21 years of ages into each establishment where they attempted to purchase alcohol without showing identification.

These individuals, male and female were aged 20. During these compliance checks the following establishments did not sell alcohol to the underage individual(s):

- China Rose Restaurant
- Dudley Chateau
- Wayland Wine & Spirits
- The Villa Restaurant
- Donelan's Supermarket
- Lavin's Liquors
- Wayland Variety & Deli
- Prime Bar & Grill
- Sperry's Fine Wine & Beer
- Bertucci's
- Takara Restaurant
- The Local
- Water Lily

At approximately 1830 hrs, I sent both individuals into the Coach Grill Restaurant to purchase alcohol without presenting identification. Both individuals went to the bar area and asked the bartender, who was later identified as [redacted] for two Bud Lights, the individuals were served the alcohol and paid \$13.90 plus a \$1.10 tip for a total of \$15.00. A few minutes later, I went into the Coach Grill, identified [redacted] as the bartender who served the alcohol and spoke with him and advised him that he failed an underage compliance check. We then spoke with the restaurant manager, [redacted] I advised [redacted] of the failure and asked him for the TIPS certification list for the restaurant. [redacted] after a few minutes in the manager's office advised me that he could not locate any TIPS certifications for any employees at the restaurant. I advised [redacted] that not having TIPS certifications on site and accessible is a violation of the Town's alcohol license. I advised him that a report would be filed with Chief Robert Irving of the Wayland Police Department and that a hearing at an upcoming Board of Selectman's meeting would be held for the violations.

At approximately 1852 hrs, I sent the underage male individual into Post Road Liquors to purchase alcohol without presenting identification. Shortly after sending him into the store, he emerged with a 6pk of Bud Light that he had paid \$7.39 for. I entered into the store and spoke with an employee, who was identified as [redacted] and advised him that he had sold alcohol to an underage individual without asking for identification. [redacted] apologized and said "that was me, I didn't ID him". I then spoke with the manager on duty, [redacted] and advised him about the failure of the compliance check. [redacted] was TIPS certified on 7/31/15 according to paperwork at Post Road Liquors. I advised [redacted] that a report would be filed with Chief Robert Irving of the Wayland Police Department and that a hearing at an upcoming Board of Selectman's meeting would be held for the violation. The 6pk of Bud Light was kept for evidence. The last time Post Road Liquors failed a compliance check was on November 25, 2014.

Respectfully Submitted,

Incident Number: 201600002361



5 PRIT

DATE: APRIL 4, 2016  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: RECOMMENDATION TO INVEST OPEB FUNDS IN THE  
MA PENSION RESERVES TRUST (PRIT)

**RECOMMENDED ACTION:**

**RESOLVED THAT THE TREASURER, ZOE PIERCE AND ASSISTANT TREASURER CYNTHIA CINCOTTA, OF THE TOWN OF WAYLAND BE AUTHORIZED TO EXECUTE AND DELIVER THE INVESTMENT AGREEMENT WITH SRBT IN SUBSTANTIALLY THE FORM PRESENTED TO THIS MEETING AND ATTACHED HERETO, TO SIGN CHECKS AND WIRE OPEB TRUST FUNDS TO SRBT OR TO THE INVESTMENT PENSION RESERVES INVESTMENT TRUST, OR AS IT MAY OTHERWISE BE DIRECTED BY SRBT STAFF, AND TO MAKE WITHDRAWALS AND INVESTMENTS AND ENTER INTO SUCH AGREEMENTS AND DELIVER SUCH CERTIFICATES AS SRBT OR THE PENSION RESERVES INVESTMENT MANAGEMENT BOARD MAY DIRECT AND RESOLVED, THAT THE SUM OF \$----- BE APPROPRIATED AS THE INITIAL INVESTMENT INTO THE OPEB TRUST FUND. \***

**BACKGROUND:**

Under the Town's Special Act for OPEB, the Town Administrator and Finance Director are responsible for managing the investments in the OPEB Fund. The Treasurer acts as Custodian of the fund. During the past 12 months, members of the former OPEB Advisory Committee advised the Board that the three department heads did not have sufficient investment credentials to oversee the fund. As a result, staff issued an RFP and identified professionals with at least 10 years of institutional investment experience (pensions and endowments), and appropriate educational credentials. Due to the high cost of this service, staff then considered and now recommend investing in PRIT. The PRIT Fund manages state pension funds and is used by municipalities statewide as an investment vehicle for pension and OPEB funds.

Paul Todisco, Senior Investment Officer for PRIM, will attend the meeting to discuss PRIT and its requirements with the Board. Paul has already met with the staff and held a conference call with the former members of the OPEB Advisory Committee.

A vote of the Board of Selectmen is required to authorize the Treasurer to act as custodian for the new Account.

*\*THE TREASURER WILL PROVIDE THE MARCH 31, 2016 BALANCES FOR TRANSFER TO THE BOARD OF SELECTMEN ON MONDAY APRIL 4, 2016. SRBT: State Retiree Benefits Trust Fund*

*All documents are included in DROPBOX and posted on-line*

CC:  
Brian Keveny, Finance Director  
Zoe Pierce, Treasurer



## **Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations**

*Whereas* the Massachusetts Foundation Budget Review Commission identified two areas (employee health insurance and special education) where the Massachusetts Foundation Budget significantly understates the true cost of educating students in the Commonwealth and has failed to keep pace with rising costs;

*Whereas* this underfunding means the cost of providing a quality education has increasingly been borne by local communities, most often at the expense of other vital municipal operations;

*Whereas* investing in education today leads to higher incomes, and thus less investment in police, prisons, subsidized health care, low income housing, welfare, etc. in the future;

*Whereas* state and local economies are most effectively strengthened “by investing in education and increasing the number of well-educated workers.”

*Therefore Be It Resolved* that the [insert name of local governing board here] calls on the Massachusetts Legislature and the Governor of Massachusetts to fully fund and adopt the recommendations of the Foundation Budget Review Commission in the immediate future.

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Committee Name

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Signature– Committee Chair

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Printed name – Committee Chair

---

Date

## Chapter 70 Resolution

The success of Massachusetts' economy is a result of dedicated commitment and strategic priorities. Beginning as the birthplace of public education in America and advancing to the 21<sup>st</sup> century, student achievement in Massachusetts is frequently cited, by various academic measurements, as the best in the nation. This enduring tenet is a key ingredient to the strength of our State's economy. Strong public schools provide the foundation for successful college students as well as a feeder system for bright, innovative future leaders in the workplace. If we do not take active steps to preserve our commitment to public education, other states will be glad to gain a marginal advantage. After acknowledging that the 1993 funding formula for Chapter 70 contains unrealistic and outdated factors, the Massachusetts Legislature commissioned a study group known as the Foundation Budget Review Commission in 2014. The task was to determine the cost of providing an adequate education in current times in Massachusetts. The results were released in two phases, one in June 2015 and the other this past November, and they confirmed what educators and local officials have long known to be true: the cost of educating the students of Massachusetts is severely underestimated by the existing funding formula.

As we prepare local FY17 budgets, the Suburban Coalition urges each town's Board of **Selectmen, School Committee and Finance Committee or Advisory Committee to adopt the attached resolution that simply asks the Legislature and the Governor to fund the recommendations of the Foundation Budget Review Commission.** Especially during the recession, the cost of an adequate education has disproportionately fallen on local taxpayers and the resulting strains on local budgets are not sustainable within the limits of Proposition 2 ½. The Suburban Coalition has chosen this specific area of focus because Chapter 70 is generally the single largest contributor to the bottom line of cities or towns' Cherry Sheets. Additionally, too many cities and towns have struggled with "minimum aid increases" for five or more years, and the timeliness of the Foundation Budget Review Commission's reports makes this the ideal budget cycle. With the release of the Governor's budget proposal, it has become clear that we need to stand together if we hope to see progress with Local Aid. We would like to track our progress, so please alert us at [DorothyPresser@suburbancoalition.org](mailto:DorothyPresser@suburbancoalition.org) after your boards have voted to send the attached resolution (**see below**) to Beacon Hill.

Sincerely,  
Dorothy Presser  
President

Reference documents on our position:

Foundation Budget Review Commission Final Report <http://www.mass.gov/legis/journal/desktop/2015/fbrc.pdf>  
"Cutting Class: Underfunding the Foundation Budget's Core Education Program", Massachusetts Budget and Policy Center [http://www.massbudget.org/reports/pdf/Cutting\\_Class.pdf](http://www.massbudget.org/reports/pdf/Cutting_Class.pdf)  
"Our Communities and Our Commonwealth: Partners for Progress and Prosperity", Massachusetts Municipal Association [http://www.mma.org/images/stories/NewsArticlePDFs/mma\\_news/mma\\_partnership\\_principles.pdf](http://www.mma.org/images/stories/NewsArticlePDFs/mma_news/mma_partnership_principles.pdf)  
"A Preview of the FY17 Budget", Massachusetts Budget and Policy Center [http://massbudget.org/reports/pdf/FY17BudgetPreview\\_Final\\_1-21-2016.pdf](http://massbudget.org/reports/pdf/FY17BudgetPreview_Final_1-21-2016.pdf)  
"Building a Strong Economy: The Role of Education, Transportation and Tax Policy", Massachusetts Budget & Policy Center <http://massbudget.org/reports/pdf/building%20a%20strong%20economy.pdf>  
Massachusetts Municipal Association Testimony <http://www.mma.org/advocacy-mainmenu-100/letters-to-state-leaders/14517-mma-testimony-to-joint-committee-on-ways-and-means-urging-support-for-key-municipal-and-school-aid-programs>

**From:** Wallace McKenzie wam@bklw.com

**Subject:** 81-32-108

**Date:** March 28, 2016 at 3:46 AM

**To:** Amy Sherwood amy@sherwoodstreet.com, Andy Limeri andylimeri@yahoo.com, Bowers, Cliff cbowers.pe@verizon.net, Gallivan Nancy Gallivann@aol.com, Lea Anderson Lea@anderson.name, Malcolm Astley malcolmastley@verizon.net, Mark Gallivan micmarkg@aol.com, Presser, Dorothy dorothypresser@hotmail.com, Stu Sklar stuart1058@gmail.com, Tyler Keenan keenant@lpsma.net

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81 reps 32 senators

108 Communities and districts

Acton Amesbury Arlington Ashburnham Ashburnham Westminster Regional Ashfield Ashfield Ashland Attleboro Ayer Ayer Shirley Barnstable Belchertown Belmont Blackstone Boxborough Brockton Buckland Cambridge Charlemont Charlton Chelmsford Colrain Dennis Dighton Dighton-Rehoboth Regional Douglas Dracut Dudley Dudley-Charlton Dunstable East Bridgewater Easton Fall River Foxboro Framingham Georgetown Grafton Groton Groton-Dunstable Halifax Harvard Hawley Heath Hingham Hingham Holliston King Philip Regional Kingston Leicester Lincoln Lincoln-Sudbury Lunenburg Lunenburg Mansfield Marlborough Marshfield Melrose Mendon Mendon-Upton Millbury Millville Mohawk Trail Regional School District Monson Needham New Bedford Norfolk North Reading Northampton Northbridge Norton Norwood Oxford Peabody Plainfield Plainville Plympton Quaboag Regional Rehoboth Revere Rockport Rowe Salem Sandwich Sharon Shelburne Shirley Silver Lake Regional Southeastern Regional Voke Tech Stoughton Sudbury Sutton Upton Walpole Waltham Wayland Warren Webster West Bridgewater West Brookfield West Springfield Westminster Whitman Wilmington Winchester Wrentham Yarmouth Winchester

Thank you,

Wally

Wallace McKenzie

781.462.1517 - office

[wam@bklw.com](mailto:wam@bklw.com) - email

7 TOWN MEETING  
REDLINED MOTIONS

**TOWN COUNSEL WILL BE AVAILABLE TO DISCUSS REVISED MOTIONS AND ANY  
LEGAL ISSUES WITH REGARD TO TOWN MEETING ARTICLES.**

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN**

**MOTION #1**

I move you, sir:

**MOVED:** that the Town recognize the following town employees who have retired since the 2015 Annual Town Meeting and have served the Town for over 20 years (service need not be consecutive):

Dexter Chadsey	39 years	Teacher, Claypit Hill School
Christine Brown	33 years	Athletic Trainer, Substitute
Carol Lucenta	32 years	Clerical, School Department
Thomas Cavanaugh	31 years	Teacher, Substitute
Deborah Bearse	23 years	Principal, Claypit Hill School
Donald Gladu	22 years	Transfer Station Foreman
Judith Courchine	22 years	Clerical, School Department
Paula Dettorre	21 years	Human Resources Assistant

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR PARTICULAR SERVICE TO THE TOWN**

**MOTION #2**

I move you, sir:

**MOVED:** that the Town recognize and observe a moment of silence in remembrance of the following elected official with at least 10 years of service to the Town, without regard to tenure, who has passed away since the adjournment of the 2015 Annual Town Meeting:

**Elected Official**

Grace I. Bowen                      November 13, 2015                      Town Clerk, ~~1977~~ 1974 - 1986

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 2: PAY PREVIOUS FISCAL YEAR UNPAID BILLS**

I move you, sir:

**MOVED:** that this article be passed over.

DRAFT



**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 3: CURRENT YEAR TRANSFERS**

I move you, sir:

**MOVED:** that the following sums be appropriated to be expended by the following boards and committees in Fiscal Year 2016 for the following purposes:

<u>Purpose</u>	<u>Amount</u>	<u>Board or Committee</u>
Septage Expense	\$17,517	Board of Selectmen
Septage Expense	\$68,614	Board of Selectmen
<b>TOTAL CURRENT YEAR TRANSFERS</b>	<b><u>\$ 86,131;</u></b>	

and that said appropriations be provided by transferring \$68,614 from the General Fund – Unreserved Fund and by transferring \$17,517 from the Septage Fund.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 4: OPEB FUNDING**

**MOTION #1**

I move you, sir:

**MOVED:** that the Town

- a.) transfer the sums of money from the enterprise funds and revolving funds listed in Paragraph a) of Article 4 on Page 20 of the Warrant for the 2016 Annual Town Meeting totaling \$50,000.00 to the General Fund.
- b.) appropriate \$28,543.00 to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and that said appropriation be provided by transferring the sums of money from the enterprise funds and revolving funds listed in Paragraph b) of Article 4 on Pages 20 of the Warrant for the 2016 Annual Town Meeting totaling \$28,543.00; and
- c.) appropriate \$215,285.00 to be deposited in the Town's Other Post-Employment Benefits Trust Fund; and that said appropriation be provided by transferring \$215,285.00 from the General Fund – Unreserved Fund Balance.

**MOVER:**

**MOTION — 2016 ATM — APRIL 7, 2016**

**ARTICLE 4: — OPEB FUNDING**

**———— MOTION #2**

I move you, sir:

~~MOVED: — that the Town appropriate \$28,543.00 to be deposited in the Town's  
———— Other Post-Employment Benefits Trust Fund; and that said  
———— appropriation be provided by transferring the sums of money from the  
———— enterprise funds and revolving funds listed in Paragraph b) of Article  
———— 4 on Pages 20 of the Warrant for the 2016 Annual Town Meeting  
———— totaling \$28,543.00.~~

*MOVER:*

**MOTION—2016 ATM—APRIL 7, 2016**

**ARTICLE 4:—OPEB FUNDING**

**—MOTION #3**

I move you, sir:

~~MOVED:—that the Town appropriate \$215,285.00 to be deposited in the Town's  
—Other Post-Employment Benefits Trust Fund; and that said  
—appropriation be provided by transferring \$215,285.00 from the  
—General Fund—Unreserved Fund Balance.~~

DRAFT

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 5: ESTABLISH 53D RECREATION REVOLVING FUND FOR THE WAYLAND TOWN BEACH**

I move you, sir:

**MOVED:** that the Town accept the provisions of Massachusetts General Laws Chapter 44, Section 53D to establish and authorize the use of a revolving fund for the Recreation Department to be expended by the Recreation Commission and Recreation Director for the Wayland Town Beach for which the costs, which are seasonal salaries, supplies, materials, services, and utilities, shall be funded by user fees from beach memberships, rentals, and other associated beach facility service fees.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 6: ESTABLISH A RECREATION STABILIZATION FUND**

I move you, sir:

**MOVED:** that the Town establish and authorize the use of a Recreation Stabilization Fund for the Recreation Department to be expended by the Recreation Commission and Recreation Director.

DRAFT

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 7: ADOPT MASSACHUSETTS GENERAL LAWS  
CHAPTER 44, SECTION 53 E ½ REVOLVING  
ACCOUNTS**

I move you, sir:

**MOVED:** that the Town continue the Transfer Station, Recreation and Council on Aging Revolving Accounts and establish the School Department Professional Development and School Department Curriculum Revolving Accounts for the purposes and with the funding sources, expenditure authorities and expenditure limits for the Fiscal Year beginning July 1, 2016 in accordance with Massachusetts General Laws Chapter 44, Section 53 E ½ all as set forth on Page 25 of the Warrant for the 2016 Annual Town Meeting, except that in Line Number 2 of the Chart on Page 25 the Fiscal Year 2017 Spending Limit in the last column on the right shall be decreased from \$585,000 to \$583,000.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 8: FY 2017 OMNIBUS BUDGET (MOTION # 1)**

I move you, sir:

**MOVED:** That each and every numbered item set forth in the Finance Committee's Budget for Fiscal Year 2017 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$79,234,945 which sum shall be expended only for the purposes shown under the respective boards, committees and offices of the Town; and, of the total sum so appropriated, \$71,137,604 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$90,291 shall be provided by transfer from Premium on Bonds Account, \$1,263,125 shall be provided by transfer from other funds, \$300,454 shall be provided by transfer from Overlay Surplus, \$1,500,000 shall be provided by transfer from Unreserved Fund Balance, \$3,787,352 shall be provided from Water revenue, \$52,708 shall be provided from Septage Retained Earnings, and \$743,411 shall be provided from Wastewater revenues



**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 8: FY 2017 OMNIBUS BUDGET (MOTION # 2)  
CAPITAL BUDGET**

I move you, sir:

**MOVED:** That each and every numbered item set forth in the Finance Committee's capital budget of Fiscal Year 2017 listed on Pages 40 through 54 of the Warrant for the 2016 Annual Town Meeting in the total amount of \$8,974,000 be appropriated for equipment and vehicle acquisitions and projects for the listed departments, each of which shall be a separate appropriation, and, of the total sum so appropriated, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$6,721,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, \$305,000 shall be raised from taxation, \$290,000 shall be provided by transfer from the General Fund - Unreserved Fund Balance, \$450,000 shall be provided from water surplus, \$515,000 shall be provided from Ambulance receipts, \$50,000 shall be provided from the Cemetery Revolving Fund, \$88,000 shall be provided from the Transfer Station Revolving Fund, \$10,000 shall be provided from the Before and After School Account, and \$545,000 shall be provided by transfer from surplus capital closeouts, provided that the debt services costs related to the improvements to the Transfer Station and Recycling Center Facility shall be funded by transfer to the General Fund from fees paid for the use of said facility.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 8: FY 2017 OMNIBUS BUDGET (MOTION # 3)**

I move you, sir:

**MOVED:** that the Town:

- a) appropriate \$1,900,000 Dollars for the purpose of paying costs of repairs to the Loker School, 47 Loker Street, Wayland, Massachusetts, 01778, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Permanent Municipal Building Committee; acknowledge that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town of Wayland; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of appropriation authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Wayland and the MSBA;
- b) to meet said appropriation, authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$1,900,000 under Massachusetts General Laws Chapter 44, or any other enabling authority; and
- c) authorize the School Committee to enter into all necessary and appropriate agreements for the repairs to the Loker School, including but not limited to a project funding agreement and a project scope and budget agreement with the MSBA, which agreements with the MSBA may include a provision requiring

the Town to indemnify the MSBA for losses associated with the Town's performance of its obligations and exercise of its rights under such agreements.

DRAFT

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 8: FY 2017 OMNIBUS BUDGET (MOTION # 4)**

I move you, sir:

MOVED: That the Town :

- a) Transfer \$482,618 from the Massachusetts General Laws Chapter 44, Section 53E1/2 Recreation Revolving Fund to the General Fund;
- b) Transfer \$80,000 from the General Fund – Unreserved Fund Balance to the Massachusetts General Laws Chapter 44, Section 53D Recreation Department Beach Revolving Fund;
- c) Transfer the balance as of June 30, 2016 in the School Professional Development Account, Project 3225, to the Massachusetts General Laws Chapter 44, Section 53E 1/2 School Professional Development Revolving Fund; and
- d) Transfer the balance as of June 30, 2016 in the School Curriculum Account, Project 3226 to the Massachusetts General Laws Chapter 44, Section 53E ½ School Curriculum Revolving Fund.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 8: FY 2017 OMNIBUS BUDGET (MOTION #5)**

I move you, sir:

**MOVED:** That the Town transfer \$402,618 from the General Fund – Unreserved Fund Balance to the Recreation Stabilization Fund.

DRAFT

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 9: ACCEPT GIFTS OF LAND**

I move you, sir:

**MOVED:** That the Town accept, as a gift, for conservation purposes, to be held under the care, custody, management and control of the Conservation Commission, the parcel of land situated on Pelham Island Road in said Wayland containing approximately 70,953 square feet and shown as Lot 6B on a plan entitled “Plan of land in Wayland-Mass.”, dated September 4, 1973, by Everett M. Brooks Co., Civil Engineers, recorded with the Middlesex South Registry of Deeds as Plan No. 125 of 1976; and express its appreciation to Nathan (Ted) Newbury for his generosity in donating said parcel of land to the Town.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 10: CONFIRMATORY TAKING OF NEWBURY  
CONSERVATION LAND**

I move you, sir:

**MOVED:** That the Town:

- a) authorize the Board of Selectmen, with approval of Town Counsel as to form, to acquire by eminent domain, for conservation purposes, to confirm and make clear the Town's title to the fee in the parcel of land situated on Pelham Island Road in said Wayland containing approximately 70,953 square feet and shown as Lot 6B on a plan entitled "Plan of land in Wayland-Mass.", dated September 4, 1973, by Everett M. Brooks Co., Civil Engineers, recorded with the Middlesex South Registry of Deeds as Plan No. 125 of 1976;
- b) appropriate \$1.00 to be expended by the Board of Selectmen for the acquisition of said parcel of land; and
- c) provide for said appropriation by transferring \$1.00 from the General Fund – Unreserved Fund Balance.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 12: PERSONNEL BYLAWS AND WAGE & CLASSIFICATION PLAN**

I move you, sir:

**MOVED:** That the Town amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town by making the following revisions thereto as set forth on Pages 58 through 60 of the Warrant for the 2016 Annual Town Meeting, except for the word “severance” in the last sentence of Paragraph E on Page 60, which word shall be deleted, and by establishing the non-union wage and salary rates and the effective date for said rates as set forth in Appendix C on pages 115 through ~~117~~ 117 of said Warrant.



*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 13: COMPENSATION FOR TOWN CLERK**

I move you, sir:

**MOVED:** that the Town fix the salary and compensation of the elected Town Clerk at \$70,504.00 effective July 1, 2016.

DRAFT

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 14: AMEND CHAPTER 145 – INSPECTION, TESTING,  
MAINTENANCE OF PRIVATE FIRE HYDRANTS**

I move you, sir:

**MOVED:** that the Town amend the Code of the Town of Wayland, Chapter 145, Inspection, Testing, & Maintenance of Private Fire Hydrants and Underground and Exposed Piping, by making the revisions thereto set forth on Pages 62 and 63 of the Warrant for the 2016 Annual Town Meeting.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 15: FUND PERMANENT RECONFIGURATION OF THE INTERSECTION OF EAST PLAIN STREET, SCHOOL STREET, AND ROUTE 30 (COMMONWEALTH ROAD)**

I move you, sir:

**MOVED:** that the Town appropriate \$300,000 to be expended by the Board of Public Works for the costs of design and construction of traffic control measures and improvements to the intersection of East Plain Street, School Street, and Route 30 (Commonwealth Road), making permanent the temporary changes in the configuration of said intersection currently in effect; and, to provide for said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$300,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 16: FUND RECONFIGURATION OF THE FIVE PATHS  
INTERSECTION (COCHITUATE ROAD AND OLD  
CONNECTICUT PATH)**

I move you, sir:

**MOVED:** that the Town to appropriate \$335,000 to be expended by the Board of Public Works for the costs of design and construction of traffic control measures and improvements to the intersection of the so-called “Five Paths” Intersection of Cochituate Road and Old Connecticut Path including pedestrian crossings; and, to provide for said appropriation, the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$335,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 17: AUTHORIZE THE TRANSFER OF 207 AND 195 MAIN STREET TO LIBRARY TRUSTEES, RECREATION COMMISSION AND SCHOOL COMMITTEE**

I move you, sir:

**MOVED:** that the Town authorize the Board of Selectmen and/or School Committee and/or the Board of Public Works, as the case may be, with approval of Town Counsel as to form, to transfer the care, custody, management and control of all or any part of 1.) the parcel of land containing 2.0 acres, more or less, at 207 Main Street Wayland, Massachusetts, shown on Assessors Map 47D as Parcel 58C; and 2.) the parcel of land containing 4.7 acres, more or less, with the buildings and structures thereon at 195 Main Street Wayland, Massachusetts shown on Assessors Map 47D as Parcel 5 to the Board of Library Trustees for town library purposes and to the Recreation Commission for recreation purposes and to the School Committee for school purposes.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 18: AUTHORIZE THE TRANSFER OF 202 OLD CONNECTICUT PATH TO LIBRARY TRUSTEES FOR LIBRARY USE**

I move you, sir:

**MOVED:** that the Town authorize the Board of Selectmen, with approval of Town Counsel as to form, to transfer the care, custody, management and control of the parcel of land on and off Cochituate Road and Old Connecticut Path, 202 Old Connecticut Path, Wayland, Massachusetts shown as Parcel C on the plan entitled “Plan of Land in Wayland, Massachusetts Showing Proposed Division of the Paine Estate” dated March 22, 1994, prepared by the Wayland Town Surveyor’s Office and recorded with the Middlesex South Registry of Deeds as Plan No. 693 of 1995, to the Board of Library Trustees for town library purposes.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 19: FUND PAYMENT IN LIEU OF SEWER BETTERMENT ASSESSMENT FOR SEWER CAPACITY FOR TOWN LIBRARY OR OTHER TOWN BUILDING**

I move you, sir:

**MOVED:** that the Town appropriate \$56,000 to be expended by the Board of Selectmen for a payment in lieu of a betterment assessment relative to the new Town-owned wastewater treatment plant for sewer capacity at said plant to connect a Town Library building or other Town building at 5 Concord Road, Wayland, Massachusetts thereto; and, to provide for said appropriation, transfer \$56,000 from the General Fund – Unreserved Fund Balance.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 21: APPROPRIATE FUNDS FOR DESIGN,  
CONSTRUCTION DOCUMENTS AND BIDDING FOR A  
PROPOSED COUNCIL ON AGING/COMMUNITY  
CENTER AT WAYLAND TOWN CENTER**

I move you, sir:

**MOVED:** that the Town

- a) appropriate \$425,000 to be expended under the direction of the Board of Selectmen for the purpose of preparing bid documents and obtaining bids for a Council on Aging/Community Center building on the so-called “Municipal Pad,” which is comprised of the parcels of land located on and off Boston Post Road (Route 20) and Andrew Avenue in Wayland Massachusetts containing, in the aggregate, 4.16 acres and shown as Lot 4-1, Parcel R-20-1, Parcel R-21 and Lot 8-1 on a plan entitled “Plan of Land in Wayland, MA,” dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 of 2013, a copy of which plan is on file in the Office of the Town Clerk;
- b) to provide for said appropriation, authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$425,000 pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8; and



## ARTICLE 21

### Page 2

- c) authorize the Town Administrator, ~~with the approval by the voters of the Town of Wayland,~~ to take any action necessary to carry out the said tasks in Paragraph a.) above, provided that (i) the design scope of said building project shall include renovations to the existing 10,250 square foot building situated on said Municipal Pad and expansion, as needed, as well as related site development, and shall accommodate up to 21,000 square feet of building area, with engineering confirmation that wastewater capacity is available and sufficient for said size of building and for the proposed community center use; and (ii) no funds so appropriated shall be expended until the Town of Wayland acquires control of said Municipal Pad and achieves satisfactory environmental testing for polychlorinated biphenyls as authorized at the November 9, 2015 Special Town Meeting.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 22: FIELD RENOVATIONS AND 207/195 MAIN STREET  
FEASIBILITY STUDY**

I move you, sir:

**MOVED:** that the Town appropriate \$150,000 to be expended by the Recreation Commission for field renovations at Town Building and to do a feasibility study to investigate the construction of a potential multi-purpose, rectangular, natural or artificial turf field at 207 and 195 Main Street, Wayland, Massachusetts; and provide for said appropriation by transferring \$150,000 from the Recreation Stabilization Fund.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 23: ACCEPT MODIFIED ROUTE 30 AND 27  
INTERSECTION AS A TOWN WAY**

I move you, sir:

**MOVED:** that the Town accept as a town way the modified intersection of Main Street (Route 27) and Commonwealth Road (Route 30) as laid out by the Board of Public Works by adding to and incorporating into the respective layouts of said town ways the parcels of Town-owned land on said Main Street and Commonwealth Road shown as Parcel No.'s 1-T-1, 1-T-2, 1-T-3 and 1-T-4 on a plan entitled "Layout, Alteration and Easement Plan of Land in Wayland, Massachusetts", (Sheet 1 of 2 sheets) dated October 27, 2015, prepared by Hancock Associates, Civil Engineers, Land Surveyors and Wetlands Scientists and recorded with the Middlesex County South District Registry of Deeds as Plan No. 879 of 2015.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 24: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING**

I move you, sir:

**MOVED:** that the Town set aside from the Community Preservation Fund's uncommitted funds for later spending pursuant to Massachusetts General Laws Chapter 44B, Section 6:

- a) \$95,694 for open space, but not including land for recreational use, \$95,694 for historic resources, and \$95,694 for community housing for Fiscal Year 2016; and
- b) \$10,000 for administrative expenses.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 25: TRANSFER COMMUNITY PRESERVATION FUNDS TO  
WAYLAND MUNICIPAL AFFORDABLE HOUSING  
TRUST FUND**

I move you, sir:

**MOVED:** that the Town appropriate and transfer from funds set aside from the Community Preservation Fund for community housing \$95,694 to be deposited in the Wayland Municipal Affordable Housing Trust Fund.

DRAFT

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 26: APPROPRIATE FUNDS TO RESTORE MONUMENTS  
AT NORTH CEMETERY**

I move you, sir:

**MOVED:** that the Town appropriate \$72,000 to be expended by the Wayland Historical Commission to preserve monuments in the Stoney section of the North Cemetery on Old Sudbury Road; and provide for said appropriation by transferring \$72,000 from funds set aside in the Community Preservation Fund for historic preservation.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 27: APPROPRIATE FUNDS TO RESTORE COCHITUATE TOWN CLOCK**

I move you, sir:

**MOVED:** that the Town appropriate \$29,000 to be expended by the Wayland Historical Commission to preserve and restore the Town-owned clock located in the Community United Methodist Church tower in Cochituate; and provide for said appropriation by transferring \$29,000 from funds set aside in the Community Preservation Fund for historic preservation.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 28: VOTE TO APPROPRIATE FUNDING FOR NEW  
MINUTEMAN HIGH SCHOOL**

I move you, sir:

**MOVED:** that this article be passed over.

DRAFT



**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 30: APPROPRIATE FUNDS TO PURCHASE  
CONSERVATION RESTRICTION ON MAINSTONE  
FARM**

I move you, sir:

**MOVED:** that the Town:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise a conservation restriction in accordance with Massachusetts General Laws Chapter 184, Sections 31 through 33, to be held by the Town of Wayland Conservation Commission and by the Sudbury Valley Trustees, Inc., on a parcel of land located on Old Connecticut Path and Rice Road, Wayland, Massachusetts containing 208.7 acres, more or less, which parcel of land to be covered by said conservation restriction is part of the parcel of land shown on Wayland Assessors Map as Parcel 35-031A and is shown as “87 Old Connecticut Path” on a plan entitled “Subdivision Plan of Land in Wayland Middlesex County Massachusetts” dated December 22, 2015, prepared for Mainstone Land Trust by Samiotes Consultants Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 100 of 2016 (Sheets 2 and 3 of 3), which plan is the basis for the sketch map attached to the Warrant for the Annual Town Meeting 2016 in Appendix K;
  
- b.) appropriate \$12,000,000 to be expended by the Board of Selectmen for the acquisition of said conservation restriction to be held by the Town of

**ARTICLE 30**  
**Page 2**

Wayland Conservation Commission and by Sudbury Valley Trustees, Inc.;

and

- c.) provide for said appropriation by (i) transferring \$2,100,000 from funds set aside in the Community Preservation Fund for open space (ii) transferring \$2,900,000 from the uncommitted funds in the Community Preservation Fund;
- and (iii) authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$7,000,000 in anticipation of future Community Preservation Fund revenues pursuant to Massachusetts General Laws Chapter 44B, Section 11.

*MOVER:*

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 31: FUND GLEZEN LANE TRAFFIC CONTROL MEASURES**

I move you, sir:

**MOVED:** that the Town appropriate \$55,000 to be expended by the Board of Public Works for the costs of design and construction of traffic control measures and improvements to Glezen Lane; and that said appropriation be provided by transferring \$55,000 from the General Fund – Unreserved Fund Balance.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 32: RESCIND AUTHORIZED BUT UNISSUED DEBT**

I move you, sir:

**MOVED:** that the Town rescind the borrowings that are deemed no longer necessary because the projects funded by the borrowings have been completed as listed on Page 96 of the Warrant for the 2016 Annual Town Meeting, except that “7(3a)” immediately following “4.) Middle School Replacement” shall be deleted from the description of said borrowing.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 33: TRANSFER CUSTODY OF SMALL PORTION OF LAKEVIEW CEMETERY**

I move you, sir:

**MOVED:** that the Town authorize the Recreation Commission, with approval of Town Counsel as to form, to transfer the care, custody, management and control of a portion of the Lakeview Cemetery shown on Appendix M to the 2016 Annual Town Meeting Warrant as “Area to transferred from Recreation Commission to the Board of Public Works. A portion of Parcel 51C-047A” containing 0.66 acres being part of the parcel of land shown on the Town’s Assessors Map as Parcel 51C-047A to the Board of Public Works for cemetery purposes.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 34: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS**

I move you, sir:

**MOVED:** that the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5C½, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100% percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016.

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 35: HEAR REPORTS**

I move you, sir:

**MOVED:** that the Town accept the 2015 Wayland Annual Report, and the reports of the Town officers, agents, trustees, commissioners, boards and committees listed on Page 98 of the Warrant for the 2016 Annual Town Meeting.

DRAFT

**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 36: CHOOSE TOWN OFFICERS**

I move you, sir:

**MOVED:** that the following persons be nominated for the following offices in accordance with Article 36 of the 2016 Annual Town Meeting Warrant:

As Trustees of the Allen Fund:

Lynn S. Dowd  
Benjamin W. Johnson III  
Michael B. Patterson

As Fence Viewers:

The Selectmen

As Field Drivers:

The Constables

As Measurers of Wood and Bark:

Paul Doerr  
Lewis S. Russell Jr.  
Harry F. Sweitzer

As Surveyors of Lumber:

Susan W. Pope  
Jean B. Pratt  
Harry F. Sweitzer

and, there being no further nominations, the Town Clerk be instructed to cast one ballot for the same.



**MOVER:**

**MOTION – 2016 ATM – APRIL 7, 2016**

**ARTICLE 37: SELL OR TRADE VEHICLES AND EQUIPMENT**

I move you, sir:

**MOVED:** that the Town authorize the Board of Selectmen to sell or otherwise dispose of the following surplus equipment in connection with the purchase of new vehicles and/or equipment:

<u>Department</u>	<u>Vehicle/Equipment</u>	<u>Year</u>
Fire Department	Emergency One Ladder Truck	1993
Fire Department	Emergency One Fire Engine	2004
Fire Department	Fire Alarm Equipment: up to 240 Fire Alarm Boxes, and up to 60 Fire Alarm Box Pedestals	
Public Works	F800 J Hook	1998
Public Works	F350 Dump Truck	1999
Public Works	John Deere Turf Tractor	1999
Public Works	F350 Dump Truck	2005
Public Works	Elgin Sweeper	2010

8. MINUTES

DATE: April 4, 2016  
TO: Board of Selectmen  
FROM: Nan Balmer, Town Administrator  
RE: Board Minutes

In both 2015 and 2016, the workload of the Executive Assistant who acts as the Board's Recording Secretary delayed the preparation of meeting minutes. George Harris filed an Open Meeting Law complaint both years because of the delay. The Attorney General's response to the 2016 complaint is included in correspondence.

Going forward, the staffing plan to produce minutes will be to present minutes to the board within 60 days of the date of the meeting. The Human Resources Assistant will be trained by the Executive Assistant to prepare minutes and will serve as the substitute recording secretary during the Executive Assistant's vacations this summer. After that, the HR Assistant will be available as needed and will be assigned to do minutes during the preparation of the Town Meeting warrant.

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING APRIL 1, 2016**

**CARROLL SCHOOL**

On Thursday, I met with representatives of the Carroll School. We agreed that school representatives will meet informally with the land use team in May and that a public presentation on the project could occur in June. As background, the Carroll School began consideration of the purchase of the 39-45 Waltham Road property in January and has not yet adopted a plan for the property. The School expects to begin operation at the new site with a small student population in the fall of 2017. School representatives are talking with neighbors who request the School consider in its planning, its concerns about maintaining the peace, tranquility and viewshed of the neighborhood. The role of the Board of Selectmen in the process is limited to hearing from the public and the possible consideration of a Payment in Lieu of Tax Agreement. (PILOT) As you may know, the Dover Amendment (MGL Chapter 40A, Section 3) exempts agricultural, religious, and educational corporations from most zoning restrictions. Attached is a response to Andrew Cooper who recently wrote to me with his concerns about this project.

**GLEZEN LANE**

Attached for your information is a summary of all legal fees paid in the Glezen Lane case since January 2014, amounting to \$41,391.53. Attached also is an accounting of expenditures made for Glezen Lane mitigation under the judgment. .

**SALES FOR PROFIT ON TOWN PROPERTY**

Town Counsel provided the response below to my request for a legal interpretation about when sales for profit can legally occur on town property. The question arose in the context of a request from Arts Wayland to use the part of the Town Building field adjacent to the church that is in the custody of the Board of Public Works. Counsel's opinion is consistent with prior opinions I have heard.

*"As I have advised before, neither the municipal purpose(s) for which the Town holds the property nor the Zoning Bylaws allow sales for profit by such entities, unless such a sale is incidental to an allowed use or event (e.g., sale of refreshments by a vendor at an exhibition or sporting event). When the sales are the main purpose or a principal purpose of the event, they are not allowed."*

**IT**

An offer was made to and accepted by a candidate for the position of Executive Information Technology Director. The employment offer is contingent on the successful completion of reference checks and other customary hiring requirements. The start date is not yet set, but is expected to be in May. The School Superintendent accepted my proposed "Transition Plan for Shared Town and School IT Personnel", which is attached.

We received an inquiry about the fees paid to RSM / McGladrey for IT planning from Mark Hays who stated his belief that \$100,000 was spent. Please be advised that \$28,500 was paid for the 2015 IT Master Plan. \$26,000 will be paid for the study requested by the Finance Committee and Board of Selectmen on IT Storage and Automated Patch Management. Both studies are posted on the town website at [http://www.wayland.ma.us/Pages/WaylandMA\\_Selectmen/ATM2016](http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/ATM2016)

#### **MAINSTONE TAXES**

*From the Director of Assessing: "If the property stays in Chapter Land, then the CR has no impact on the assessed value, the property would continue to be assessed under MGL Chapter 61 laws. If the property comes out of Chapter Land then it will be assessed under MGL Chapter 59 Laws and the Assessor will consider the CR and the CR's impact on the market value of the property. If assessed under MGL Chapter 59 Laws, hypothetically the assessment and in turn the taxes could go up."*

#### **WASTEWATER**

The WWMDC Chair and I are working with town departments on several issues: 1) Establishing a managerial accounting system parallel to town Enterprise Fund accounting and long range financial plan, 2) Update and use of WWMDC rules, regulations and policies, 3) Management of the day to day business of the Commission, 4) Completion of projects for the WWTP and disposition of remaining borrowed funds, 5) management of total capacity of plant.

#### **POLITICAL SIGN**

Please see attached from the Building Commissioner.

#### **RECREATION**

Please see attached from the Recreation Department. The Recreation Department is planning for actions it will request from the Board of Selectmen and Finance Committee upon adoption of the Special Act.

#### **MINUTES**

Please review and send any comments the minutes of January 11 and January 25. Remaining open session minutes include February 1, February 9, February 22, February 29, March 7, March 21, and March 28 after which Executive Session minutes will be presented.

#### **MINUTEMAN**

Attached please find correspondence to Minuteman with regard to the town's understanding that it should take no action on the Annual Town Meeting Minuteman MSBA article.



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

CARROLL School

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

April 1, 2016

Mr. Andrew Cooper  
5 Appletree Lane  
Wayland MA 01778

Dear Mr. Cooper,

Thank you for your letter of March 22<sup>nd</sup> regarding the proposed siting of a campus of the Carroll School at 39-45 Waltham Road. As you may know, this project is very new. I learned about it a few days before your letter arrived. The Carroll School has not yet prepared the plans you request.

In response to your letter, I had an introductory meeting with Stephen Wilkins, Head of School for Carroll School. The School plans a June public presentation on the project. As you may know, the Selectmen do not have a role in land use decisions. Land use decisions are under the jurisdiction of the Planning Board, Zoning Board, Board of Health and Conservation Commission. Land use law is much less restrictive for educational projects.

Please feel free to contact me with any questions about the review process. On behalf of the Town's Department Directors, we want you to know the project review process will be approached with the due diligence and transparency required under state and local law.

Thank you.

Sincerely,

Nan Balmer  
Town Administrator

cc: Board of Selectmen  
Geoffrey Larsen, Building Commissioner  
Brian Monahan, Conservation Administrator  
Sarkis Sarkisian, Town Planner  
Julia Junghanns, Health Director  
Beth Klein, Town Clerk

## Glezen Lane Legal Costs 1/1/2008-7/1/2008 and 8/1/2014-Present

## Kopelman and Paige, P.C.

3/21/2008	\$5,082.74
4/24/2008	\$8,811.00
5/27/2008	\$7,059.96
6/13/2008	\$1,276.13
6/23/2008	\$4,477.29
<hr/>	
10/28/2014	\$36.00
5/22/2015	\$198.00
6/12/2015	\$18
6/30/2015	\$162
<hr/>	
10/27/2015	\$72
	\$27,193.12

## Mark Lanza

2/29/2008	\$396.00
3/31/2008	\$144.00
4/30/2008	\$96
5/31/2008	\$132.00
6/30/2008	\$264.00
<hr/>	
3/31/2015	\$512.00
4/30/2015	2,464.00
5/31/2015	\$480
6/30/2015	\$2,020.00
<hr/>	
8/31/2015	\$949
9/30/2015	2,407.00
10/31/2015	\$48
11/30/2015	\$64.00
12/31/2015	\$848
1/31/2016	2,846.41
2/29/2016	\$528.00
	\$14,198.41

Total legal fees: \$41,391.53

# Wayland Town Center

## Glezen Lane Mitigation Fund

March 31, 2016

EXPENDITURES	Description	Amount
<b>Completed</b>		
Bee Lines	Pavement Markings	2,000
Ellingwood Construction	Speed Tables	45,000
JAMAR	Radar	9,084
Stay Safe	Signs	3,480
Liddell Brothers	Signs	256
Accurate	Speed Bumps	900
Police Detail	Police Detail	360
Transportation Data Corp.	Traffic recording	2,000
TEC	Traffic Consultant	29,994
<b>Subtotal</b>		<b>\$ 93,074</b>
 <b>In Process &amp; Projected</b>		
TEC	In Process	7,430
TEC	Projected	6,750
<b>Total EXPENDITURES</b>		<b>\$ 107,254</b>
 <b>BALANCE (\$140,000 - \$107,254)</b>		 <b>\$32,746</b>

Superior Court C.A. NO. 08-0552 ordered a Mitigation Fund of \$140,000 for Glezen Lane.  
To date, services provided or projected total \$107,254 leaving a balance of \$32,746.

### Other Account Balances

Town Center Gift Account 24122400 balance	\$ 2,255.99
Town Center Neighborhood Roads Traffic Improvements Account NA balance	\$ 21,711.07
Town Center Traffic Lights, equipment and signs Account QZ balance	\$ 24,781.58

/ T

**TRANSITION PLAN FOR SHARED TOWN AND SCHOOL IT PERSONNEL  
UPON HIRE OF NEW IT EXECUTIVE DIRECTOR  
MARCH 17, 2016**

The new IT Executive Director will be employed by the town with primary responsibility for:

- 1) Development, management and maintenance of the shared town / school IT infrastructure including the data center, town and school networking / network hardware; and
- 2) Leadership, management and maintenance of all components of the Town IT system including all town business applications.

The IT Executive Director will report to the Town Administrator and work under the general direction of the Town Administrator and the Superintendent of Schools.

The School IT Director, whose primary focus is on the educational component of IT, maintains all other previously assigned responsibilities unrelated to infrastructure and networking and reports to the School Superintendent.

The IT Executive Director will act as a strategic resource to School Department to advise the School IT Director, if requested, in developing school strategy for endpoint and user management and security.

It is understood that collaboration between the IT Executive Director and the School IT Director is essential. As such they will meet regularly to discuss their areas of responsibility and identify respective priorities.

The IT Executive Director's responsibilities extend to 100 (+/-) school virtual machines and 15 (+/-) school servers for the purposes of maintenance and upgrade, but not for applications on the servers. Responsibility does not extend to school user endpoints, including security for the endpoints. (For example, to the extent that endpoints do not accept centrally administered patches, school personnel will identify solutions.)

The following three existing, plus one newly approved, IT staff members will report to and be managed by the IT Executive Director\*:

1. Systems Administrator employed by the School Department
2. Network Administrator employed by the School Department
3. IT Manager employed by the Town
4. A Business Systems Analyst who will be employed by the Town

*\*There is currently no provision for administrative support for the IT Executive Director position. It is recognized that an arrangement must be made, near term for processing of invoices. The town employs a procurement agent to assist in purchasing.*

Within 60 days of hire if possible, the IT Executive Director will evaluate and make recommendations on changes to the job duties and titles of the four assigned positions. The town and school HR directors will then consider any recommended changes, including changes in compensation as appropriate within their respective organizations, and make recommendations to the Town Administrator and School



Superintendent who will each seek funding for any salary adjustments within their respective budgets for FY 17. In FY 18, the School Superintendent and Town Administrator will request full funding for the IT personnel employed and paid by their respective organizations.

Prior to making a public announcement of the IT Executive Director's start date, the organizations will simultaneously, and with agreed upon language, inform their affected IT employees of the change in supervision and management of the IT system and of the plan to evaluate job duties and titles which may result in changes that affect their positions in FY 17.

The IT Executive Director will make more comprehensive recommendations to the Town Administrator and School Superintendent on organization, staffing, budgeting and technology within 6 months of hire, if possible.

DRAFT

**Balmer, Nan**

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**From:** Larsen, Geoffrey  
**Sent:** Monday, March 28, 2016 12:01 PM  
**To:** Balmer, Nan  
**Cc:** Fuller, David; Badger, Norma; Cuttell, Sheila; Landry, Leo  
**Subject:** Residential Political Signage in the context of building code and Town zoning

Good morning Ms. Balmer,

As the building code and zoning enforcement official I have been asked to review what is assumed to be a 'political speech' temporary sign currently located at a residential property adjacent to Old Connecticut Path.

After a site visit on 3.28.2016 to the area it appears that currently the political sign may reasonably be determined to be exempt from the requirement of a building permit pursuant to 780 CMR R105.2 Work Exempt from Permit.

- Residential accessory structures of a magnitude including structures that do not exceed 200 square feet , fences not over 6 feet high and playground equipment of an undetermined size do not require a building permit. The specific placement of this ground mounted structure in the rear yard of a residential property set back from the street right of way appears to be a reasonable location relative to maintaining public safety.
- I emphasize that it is the responsibility of the homeowner to maintain the safety of such a structure referenced above, including but not limited to, verifying the possible need for an electrical permit.

Currently it would also appear reasonable to determine that Town zoning would not pertain to this illuminated 'political speech' temporary sign currently located at a residential property adjacent to Old Connecticut Path because of:

- My understanding of the statutory protections afforded residential "political speech" signage.
- And that the current structure and lighting is similar to a seasonal display referenced in §198-501.2 of Town zoning in as much it may be reasonably determined to represent the protected 'speech' of the homeowner.

Finally, as you are aware such determinations by the building code and zoning enforcement official may be a matter of an appeals' process pursuant to 780 CMR R112.1 and MGL 40A §§7, 8, 14 and 15 and Article 2 of Town zoning respectively.

Respectfully,

Geoff Larsen  
Geoffrey S. Larsen, CFM  
Building Commissioner  
Town of Wayland, MA  
[glarsen@wayland.ma.us](mailto:glarsen@wayland.ma.us)

**Brodie, Jessica**

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**From:** Brodie, Jessica  
**Sent:** Friday, March 18, 2016 2:12 PM  
**To:** Balmer, Nan; Keveny, Brian  
**Cc:** Doucette, Elizabeth  
**Subject:** Revised Recreation Budgets & Capital update  
**Attachments:** Salaries for FY17 budget.xlsx; Fin Comm Cover sheets for revolving budget projections edited 3.16.16.xlsx; Memo - Capital Projects to date 3.17.16.doc

**Importance:** High

Hi Nan & Brian,

I wanted to follow up about a few Financial topics related to Recreation. Please see the details I have outlined below, and please share this information with your boards prior to Town Meeting. If you want to go over any of this with me prior to sharing it to gather comments for your boards just let me know.

Thank you!

**FY17 Operating Budget (Year Round Salaries):**

- We just offered the Assistant Director position to "Kathrine Brenna" last week and she accepted. She will start at Grade 6, Step 5 of the AFSCME chart.
- Attached is a revised FY17 General Fund Budget for salaries including these changes. I added her step increases at 6 months and one year as well. I understand the budget has already been submitted for the Warrant, but wanted to follow up with the revised number anyway. We submitted a budget of \$171,759 for salaries, but the new figure is \$165,534. No big change.

**FY17 Revolving Fund Budgets:**

Attached is an updated version of the document that I shared with the Finance committee when we last met with them a couple months ago. It contains 4 budgets:

1. FY17 53E ½ Revolving Fund Budget with NO Beach and NO fields included. Updates to this budget are highlighted below:
  - I added the Program Coordinator position to the 53E ½ budget for FY17 with a round salary of \$50,000 as the Union is still reviewing those details. We will fill that position as of July 1<sup>st</sup>.
  - I took out Field revenue and expenses from this 53E ½ budget, as proposed in the BOS TM article #7.
  - I removed a few expenses because of the above proposal: Software (~4,000) & Field Utilities (~\$6,000)
  - I updated the Indirect Cost and OPEB transfer amounts
2. FY17 53D Beach Revolving Fund Budget
  - This should be the same as when the Finance Committee originally received it.
  - It includes the revenue increase from raising fees this summer, as well as the salary increase from raising minimum wage to \$10.00
3. FY17 Field User Fee Budget (for reference)
  - This is the proposed budget for field user fees that was also originally shared with the Finance Committee a few months back with a few minor edits since I last shared it
  - This budget outlines how the recreation commission would plan to spend user fees each year moving forward

- By utilizing this budget in the future, the commission would no longer need to seek the \$75,000 Capital Maintenance Funds they received in the past as they would use the user fees for similar maintenance projects instead of Capital Funds (maintenance projects DPW does not currently have a budget for)
  - The commission would still go through the CIP Process in the future for larger projects and developments
  - The commission would like to continue discussing this further with the Finance Committee, BOS, and DPW after Town Meeting to help come to a resolution together about the total cost to maintain fields town wide
4. FY17 53E ½ Budget with raised spending cap including beach & fields ([for future reference](#))
- Currently, our House Bill #3940 is in its third reading. We spoke with Carmine Gentile today and he indicated it is possible for our Legislation to pass prior to Town Meeting, and indicated “no question” it should pass by the end of this current Fiscal Year.
  - When the bill passes, the Recreation Commission plans to seek relief from the 1% spending cap through the BOS for FY17 since it will likely be after Town Meeting. If this all happens before town meeting, they would reach out sooner.
  - This budget was created to show what type of budget the town would be looking at for our 53E ½ Revolving Fund with an increased spending cap, and everything being “back together” (including beach and fields in the same fund).
  - We understand that if the 53D Beach Revolving Fund passes at Town meeting, that the beach would remain in that new fund for FY17.
  - The Recreation commission is planning on amending Article #7 so that it “includes” field user fees instead of “excluding”. Everyone felt it was important to be upfront about this and show how they plan to spend the money in FY17 once the spending cap is (hopefully) lifted in the coming months, and why I wanted to provide a few budgets that show what that would look like.

#### **Outstanding Capital Funds:**

The Recreation Commission has asked me to prepare a MEMO that outlines our plans with all of the outstanding Capital Funds that we have. They understand, and would like everyone to know that they acknowledge the concerns expressed at previous meetings about these outstanding funds and want to further address where these projects stand currently.

- Attached is a MEMO that outlines the funds we still have available and the plans for them
- One special note, the commission voted to close out CPA funds for the Loker Conservation Area field development project because of concerns about water use at that site. There is one bill we need to pay (~\$1,000) to close out the project with GALE Associates, and then all the remaining funds will be sent back to CPC. The commission still plans to investigate alternative options for the site moving forward.

Again, we wanted to share this information with the BOS and Fin. Comm. prior to Town Meeting so that everyone can be on the same page as far as plans and intentions. I hope this helps clarify where our thoughts stand, and I think it would be helpful if you could share all of this with your boards prior to Town Meeting. If anyone has any questions or wants to discuss further just let me know.

Thank you,

**Jessica Brodie, CPRP**

Director

Recreation Department

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

508-358-3662 (phone)

Visit our [Website](#)



# RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665

Jessica Brodie, Director

## MEMO

March 15, 2016

To: Nan Balmer, Town Administrator & Brian Keveny, Finance Director  
CC: Joe Nolan, Carol Martin, Stephen Kadlik, Gretchen Schuler, Recreation Commission  
From: Jessica Brodie, Recreation Director

Re: Recreation CPA & Capital Maintenance Funds

Dear Nan & Brian,

This memo is to follow up on concerns expressed at previous Board of Selectmen meetings and previous Finance Committee meetings about the amount of outstanding capital funds that the Recreation commission/department has at this time. The commission has heard these concerns, and would like to further clarify plans for un-spent capital funds.

The Recreation Commission met on Friday, February 26<sup>th</sup> as well as Tuesday, March 8<sup>th</sup> to discuss Town Meeting Warrant Articles and the status of Capital Projects. As part of the Capital Project discussion, the commission reviewed the list of open projects and available funds. The following decisions and plans were then discussed at the meeting:

### CPA Funds

- Loker Recreation Area - The Commission voted, 5-0-0 in favor, of closing out the remaining "Loker Recreation Area" Funds and to return those funds to CPC on February 26<sup>th</sup>. The commission still plans to investigate alternative uses of this land in the future.
- Dudley Woods – The Commission voted 5-0-0 in favor of selecting "Marshall Gary, LLC" as the designer for this project on March 8<sup>th</sup>. The project proposing constructing ADA accessible trails and a small parking area. Once the consultant is contracted, the design process will be begin, followed by construction projected for this coming late summer/fall.
- Oxbow Meadows – The Commission voted 5-0-0 in favor of selecting "Marshall Gary, LLC" as the designer for this project on March 8<sup>th</sup>. This is expected to be a low cost project with basic designs to help determine what work can be done "in-house" with DPW. The commission's goal for this parcel of land is to have an informal, 8v8 sized practice Soccer/Lacrosse field that in-town youth leagues can use, in conjunction with the existing ADA walking trail around the parcel.

Also discussed were the outstanding Capital Maintenance Funds which are outlined on the next page.

## Capital Maintenance Funds

In total, Recreation has approximately \$194,000 of unspent Capital Maintenance funds from the past three years combined. Below is a list of projects the Commission approved spending funds on at their March 8<sup>th</sup> meeting. Some projects require the MOU to be in place before proceeding and are outlined next to those projects.

- |  |             |                                     |
|--|-------------|-------------------------------------|
| • Turf Field Maintenance (Grooming, etc.)      | (~7,500)    | Spring 3/18, Fall date TBD          |
| • Middle School Baseball Backstop              | (~\$30,000) | Need MOU to contract out work       |
| • Lacrosse Nets                                | (~\$1,000)  | Ordered, awaiting invoice           |
| • Design for Alpine Field Improvements         | (~\$10,000) | Need MOU to contract out work       |
| • Replace benches at playing fields            | (\$20,000)  | Ordering within 2 weeks             |
| • Beach Buoys                                  | (~\$3,000)  | Ordering within 1 month             |
| • Design for Happy Hollow Playground           | (~\$10,000) | Need MOU to contract out work       |
| • High School Athletic Master Plan Update      | (~7-15,000) | Need MOU to contract out work       |
| • Playground Inspection Repair Parts           | (~\$40,000) | Awaiting ME O'Brien quote to order  |
| • High School Basketball Court re-seal & paint | (~\$10,000) | Need MOU to contract out work       |
| • Town Building Well Investigation             | (~\$10,000) | In progress                         |
| • JV Baseball Field Maintenance                | (~\$10,000) | Need MOU to contract out work       |
| • Staining Beach House                         | (~5,000)    | Working with Facilities to complete |

\$181,500

We hope this helps clarify where we stand with spending these funds and the plans the commission has for them.

Please let me know if you have any questions.

Thank you,

Jessica Brodie, CPRP  
Recreation Director

**6520 RECREATION**

**Fiscal 2017  
No Beach Budget**

**24652000 53E 1/2 RECREATION REVOLVING**

24652000__	43290__	SUDBURY RECREATION REIMB	-	
24652000__	43291__	BEACH	-	
24652000__	43292__	FIELD PERMITS	-	
24652000__	43293__	SUMMER CAMPS		216,156.00
24652000__	43294__	YOUTH PROGRAMS		227,753.00
24652000__	43296__	ADULT PROGRAMS		66,004.00
24652000__	43299__	MISC. REVENUE		4,910.00
24652000__	43300__	PRE-K PROGRAMS		39,998.00
24652000__	43301__	SKI PROGRAMS		27,370.00
24652000__	43303__	SEASONAL EVENTS		4,550.00
<b>TOTAL REVENUES</b>				<b>586,741.00</b>

24652000__	51001__	SALARIES	(Seasonal)	140,819.00	Counselors & Seasonal Office \$90,819 - Added \$50,000 for Program Coordinator
24652000__	51140__	OVERTIME		-	
24652000__	52100__	CONTRACTUAL SERVICES			
24652000__	52186__	PRE-K PROGRAMS		31,987.00	
24652000__	52187__	SKI PROGRAMS		28,061.00	
24652000__	52189__	SEASONAL EVENTS		10,688.00	
24652000__	52190__	ADULT PROGRAMS		52,803.00	
24652000__	52191__	YOUTH PROGRAMS		183,854.00	
24652000__	52192__	SUMMER CAMPS		60,141.00	
24652000__	52193__	BEACH		-	
24652000__	52194__	FIELD MAINTENANCE		-	\$6,000+ Utilities moved to Facilities Budget?
24652000__	54100__	SUPPLIES		-	
24652000__	54199__	MISC. EXPENSE		20,000.00	took out Software - move to IT budget? (\$4,000)
24652000__	59710__	TRANSFERS TO G/F		15,688.00	for Program Coordinator position
24652000__	59783__	TRANSFERS TO TRUST FUND		766.00	OPEB
<b>TOTAL EXPENSES</b>				<b>544,807.00</b>	

**Above Budget Assumptions**

- Beach revenues and expenses moved to a separate 53D Revolving Fund
- Program expenses calculated by FY15 enrollment #'s
- No new programs, events, or services
- No new seasonal camp staff, but filling all outlined positions
- Nothing collected or spent on fields or TB gym
- No Art Center or other facility repairs/improvements
- No Staff certification trainings - CPR, WSI, CPSI

**6520 RECREATION**

**Fiscal 2017  
Budget**

<b>24652000 RECREATION REVOLVING - Beach 53D</b>			<b>122030</b>
24652000__	43291__	Snack Bar Revenue	21,671.00
24652000__	43291__	Seasonal Memberships	92,405.00
24652000__	43291__	Sailing Lessons	357.00
24652000__	43291__	Swimming Lessons	1,931.00
24652000__	43291__	Kayak, Boat & Paddle Board Rentals	2,090.00
24652000__	43291__	Boat Storage Rack Rentals	1,140.00
24652000__	43291__	Beach Facility Rentals (functions)	400.00
24652000__	43291__	WW Crew	1,000.00

**TOTAL BEACH REVENUES** **120,994.00**

24652000__	51001__	SALARIES (Seasonal)	82,631.00
24652000__	51140__	OVERTIME	
24652000__	52193__	Snack Bar Expenses	4,360.00
24652000__	52193__	Electricity	2,060.00
24652000__	52193__	Facility Maintenance	1,500.00
24652000__	52193__	Staff Uniforms	1,214.00
24652000__	52193__	Advertising	400.00
24652000__	52193__	Facility equipment needs (life jackets, etc)	1,500.00
24652000__	52193__	TRANSFERS TO TRUST FUND	

**TOTAL EXPENSES** **93,665.00**

**Above Budget Assumptions**

Figures based on summer 2015 Revenues recorded in Sportsman Recreation Software

Raised Beach Fees \$10 for Non-residents & \$5 for residents (~\$16,812 additional revenue for FY17)



**6520 RECREATION**

**Fiscal 2017  
Budget - Fields**

<b>24652000 RECREATION REVOLVING / General Fund - Fields</b>			<b>122030</b>	
24652000__	43292__	Summer (late June - August)	10,440.00	
24652000__	43292__	Fall (September - November)	54,647.00	
24652000__	43292__	Winter (December - early March) - TB Gym	24,457.00	
24652000__	43292__	Spring (late March - June)	92,938.00	
24650100__	43299__	Turf Replacement Fund - yearly Transfer (All fees collected for turf field rentals)	(39,182.00)	
<b>TOTAL REVENUES</b>			<b>143,300.00</b>	
24652000__	52194__	Yearly Field Netting / Goal Replacement	3,000.00	
24652000__	52194__	Yearly Field Bench/Bleacher Replacement	3,000.00	
24652000__	52194__	Fencing Improvements / replacements	30,000.00	(*5+ yr. life span maintenance" projects \$5k-\$20k)
24652000__	52194__	Field grass / infield renovations	30,000.00	(*5+ yr. life span maintenance" projects \$5k-\$20k)
24652000__	52194__	Irrigation Systems / Well maintenance and improvements	20,000.00	
24652000__	52194__	Yearly scoreboard/other Amenity improvements	10,000.00	
24652000__	52194__	Turf Field Inspections, Line Painting, rubber, etc.	10,000.00	
24652000__	52194__	Tennis & Basketball Court Nets & Equip.	7,000.00	
24652000__	52194__	TB Gym Improvements / equip maintenance	10,000.00	
24652000__	52194__	Electricity (Lights)	6,000.00	
24652000__	52194__	Water Use (Meter charge)?	-	
24652000__	52194__	Yearly Surpluses if not used for above purposes - Field/Facility developments	14,000.00	(commission would identify use for surplus funds at the end of each fiscal year)
<b>TOTAL EXPENSES</b>			<b>143,000.00</b>	

**Above Budget Assumptions**

Revenue figures based on FY14 & FY15 numbers reported in Sportsman, along with an Excel Spreadsheet made by Val

Expense figures are rounded estimates to show the types of things user fees would pay for

By using the above budget, the Recreation commission would not need to request the 75k Capital Maint. money each year

The Rec Commission would still seek TM Approval for Capital projects & developments through the CIP process, with user fee surpluses to help be part of the funding source

**6520 RECREATION**

**Fiscal 2017 Budget  
(If spending cap lifted)  
Beach, fields, programs all in 53E 1/2 fund**

**24652000 RECREATION REVOLVING**

24652000__	43290__	SUDBURY RECREATION REIMB	-	
24652000__	43291__	BEACH	120,994.00	Memberships, Snack Bar, Swim/Sail Lessons, Boat Rentals
24652000__	43292__	FIELD PERMITS	143,000.00	Includes TB Gym Rentals also
24652000__	43293__	SUMMER CAMPS	216,156.00	
24652000__	43294__	YOUTH PROGRAMS	227,753.00	
24652000__	43296__	ADULT PROGRAMS	66,004.00	
24652000__	43299__	MISC. REVENUE	4,910.00	Brochure Business Advertisements
24652000__	43300__	PRE-K PROGRAMS	39,998.00	
24652000__	43301__	SKI PROGRAMS	27,370.00	
24652000__	43303__	SEASONAL EVENTS	4,550.00	Touch A Truck, Halloween, Family Science Night

**TOTAL REVENUES** **850,735.00**

24652000__	51001__	SALARIES (Seasonal)	226,873.00	Camp Counselors (\$80,942), Beach Lifeguards & Snack Bar (\$82,631), FT Seasonal Office (\$13,300), FT Program Coord. (50,000)
24652000__	51140__	OVERTIME	-	
24652000__	52100__	CONTRACTUAL SERVICES		
24652000__	52186__	PRE-K PROGRAMS	31,987.00	
24652000__	52187__	SKI PROGRAMS	28,061.00	
24652000__	52189__	SEASONAL EVENTS	10,688.00	
24652000__	52190__	ADULT PROGRAMS	52,803.00	
24652000__	52191__	YOUTH PROGRAMS	183,854.00	
24652000__	52192__	SUMMER CAMPS	60,141.00	
24652000__	52193__	BEACH	11,034.00	Staff Trainings, Uniforms, Trash, Snack Bar, Weed/Leaves, Electricity, Supplies
24652000__	52194__	FIELD MAINTENANCE	143,000.00	attached budget including Electricity, Water, Equipment, Etc.
24652000__	54100__	SUPPLIES	-	
24652000__	54199__	MISC. EXPENSE	23,650.00	Brochure Printing (\$14,000), Sportsman Software (\$7,600), MRPA & NRPA Membership Dues/Conferences, Equipment, etc.
24652000__	59710__	TRANSFERS TO G/F	15,688.00	
24652000__	59783__	TRANSFERS TO TRUST FUND	766.00	

**TOTAL EXPENSES** **788,545.00**

**Above Budget Assumptions**

- Program expenses calculated by actual FY15 enrollment #'s
- No new programs, events, or services
- No new seasonal staff, but filling all outlined positions
- Field Maintenance spent as outlined in separate budget
- No Art Center or other facility repairs/improvements
- No Staff certification trainings - CPR, WSI, CPSI

To get Recreation Expense Totals below 1% while still paying Indirect Costs, programs such as the following would have to be cut to ensure totals stay below cap:

Ski Program	\$27,741.00	Serves 90+ residents, grades 3-8	26760
Track & Field - Winter	\$7,200.00	Serves 60+ residents, grades 1-8	9000
Track & Field - Spring	\$7,104.00	Serves 48+ residents, grades 1-8	8880
Adult Band & Orchestra Program	\$10,508.00	Serves 71+ residents, all adults, Winter	13135
Adult Band & Orchestra Program	\$8,520.00	Serves 71+ residents, all adults, Fall	10650





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

## DRAFT

Board of Selectmen  
Meeting Minutes  
January 11, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:03 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes announced the 2016 Lunar New Year Celebration at the Wayland High School, January 30, presented by the Wayland Chinese-American Association and Arts Wayland. L. Anderson said there will be a breakfast meeting on January 21 for Selectmen representatives of member towns at the Minuteman Regional Vocational High School to provide guidance and information for the upcoming Special Town Meetings.

**A2. Public Comment** Cliff Lewis, 33 Claypit Hill Road, expressed concern that the article regarding OPEB being proposed for the Annual Town Meeting was more complicated than necessary, and suggested the Board consider a clearer proposal. David Bernstein, 25 Glezen Lane, reviewed the average times for article discussions at Annual Town Meeting, based on historic data. C. Karlson entered into the record for public comment the formal objection to the removal of civil service as presented by Jennifer Ordway, Union President for Wayland Police Officers Union. Linda Segal, 9 Aqueduct Road, objected to the use of the Middle School Auditorium for the February Special Town Meeting due to the discomfort of the seating.

**A3. Attend Finance Committee's Special Town Meeting Warrant Article Hearing** At 7:15 p.m., the Board joined the Finance Committee's Special Town Meeting Warrant Article hearing, and reconvened for its regular meeting again at 8:06 p.m.

**A6. Discuss Massachusetts Gas Leaks Legislation with Paul Dale, Sierra Club, and Vote to Adopt Resolution** Paul Dale, 18 Parkland Drive and member of the Sierra Club, appeared before the Board to discuss the environmental impact of natural gas leakage. He said there is no economic incentive for the gas companies to address the problem because they lose money by repairing the leakage. He asked the Board to sign a resolution in support of Massachusetts House Bills H2870 and H2871, requiring gas leaks to be repaired when a road is open for construction, and to protect utility customers from paying for lost gas. J. Nolan suggested that he solicit the support of the 495 Partnership, and M. Antes asked him to contact the MetroWest Collaborative. It was the sense of the Board to support the House Bills and prepare a resolution for the next meeting.

L. Anderson left the meeting at 8:16 p.m. to return to the Finance Committee Special Town Meeting Warrant Article Hearing.

**A4. Potential Vote to Amend the Location of the February 11, 2016, Special Town Meeting** The Board was joined by Assistant Town Administrator/Human Resources Director John Senchyshyn to discuss

the venue of the Special Town Meeting. He said he has learned that parking at the High School on February 11 would be difficult due to a concert, and the best alternative is the Middle School Auditorium. M. Antes moved, seconded by J. Nolan, to amend the January 4, 2016 vote establishing the February 11, 2016 Special Town Meeting by changing the location from the Wayland High School Auditorium to the Wayland Middle School Auditorium. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 3-0.

**A5. Special Town Meeting** The Chair opened the Petitioners' Workshop for the Special Town Meeting at 8:24 p.m. There were no petitioners present. The workshop was closed at 8:25 p.m. The Board reviewed the budget for the Special Town Meeting. J. Senchyshyn said the projected estimated cost for Special Town Meeting is \$11,800, and assuming there is a five-night Annual Town Meeting, the town meeting budget will overrun the FY16 budget by approximately \$40,000. He requested increasing the budget for FY17 by \$10,000. C. Karlson said the Board will review the budget at the next meeting. In regard to logistics, J. Senchyshyn said the Town Moderator will review the Middle School venue for setup, and WayCAM will do either a live broadcast or a tape delay. He said there are no provisions for audiovisual equipment budgeted for the meeting. The Board asked N. Balmer to pursue the option of an earlier start time. D. Bernstein asked if electronic voting will be used at the Special Town Meeting; C. Karlson said yes.

The Board considered its positions on the Special Town Meeting articles. J. Nolan moved, seconded by M. Antes, to support the article, "Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 3-0. J. Nolan moved, seconded by M. Antes, to support the article, "Withdrawal of the Town of Wayland from the Minuteman Regional Vocational School District." YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 3-0. The Board postponed its vote on the petitioners' article, "Facilitate Improving Safety of Town Roads." It was the sense of the Board to allow the Chair to work with the Town Administrator to order the articles. The Board discussed the preparation of a press release to promote attendance at the Special Town Meeting.

**A7. Annual Town Meeting 2016: Discussion and Review List of Potential Articles and Vote to Submit Articles** The Board reviewed a list of potential articles for Annual Town Meeting. C. Karlson noted the addition of the article, "Confirmatory Taking of Newbury Conservation Land." The Board was joined by Bill Sterling, Council on Aging/Community Center Advisory Committee, to review the article regarding the project. Members discussed the cost estimates and the timeline for the upcoming stages of the project, including the programming study and the environmental assessment/site engineering. J. Nolan asked if the article will be co-sponsored by the Recreation Commission; B. Sterling said yes. N. Balmer reviewed the OPEB article. Marianne Peabody, Personnel Board, spoke in favor of the article. The Board discussed the civil service issue; N. Balmer noted the current staff would retain their civil service rights. N. Balmer said the article, "Amend Private Fire Hydrant Bylaw," was to make corrections to the current bylaw. The Board reviewed the article regarding Glezen Lane construction, and discussed the cost and the legal judgment requiring that the mitigation be funded. N. Balmer said the town must authorize the 53 E ½ revolving fund accounts, so the town and school accounts have been combined into one article. C. Karlson said the article regarding Minuteman borrowing is a placeholder which may be withdrawn. N. Balmer advised the Board that the Library may be looking for an alternative site for a potential new library.

J. Nolan moved, seconded by M. Antes, to accept for inclusion in the 2016 Annual Town Meeting the articles, "Petition Legislature for New Special Legislation for OPEB and Rescind OPEB Special Act," "Petition Legislature regarding Police Civil Service," "Amend Private Fire Hydrant Bylaw," "Fund Next Step in Council on Aging/Community Center Project," "Fund Glezen Lane Construction of Permanent Turn Restrictions on Glezen Lane," "Authorize 53 E ½ Accounts," "Allow Town Counsel to Speak at Meeting Without Meeting Vote," "Minuteman Borrowing for New School," "Authorize Confirmatory Taking of

Newbury Conservation Land,” and “Fund Next Step in Council on Aging/Community Center Project.”  
YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none.  
Adopted 3-0.

**A8. Review and Approve Consent Calendar (See Separate Sheet)** The Board reviewed the account detail of the appropriation from Annual Town Meeting 2015 for the Council on Aging/Community Center project. J. Nolan requested that the applicant for the WayCAM Board of Directors, Jonathan Ward, be invited before the Board for an interview before being appointed. M. Antes moved, seconded by J. Nolan, to approve the consent calendar with the exception of item 6, the appointment of Jonathan Ward to the WayCAM Board of Directors, with the intent to invite him before the Board at a future meeting to discuss the WayCAM finances and J. Ward’s representation of the Board of Selectmen on the WayCAM Board. YEA: M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 3-0.

**A10. Report of the Town Administrator** N. Balmer reported on the River’s Edge Advisory Committee forum on January 7. She said suggested revisions to the RFP include changing the age-restricted housing requirement, and structuring the RFP to share the risk of unknowns with the contractor, such as water, wastewater, demolition, soil removal and remediation. She said she expected a new RFP to be issued in six to eight weeks. She reported on a meeting with the Recreation Commission regarding the creation of a revolving fund and a special purpose recreation stabilization fund. The Board encouraged the Recreation Commission to have any necessary articles fully prepared for Annual Town Meeting.

L. Anderson re-joined the meeting at 9:25 p.m.

N. Balmer proved an update on the status of the IT initiatives. She reviewed the issue of snow plowing and road maintenance on private ways, and noted that a confirmatory action may be necessary at some point. She said the Planning Board withdrew three articles from the Annual Town Meeting, including the Sales of Used Autos-Accessory Use to Service Station, which is currently being addressed on an individual basis by the Building Commissioner.

**A9. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week’s correspondence. J. Nolan noted the town’s continued efforts to enforce the safe operation of traffic on Stonebridge Road, and the strong position taken by the Department of Revenue in regard to appropriations from a revolving fund..

**A11. Selectmen’s Reports and Concerns** L. Anderson reported on the remaining issues discussed at the Finance Committee hearing. She said the Finance Committee requested that Town Counsel review the Minuteman agreement one last time, but noted that the town had no ability to make any changes. J. Nolan reported on a discussion with Duane Galbi, and asked if the Board was willing to meet with him again to discuss his article for Special Town Meeting. Board members suggested compiling a sequence of events that have been taken to date, and encouraging D. Galbi to continue through the traffic calming process with the Board of Public Works. L. Anderson said she attended the presentation by Police Chief Robert Irving at the Wayland Library on the changes in policing over the last 100 years. C. Karlson reported on the Wayland Real Asset Planning (WRAP) Committee meeting on January 6; she said they are aware of the time constraints in trying to answer the concerns of the Council on Aging, Recreation Commission and the Council on Aging/Community Center Advisory Committee before the Annual Town Meeting. J. Nolan noted he is no longer the Co-Chair of the 495 Partnership. The Board reviewed the upcoming meeting schedule.

**A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, “I know of none.”

**A13. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 9:51 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of January 11, 2016**

1. Handout, Draft Resolution Concerning Lost and Unaccounted For Gas
2. Account Detail of Appropriation at Annual Town Meeting 2015, Council on Aging/Community Center Advisory Committee, January 11, 2016
3. Annual Town Meeting 2016 Article, Confirmatory Taking of Newbury Conservation Land, submitted by Conservation Commission
4. Memorandum of 1/11/16 from Board of Selectmen re: Change of Venue, Special Town Meeting, February 11, 2016
5. Minuteman Vocational Regional FAQ, Published Originally by the Sudbury Board of Selectmen and Edited with Permission by Lea Anderson
6. Minuteman New Agreement Cost Comparison, Draft, January 7, 2016
7. Draft Articles for the February 2016 Special Town Meeting

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

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



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## DRAFT

Board of Selectmen  
Meeting Minutes  
January 25, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to Discuss the Exchange, Lease or Value of Real Estate in regard to 4, 8 Sycamore Road, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Collective Bargaining Pertaining to the Police Union and the Fire Union** At 6:01 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(6), to discuss the exchange, lease or value of real estate in regard to 4 and 8 Sycamore Road, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to collective bargaining pertaining to the Police Union, formerly known as the New England Police Benevolent Association, Inc., Local 176 and the Fire Union, formerly known as Local 178 of the IAFF, AFL/CIO. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Fire Chief David Houghton and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately twenty minutes.

The Board returned to open session at 6:34 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

**A3. Public Comment** Linda Segal, 9 Aqueduct Road, said the Council on Aging/Community Center Advisory Committee was not posting its minutes in a timely manner.

**A4. Potential Vote to Approve the Memorandum of Agreement between the Town of Wayland and the New England Police Benevolent Association, Inc., Local 176, dated 12/21/15 for a Successor Collective Bargaining Agreement for the Period of 7/1/14 through 6/30/17; and Potential Vote to Approve the Memorandum of Agreement between the Town of Wayland and Local 178 of IAFF, AFL/CIO, dated 1/11/16 for a Successor Collective Bargaining Agreement for the Period of 7/1/13 through 6/30/14; and Potential Vote to Approve the Memorandum of Agreement between the Town of Wayland and Local**



**178 of IAFF, AFL/CIO, dated 1/11/16 for a Successor Collective Bargaining Agreement for the Period of 7/1/14 through 6/30/17** The Board tabled the motion regarding the Memorandum of Agreement with the New England Police Benevolent Association, Inc., Local 176. L. Anderson moved, seconded by M. Antes, to approve the Memorandum of Agreement between the Town of Wayland and Local 178 of IAFF, AFL/CIO, dated 1/11/16, for a successor collective bargaining agreement for the period of 7/1/13 through 6/30/14. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by M. Antes, to approve the Memorandum of Agreement between the Town of Wayland and Local 178 of IAFF, AFL/CIO, dated 1/11/16 for a successor collective bargaining agreement for the period of 7/1/14 through 6/30/17. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A5. Review and Potential Vote to Approve Board of Selectmen Annual Report for FY2015** The Board reviewed and made edits to the Board of Selectmen FY2015 Annual Report. J. Nolan moved, seconded by L. Anderson, to authorize the Chair of the Board of Selectmen and the Town Administrator to revise as discussed and finalize the Board of Selectmen Annual Report for FY2015. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A6. Vote Special Town Meeting: Discussion and Vote to Approve Letter to the Editor** C. Karlson reminded the public that there will be a Special Town Meeting on February 11, 2016. The Board reviewed a draft letter to the editor to promote the Special Town Meeting. M. Antes moved, seconded by L. Anderson, to approve the letter to the editor as prepared by Selectman Lea Anderson for the Wayland Town Crier. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A7. Review Annual Town Meeting Articles and Vote Assignments** The Board reviewed and approved the assignments for the Annual Town Meeting articles as prepared by the Chair. C. Karlson distributed the Finance Committee policy on article preparation.

**A11. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Anderson, to approve consent calendar items 1, 2, 3, 7, 8, 9, and 10, with a revision to item 9 to correct the change of the Coach Grill Sunday opening hours from 12:00 noon to 10:00 a.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Town Clerk Beth Klein appeared before the Board to review consent calendar items 4, 5, and 6; she explained that Board approval is necessary in order to place on the April 2016 ballot the positions of partial terms created by elected officials who did not complete their terms. J. Nolan moved, seconded by L. Anderson, to approve items 4, 5 and 6 of the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A8. Approval of Four New Chapter 71, Section 26 A, B, C School Revolving Funds** The Board was joined by Susan Botton, School Business Manager, to review the school revolving funds. S. Botton said that Special Counsel James Toomey was hired to recommend actions to assure that the revolving accounts are in compliance with legal requirements. L. Anderson moved, seconded

by M. Antes, to approve the Public School Operated School-Age Child Care Program for Before and After School Extension (BASE), Global Language, Tutoring and Enrichment adopted by the School Committee on November 30, 2015. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A13. Report of the Town Administrator** N. Balmer said there will be a Board meeting on January 27 to sign the Special Town Meeting warrant. She reviewed her comments to the Finance Committee on the FY17 budget, noting the Facilities Director's request for additional funding for temporary help to manage projects. She discussed an alternative reduced IT budget, and said she is working with Financial Analyst Beth Doucette to prepare a presentation for the February 4 meeting. She reviewed the Town Clerk's request for assistance during elections, and the need to further evaluate DPW staffing. She provided a summary of the plan for a Recreation funding model. C. Karlson asked the Town Administrator to confirm whether the special accounts being planned for the Recreation department need to be created before the budget can be addressed.

**A9. Public Hearing on the Application filed by Eastbrook, Inc., dba Sperry's Liquors, for a New All Alcoholic Beverage License to Replace the Existing Wine and Malt, Off Premises (Package Store) License, at 87 Andrew Avenue** C. Karlson opened the public hearing on the application filed by Eastbrook, Inc., dba Sperry's Liquors, for a new all alcoholic beverage license to replace the existing wine and malt, off premises (package store) license, at 7:16 p.m. The Board was joined by the owner, Tony Speranzella, and Attorney Bill Brewin. B. Brewin respectfully requested that the Board approve the license application, at which time Eastbrook Inc. will return its current wine and malt license. The applicant agreed to abide by the rules and regulations of the sale of alcoholic beverages. C. Karlson noted for the record that the Police Chief has no issue with the application. The hearing was closed at 7:24 p.m.

L. Anderson moved, seconded by M. Antes, to approve the application filed by Eastbrook, Inc., dba Sperry's Liquors, for a new all alcoholic beverage license to replace the existing wine and malt, off premises (package store) license, at 87 Andrew Avenue, with the stipulation that their existing license will be surrendered. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A12. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. C. Karlson requested that the letters regarding civil service be forwarded to the Finance Committee for help in preparing comments. The Board thanked Cynthia Hill for her service on the Board of Health. M. Antes noted the grant to the Fire Department, and L. Anderson commended the Police Chief on his report on goals and results. C. Karlson reminded all chairs and department heads to post their minutes in a timely manner.

**A14. Selectmen's Reports and Concerns** The Board discussed the recent Massachusetts Municipal Association conference. C. Karlson said she was interested in the promotional material from cleargov.com, and asked the Town Administrator to request more information from them. L. Anderson reported on a meeting at the Minuteman Regional School on January 21; she said that Superintendent-Director Ed Bouquillon advised that if any votes fail, he will call for a district-wide vote, and he reminded member towns that any amendment to the agreement will nullify it. The

Board discussed the procedure for allowing a Minuteman representative to speak at the Special Town Meeting. M. Antes reported on a MetroWest Collaborative meeting on January 14, and discussed the future of its staff structure. She said the Collaborative is looking for recommendations. J. Nolan noted the 495 Partnership receives the majority of its funding from the private sector.

**A10. Attend Finance Committee Annual Town Meeting Warrant Article Hearing** The Board attended the Finance Committee Annual Town Meeting Warrant Article hearing.

**A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**

The Chair said, "I know of none."

**A16. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 9:44 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of January 25, 2016**

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

**Items Included as Part of Agenda Packet for Discussion During the January 25, 2016, Board of Selectmen's Meeting**

1. Draft Annual Report, Board of Selectmen, Fiscal Year 2015
2. List of Articles Submitted for 2016 Annual Town Meeting
3. Memorandum of 1/8/16 from Susan Bottan, School Business Administrator, to Board of Selectmen, re: Consideration of Vote to Approve After-School Programs Established and Maintained under M.G.L. Chapter 71, Section 26 A, B, C
4. Application of Eastbrook, Inc., dba Sperry's Liquors, for a New All Alcoholic Beverage License to Replace the Existing Wine and Malt Off Premises License at 87 Andrew Avenue
5. Town Administrator's Report for the Week Ending January 21, 2016



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

April 1, 2016

Mr. Jeffrey W. Stullin, Chair, Minuteman Regional School Committee  
Dr. Edward A. Bouquillon, Superintendent-Director  
Minuteman Regional Vocational School  
758 Marrett Road  
Lexington MA 02421

Dear Mr. Stullin and Dr. Bouquillon,

As you know, the Town of Wayland voted to withdraw from the Minuteman District at a Special Town meeting held February 11, 2016. At the Wayland Annual Town Meeting scheduled for April 7, 2016, the Board of Selectmen will rely on the following understanding:

Given that:

1. The Town of Wayland voted to withdraw from the District,
2. The Town of Wayland and all other member towns adopted the December 2015 revised agreement allowing the Town to withdraw as of July 1, 2017, and
3. The DESE Commissioner approved the revised agreement,
4. It is Wayland's understanding that the Minuteman District is following the first, section 16(d) method under the Agreement for incurring the MSBA project debt which requires that after a 2/3 vote to incur debt by the Committee, each town has the right to exercise a "veto" power by Town Meeting within 60 days of the March 15 Committee vote (i.e., by May 14, 2016), and
5. It is Wayland's understanding that if one member of the Minuteman District exercises its veto power, the District would then seek to incur the debt by the alternative section of the Agreement, 16(n) district-wide majority vote ballot process, and

6. It is Wayland's understanding that the revised agreement is now in effect under Section IX(E), and that no part of the MSBA debt can be apportioned to the Town since that debt will be incurred after December 10, 2015. In other words, the Town of Wayland will only be responsible for its apportioned share of current debt, incurred by December 10, 2015.

In light of the above, we believe there is no need to take any action on MSBA debt at the Wayland Annual Town Meeting. Please respond by Monday April 4<sup>th</sup>, if you believe any part of our understanding is incorrect.

Thank you.

Sincerely,



Nan Balmer  
Town Administrator

cc: Board of Selectmen



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, April 4, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

**REVISED CONSENT CALENDAR**

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through March 31, 2016: \$17,567.99
3. Vote the Question of Approving Pam's Run on Sunday, October 16, 2016, at the Claypit Hill Elementary School
4. Vote the Question of Approving the Invoice from TEC for Glezen Lane Neighborhood Traffic Assessment Project 0558.05, for the Month of January 2016, Invoice dated January 31, 2016, Invoice # 9580: \$7,430.00
5. Vote the Question of Approving the Minutes of December 7, 2015, December 14, 2015, January 4, 2016, January 27, 2016, February 11, 2016, February 16, 2016, and February 26, 2016

**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 - 3/31/2016

SUMMARY

FEE CALCULATION: 108.1 HOURS X \$160.00 PER HOUR =	\$17,328.00
DISBURSEMENTS (See below for detail)	239.99
TOTAL 3/31/16 INVOICE.....	<u>\$17,567.99</u>
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....	<u>\$17,567.99</u>
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T .....	<u>0.00</u>

DISBURSEMENTS

3/2016	Postage	26.44
3/2016	FAXing (978) 369-9916 & (978) 261-5034	0.00
3/2016	Copying	26.50
3/7/16	Mileage: 44 @ \$.50 =	22.00
3/7/16	Parking	36.00
3/7/16	Tolls	5.00
3/8/16	Mileage: 44 @ \$.50 =	22.00
3/8/16	Parking	28.00
3/8/16	Tolls	5.00
3/11/16	UPS Copy & Del. Charges - Glezen Lane Case	69.05
Total Disbursements		<u>\$239.99</u>

## DiNapoli, MaryAnn

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**From:** Irving, Robert  
**Sent:** Wednesday, February 24, 2016 9:13 AM  
**To:** DiNapoli, MaryAnn; Balmer, Nan; Brodie, Jessica; Stein, Paul; Marobella, Diane  
**Cc:** Jayme Nowland (jayme.nowland@gmail.com)  
**Subject:** RE: Pam's Run 2016

No problem with WPD

---

**From:** DiNapoli, MaryAnn  
**Sent:** Wednesday, February 24, 2016 8:46 AM  
**To:** Irving, Robert; Balmer, Nan; Brodie, Jessica; Stein, Paul; Marobella, Diane  
**Cc:** Jayme Nowland (jayme.nowland@gmail.com)  
**Subject:** FW: Pam's Run 2016

Please let me know if there is any problem with approving the date of October 16, 2016, for the annual Pam's Run.

The route of the run this year will be exactly the same as last year. You can access it on the website here:  
<http://pamsrun.com/race-details/>

Please get back to me ASAP so they can begin to promote the event.

Thank you,

MaryAnn

**From:** Jayme Nowland [<mailto:jayme.nowland@gmail.com>]  
**Sent:** Wednesday, November 11, 2015 2:11 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Pam's Run 2016

Hi MaryAnn,

Hope you are doing well! I know it's SO early but we wanted to secure a date for Pam's Run 2016 so that we can get our sponsorship packets made.

I am writing to request Pam's Run to be held on Sunday, October 16, 2016 at Claypit Hill Elementary School.

Thanks so much,

Jayme Nowland



## DiNapoli, MaryAnn

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**From:** Brodie, Jessica  
**Sent:** Tuesday, March 29, 2016 9:58 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** RE: Pam's Run

Hi MaryAnn,

Yes, the Recreation Commission voted 4-0-0 in favor to approve Pam's run on October 16<sup>th</sup> at Claypit at our March 18<sup>th</sup> meeting. I will make note of this on an event's list for field users for the Fall season once we book fields for that time period.

Let me know if you need anything else.

Thanks,

### Jessica Brodie, CPRP

Director  
Recreation Department  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778  
508-358-3662 (phone)

Visit our [Website](#)  
Visit our [Facebook Page](#)  
Register Online for Programs [here](#)

*"We do not stop playing because we grow old, we grow old because we stop playing"*

---

**From:** DiNapoli, MaryAnn  
**Sent:** Tuesday, March 29, 2016 8:55 AM  
**To:** Brodie, Jessica  
**Subject:** Pam's Run

Jessica, can you send me a confirmation that the Recreation Commission is okay with the Pam's Run 2016 on Sunday, October 16, 2016 at Claypit Hill Elementary School, so I can put it on the Board agenda for approval next week?

Thanks,

MaryAnn

## DiNapoli, MaryAnn

---

**From:** Jayme <jayme.nowland@gmail.com>  
**Sent:** Thursday, February 25, 2016 7:05 PM  
**To:** Brodie, Jessica  
**Cc:** Irving, Robert; DiNapoli, MaryAnn; Balmer, Nan; Stein, Paul; Marobella, Diane; Joanna Manikas  
**Subject:** Re: Pam's Run 2016

Hi Jessica,

We will have cars parked from about 7am - 12pm. We will use the field to the left of the school (when facing the school).

Hope that helps. Please let me know if you have any other questions.

Thank you,

Jayme

Sent from my iPhone

On Feb 25, 2016, at 1:34 PM, Brodie, Jessica <[jbrodie@wayland.ma.us](mailto:jbrodie@wayland.ma.us)> wrote:

Hi Everyone,

I will just need clarification on the time that parking will be impacted and if a field will be needed for any aspect of the event. If I can have those details I could confirm or ask more questions.

Thank you,

**Jessica Brodie, CPRP**

Director

Recreation Department

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

508-358-3662 (phone)

Visit our [Website](#)

Visit our [Facebook Page](#)

Register Online for Programs [here](#)

*"We do not stop playing because we grow old, we grow old because we stop playing"*

---

**From:** Irving, Robert

**Sent:** Wednesday, February 24, 2016 9:13 AM

**To:** DiNapoli, MaryAnn; Balmer, Nan; Brodie, Jessica; Stein, Paul; Marobella, Diane

**Cc:** Jayme Nowland ([jayme.nowland@gmail.com](mailto:jayme.nowland@gmail.com))

**Subject:** RE: Pam's Run 2016

DATE: APRIL 1, 2016  
TO: NAN BALMER  
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST  
RE: GLEZEN LANE TRAFFIC ASSESSMENT INVOICE - JANUARY 2016

**ACTION REQUESTED:**

Payment approval

**ACCOUNT BALANCE AND PAYMENT RECOMMENDATION:**

The Town received the attached invoice for payment to TEC for January 2016 Glezen Lane Neighborhood Traffic Assessment services, in the amount of \$7,430.00. General ledger account 24122400, a Town Center Gift Account, where Glezen Lane traffic related payments have been charged, has a current balance of \$2,255.99. Therefore, it is recommended that the January 2016 TEC invoice for \$7,430.00 be charged to Treasury account NA, an account for neighborhood roads traffic improvements with a current balance of \$21,711.07.

Following this January 2016 payment, Treasury account NA will have a balance of \$14,281.07.

Chief Robert Irving  
Town of Wayland Police Department  
38 Cochituate Road  
Wayland, MA 01778

Date 1/31/2016

Invoice # 9580

Project 0558.05 Glezen Lane Neighborhood

January 1, 2016 to January 31, 2016	% Complete	Fee	Previous	Current
Glezen Lane Neighborhood Traffic Assessment				
Task 1 - Initial Data Collection	100.00%	2,800.00	2,800.00	0.00
Task 2- Neighborhood Traffic Assessment	100.00%	9,800.00	9,800.00	0.00
Task 2A- Amend Data Request	100.00%	1,500.00	1,500.00	0.00
Task 3- Meetings				
Task 4- Existing Conditions Survey & Base Plan Prep	100.00%	4,500.00	4,500.00	0.00
Task 5- Design & Permitting	75.00%	9,000.00		6,750.00
Task 6- Construction Bidding Documents	0.00%	3,500.00		0.00
Other-Affidavit Prep 4 hours @ \$170/hour				680.00

**Total**

\$7,430.00



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

## Board of Selectmen Meeting Minutes December 7, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan (arrived 7:04 p.m.)

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes announced that the Planning Board hearing for Annual Town Meeting zoning bylaw amendments will be held December 8.

**A2. Public Comment** Jerry Heller, 24 Hickory Hill Road, and Chair, River's Edge Advisory Committee, advised the Board that no bids were received for the purchase of the River's Edge property. He said the committee will contact prospective developers and review whether to modify the RFP. He reviewed potential issues, such as the demolition of the septage facility, the lack of a water connection, and affordable housing regulations.

**A3. Vote to Approve the Memorandum of Agreement as Amended with the AFSCME 2, Clerical Bargaining Unit dated October 26, 2015, for the Period of July 1, 2014, through June 30, 2017**

M. Antes moved, seconded by L. Anderson, to approve the Memorandum of Agreement as amended with the AFSCME 2, Clerical Bargaining Unit dated October 26, 2015, for the period of July 1, 2014, through June 30, 2017. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A4. Open Annual Town Meeting and Election Warrants** J. Nolan moved, seconded by M. Antes, to open the warrant for the Annual Town Meeting to begin on Thursday, April 7, 2016, at 7:30 p.m. in the Wayland High School Field House, and the Annual Election to be held on Tuesday, April 5, 2016, at designated polling places. The warrant for said Annual Town Meeting will be open from Monday, December 14, 2015, at 8:30 a.m., through Friday, January 15, 2016, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Friday, January 15, 2016. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A5. Vote to Approve Renewal of Liquor Licenses, Common Victualler Licenses, Entertainment Licenses, and Used Car Dealer Licenses** J. Nolan moved, seconded by M. Antes, to approve the renewal of the following liquor licenses, common victualler licenses, entertainment licenses, sale of second-hand articles licenses, and used car dealer licenses. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Liquor License On Premise All Alcoholic
Broomstones Inc.	1 Curling Lane	Liquor License, Club, All Alcoholic

China Rose LLC dba China Rose	15 East Plain Street	Liquor License On Premise All Alcoholic
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Liquor License On Premise All Alcoholic
Donelan's Supermarkets Inc.	177 Commonwealth Road	Liquor License Package Store Wine & Malt
Dudley Chateau of Cochituate Inc.	20 Crest Road	Liquor License On Premise All Alcoholic
Lavins Inc. of Wayland	330 Old Connecticut Path	Liquor License Package Store All Alcoholic
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Liquor License On Premise All Alcoholic
Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Liquor License On Premise Wine & Malt
New Sandy Burr Inc.	103 Cochituate Road	Liquor License On Premise All Alcoholic
Post Road Liquors Inc.	44 Boston Post Road	Liquor License Package Store All Alcoholic
Prime 131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Liquor License On Premise All Alcoholic
Sperry's Fine Wine Brew and Cigars (Eastbrook Inc.)	87 Andrew Avenue	Liquor License Package Store Wine & Malt
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Liquor License On Premise All Alcoholic
The Villa Inc.	48 East Plain Road	Liquor License On Premise All Alcoholic
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Liquor License On Premise Wine & Malt
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Liquor License On Premise All Alcoholic
Wayland Variety and Deli Corporation	70 Boston Post Road	Liquor License Package Store Wine & Malt
Wayland Wine and Spirits (P & P Liquors Inc.)	302 East Commonwealth Rd	Liquor License Package Store All Alcoholic
Baypath Elder Services (Meals on Wheels)	33 Boston Post Road Marlborough MA	Victualler License
Bertucci's Restaurant Corp. dba Bertucci's Italian Restaurant	14 Elissa Avenue	Victualler License
China Rose LLC dba China Rose	15 East Plain Street	Victualler License
Coach Grill (BBRG TR LLC)	55 Boston Post Road	Victualler License
Dudley Chateau of Cochituate Inc.	20 Crest Road	Victualler License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Victualler License
Liberty Pizza (MC&G Pizza Inc.)	116 Main Street	Victualler License
The Local Restaurant of Wayland LLC dba The Local Restaurant	11 Andrew Avenue	Victualler License

Mel's Commonwealth Café (Elmwood Donuts, Inc.)	310 Commonwealth Road	Victualler License
New Sandy Burr Inc.	103 Cochituate Road	Victualler License
Panera Bread Bakery-Café (PR Restaurants LLC)	21 Andrew Avenue	Victualler License
Prime 131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Victualler License
Starbucks Coffee Company	44 Main Street	Victualler License
Spice 'n Pepper (Aprileileen Corporation)	236 Boston Post Road	Victualler License
Takara Japanese Restaurant (Zheng Group Inc.)	15 Elissa Way	Victualler License
The Villa Inc.	48 East Plain Road	Victualler License
Water Lily (Ho-Tai Wayland Inc.)	309 Boston Post Road	Victualler License
The Wayland Country Club (Golf Course Enterprises)	121 Old Sudbury Road	Victualler License
Wayland Pizza House	336 Boston Post Road	Victualler License
China Rose LLC dba China Rose	15 East Plain Street	Entertainment License
Einstein and Noah Corp dba Einstein Brothers	44 Main Street	Entertainment License
The Local Restaurant of Wayland dba The Local	11 Andrew Avenue	Entertainment License
Prime131 Grill (Old Wayland Restaurant Inc.)	131 Boston Post Road	Entertainment License
Starbucks Coffee Company	44 Main Street	Entertainment License
The Villa Inc.	48 East Plain Road	Entertainment License
Almaari Jewelers	65 Andrew Avenue	Sale of Second Hand Articles
MetroWest Precious Metals LLC	241 Boston Post Road Suite 5	Sale of Second Hand Articles
Cook's Automotive (Lloyd J. Cook, President)	338 Boston Post Road	Sale of Used Vehicles II
Herb Chambers of Wayland Inc. dba Aston Martin Boston, dba Bentley Boston, dba Rolls-Royce Motor Cars of New England, dba Herb Chambers Lamborghini of Boston, and dba Herb Chambers Maserati	533 Boston Post Road	Sale of Used Vehicles I
International Auto Works Inc.	118 Main Street	Sale of Used Vehicles II
Shepard's Service (Mark Shepard)	268 Boston Post Road	Sale of Used Vehicles II
Wayland Automotive Sales (Richard Devlin)	322 Commonwealth Avenue	Sale of Used Vehicles II
Wayland Foreign Motors (Timothy and Thomas Cornu)	356 Boston Post Road	Sale of Used Vehicle II
Wayland Imports (Glenn B. Schwartz)	70 Boston Post Road	Sale of Used Vehicles II
Wayland Mobil (E & J Service Station LLC)	315 Commonwealth Road	Sale of Used Vehicles II

**A13. Review and Approve Consent Calendar (See Separate Sheet)** J. Nolan commended Eagle Scouts Thomas Heerema and Andrew Glenn Ludwig for their achievement. J. Nolan moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A6. Discuss Council on Aging/Community Center Advisory Committee Charge and Next Steps** Members of the Council on Aging/Community Center Advisory Committee Bill Sterling, Jean Milburn, and Frank Krasin appeared before the Board, to review proposed changes to its charge. It was the sense of the Board to approve the changes. The Board reviewed the committee's activities, including environmental testing, a potential peer review, the interior review of the existing building, and the capacity of the building to meet program requirements, and the need to consider alternate locations. B. Sterling reviewed the Phase II preparations. C. Karlson noted there has been no definitive approval received from the town yet to proceed with a Council on Aging/Community Center. The Board discussed the survey from the Wayland Real Asset Planning (WRAP) Committee. B. Sterling said the committee would prepare a report for the Board of Selectmen to submit. He said a consultant would be hired for RFP preparation for a firm to site testing and engineering drawing for permitting submittals. L. Anderson asked about the impact of putting the project under the Permanent Municipal Building Committee, and B. Sterling said it would be helpful. He said the next step is to ask Town Meeting for design funds of approximately \$200,000 to \$500,000 for the next phase, contingent upon the purchase of the property. C. Karlson noted that construction funding for the project would likely be requested in Spring 2017.

**A7. FY17 Budget Discussion, Including but not Limited to: Proposed New Positions, including Departments under Selectmen (Police, Information Technology), Discussion of Unclassified Expenses, Legal Expenses and Debt Schedule and Management** The Board was joined by Assistant Town Administrator/Human Resources Director John to review requests for new positions. J. Senchyshyn said there were nine requests considered justifiable but limited by budget constraints.

He reviewed the request for an IT Executive Director, which the Personnel Board recommended for funding, and a second request for a Business System Administrator, which is recommended for later funding in FY16 after the first position is filled. In regard to the DPW, he said there are four positions requested, although not all positions require more funding. He said the additional Maintenance position is warranted due to the increase in town buildings. In regard to the in-house Engineer, the funds will be taken out of contract services. He noted the Senior Foreman position replaces a current vacancy, and that due to changes in staff structure, the Working Foreman position represents a cost reduction to the town. He said the two positions for the Recreation Department will be funded through user fees. Three other positions were denied: a new police officer, a part-time clerical position in the office of the Town Clerk, and additional clerical support for the Health Department.

The Board was joined by Police Chief Robert Irving and Police Lieutenant Pat Swanick to review the staffing needs of the Police Department. R. Irving said the requested position is a reinstatement, not a new position, and he discussed the need to fill the job, including the new town center project, the impact on overtime, and the comparison to peer towns. The Board agreed that the position was not denied because of a lack of support, but rather based on budget considerations.

J. Senchyshyn reviewed unclassified expenses. He noted the increasing costs of health insurance and the contributing factors. He said there was little variance in the remaining unclassified expenses; however, he highlighted the separation of special counsel legal expenses, which included issues such as OPEB, the revolving accounts, and the Minuteman Regional Vocational School.



The Board was joined by Zoe Pierce, Treasurer/Collector, to discuss town debt. She reported on the Schedule for general fund debt, the list of authorized but unissued debt, refunding opportunities, debt analysis, and debt management policy. She said the general fund debt is consistent with town policy. She discussed excess borrowing capacity; C. Karlson suggested guidance from staff and a review of market rates. Z. Pierce explained her request for a financial advisor to evaluate debt refunding opportunities and to review the town's debt policy. The Board expressed its support for an advisor, and thanked her for her work.

**A10. Update on Minuteman Issues** The Board was joined by Town Moderator Dennis Berry, and Mary Ellen Castagno, Wayland representative to the Minuteman School, via telephone. L. Anderson provided an update on a meeting held on December 2 in Weston of the sixteen member towns to come to an agreement on a proposal that each selectman could bring back to their boards. As a result, she asked the Board whether it could, in principal, support a revised regional agreement, based on the 2014 regional agreement. Any town must take a vote on withdrawal and approve the new agreement at a Special Town Meeting, and she asked if the Board could commit to a Special Town Meeting by February 15. She also said the issue arose regarding the payment to the host community (Lincoln) of \$138,000 per year, as payment in lieu of taxes. The Board reviewed the revised agreement, and agreed to open a warrant for Special Town Meeting once all sixteen towns have made the commitment. L. Anderson said the member towns are relying on Minuteman to write the article. M. Castagno said the Board must take a vote to withdraw. It was the sense of the Board to approve the withdrawal and take a formal vote at the next meeting.

**A8. Review List of Potential Annual Town Meeting Warrant Articles** The Board reviewed the list of potential articles for the Annual Town Meeting, and discussed the use of an abbreviated format for the standard articles. M. Antes said that a mixed use development is being considered at the Wayland Shopping Center on Boston Post Road, and asked about wastewater capacity. N. Balmer said she will pursue the question with the Facilities Director

**A11. Vote to File Special Legislation to Increase Cap on Recreation Revolving Fund Expenses to 5% of Taxation** J. Nolan moved, seconded by M. Antes, to petition the General Court of the Commonwealth of Massachusetts to enact a Special Act to increase the annual expenditure limit on the Recreation Department's revolving fund established pursuant to Massachusetts General Laws Chapter 44, Section 53 E ½, from 1% to 5% of the amount raised by taxation by the Town in the most recent fiscal year for which a tax rate has been certified by the Commissioner of the Department of Revenue. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A9. Review and Approve Memo to Wayland Real Asset Planning (WRAP) Committee** J. Nolan moved, seconded by L. Anderson, to approve the response to the survey submitted by the Wayland Real Asset Planning (WRAP) Committee, as amended, and authorize the Chair and the Town Administrator to finalize the language under Question 10. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A12. Discussion of Draft Amended Sign Policy** M. Antes presented a draft amended sign policy for Board review. The Board discussed the location of the signs, the ownership of the land, the approval of signs for school events, and the need to complement the Board of Public Works policy. M. Antes said she will make revisions and provide an updated draft for further review.

**A14. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. J. Nolan thanked Bill Steinberg for his service to the town on the Wayland Real Asset Planning (WRAP) Committee. J. Nolan discussed the 495 Partnership's annual conference; he discussed the

Suburban Edge Community Committee, and how it will help drive legislation to support small towns and community compacts. The Board noted the finding from the Attorney General that the Board of Assessors did not violate the Open Meeting Law.

**A15. Report of the Town Administrator** N. Balmer reminded the Board that the Massachusetts Municipal Association conference will be January 22-23, 2016. She reviewed the issue of common driveways and her conversations with residents. She said she has asked Town Counsel Mark Lanza to prepare an explanation for the public.

**A16. Selectmen's Reports and Concerns** L. Anderson reported on the Raytheon PIP meeting. M. Antes said the dedication of the Habitat home took place on December 5. She reviewed the proposal for listening sessions between the residents and the Board of Selectmen, and it was the consensus of the Board to move forward with the project.

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

**A18. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:36 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of December 7, 2015**

1. Memorandum of 12/7/15 from Sarkis Sarkisian, Town Planner, to Nan Balmer, Town Administrator, re: 15 East Plain Street Follow-Up on Site Plan Decision
2. Memorandum of 12/7/15 from Zoe Pierce, Treasurer/Collector, to Board of Selectmen, re: Town Debt

**Items Included as Part of Agenda Packet for Discussion During the December 7, 2015 Board of Selectmen's Meeting**

1. Memorandum of 12/4/15 to Board of Selectmen re: Motion for Approval of AFSCME 2 Memorandum of Agreement
2. Memorandum of 12/7/15 from Board of Selectmen to All Boards, Committees, Departments and Staff re: 2016 Annual Town Meeting and Annual Town Election
3. Memorandum of 12/3/15 to Board of Selectmen re: 2016 Licensing
4. Memorandum of 10/27/15 from Police Chief Robert Irving re: License Violations 2015
5. Memorandum of 12/7/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Council on Aging/Community Center Advisory Committee, Discuss Next Steps with Committee Chair
6. Memorandum of 12/4/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: New Request for Personnel from Departments under the Board of Selectmen
7. Memorandum of 12/2/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: FY17 Staffing Requests
8. Memorandum of 12/7/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Legal Expenses – FY15 and YTD FY16
9. Memorandum of 12/7/15 from John Senchyshyn, Assistant Town Administrator/HR Director, re: Unclassified Budget – FY17 Projections

10. Memorandum of 12/7/15 from Zoe Pierce, Treasurer/Collector, to Board of Selectmen  
re: Town Debt
11. 2016 Annual Town Meeting Potential Articles as of December 7, 2015
12. Memorandum of 12/7/15 from Nan Balmer, Town Administrator, to Board of Selectmen,  
re: Special Legislation for Recreation Revolving Fund
13. Draft Memorandum of 12/7/15 from Wayland Real Asset Planning (WRAP) Committee to Board of  
Selectmen re: Response to Request Regarding Facilities Under Selectmen Jurisdiction
14. Draft Board Policy on Signs – Public Display and Use of Town Sign Boards
15. Email of 12/4/15 from Mary Antes re: Listening Session Info for Packet
16. Town Administrator's Report for the Week Ending December 4, 2015



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes December 14, 2015

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer

**A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to a Pending Action regarding Bernstein et al v. Wayland Planning Board et al; and to Discuss Strategy with Respect to Pending Litigation regarding 150 Main St, LLC, Plaintiff, v. Wayland Zoning Board of Appeals and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel at the Town Center Project; and Pursuant Massachusetts General Laws Chapter 30A, Section 21(a)(2) to Conduct Strategy Sessions in Preparation for Negotiations with Non-Union Personnel or to Conduct Collective Bargaining Sessions or Contract Negotiations with the Town Administrator** At 6:01 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to a pending action regarding Bernstein et al v. Wayland Planning Board et al; and to discuss strategy with respect to pending litigation regarding 150 Main St, LLC, Plaintiff, v. Wayland Zoning Board of Appeals and, pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, taking, lease or value of real property in regard to the municipal parcel at the Town Center Project; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with the Town Administrator. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, litigating, or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, TEC Traffic Engineer Kevin Dandrade, Police Chief Robert Irving, Town Planner Sarkis Sarkisian, Board of Public Works member Mike Lowery, Planning Board member Ira Montague, Building Commissioner Geoffrey Larsen, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately one hour.

The Board returned to open session at 7:10 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:10 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

**A3. Public Comment** David Bernstein, 25 Glezen Lane, said that the town had voted to support the use of electronic voting at all town meetings, and asked that the Board respect the vote and authorize electronic voting at the February 2016 Special Town Meeting. Alan Reiss, 463 Old Connecticut Path, said the Board should respect the will of town meeting in regard to electronic voting.

The Board was joined by Board of Health Chair Thomas Klem, Board of Health member Cynthia Hill, Director of Public Health Julia Junghanns, and Sudbury Health Director Bill Murphy, to provide background information for the consent calendar request to enter into an Intermunicipal Mutual Aid Agreement with the

Sudbury Board of Health. Town Counsel Mark Lanza advised that the agreement was in good legal form.

**A4. Approve Conservation Commission's Acceptance of Gift of Conservation Land at 138 Pelham Island Road from Nathan Newbury III and Sign Deed** Brian Monahan, Conservation Administrator, appeared before the Board to discuss the gift of conservation land at 138 Pelham Island Road, noting it is adjacent to the Heard Farm conservation area. M. Lanza said that while the taking of the gift does not require a town meeting vote, there will be a town meeting vote to express the thanks of the town and to do a friendly taking to ensure the town's title. M. Antes moved, seconded by L. Anderson, to approve the Conservation Commission's acceptance of the gift of conservation land at 138 Pelham Island Road from Nathan Newbury III. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. The Board thanked the Newbury family for its generosity to the town.

**A5. Presentation of FY15 Audit by Melanson Heath in Joint Meeting with Audit Committee and Finance Committee** The Board was joined by Finance Director Brian Keveny and Alina Korsak, Field Auditor for Melanson Heath for the Town of Wayland. The Finance Committee and Audit Committee were not available. B. Keveny said the FY15 financial report included the Comprehensive Annual Financial Report (CAFR), which provides information not previously made available. He thanked department heads for their cooperation in providing the information. A. Korsak provided a brief summary of the report. She noted the current year recommendations include re-establishing timely cash reconciliations and preparation for the new single audit requirement. She discussed the general fund balances, the unassigned fund balance, and the unrestricted net position, noting that the CAFR also includes special revenue funds, capital project funds, and permanent funds. The Board reviewed the report. A. Korsak said the auditor continues to recommend that the Treasurer's office be automated and integrated with the Finance Department. C. Karlson asked if there was a timing recommendation. B. Keveny said the automation required substantial pre-planning, and would most likely be a FY18 conversion. N. Balmer said there has been increased monitoring of the revolving funds. B. Keveny asked the Board to forward any edits to him, and the Board thanked Melanson Heath for its work.

**A6. Presentation of Draft FY17 Budget by Finance Director; Vote on FY17 Expense Budgets for Departments under Board of Selectmen** Brian Keveny, Finance Director, presented the draft budget for fiscal year 2017 for Board consideration. He reviewed revenues, consisting of property taxes, state aid, local receipts, free cash and transfers from other funds. He recommended the consistent use of free cash in order to sustain more predictable balances. He reviewed general fund expenditures. C. Karlson asked if the free cash number was more accurate; B. Keveny said yes, there is a more accurate projection of budgets and therefore less turnback. He noted a total increase in the general fund, not including schools, of 2.3%, which is \$825,092. He said the largest increases were in IT, retirement, and health insurance. Reductions were in non-contributory retirement, the treasurer's office, Minuteman, and debt service. He reviewed the variances by department under the Board of Selectmen. J. Nolan asked if the retirement figures should be reviewed; B. Keveny said they are consistent with what was anticipated. The Board reviewed the year-to-date budgets and the overtime expenses. C. Karlson noted that the Board needs to confirm the budgets under its jurisdiction to the Finance Committee by January 15, 2016.

**A7. Update from Wayland Real Asset Planning (WRAP) Committee** Anette Lewis, Wayland Real Asset Planning (WRAP) Committee, appeared before the Board to provide an update on the committee's progress. She said the committee hosted a forum of department heads and boards to discuss facility needs, formulated a list of standard points of discussion, assigned liaisons, and created a draft outline for a final report. C. Karlson said the biggest projects under consideration are a new library and a Council on Aging/Community Center. She said there is a time constraint to the library project, noting that if they can't use the current site,

they must have the rights to another parcel before submitting a grant application. A. Lewis said they are aware of it and are working with the library; she said there are other issues to consider, such as parking requirements and square footage needs. A. Lewis said the final report will not be comprehensive, due to time limitations and the inaccuracies in the land data base. L. Anderson asked how many land use needs were identified. A. Lewis said that in addition to the two projects under discussion, the Fire Department has requested the complete use of Station Two, which would require moving the Arts Center. J. Nolan asked about the need for sports fields; C. Karlson said that Recreation has not submitted anything. The Board asked about the town building. A. Lewis said they are waiting for input from the Facilities Director. A. Lewis asked if infrastructure is within the purview of the committee. The Board suggested preparing a framework for a thirty-year plan, identifying any project over \$500,000, for further review. The Board thanked the committee for its work and agreed to meet again for another update.

**A8. Update on Minuteman and Potential Vote to Notify the Minuteman Regional School District of Wayland's Intent to Seek a Vote at a Special Town Meeting, to be Held on a Date in February 2016 yet to be Determined, and Any Proposed Amendments to the Regional Agreement, and Whether or Not to Withdraw from the District** L. Anderson reviewed further changes to the proposed amendment to the Minuteman regional agreement, including withdrawal without capital liability, the elimination of the five-pupil minimum in the capital assessment formula, and no payment to the host community. She said the need to hold a Special Town Meeting in February remains the same. The Board discussed the remaining issues and the impact on the cost to the town. L. Anderson reviewed the bonding issue and the possibility of Minuteman calling for a district-wide vote. She suggested that Special Counsel review the language of the amendment. J. Nolan asked for revised financials. L. Anderson said she is comfortable that Wayland students can still attend Minuteman School, as well as having the flexibility to attend other vocational schools. L. Anderson moved, seconded by J. Nolan, to notify the Minuteman Regional School District of Wayland's intent to seek a vote at a Special Town Meeting, to be held on a date in February, 2016, yet to be determined, on: (1) whether or not to approve any proposed amendments to the Regional Agreement; and (2) whether or not to withdraw from the District, pursuant to the initial withdrawal provisions of such proposed amendments. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. The Board asked the Town Administrator to notify member towns of the Board vote.

**A9. Potential Vote on Standard Annual Town Meeting Articles Customarily Sponsored by Board of Selectmen** J. Nolan moved, seconded by M. Antes, to accept for inclusion in the 2016 Annual Town Meeting the following standard articles: Recognize Citizens and Employees for Particular Service to the Town, Pay Previous Fiscal Year Unpaid Bills, Current Year Transfers, Rescind Authorized but Unissued Debt, Accept Law Increasing Real Estate Tax Exemption Amounts, Hear Reports, Choose Town Officers, Accept Gifts of Land, and Sell or Trade Vehicles and Equipment, with revisions as necessary. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A10. Discuss Town Administrator's Recommendation on the Funding Plan for Recreation and Next Steps** N. Balmer reviewed the actions taken by town management (the Town Administrator, the Finance Director, and the Recreation Director) to develop a plan to manage the Recreation revolving fund so as not to exceed the expense cap. She said the Recreation Director is going to try to limit participation in programs to the 2015 levels, report any emergency expenses to the Town Administrator, transfer to the turf maintenance fund receipts from prior years deposited into the revolving fund in error, and correct postings in FY16 to match revenues to expenses. The Finance Director will prepare a report at the end of every month to keep track of spending, and the Town Administrator will approve any transfers from the revolving fund to pay indirect costs. J. Nolan asked if the transfer of turf funds helps or exacerbates the revolving fund problem; N. Balmer said it has no impact. J. Nolan asked that the turf field number be verified. N. Balmer

said she will ask Financial Analyst Beth Doucette to reconcile projections versus past history. She recommended actions to take to allow some growth in programs while waiting for the legislature to increase the cap, such as creating a 53 F ½ enterprise fund or a 53D revolving fund for the beach. She also noted that the high revolving fund balance could be addressed by creating a special purpose stabilization fund for capital projects, and transferring prior year's field user fees to a special purpose stabilization fund. Finally, she suggested matching field user fees to appropriate field maintenance expenses to slow the growth of the fund, and offset the cost of maintenance. Board members questioned the need for the Town Administrator to manage the budget for the Recreation department, and suggested that the Recreation Commission prepare its own articles for Annual Town Meeting. N. Balmer said it would be helpful if the Board supported the articles. L. Anderson said the organization of the issues was very helpful. It was the consensus of the Board to support efforts to alleviate the Recreation Commission's financial issues for FY17. M. Antes said it should be explained that these are temporary measures until the state legislation is approved.

**A11. Review Board of Selectmen Meeting Dates Through April 2016** The Board reviewed potential meeting dates through April 2016.

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

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

**A14. Report of the Town Administrator** N. Balmer reviewed a memorandum from Assistant Town Administrator/HR Director John Senchyshyn regarding a change to the West Suburban Health Group Agreement. M. Antes distributed a list of questions prepared by three housing boards and the Planning Board to be discussed at the meeting of the Housing Authority on December 17. N. Balmer reviewed a list of offices to be elected at the Annual Town Election in April. She said a Request for Information was sent to the bidders on the River's Edge project list, and she advised the Board that NStar sent a list of double poles in town that are ready to be removed.

**A15. Selectmen's Reports and Concerns** J. Nolan said there will be a meeting of the 495 Partnership tomorrow, and he asked the Board for a letter of endorsement. M. Antes reported on a meeting with Director of Assessing Ellen Brideau and the Housing Partnership regarding the hardship of the property taxes on affordable home owners. The Board discussed possible remedies and agreed to take up the matter after the first of the year. L. Anderson reported on a meeting with State Representative Carmine Gentile to update him on the Minuteman issue. C. Karlson described a meeting of the Council on Aging/Community Center Advisory Committee to review the Wayland Real Asset Planning (WRAP) Committee memo; she said most of the work involves the parcel of land, but the last step is the building, and they do not know yet if they will be ready for the Annual Town Meeting. She reminded residents that the Zoning Board of Appeals is looking for a member with engineering skills.

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

**A17. Adjourn** There being no further business before the Board, J. Nolan moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 10:25 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

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

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

**Items Included as Part of Agenda Packet for Discussion During the December 14, 2015 Board of Selectmen's Meeting**

1. Memorandum of 12/10/15 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Donation of Land to the Rear of 138 Pelham Island Road
2. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY15 Audit
3. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY17 Expenses Budgets under the Board of Selectmen
4. Charge of the Wayland Real Asset Planning (WRAP) Committee and Potential Outline of Topics for Report of Wayland Real Asset Planning (WRAP) Committee
5. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Minuteman Update and Next Steps
6. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Standard Articles for 2016 Annual Town Meeting
7. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Memo on Recreation Revolving Fund
8. Calendar of Potential Meeting Schedule for Board of Selectmen, January – April 2016
9. Town Administrator's Report for the Week Ending December 11, 2015





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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes January 4, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes said the Police Chief will be making a presentation at the Wayland Library on Tuesday, January 5, on the changes in policing over the last 100 years.

**A2. Public Comment** Mike Lowery, 120 Lakeshore Drive, expressed concern regarding the proposed zoning article for Annual Town Meeting, "Floor Area Ratio," noting that the bylaw would apply only to lots 10,000 square feet or less. He said the bylaw would burden families that could not expand their homes, lower market values, and make septic upgrades untenable. He urged the Board to consider the impact on homes in the Dudley Pond area. C. Karlson said the Planning Board articles have not yet been voted for inclusion.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar with the exception of item 2, which is mistakenly addressed to Sterling Architects instead of the Town of Wayland and will be corrected. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. C. Karlson noted that the Town Counsel had provided his qualifications for addressing zoning issues. M. Antes thanked the Board of Health for its presentation at the December League of Women Voters meeting. The Board discussed the potential need to accept a state law in regard to maintaining road conditions on private ways open to the public, and asked the Town Administrator to follow up. J. Nolan said the 495 Partnership is looking for municipal officials to serve on the 495/MetroWest Partnership Board.

**A3. Annual Town Meeting Petitioners' Workshop** C. Karlson opened the Annual Town Meeting Petitioners' Workshop at 7:16 p.m. The Board was joined by Town Counsel Mark Lanza. C. Karlson advised residents that there are online documents available to petitioners. Duane Galbi, 190 Stonebridge Road, asked for a copy of the revised Board policy regarding access to Town Counsel. Ellen Tohn, 5 Fields Lane, asked when articles had to be submitted; C. Karlson said Friday, January 15, 2016, by 4:30 p.m., and she reviewed the access to Town Counsel which is available to petitioners. Linda Segal, 9 Aqueduct Road, noted the date of Annual Town Meeting was incorrect in the tax bill insert. She asked if a petitioner can consult with Town Counsel before submitting an article; C. Karlson said yes. D. Galbi asked for clarification of the purpose of the petitioners' workshop; he said he would like to engage in a discussion of ideas with Town Counsel. C. Karlson said he should discuss his ideas in the workshop, and the Town Administrator would determine if further consultation with Town Counsel is warranted. D. Galbi said he never received a satisfactory response from the town regarding posted speed limits on Stonebridge Road, and that the state has not yet defined its interpretation of "densely settled." The Board advised him to continue to work

through the process in place. D. Galbi asked if there was a procedure for a resident to put a question on the ballot. M. Lanza said no; in order to do so, the town would need to either revise the Town Charter, or petition the state legislature to allow for the procedure. C. Karlson closed the Annual Town Meeting Petitioners' Workshop at 7:44 p.m.

**A4. West Suburban Health Group: Discuss and Vote to Authorize Action by Human Resources Director on Proposed Bylaw Change** The Board was joined by John Senchyshyn, Assistant Town Administrator/Human Resources Director, to review draft amendments to the West Suburban Health Group Enabling Act. He said the changes were brought about because four towns withdrew from the group, causing a financial shortfall. He said the changes include an amendment to the withdrawal process and the ability to hold a withdrawing member responsible for a portion of their run-out claims. J. Senchyshyn said he supports the changes to the agreement. He reviewed the votes of the other member towns, noting that a two-thirds vote is necessary to accept the proposed amendments. M. Antes moved, seconded by L. Anderson, to authorize John Senchyshyn to vote in favor of the proposed amendments to the West Suburban Health Group Agreement for joint negotiations and purchase of health and life coverages. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A5. FY17 Budget** The Board discussed the two IT positions in the FY17 budget. J. Senchyshyn said the town is moving forward with the hiring of an IT Director. However, he said the Personnel Board felt that the funding for the second position of Business Systems Administrator should be put into salary reserve for hire later in the year and after the IT Director is hired. C. Karlson asked whether the IT Director position will be an in-house position or a consultant. J. Senchyshyn said a decision will be made after the candidates are interviewed. C. Karlson asked if money in the salary line item can be used for a consultant. J. Senchyshyn said no, but he expects to have the matter resolved before the budget goes to Town Meeting. In regard to the request for an additional police officer, J. Senchyshyn said the Personnel Board supports the position but is concerned about the budgetary constraints. It was the sense of the Board to forward its approval of the two new IT positions under the Board of Selectmen to the Finance Committee.

J. Nolan moved, seconded by L. Anderson, to submit to the Finance Committee the FY 17 operating expense budgets for Town Boards, officers, and committees under the Board's jurisdiction in compliance with Town Code Section 19-3. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A6. Annual Town Meeting 2016: Discussion of Potential Articles** J. Nolan moved, seconded by M. Antes, to accept for inclusion in the 2016 Annual Town Meeting the article, "Compensation for Town Clerk." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. The Board was joined by J. Senchyshyn and Police Chief Robert Irving to review a potential article to withdraw from the Civil Service Special Act. J. Senchyshyn advised that the town may withdraw from civil service by ballot question, but the Personnel Board has recommended another option, which is to withdraw by a Town Meeting vote to petition the state legislature. Police Chief Robert Irving reviewed the difficulty of the civil service process, and the impact on the current staff. Jessica Green, Personnel Board, noted that the expense of the civil service process limits the field of applicants. M. Antes said civil service was passed for a reason, and we want to make sure we reach the same goals. Secondly, she suggested that there be an educational campaign to explain the issue to the community. The Board agreed to review the article at the next meeting. The Board was joined by Elisa Scola, Chair, Historical Commission, to review a proposed demolition delay bylaw. E. Scola said the bylaw has been revised to apply to homes over one hundred years old. The Board discussed the number of homes affected and the need to educate potential homebuyers. M. Antes suggested edits to the timelines and penalties. The Board was joined by Town

Planner Sarkis Sarkisian to review the Planning Board articles. He provided a description of each article: Sidewalks in Commercial Districts, Landscaping: Parking Abutting Residential Property, Home Occupation: Definition, Nonconforming Structures, Floor Area Ratio, Conservation Cluster Amendment, Building Height: Definition, Assisted/Independent Living Requirements, Sales of Used Autos: Accessory Use to Service Stations, and Accept Private Roads. He said the article regarding floor area ratio has created some controversy and may not be ready for town meeting.

The Board reviewed a revised list of articles, noting that there were potentially fifty articles. The Board asked the Town Administrator to ensure that all the articles are fully prepared to be voted at town meeting.

**A7. February 2016 Special Town Meeting: Minuteman** L. Anderson said the Minuteman School Committee approved a new revised agreement on December 21, 2015. She described the changes, and said the next step is to call a Special Town Meeting. She said all sixteen member towns have agreed to do the same. She confirmed that current students will be allowed to continue their enrollment until July 2017. She said the administration agreed to hold back on bonding the new buildings, and provided cost comparisons with other vocational schools. She said DESE (Department of Elementary and Secondary Education) has been consulted because they will have to approve the new agreement.

L. Anderson moved, seconded by J. Nolan, to open a Warrant for a Special Town Meeting to begin on Thursday, February 11, 2016, at 7:30 p.m. in the Wayland High School Auditorium, or, in case of inclement weather, on Tuesday, February 23, 2016, at 7:30 p.m. in the Wayland High School Auditorium. The warrant for said Special Town Meeting will be open from Tuesday, January 5, 2016, at 8:30 a.m., through Monday, January 11, 2016, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Monday, January 11, 2016. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

L. Anderson moved, seconded by M. Antes, to accept for inclusion in the February 2016 Special Town Meeting an article to amend the Minuteman Regional School District Agreement, and an article providing for the withdrawal of the Town of Wayland from the Minuteman School District. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. C. Karlson requested that petitioners postpone their articles until the April 2016 Annual Town Meeting. The Board reviewed the timetable to Special Town Meeting.

**A8. Town Administrator's Employment Contract: Discussion of Evaluation and Salary, and Vote on Annual Salary Effective September 8, 2015** M. Antes moved, seconded by J. Nolan, to set the salary of the Town Administrator at \$143,500, effective September 8, 2015, as allowed by the Town Administrator's Contract dated August 25, 2014. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**A11. Report of the Town Administrator** N. Balmer reported on conversations with the Chair of the Board of Library Trustees about the wastewater needs of the proposed library project. She said the Trustees would like to purchase additional wastewater capacity, and given that the Town Building has too much capacity, she write a letter to the Wastewater Management District Commission releasing a portion of the Town Building's 3,000 gallons per day and have it assigned to the library. She said the Board of Library Trustees is also considering an article for Annual Town Meeting that will transfer the land on 193-195 Main Street to them; she said there is a need to clarify what is necessary for the grant application. Mike Lowery, Board of Public

Works, suggested that Town Meeting could vote to transfer the land “at such time as is necessary.” N. Balmer said the Board of Library Trustees will come before the Board next week to request that the Board authorize a written opinion from Town Counsel to confirm Library ownership of the 5 Concord Road property. M. Antes presented a revised draft sign policy; the Board considered soliciting input from the community, the Planning Board, and the Board of Public Works. M. Lowery said the only concern of the Board of Public Works is the right-of-way access and the size of the signs, due to public safety concerns. N. Balmer said the new Human Resources Assistant Katelyn O’Brien will be putting together a social media policy. J. Nolan said he would like to implement a public information process that includes the town’s positions; for example, quarterly reports or a monthly town manager’s report. N. Balmer attached the response of the Housing Partnership to the Wayland Real Asset Planning (WRAP) Committee survey. She reviewed possible changes to the Recreation Revolving Fund to maintain spending under the cap, reduce the fund balance, and bring the town into compliance with municipal finance requirements. C. Karlson said the Recreation Commission must vote to submit its articles.

**A12. Selectmen’s Reports and Concerns** M. Antes distributed a presentation on gas leaks and requested that the Board consider signing a resolution of support at its next meeting. C. Karlson asked that the OPEB issue be addressed at the next meeting, with the Town Counsel in attendance. The Board reviewed the remainder of the January schedule.

**A13. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, “I know of none.”

**A14. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:03 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of January 4, 2015**

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

**Items Included as Part of Agenda Packet for Discussion During the January 4, 2015 Board of Selectmen’s Meeting**

1. Memorandum of 12/10/15 from Brian J. Monahan, Conservation Administrator, to Board of Selectmen, re: Donation of Land to the Rear of 138 Pelham Island Road
2. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY15 Audit
3. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: FY17 Expenses Budgets under the Board of Selectmen
4. Charge of the Wayland Real Asset Planning (WRAP) Committee and Potential Outline of Topics for Report of Wayland Real Asset Planning (WRAP) Committee
5. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Minuteman Update and Next Steps

6. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Standard Articles for 2016 Annual Town Meeting
7. Memorandum of 12/14/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Memo on Recreation Revolving Fund
8. Calendar of Potential Meeting Schedule for Board of Selectmen, January – April 2016
9. Town Administrator's Report for the Week Ending December 11, 2015



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

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41 COCHITUATE ROAD  
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BOARD OF SELECTMEN  
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CHERRY C. KARLSON  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes January 27, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 12:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building.

**A2. Public Comment** There was no public comment.

**A3. Vote to Sign Warrant for February 2016 Special Town Meeting** M. Antes moved, seconded by J. Nolan, to sign the warrant for the February 2016 Special Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. L. Anderson thanked the staff for the preparation of the meeting with such short notice.

**A4. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** M. Antes reported on a meeting of the MetroWest Area Planning Council (MAPC) earlier in the day. She said the MAPC agreed to move forward with the MAGIC (Minuteman Advisory Group on Interlocal Coordination) model, but has not yet established the assessments. The Chair stated that there were no further topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.

**A5. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 12:13 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

### Items Distributed for Information and Use by the Board of Selectmen at the Meetings of January 27, 2016

1. Warrants for the February 11, 2016, Special Town Meeting



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

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## Board of Selectmen Meeting Minutes February 11, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson  
**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 6:45 p.m. in the Auditorium of the Wayland Middle School. C. Karlson reviewed the agenda.

**A2. Public Comment** There was no public comment.

**A3. Vote Dates and Times for Subsequent Nights of April 2016 Annual Town Meeting** The Board discussed the Annual Town Meeting schedule for the second through fifth days of Annual Town Meeting, and agreed that a 7:00 p.m. start time for these days, and an additional Sunday session at 1:00 p.m., would be efficient and cost effective. C. Karlson noted for the record that J. Nolan agreed there should be a Sunday afternoon meeting and believed the schedule would have a minimal impact on youth sports as it would be early in the season. The Board also reviewed the costs of holding a meeting date after the school vacation week; the additional cost was estimated at \$10,500 for electronic voting, chair rental and set up

L. Anderson moved, seconded by M. Antes, to approve the following schedule for the April 2016 Annual Town Meeting:

1. Thursday April 7, 2016 7:30 pm
2. Sunday April 10, 2016 1:00 pm
3. Monday April 11, 2016 7:00 pm
4. Tuesday April 12, 2016 7:00 pm
5. Thursday April 14, 2016 7:00 pm

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

**A4. Vote to Appoint Special Counsel for Mainstone Conservation Restriction** The Town Administrator said she received résumés from several candidates to serve as Special Counsel to represent the town through the Conservation Commission in the preparation of a conservation restriction for Mainstone Farm. She said Sherre Greenbaum, Conservation Commission Chair, reviewed the résumés and interviewed Attorney Elizabeth Wroblecka of Etheredge and Steuer, of Northampton, Massachusetts, and checked references. Special Counsel will represent the Town. The Sudbury Valley Trustees are also a party to the conservation restriction and will have separate counsel.

M. Antes moved, seconded by L. Anderson, to appoint Elizabeth Wroblecka as Special Counsel to the Conservation Commission to assist with the preparation of the Mainstone Conservation Restriction at an hourly rate of \$180, for a total cost not to exceed \$5,000, funded by the Community Preservation. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

**A5. Discuss Special Town Meeting Articles** There was no further discussion of Special Town Meeting articles.

**A6. Selectmen's Reports and Concerns** There were no Selectmen's reports or concerns.

**A7. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A8. Adjourn and Reconvene to Join Special Town Meeting** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 7:00 p.m. and reconvene to attend the Special Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-0.

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

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the Meetings of February 11, 2016**

1. None





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BOARD OF SELECTMEN  
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JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes February 16, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 7:10 p.m. in the Large Hearing Room of the Wayland Town Building. C. Karlson reviewed the agenda.

**A2. Attend Finance Committee Presentation on its Recommended General Omnibus Budget for the Fiscal Year 2017** The Board attended the Finance Committee presentation on the General Omnibus Budget for the Fiscal Year 2017.

**A3. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any**  
The Chair said, "I know of none."

**A4. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 7:52 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

### Items Included as Part of Agenda Packet for Discussion During the February 16, 2016, Board of Selectmen's Meeting

1. None

### Items Distributed for Information and Use by the Board of Selectmen at the Meetings of February 16, 2016

1. None



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## Board of Selectmen Meeting Minutes February 26, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

**A1. Call to Order by Chair** Chair C. Karlson called the open meeting of the Board of Selectmen to order at 11:03 a.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. L. Anderson reported that all sixteen member communities of the Minuteman Regional Vocational School have voted to approve the new agreement, and six communities have voted to withdraw. C. Karlson noted that the Presidential Primary Election is Tuesday, March 1.

**A2. Public Comment** Gretchen Schuler, 126 Old Connecticut Path, and member of the Wayland Real Asset Planning (WRAP) Committee, requested that the Board review the committee report later in the meeting. Tom Sciacca, 31 Rolling Lane, expressed concern that the conservation issues at the Town Center municipal pad are being minimized. Jay Sherry, 18 Pine Needle Road, and former member of the OPEB Advisory Committee, said the OPEB article needs to be revised to make technical and legal changes, and said in the interest of time, the article should be included in the 2016 Annual Town Meeting. Jean Milburn, 281 Concord Road, and member of the Council on Aging/Community Center Advisory Committee, said an alternative site analysis is being done for the proposed project, and should be complete before the March meeting of the Conservation Commission.

### **A3. Discussion of Annual Town Meeting Articles; Potential Vote to Withdraw Articles Including but not Limited to:**

**Article W: Demolition Delay** C. Karlson said the Historical Commission has agreed to withdraw this article and hold it for the Fall Special Town Meeting.

C. Karlson moved, seconded by M. Antes, to re-open the discussion on Article B, "Pay Previous Fiscal Year Unpaid Bills," and Article C, "Current Year Transfers." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. C. Karlson noted that there were additional septage expenses to consider. C. Karlson moved, seconded by M. Antes, to support Article C, "Current Year Transfers." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. C. Karlson moved, seconded by L. Anderson, to take no position on Article B, "Pay Previous Fiscal Year Unpaid Bills." YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Article BB: Five Path Project** C. Karlson said the Board of Public Works needs to bid both intersections together (includes East Plain Street/Route 30 intersection) for an economy of scale, and both are ready to begin construction. In addition, both the Police Chief and the Fire Chief are supportive of the article, due to the overrides that will be installed on the signaling.

**Article Q: Civil Service** C. Karlson suggested that this article be pulled in the interest of time, and not for a lack of support. M. Antes also noted there may be changes at the state level, providing another reason to delay the article. J. Nolan moved, seconded by L. Anderson, to withdraw Article Q from the 2016 Annual Town Meeting, only in the interest of reducing the time of the Annual Town Meeting, and with the understanding that the Board voted unanimously to support the article on the recommendation of the Police Chief, the Assistant Town Administrator/Human Resources Director, and the Personnel Board. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Article O: Fund Council on Aging/Community Center Design** C. Karlson said that the Wayland Real Asset Planning (WRAP) Committee recommends deferral of this article to a future meeting. Gretchen Schuler, WRAP, said she is aware of the difficulty this poses, but doesn't feel that the site has been properly assessed in regard to the needs of the town as a whole. She said the committee treated the library site differently because there is state grant money and timelines at stake. Anette Lewis, WRAP, said the committee was concerned about the ability to expand the proposed Council on Aging/Community Center Design in the future, given the size of the land. J. Milburn, member of the Economic Development Committee, said she believes there are opportunities for expansion, and it is economically advantageous, as well as convenient, to bring a community center to a commercial center. The Board discussed the impact of a delay, the loss of momentum, and the need for a community. The Board agreed not to withdraw the article.

**Article R: OPEB Special Act** C. Karlson recommended that this article be held until the Fall Special Town Meeting. It was the consensus of the Board that further discussion and refinement of the language would be preferable, and time is not critical. J. Nolan moved, seconded by M. Antes, to withdraw Article R, to petition the legislature for an OPEB Special Act, and bring it back in for the Fall Special Town Meeting. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

**Article V: Hydrants** C. Karlson said this article is marked for an abbreviated process and should not create a time issue. The Board agreed to leave this article in the Annual Town Meeting.

**Article HH: Recreation Projects** The Board postponed discussion of this article until its meeting on February 29.

**Article Z: Library – Wastewater** C. Karlson said the issue of concern regarding this article is the allocation of wastewater capacity, which staff is currently reviewing. She said there is an option to provide the wastewater capacity to the Board of Selectmen, with the cooperation of the Board of Library Trustees, to allow the Board to allocate the capacity with more flexibility. The Board requested a meeting with the Board of Library Trustees at its next meeting.

**A4. Vote to Order Articles** The Board reviewed a draft order of articles for Annual Town Meeting. It was the sense of the Board to accept the order of articles as presented, and to allow the Chair and Town Administrator to make any changes as necessary. The Board thanked the boards and committees for their cooperation in limiting the articles for this town meeting.

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

**A6. Adjourn** There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 1:04 p.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

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

1. Public Comment, Jay Sherry, to Board of Selectmen, re: OPEB Article for 2016 Annual Town Meeting
2. Memorandum of 2/26/2016 from the Wayland Real Asset Planning (WRAP) Committee to Board of Selectmen re: ATM 2016 Articles
3. Revised Article from Recreation Commission, Field Renovations and 193/195 Main Street Feasibility Study
4. Draft Order of Articles for 2016 Annual Town Meeting

**Items Included as Part of Agenda Packet for Discussion During the February 26, 2016 Board of Selectmen's Meeting**

1. List of Articles for 2016 Annual Town Meeting
2. Article O: Council on Aging/Community Center Funding
3. Article R: OPEB Comments
4. Article HH: Recreation Projects



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**REVISED LIST OF PUBLIC DOCUMENTS PROVIDED  
TO THE BOARD OF SELECTMEN FROM MARCH 25,  
2016, THROUGH AND INCLUDING MARCH 31, 2016,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR APRIL 4, 2016**

**Items Distributed To the Board of Selectmen –March 25-31, 2016**

1. Email of 3/27/16 from Rebecca Stanizzi, River's Edge Advisory Committee, re: Red-lined Version of the River's Edge RFP Documents
2. Interim Report of Wayland Real Asset Planning (WRAP) Committee, March 29, 2016

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 28, 2016**

1. Public Comment, Linda Segal, re: Cass Trial, and Boston Globe Article of March 21, 2016, "In Wayland, an Example of Small-Town Injustice"
2. Press Release from the Wayland Board of Health, March 23, 2016, re: Breast Cancer Incidence in Wayland
3. Promotional Piece, "Will Wayland Design a Community Recreation Center? The Choice is Yours! Vote on Article 21"

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

1. Notice of Hearing for Coach Grill and Post Road Liquors, and Procedure for Liquor License Hearings
2. Resolution Calling for Full Funding of the Foundation Budget Review Commission's Recommendations, Suburban Coalition
3. Investment Agreement between SRBT Fund Board and Municipality with Attachments
4. Redlined Motions for the 2016 Annual Town Meeting
5. Memorandum of 4/4/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Board Minutes
6. Town Administrator's Report for the Week Ending April 1, 2016



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## BOARD OF SELECTMEN

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## BOARD OF SELECTMEN

**Monday, April 4, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

### REVISED CORRESPONDENCE

#### Selectmen

1. Public Comment, 249 Main Street, with Response from Nan Balmer, Town Administrator, and Julia Junghanns, Director of Public Health
2. Public Comment, Cass Case
3. Public Comment, Borrowing for Council on Aging/Community Center
4. Email of 3/28/16 from Geoffrey Larsen, Building Commissioner, to Nan Balmer, Town Administrator, re: Residential Political Signage in the Context of the Building Code and Town Zoning
5. Letter of 3/21/16 from Board of Selectmen to Office of the Attorney General re: Open Meeting Law Complaint of George H. Harris, Esq., filed March 10, 2016
6. Interim Report of Wayland Real Asset Planning (WRAP) Committee, March 29, 2016
7. Email of 3/31/16 from Jay Sherry, former member of the OPEB Advisory Committee, to Nan Balmer, Town Administrator, re: Proposed Transfer of Wayland's OPEB Funds to PRIT
8. Announcement, "Wayland Cleans Up," April 2, 2016

#### Conservation Commission

9. Order of Conditions and Chapter 194 Permit, from Brian Monahan, Conservation Administrator, re: 3 York Road,

#### Zoning Board of Appeals

10. Continued Hearing, April 5, 2016, 29 Castle Gate Road
11. Continued Hearing, April 26, 2016, 29 Castle Gate Road

#### Minutes

12. Finance Committee, February 11, 2016, March 21, 2016

#### State

13. Letter of 3/15/16 from Department of Energy Services re: Solar Programs
14. Letter of 3/25/16 from Office of the Attorney General re: Response to Open Meeting Law Complaint of George H. Harris, Esq., filed February 26, 2016
15. Letter of 3/30/16 from Department of Environmental Protection re: 2016 Sustainable Materials Recovery Program Municipal Grant Application

**DiNapoli, MaryAnn**

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**From:** Balmer, Nan  
**Sent:** Monday, March 28, 2016 12:50 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: 249 Main Street - a potential health hazard  
**Attachments:** Letter to Diane re - RV 2.pdf; ATT00001.htm

correspondence

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**From:** Hope Gina Podell [mailto:gildell@comcast.net]  
**Sent:** Saturday, March 26, 2016 12:05 AM  
**To:** Balmer, Nan; DiNapoli, MaryAnn  
**Cc:** Selectmen; Junghanns, Julia; MacCaughey, Darren; Houghton, David; Larsen, Geoffrey; White, Patti  
**Subject:** 249 Main Street - a potential health hazard

Dear Ms. Balmer:

We have been in communication with several town departments regarding an issue with the property at 249 Main St., directly across from the front of our property at 7 Jennison Rd.. As we did include you in the letter we sent to Mr. Larsen yesterday, it in your inbox, and the same for all above, minus the Board of Selectman we will send under separate cover. We've decided that communications concerning the (RV) Recreational Vehicle at and general condition of 249 Main Street would be most advantageous if we present the total picture of our situation here, now. Our aim is to have the RV removed from the property (owned by Diane Stevens) for a number of reasons, primarily that it is a threat to our health and wellbeing. We will lay out as many of the particulars as possible with the anticipation that once you become fully informed as the Town Administrator you will be the front line facilitator to insure that our predicament is rectified in a timely manner.

We began with Mr. Larsen (the building commissioner) assuming that rather than a "letter of the law" assessment of the situation he would appreciate our dilemma. Unfortunately, Mr. Larsen made his finding based on the letter of the bylaws, period. However, the by-law in question does not take into account circumstances like ours, where a parcel of land is on a corner. While the "rear" of 249 Main St. might be defined by the street address on Main St., the property, by virtue of being on a corner, actually has 2 "front-facing" sides, one of which faces our property directly. And while the unregistered and decrepit RV in question is not visible from Main St., it sits directly facing our property across tiny Jennison Rd. The RV is only about 50 feet (or less) from our property line. The RV is parked, unregistered, un-moved, and not started for 20 plus years. We believe that it is clearly in violation of the statute. Not only did Larsen provide only a "by the book" decision, prior to coming to view the property he explained the right to appeal without informing us that there would be \$150 fee to proceed with an appeal. As he is the Commissioner of the Building Department it would make sense to us that he would want to inform any and all tax paying citizens of Wayland with the fullest amount of information that would help them make a well informed decision how to proceed. We never heard anything about the fee until his assistant contacted us about the particulars of proceeding with an appeal the other day. We feel strongly that the RV is just one of many things wrong with the property at 249 Main Street. There is a laundry list which should be addressed by the Town of Wayland and in doing so will result in the removal of the RV as the first issue we want addressed.

We do not know which and how many of Wayland's Departments, Offices, Commissions, and the Administrators, Commissioners, Directors, Leadership will be involved in having this dilapidated RV removed from Diane Steven's property at 249 Main St. She lives in Clinton MA. and has had a series of renters in her home since her mother, Mrs. Ellie Stevens died at least 10 years ago. The entire property, home, land, trees,

bushes, former vegetable garden on 20,000 odd square feet has not been attended to whatsoever in years, zero upkeep. Her tenants regularly cause deep gouges and ruts in Jennison Rd. as the drive-way for the property accesses Jennison Rd, which we've concluded should be in question in and of itself., not Main St. Ms. Stevens never does anything for the maintenance of Jennison Rd. thus it is only our neighbors at 12 Jennison Rd. that share the cost with us after a season of rain and for general and appropriate upkeep. We are not clear if Diane Steven's 'driveway' should even be an ingress or egress on Jennison Rd at all. Regardless that there exists an antiquated plot designation that Jennison Road is a 'Private Rd.' does not allow the town to exclude attending to issues of concern to its taxpaying citizens. When we moved in we wanted 3 very large pine trees cut down due to their proximity to wires in the front of our home. We were fairly confident they were on Wayland Town property. The town sent someone to look at the trees and he told us that they were on our property and if we wanted to have them cut down we would have to pay for it ourselves. It was disconcerting to us, but we took the Wayland Town employee at his word. We paid to have the pine trees removed from the front of our property. Much to our chagrin we found out that on other streets in Wayland with nearly identical circumstances of overgrown trees interfering with wiring with almost identical frontage and proximity to its street, the town removed the trees? We believe we have gotten the short end of the stick in Wayland off and on for a very long time.

Consider how we feel, paying Wayland's property taxes and having to look at that squalor across our tiny street, day in and day out, as each day it gets worse. It is possible that the RV has leaked gasoline as it has been parked for 20 years and the gas tank may very likely be rusted through. The septic tank's condition is of serious concern to us. The Official Website of the Massachusetts Executive Office of Energy and Environmental Affairs addresses the Care and Maintenance of Septic Systems, and we are extremely concerned that few, if any of the recommendations have been attended to at 249 Main St. <http://www.mass.gov/eea/agencies/massdep/water/wastewater/failing-septic-systems-can-be-hazardous-to-your-health.html> - 249 Main St's property line is about 60 feet from our property line and 85 feet from our home. We find this absolutely unacceptable and believe that it poses potential serious threat to our health.

We thought we had taken the correct approach in going through the Building Department who found against us in our request to have the RV removed, but offered us an \$150 fee to complete the appeal application / process, \$35 for something else and provide the department with 9 copies of the appeal letter we were requested to write explaining why we felt the finding was - what - 'not fair'? We reject this thoroughly. It is simply, completely and totally a disgrace that the town of Wayland would charge \$150 to file an appeal to a finding from the Bldg department for an issue such as this. Thus only people with extra money could file an appeal to the decision the Bldg. Commissioner makes, plus more money and 9 copies of our letter — oh, Red Tape and dare we say Rip Off. How dare the Town of Wayland have this outlandish appeal fee in place for due process. This really added insult to injury, not to mention reprehensible in potentially denying any citizen of the town without the financial means fair and equitable access to any simple appeal process. Really.

Attached is the letter we wrote to Diane Stevens Jan. 2015 who never responded to our letter. We look forward to hearing from you the week of March 28th, 2016. Thank you for your attention to our concerns.

We have c.c.'d the Board of Selectmen, the Fire Department, the Health Dept. / Board of Health - but as there is no e-mail available for Thomas Klem, Chair of the Board of Health please forward this letter to him and the entire Board of Health as it is obvious of their need to view this letter asap. Thank you.

For the consideration of all: "Ignorance of the Law is no excuse, but offering information about the Law is often helpful, especially to those who do not have easy access to it".

We have bcc'd interested others.

Sincerely,



Hope G Podell, MS and J. Michael Gilbreath, MPA  
7 Jennison Rd, Wayland MA 01778-4509  
[gildell@comcast.net](mailto:gildell@comcast.net) and [gildell@mac.com](mailto:gildell@mac.com)  
Hope Podell's cell: 508-942-8595

Diane Stevens, 15 CLAMSHELL Rd. CLINTON MA  
01510-4210

Hopc Podell & Michael Gilbreath / 7 Jennison Road / Wayland / MA / 01778  
(508) 942-8595  
[Gildell@comcast.net](mailto:Gildell@comcast.net)

January 29, 2015

Dear Diane,

Hi. Hope this letter finds you in sound health, and managing yesterday's blizzard.

We moved to Jennison Road 18 years ago this month!! How times fly. We have such fond memories of your mom. She was a wonderful neighbor and the sweetest of ladies. Our kids got along famously with Ellie too. How lucky we were that we moved onto Jennison Road.

We have been thinking and talking about your RV for a number of years now. It is particularly timely that I am writing to you now. In celebration of my 65<sup>th</sup> birthday we are having a large outdoor party with a tent the middle of May! This is a very exciting milestone for me as it also marks 15 years as a breast cancer survivor!

As you know the RV has definitely seen better days. While so many years ago the RV added character when we moved here, it has become quite an eyesore over the years, suffering from the elements and age. It would mean a great deal to me if you would take every action necessary to have it removed by early May.

I've researched some wonderful organizations and foundations that you CAN DONATE YOUR RV too, even if it is not running, as they tow or use flatbed. I thought it would be a nice and easy way to have it removed, while helping programs that support people with so many different needs. I have listed a number of these organizations below. We were thinking this would be a fine option you might wish to pursue.

**Make a Wish Foundation:** <http://massri.wheelsforwishes.org> or call: 1-855-648-9474

**American Cancer Society:** <http://www.cancer.org/involved/morewaystogive/cars-for-a-cure-donate-your-car-to-charity-to-help-fight-cancer> or call: 1-888-227-5500

**Special Olympics Massachusetts:** [http://www.specialolympicsma.org/recycle-for-gold/works in conjunction with:](http://www.specialolympicsma.org/recycle-for-gold/works-in-conjunction-with)  
[http://www.picknpull.com/donate\\_vehicle.aspx](http://www.picknpull.com/donate_vehicle.aspx) or call: 1-800-590-1600.

**Red Cross:** <http://www.redcross.org/support/donating-fundraising/donations/vehicle-donation-program> - call (1-855-927-2227).

Sincerely,

Hope

**Balmer, Nan**

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**Subject:** FW: 249 Main Street - a potential health hazard

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**From:** Balmer, Nan  
**Sent:** Monday, March 28, 2016 3:40 PM  
**To:** 'Hope Gina Podell'; DiNapoli, MaryAnn  
**Cc:** Junghanns, Julia; MacCaughey, Darren; Houghton, David; Larsen, Geoffrey; White, Patti; Mary Antes (mantes2@verizon.net)  
**Subject:** RE: 249 Main Street - a potential health hazard

Dear Ms. Podell and Mr. Gilbreath,

I reviewed your e-mail correspondence with the Building Commissioner. I appreciate that the Building Commissioner responded to you consistent with the requirements of the law – It is my clear expectation that all town employees would respond as required under the law. For determinations made by the Building Commissioner there is, as you know, an appeal process. You may wish to have a further discussion with the Building Commissioner about the details of his determination in preparation for a possible appeal of his interpretation. The Health Director is included on this e-mail and will also be available to you if you would like to discuss the septic system at 249 Main St.

Thank you for your inquiry. Please be assured the town offices are available to provide information on the regulatory processes that affect your property.

Nan Balmer, Town Administrator  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778  
(508) 358-3620 office  
(508) 237-1330 cell



**Balmer, Nan**

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**Subject:** FW: 249 Main Street - a potential health hazard

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**From:** Junghanns, Julia  
**Sent:** Monday, March 28, 2016 3:55 PM  
**To:** Hope Gina Podell; Balmer, Nan; DiNapoli, MaryAnn  
**Cc:** Selectmen; MacCaughey, Darren; Houghton, David; Larsen, Geoffrey; White, Patti  
**Subject:** RE: 249 Main Street - a potential health hazard

Hello Ms. Podell,

This email is in response to your inquiry to the Health Department regarding 249 Main Street. On March 16th a site visit was conducted by myself and the inspector. During the time of the inspection there was no car in the driveway, we went to the front door and there was no one home at the time. We did not see or smell any evidence of septic breakout in the yard and we have a record in the property file that the cesspool was pumped in 2007 and 2009. Also, there was no noticeable odor of gasoline or oil upon our visit to the property. The Building Commissioner has responded regarding the old RV on the property. We did not see any evidence of health issues at this property during the time of the inspection.

Sincerely,  
Julia Junghanns

Julia Junghanns, R.S., C.H.O.  
Director of Public Health  
Town of Wayland  
Health Department  
41 Cochituate Road, 01778

508-358-3617 ph  
508-358-3619 fax

email: [jjunghanns@wayland.ma.us](mailto:jjunghanns@wayland.ma.us)



**Public Health**  
Prevent. Promote. Protect.

To: Board of Selectmen  
From: Molly Upton  
Re: A functional town  
Date: March 23, 2016

My understanding is the police officers report to the chief, who reports to the town administrator, who reports to the board of selectmen. Please advise if this is incorrect.

Wayland used to be a very upright town, with adherence to laws and proper procedures. Citizens took pride in the town and trusted the government as well as the police.

But all this is rapidly vanishing.

I am afraid the board has no idea of the depth and breadth of citizen dissatisfaction and horror stemming from the arrest of Mr. Cass. As you know, the Judge took the unusual step of issuing a directed verdict when the facts supporting the arrest and charge of larceny, recently reduced to misdemeanor, did not stack up.

The town of Wayland incurred a very black eye

- a) For the unfounded, unauthorized arrest (no arrest warrant, no authorization from the Chief. And the value of the item did Not support an arrest, according to Cass' attorney.)
- b) The inaction of the town (school and/or police) to tell the DA it would not support the case

By any measure, the arrest of Stephen Cass was a rogue action initiated by Detective Berger that has resulted in several adverse impacts on the citizens and the town, to say nothing of Mr. Cass.

- Residents' faith in government is rapidly dwindling.
- If one aspect, a key aspect, such as police conduct, is at issue, residents begin to lose faith in all aspects.
- Residents are muttering about living in a police state.

This is not a positive state of affairs and the Board of Selectmen (and Nan) is the only entity that can start the healing process.

In other governments, one would reasonably expect Berger to be disciplined or terminated by the Police Chief. And if that didn't happen, one would expect the BOS to terminate the Police Chief.

The BOS can, if it wants, take some comfort in knowing the school administrators, specifically Brad Crozier and Paul Stein, are also in the hot seat. But the worst the school administration seems to have done was notify the police without asking for the return of the computer.

Far worse, the police took the case, escalated it, and never asked for return of the computer prior to sending four officers to Cass' home, with a search warrant (not an arrest warrant) in hand.

This does reek of police state, to my mind.

Please fix this.  
Molly Upton

## DiNapoli, MaryAnn

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**From:** Carole Plumb <caplumb@outlook.com>  
**Sent:** Monday, March 28, 2016 10:47 PM  
**To:** Selectmen  
**Subject:** requesting a report for the public on the Cass case

To the members of the Board of Selectmen,

I have many questions about how an unreturned computer turned into this unbelievable mess. What level of group think is going that town officials cannot avoid behavior that will likely lead to an another totally preventable lawsuit? Even if Mr. Cass might have been an documented problem employee who needed to be terminated from his job, Dr. Stein should have dealt with the raised whistleblower questions and resolved those as well as the underlying personnel issues as part of his job as Superintendent himself. We should not have needed an outside consultant report for the Cass-Crozier conflict. The events as described in the publicly available documents strongly suggests that these were clear management failures, first in the Dr. Stein's school department, the school committee, the police department and the last oversight, the board of selectman. How many nominally responsible adults failed to do the obvious and stop this act of vengeful retaliation in the town's name? How much tax payer time and money got wasted on this incident? Shooting the whistleblower is simply ineptitude.

I am looking for a public investigation and statement from this Board explaining how, with so many people involved in this chain of events, it got as far as it did. Then using that knowledge to review the town processes (again) to learn how to encourage and nudge people toward smarter and more honorable behavior. After all the past and ongoing self-inflicted legal woes, this whole thing further tarnishes trust in how we behave in Wayland. This one is not going to disappear behind privacy considerations and confidential legal settlements the public does not get access to see. Since we have had classes offered for the OML, apparently we need for ones on what triggers other lawsuits and how to avoid it. Standards for your public and private persona are not necessarily the same and that point seems to keep getting lost.

I think Mr. Cass, who was apparently trying to what he was hired to do, deserves at least a letter of regret from the town for the impact on his life for almost a year now, or whatever legally innocuous statement that can be made. What is the point of all the work with the kids about preventing bullying if they see the adults around them turn a blind eye? Make it right.

I think more than undisclosed "disciplinary action" is necessary for Mr. Crozier - fire him, or least demote him. He made several ethically questionable choices, starting with the Title IX issues and spreading out from there. It should be interesting to see him prove he was not actively trying to damage Mr. Cass's reputation. I am not interested in how much the students may think he is wonderful. We are adults and they are children. I used to cut Dr. Stein slack for having to handle assorted packs of predator parents but he has used up his benefit-of-the-doubt outs cards with me. Being on the school committee is not for the faint of heart but perhaps also, not for the hard of hearing and the BOS could do some coaching on that?

Seriously disappointed in how we got here and expecting much better to come from this incident,

Carole Plumb  
17 Bald Rock Rd

MEMORANDUM

TO: Wayland Board of Selectmen

cc: Nan Balmer, Wayland Town Administrator

FROM: Anette Lewis

DATE: March 31, 2016

RE: Borrowing for COA/CC -- M.G.L. c. 44, Sec. 7 (21)

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When reading the provisions of M.G.L. c. 44, Sec. 7, one needs to consider the structure and purposes the legislature had in mind when it established the bases on which towns can incur debt. Section 7 lays out thirty-four (34) specific purposes for which towns may incur debt and the specifically prescribed and varied time periods within which the debt for each purpose must be paid back.

After analyzing the provisions of Section 7, I believe that the applicable provision for the COA/CC borrowing that is being contemplated is Section 7 (21). And, I will take you through the logic.

**M.G.L. c. 44, Sec. 7 (21) vs. 7 (22)**

With regard to Section 7, clauses (21) and (22), it is important to read the juxtaposition of the language as well as the legislative history (and perhaps any available case law). The legislatively prescribed authorizations for incurring debt are as follows (with emphasis supplied by me):

(21) For the cost of *architectural services for plans and specifications* for any proposed *building* for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for *additions to buildings* owned by a city, town, or district where such additions increase the floor space of said buildings, *five years* if issued before any other debt relating to said buildings or additions is authorized, otherwise the period fixed by law for such other debt relating to said building or additions; *provided, however, that at the time the loan is issued the city, town or district owns the land on which the proposed building or additions would be constructed.*

(22) For the cost of *engineering or architectural services for plans and specifications for any project not defined in clause (21)* for which a city, town or district is authorized to borrow, *five years* if issued before any other debt relating to said project is authorized, otherwise the period fixed by law for such other debt relating to said project.

So, clause (21) deals with “architectural services for plans and specifications” for a proposed building or an addition to a town-owned building. And, whether the borrowing for those services is for a new building or an addition to an existing building, in either case, at the time the loan is issued, the town must own the land on which the proposed building

or addition would be constructed.

Clause (22), on the other hand, deals with “engineering or architectural services for plans and specifications” for any project other than a building or an addition to a building. That is so because clause (22) specifically refers back to clause (21) and states that clause (22) is only applicable to projects not defined in clause (21).

**M.G.L. c. 44, Sec. 7 (3)**

Mr. Lanza’s October 30, 2015 opinion letter raises the possibility that borrowing pursuant to Section 7, clause (3) somehow may come in to play here. With regard to Section 7, clause (3) and its authorizations for incurring debt, it is important to read and analyze the entire provision reproduced below (with emphasis supplied by me):

(3) For acquiring land, or interests in land, for any purpose for which a city or town is or may hereafter be authorized to acquire land or interests therein, not otherwise specifically provided for; for the **construction of buildings** which cities or towns are or may hereafter be **authorized to construct**, or for **additions to such buildings** where such additions increase the floor space of said buildings, including the cost of original equipment and furnishings of said buildings or additions, twenty years.

The borrowing authorized under clause (3) is for actual construction of a building or an addition, as well as the equipment and furnishings that are a part of it. Clause (3) does not relate to the preparatory design work prior to construction. That is addressed in clause (21). Moreover, since clause (21) requires ownership of the land before one can borrow any monies for preparation of design and bidding specifications, and design and bidding specifications are required before a building project can be put out to bid, it follows that ownership of the land is required at each step along the way including for construction.

If a town proceeds in a step-wise fashion with borrowing for just design and bidding specifications, then the borrowing must be repaid within five years. If it instead bundles design, bidding specifications, and construction into one debt issuance, then the borrowing can be repaid over a twenty-year period.

**Ownership vs. 99-Year Lease**

When reading statutes, it is a generally accepted principle that every word in the legislation has meaning, that the legislature had a comprehensive view of what it was trying to accomplish with each provision, and that the legislature does not whimsically choose the words it uses. So, when the statute states that borrowing can only proceed if the land is “owned”, one must presume that is what the legislature means — actual ownership. The plain language of the statute does not contemplate substituting a long-term lease of 99 years in lieu of actual ownership.

Moreover, the powers and duties granted to towns by the legislature in M.G.L. c. 40 are each conditioned on the town’s compliance with all applicable provisions of any general or special law. *See for example* M.G.L. c. 40, Section 4 with regard to entering into contracts; M.G.L. c. 40, Section 14 with regard to the purchase or taking of land by eminent domain (i.e., actual ownership rights); and M.G.L. c. 40, Section 1 more generally.





TOWN OF WAYLAND  
MASSACHUSETTS  
01778

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

October 30, 2015

VIA ELECTRONIC MAIL  
AND FIRST CLASS MAIL

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

RE: Wayland Town Center Municipal Parcel, Boston Post Road,  
Andrew Avenue and Lillian Drive, Wayland, Massachusetts

Dear Nan:

You have sought my opinion relative to several legal issues that have arisen in the context of the Town's contemplated acquisition of the above-referenced property (the "Parcel"). Specifically, you have asked me to address the issues of: (1) whether the Town may borrow money for the design and construction of a building on land which it leases on a long-term basis? (2) whether the Town may lease, as lessee, land for a term longer than 30 years? (3) whether the town meeting is required to specify the method of acquisition (purchase, lease, lease with option to purchase, etc.) and the substantive terms of the agreement? and (4) whether it would be more advantageous to the Town to acquire the land in fee, rather than to lease it on a long term basis. For the reasons discussed below, the short answer to questions (1), (2) and (4) is yes and to question (3) is no.

Borrowing for Building Design and Construction on Leased Land

M.G.L. c. 44, § 7 (21), which authorizes borrowing for design services for, among other things, additions to town-owned buildings, has been cited as the statutory provision under which the Town would borrow for the planning and construction of a building on the Parcel. No town official has ever stated that the Town would be borrowing under this law. Under M.G.L. c. 44, § 7 (22), the Town may borrow "for the cost of engineering or

architectural services for plans and specifications for any project not defined in Clause (21) for which a city, town or district is authorized to borrow". Clause (3) of § 7 authorizes the Town to borrow for, among other things, "the construction of buildings which cities or towns are or may hereafter be authorized to construct". These provisions of M.G.L. c. 44, § 7 do not require town ownership of the land upon which the project will be designed and constructed in order to borrow the funds. Further, if Town wished to borrow under Clause (21) to fund the design, it could do so if it were to lease the land for 99 years or more. Massachusetts appellate courts have ruled that a 99-year lease of real estate is the equivalent of fee ownership. Additionally, the Town could borrow under clause (21) if it acquired the land and existing building by the time that the loan is issued.

#### 99-Year Lease of Land by Town, as Lessee

M.G.L. c. 40, § 3 has been cited as a limitation the Town's authority to enter into leases for terms longer than 30 years. This statute places a limit on the Town's ability to lease space in town buildings, as lessor. It does not place any limit on the Town's ability to lease land or buildings, as lessee. Section 3 relates to dispositions of Town-owned land and buildings by lease or deed. M.G.L. c. 40, § 14 governs acquisitions of real property by the Town. It is referenced under Article 3 of the Warrant for the November 9, 2015 Special Town Meeting. Under Article 3, the Board of Selectmen is seeking town meeting authorization to acquire by purchase, gift, eminent domain or otherwise, or lease, as lessee, the fee or any lesser interest in the Parcel. As discussed above, a 99-year lease of real estate is the equivalent of fee ownership. Thus, M.G.L. c. 40, § 14 authorizes the Town to lease real estate, as lessee, for a term of 99 years or longer. Also, under M.G.L. c. 40, § 4, "a...town may make contracts for the exercise of its corporate powers, on such terms and conditions as are authorized by the town meeting in a town...". Leasing land, as lessee, is a corporate power of which the Town may exercise after it is authorized to so by town meeting vote under M.G.L. c. 40, § 14.

#### Specificity of Town Meeting Authorization to Acquire Real Estate

Town meeting may authorize the Board to acquire real property by several alternate methods (e.g., purchase, long term lease, lease with option to purchase, eminent domain, acceptance

of gift, etc.) or by a single method of acquisition. As a matter of long standing practice, Wayland town meeting votes to acquire real estate have not limited the Board's method of acquisition to only one option. Since the Town does not have an agreement with the landowner for the acquisition of the Parcel, limiting the method of acquisition is not advisable.

As cited and quoted above, M.G.L. c. 40, § 4 provides that a town meeting may specify terms and conditions of contracts that a town is authorized to make. However, this provision of the law does not require that a town meeting specify such terms and conditions for each contract that the Town makes. Since the terms and conditions of a contract to acquire the Parcel have not been negotiated or agreed to, specifying such terms and conditions by town meeting vote is not advisable.

#### Advantages of Fee Ownership of the Parcel

In my opinion, the advantages of fee ownership of the Parcel greatly outweigh the advantages, if any, of a long term lease. The primary advantage of fee ownership is control. Under a lease, the landowner retains some control of the use of the land. Another significant advantage of ownership is certainty as to the future of any buildings constructed by the Town on the land at expiration of the lease. In commercial leases, it is usual for the landowner to retain the tenant's improvements to the land or building at the termination of the lease. Of course, the lease could provide for Town ownership of any buildings or improvements constructed on the land at the expiration of the lease. However, moving such buildings and improvements to another location would not be practical.

Most, if not all of the advantages of leasing (landlord responsibility for repairs, liability, taxes, etc.) would not be disadvantages of Town ownership of the property. Under a typical 99-year lease, the lessee assumes virtually all of the landowner's responsibilities. Where the Town is exempt from property taxes, the Town would forgo some tax revenue if it were to own the Parcel.

I have reviewed Attorney Mina S. Makarious' letter to you concerning the Town's exposure to liability for pre-existing environmental contamination following its acquisition or lease of the Parcel and agree with his conclusions. Among other things, he opines that a town is exempt from liability as an

owner or operator under CERCLA if it takes real property by eminent domain, demonstrates that it did not cause the contamination on the property, and takes reasonable steps to avoid further release or exacerbation of the contamination on the property. Thus, acquisition of the property in fee by eminent domain provides an additional defense against CERCLA liability, which is another advantage of fee ownership.

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

Sincerely yours,

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

Mark J. Lanza  
Town Counsel

MJL/ms

cc Mina S. Makarious, Esq.

**Balmer, Nan**

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**From:** Larsen, Geoffrey  
**Sent:** Monday, March 28, 2016 12:01 PM  
**To:** Balmer, Nan  
**Cc:** Fuller, David; Badger, Norma; Cuttell, Sheila; Landry, Leo  
**Subject:** Residential Political Signage in the context of building code and Town zoning

Good morning Ms. Balmer,

As the building code and zoning enforcement official I have been asked to review what is assumed to be a 'political speech' temporary sign currently located at a residential property adjacent to Old Connecticut Path.

After a site visit on 3.28.2016 to the area it appears that currently the political sign may reasonably be determined to be exempt from the requirement of a building permit pursuant to 780 CMR R105.2 Work Exempt from Permit.

- Residential accessory structures of a magnitude including structures that do not exceed 200 square feet , fences not over 6 feet high and playground equipment of an undetermined size do not require a building permit. The specific placement of this ground mounted structure in the rear yard of a residential property set back from the street right of way appears to be a reasonable location relative to maintaining public safety.
- I emphasize that it is the responsibility of the homeowner to maintain the safety of such a structure referenced above, including but not limited to, verifying the possible need for an electrical permit.

Currently it would also appear reasonable to determine that Town zoning would not pertain to this illuminated 'political speech' temporary sign currently located at a residential property adjacent to Old Connecticut Path because of:

- My understanding of the statutory protections afforded residential "political speech" signage.
- And that the current structure and lighting is similar to a seasonal display referenced in §198-501.2 of Town zoning in as much it may be reasonably determined to represent the protected 'speech' of the homeowner.

Finally, as you are aware such determinations by the building code and zoning enforcement official may be a matter of an appeals' process pursuant to 780 CMR R112.1 and MGL 40A §§7, 8, 14 and 15 and Article 2 of Town zoning respectively.

Respectfully,

Geoff Larsen  
Geoffrey S. Larsen, CFM  
Building Commissioner  
Town of Wayland, MA  
[glarsen@wayland.ma.us](mailto:glarsen@wayland.ma.us)

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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

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

March 21, 2016

Director, Division of Open Government  
Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place, 20<sup>th</sup> Floor  
Boston MA 02108

RE: Open Meeting Law Complaint of George H. Harris, Esq., filed March 10, 2016

To the Director of the Division of Open Government:

I am writing to you pursuant to 940 CMR 29.05(5) relative to the above-referenced Open Meeting Law Complaint. A copy of the Complaint and enclosures, which were filed on March 10, 2016, are enclosed.

The complaint states that the minutes of the meetings of December 7 and 14, 2015 and January 4, 2016 are not yet approved by the Board of Selectmen. The complainant requests:

1. At its next meeting, the Board shall acknowledge its violation of the Open Meeting Law.
2. The Board shall without further delay approve and release the subject minutes.
3. At its next meeting, the Board shall adopt a plan for the timely creation and approval of minutes.

The Board states the following:

1. The Board acknowledges its errors above in the specific instances that it agrees with the complainant that errors were made.
2. The Board has directed staff to prepare said minutes for consideration and approval at its meeting on April 4, 2016.
3. The Board will review a plan for the timely creation and approval of minutes at its April 4, 2016 meeting with the goal of adopting it soon thereafter.

The Board supports and intends to comply with the Open Meeting Law. We accept that it is the Board's responsibility to make our sessions transparent and open. In 2015, the Board met 41 times. All agendas and full meeting information packets are posted online in advance of every meeting. Each session was recorded by WayCam, our local access cable station. Our meetings are usually broadcast live and sessions are available for viewing online at no cost within a couple of days of each meeting. Finally, 38 of 41 sets of minutes from 2015 are completed, approved and available online.

The Board is mindful of Open Meeting Law requirements for the timely preparation of meeting minutes and expects that approval of minutes will meet required standards for timely approval in the future. The Board is committed to completing the minutes from 2015 and those from 2016 in due course.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cherry Karlson".

Cherry Karlson, Chair  
Board of Selectmen

cc: George Harris  
Town Counsel Mark Lanza

enc: Open Meeting Law Complaint of George Harris Esq., March 10, 2016



### 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: March 9, 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 for a full explanation.

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: March 10, 2016

For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:

## **OPEN MEETING LAW COMPLAINT**

This is a complaint that the Wayland Board of Selectmen (Board) violated the Open Meeting Law again by failing to timely approve and release the minutes of three open meetings.

Although the Board typically meets on a weekly basis, it has not yet approved the minutes of meetings held on December 7 and 14, 2015 and January 4, 2016. See Exhibits 1-3 attached hereto. These meetings occurred more than two months ago.

In determination OML 2015-79, dated June 2, 2015, the Attorney General found that the Board had similarly failed to timely approve minutes. The Board acknowledged its failures to fully comply with the Open Meeting Law and directed the Town Administrator "to develop and provide the Board with a plan for timely creation and approval of meeting minutes to comply with the requirements of the Open Meeting Law." This was buck-passing. It is the Board's duty to comply with the Open Meeting Law and not the Town Administrator's.

It is time now for the AG to direct the Board to undertake remedial action and to comply with the Open Meeting Law in the future. The Board's plan to achieve compliance going forward should be documented and submitted to the AG.

### **ACTIONS REQUESTED**

1. At its next meeting, the Board shall acknowledge its violation of the Open Meeting Law.
2. The Board shall without further delay approve and release the subject minutes.
3. At its next meeting, the Board shall adopt a plan for the timely creation and approval of minutes.

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**Interim Report of Wayland Real Asset Planning (WRAP) Committee  
March 29, 2016**

In August 2015, the newly created Wayland Real Asset Planning Committee (WRAP) was tasked with working collaboratively to devise a process for developing a comprehensive long-range facilities plan, siting strategy and capital funding plan to assist the Town with making informed decisions regarding major capital projects (defined as \$500,000 and above) related to future uses of municipal (Town and School) land and buildings. Since its inception WRAP has held 20 meetings, two of which were community forums in which other Boards, Committees, and Commissions participated.

With the short-term goal of assisting the Town in making capital-related decisions at Annual Town Meeting 2016, our work has led us to the following conclusions / recommendations for articles that are related to large capital projects. Votes for each article are recorded at the end of each recommendation:

1. **Article 17 – Transfer of Main St. Land:** Due to State Library Funding program and the requirement to look at more than one site for which the Library Trustees have control, WRAP believes that this site should be available for consideration as a potential site for construction of a new library. It would be in the best interests of the Town for the library site location studies and athletic field(s) feasibility studies at 193/195/207 Main Street to be conducted in parallel. WRAP voted in support of this article (4-0).
2. **Article 18 – Transfer of Old Connecticut Path Land:** Due to State Library Funding program and the requirement to look at more than one site for which the Library Trustees have control, WRAP believes that this site should be available for consideration as a potential site for construction of a new library. This land was acquired for municipal use and provides an opportunity for the Town to consider a campus setting where a future library, COA/CC and other municipal uses can be sited in close proximity to one another. WRAP voted in support of this article (4-0).
3. **Article 21 – COA/CC Design & Construction Bid Funding:** In recognition of the need for an expanded COA, several concerns have surfaced. They include: 1) ability of the site to support current and proposed future expansion of the building, including requisite parking and adequate wastewater disposal; 2) unresolved overlap of programs between Library, COA/CC and Recreation; 3) unresolved annual operation and maintenance costs; 4) lack of articulation of operational responsibility and staffing needs after construction. We believe it is premature to connect development of design and construction bidding documents solely to the Town Center pad. Without resolution of these matters, WRAP voted not to support this article (0-4).
4. **Article 22 – Athletic Field Feasibility Study:** Only part of this article applies to future growth of athletic fields. It would be in the best interests of the Town that the library site location studies and athletic field(s) feasibility studies be conducted in parallel at 193/195/207 Main Street. Pending the results of field and library siting studies, additional municipal uses may be appropriate for this site. WRAP voted in support of this article (4-0).
5. **Article 30 – Purchase Conservation Restriction on Mainstone Farm:** Preservation of scenic vistas at Mainstone Farm through a Conservation Restriction (CR) is consistent with goals and objectives of the Town and was a primary reason for adopting the Community Preservation Act (CPA) in 2001. WRAP voted in support of this article (3-0 with one abstention).

During evaluations of town-owned land and buildings, there arose two distinct models for placement of town facilities: disparate locations distributed throughout the Town or a unified campus setting. Due to the convergence of multiple municipal building projects, Wayland is faced with a once-in-a-generation opportunity to consider exploring the synergies and cost efficiencies of a campus-type setting. Based on our work to date, one existing municipal parcel that offers this opportunity is found at 202 Old Connecticut Path. We would encourage additional consideration of this concept by the Town.

WRAP is planning to host two community forums, tentatively scheduled for April 27, 2016 and May 16, 2016 to explore the above concepts with Wayland residents. Information will follow via the WRAP website.

Respectfully submitted,  
WRAP Committee Members  
Tom Abdella, Anette Lewis, Gretchen Schuler and Colleen Sheehan (Chair)

①

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**From:** Jay Sherry [mailto:sherry.jay@gmail.com]  
**Sent:** Thursday, March 31, 2016 1:25 PM  
**To:** Balmer, Nan  
**Cc:** Karlson, Cherry; Keveny, Brian; 'Clifford Lewis'; Pierce, Zoe; 'Gordon Cliff'; Selectmen  
**Subject:** Proposed transfer of Wayland's OPEB funds to PRIT

Nan,

A prior commitment makes me unable to join you at the April 4 Board of Selectmen meeting regarding PRIT, so please accept this as written "public comment" to be shared with the Board.

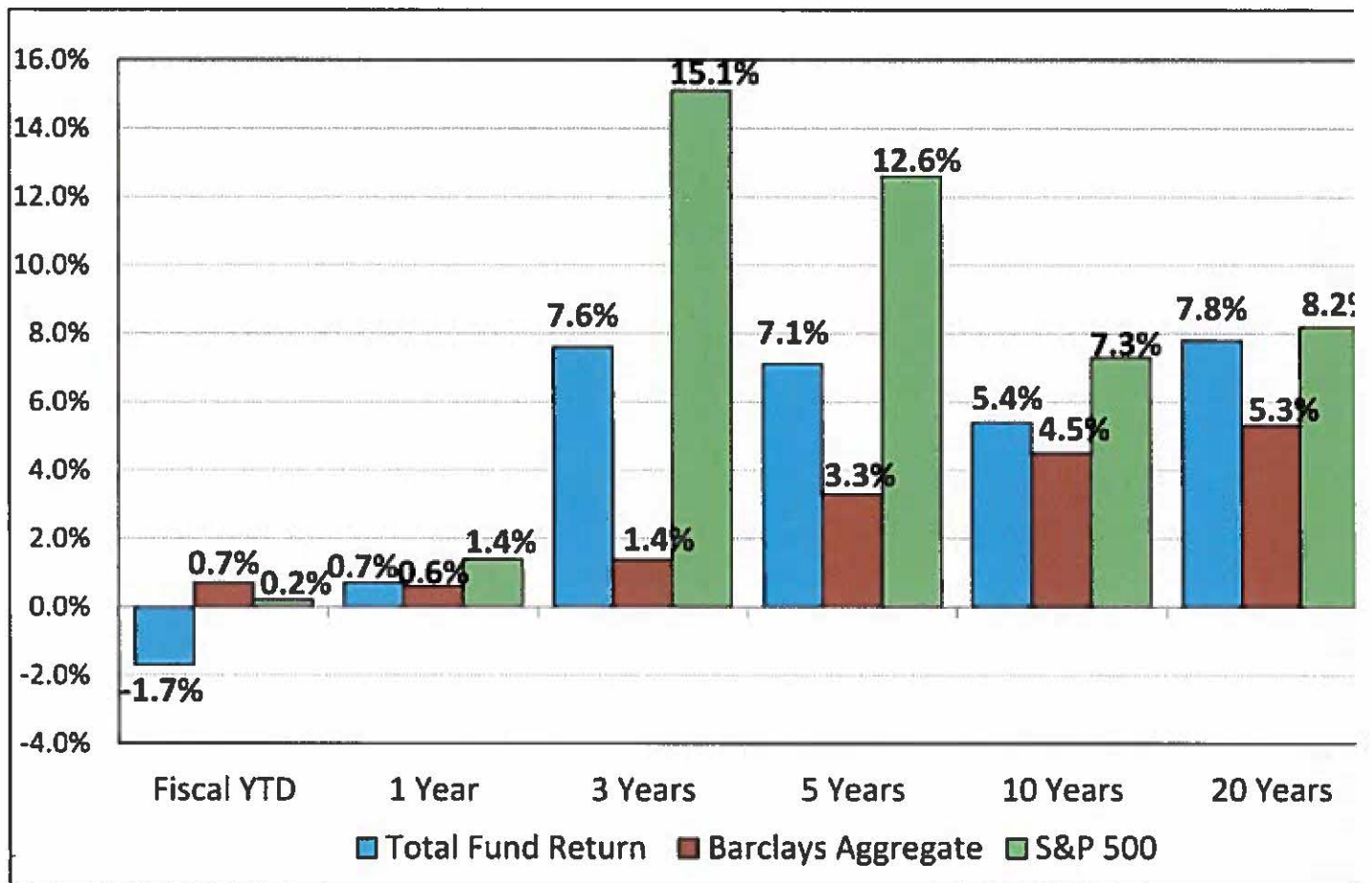
PRIT is a better choice than what we are doing now, but it's likely not the best choice for the Town of Wayland given PRIT's long-term performance.

In our March 24 teleconference with Paul Todisco of PRIT, I expressed my concern about PRIT falling short of the S&P 500 consistently, sometimes below the 7% investment return level for long periods. After all, if you're going to pay management fees of \$66K per year to PRIT on our \$12.6M OPEB investment account, with all of PRIT's investment talent and the flexibility they have to move in and out of different asset classes, you would expect PRIT to at least meet if not beat a boring index such as the S&P 500, after paying the fees. That's the investment skill "value add" that we are buying.

Given that we have 23 more years to reach our \$80M target for a fully funded OPEB account, I thought I would get some additional data on their performance net of fees for all time periods, since PRIT has a 33 year history. Here is what Paul Todisco shared with me yesterday. PRIT is in blue, bond market in red (represented by the Barclays Aggregate index), and stock market in green (represented by the S&P 500 index):

# Total PRIT Fund Performance

Net of Fees compared to Bonds and Stocks as of December 31, 2015

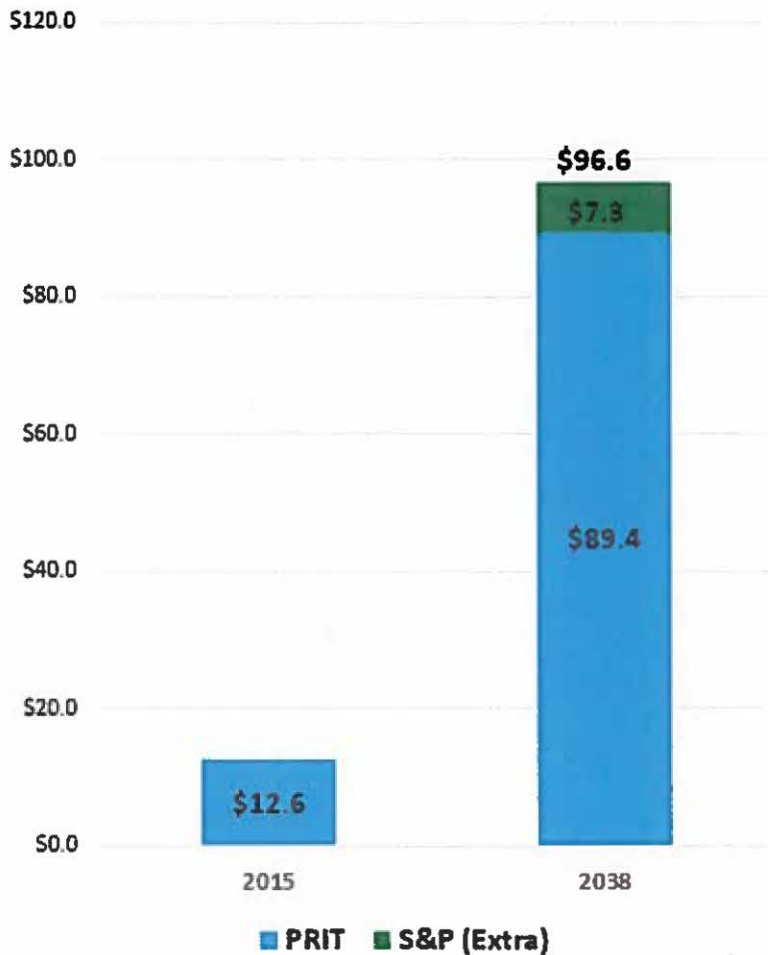


This is not a great picture because PRIT consistently falls short of the S&P 500 in EVERY time period, sometimes by a little, sometimes by a lot. But at least the shortfall is narrowest in the 20 year timeframe, 7.8% vs. 8.2%. Given our long investment horizon of 23 years, with no need to tap the money until 2039, that's the period that I would focus on.

The .4% per year gap seems trivial. After all, PRIT has a bunch of different asset classes, with some that rising upwards in value while others are falling in value. You would think this would help rather than hurt long-term performance over twenty years.

That .4% adds up over time of course, to the tune of \$7.3M, if the next 23 years follows the pattern of the last 20:

## Wayland OPEB Investment Account Projection 2015 - 2038, \$M



This projection says that PRIT gets to \$89.4M and an all equities portfolio (such as the S&P 500) gets to nearly \$97M. The good news is that PRIT's 7.8% is above the 7% return assumption in the actuarial analysis, so we get to the full funding target of \$80M. And presumably the PRIT portfolio will be less volatile than an all equities portfolio such as the S&P 500. PRIT hasn't shown us data that demonstrates this reduced volatility, however.

In the real world, the future biennial actuarial valuations will adjust for these greater investment returns, and dial down the new annual contributions to the OPEB fund accordingly, so that we don't overshoot the funding target. If healthcare inflation stays under control (a very big if), the taxpayers would save money if we keep the return averaging 7% or better.

If it were my call to make, given the long investment horizon, I would ignore the volatility and go nearly all equities until about 2033, when a market downturn in the final five years of 2033 – 2038 could really hurt the Town's OPEB investment. Unfortunately, choosing PRIT doesn't allow us to choose a different asset allocation. By picking PRIT, we effectively buy lots of bonds, timberland, hedge funds, etc. with our OPEB money.

I'm not completely alone in my thinking, and this is not really radical. No less a figure than Warren Buffett has spoken favorably of a 90% allocation to stocks, as described here: <http://time.com/money/4169856/warren-buffett-retirement-plan/>

Under the terms of Wayland's Special Act regarding OPEB, you and Brian Keveny are charged with making this decision. Fortunately, it's not an irrevocable decision that ties the Town's hands indefinitely. If you choose to move

forward with PRIT, I believe it will improve the Town's investment returns compared to our current investment managers. But I would at the same time re-start the effort we suspended last month on establishing a declaration of trust and a replacement Special Act to govern the future investment management of Wayland's OPEB money.

Best regards,

Jay Sherry  
18 Pine Needle Road, Wayland  
e: [sherry.jay@gmail.com](mailto:sherry.jay@gmail.com)  
m: +1.508.308.3422

## Projected OPEB Investment Account Performance 2015-2038

PRIT compared to S&P 500

Year ending Dec 31	Starting value of OPEB inv acct	New OPEB contributions on following July 1	PRIT Growth @ 7.8%	Ending value of OPEB inv acct
2015	\$ 12,600,473	\$ 243,830	\$ 992,346	\$ 13,836,649
2016	\$ 13,836,649	\$ 249,926	\$ 1,089,006	\$ 15,175,581
2017	\$ 15,175,581	\$ 256,174	\$ 1,193,686	\$ 16,625,441
2018	\$ 16,625,441	\$ 262,578	\$ 1,307,025	\$ 18,195,044
2019	\$ 18,195,044	\$ 269,142	\$ 1,429,710	\$ 19,893,895
2020	\$ 19,893,895	\$ 275,871	\$ 1,562,483	\$ 21,732,249
2021	\$ 21,732,249	\$ 282,768	\$ 1,706,143	\$ 23,721,161
2022	\$ 23,721,161	\$ 289,837	\$ 1,861,554	\$ 25,872,552
2023	\$ 25,872,552	\$ 297,083	\$ 2,029,645	\$ 28,199,280
2024	\$ 28,199,280	\$ 304,510	\$ 2,211,420	\$ 30,715,210
2025	\$ 30,715,210	\$ 312,123	\$ 2,407,959	\$ 33,435,292
2026	\$ 33,435,292	\$ 319,926	\$ 2,620,430	\$ 36,375,648
2027	\$ 36,375,648	\$ 327,924	\$ 2,850,090	\$ 39,553,661
2028	\$ 39,553,661	\$ 336,122	\$ 3,098,294	\$ 42,988,078
2029	\$ 42,988,078	\$ 344,525	\$ 3,366,507	\$ 46,699,109
2030	\$ 46,699,109	\$ 353,138	\$ 3,656,303	\$ 50,708,550
2031	\$ 50,708,550	\$ 361,966	\$ 3,969,384	\$ 55,039,900
2032	\$ 55,039,900	\$ 371,015	\$ 4,307,582	\$ 59,718,497
2033	\$ 59,718,497	\$ 380,290	\$ 4,672,874	\$ 64,771,661
2034	\$ 64,771,661	\$ 389,797	\$ 5,067,392	\$ 70,228,849
2035	\$ 70,228,849	\$ 399,542	\$ 5,493,432	\$ 76,121,824
2036	\$ 76,121,824	\$ 409,531	\$ 5,953,474	\$ 82,484,829
2037	\$ 82,484,829	\$ 419,770	\$ 6,450,188	\$ 89,354,786
2038	\$ 89,354,786			

Year ending Dec 31	Starting value of OPEB inv acct	New OPEB contributions on following July 1	S&P Growth @ 8.2%	Ending value of OPEB inv acct
2015	\$ 12,600,473	\$ 243,830	\$ 1,043,236	\$ 13,887,539
2016	\$ 13,887,539	\$ 249,926	\$ 1,149,025	\$ 15,286,489
2017	\$ 15,286,489	\$ 256,174	\$ 1,263,995	\$ 16,806,659
2018	\$ 16,806,659	\$ 262,578	\$ 1,388,912	\$ 18,458,148
2019	\$ 18,458,148	\$ 269,142	\$ 1,524,603	\$ 20,251,893
2020	\$ 20,251,893	\$ 275,871	\$ 1,671,966	\$ 22,199,730
2021	\$ 22,199,730	\$ 282,768	\$ 1,831,971	\$ 24,314,470
2022	\$ 24,314,470	\$ 289,837	\$ 2,005,670	\$ 26,609,977
2023	\$ 26,609,977	\$ 297,083	\$ 2,194,198	\$ 29,101,258
2024	\$ 29,101,258	\$ 304,510	\$ 2,398,788	\$ 31,804,556
2025	\$ 31,804,556	\$ 312,123	\$ 2,620,771	\$ 34,737,450
2026	\$ 34,737,450	\$ 319,926	\$ 2,861,588	\$ 37,918,964
2027	\$ 37,918,964	\$ 327,924	\$ 3,122,800	\$ 41,369,688
2028	\$ 41,369,688	\$ 336,122	\$ 3,406,095	\$ 45,111,905
2029	\$ 45,111,905	\$ 344,525	\$ 3,713,302	\$ 49,169,732
2030	\$ 49,169,732	\$ 353,138	\$ 4,046,397	\$ 53,569,266
2031	\$ 53,569,266	\$ 361,966	\$ 4,407,520	\$ 58,338,753
2032	\$ 58,338,753	\$ 371,015	\$ 4,798,989	\$ 63,508,757
2033	\$ 63,508,757	\$ 380,290	\$ 5,223,310	\$ 69,112,357
2034	\$ 69,112,357	\$ 389,797	\$ 5,683,195	\$ 75,185,349
2035	\$ 75,185,349	\$ 399,542	\$ 6,181,580	\$ 81,766,471
2036	\$ 81,766,471	\$ 409,531	\$ 6,721,641	\$ 88,897,643
2037	\$ 88,897,643	\$ 419,770	\$ 7,306,817	\$ 96,624,231
2038	\$ 96,624,231			

Starting value drawn from account statements shown at

[http://www.wayland.ma.us/Pages/WaylandMA\\_Treasurer/OPEB%20Performance/](http://www.wayland.ma.us/Pages/WaylandMA_Treasurer/OPEB%20Performance/)

PRIT Growth assumption and S&P 500 Growth assumption from PRIT's analysis of last 20 years, from Paul Todisco

New OPEB contributions drawn from Odyssey's premium-based forecast of December 31, 2014, page 5



# WAYLAND CLEANS UP!

SATURDAY, APRIL 2  
10-2 pm  
(rain date: Sunday, April 3)

MEET AT ONE OF TWO STATIONS:  
Town Building Back Lot *OR* Cochituate Field

Volunteers can stuff trash from roadside areas into black bags and single stream recyclables into clear bags; roving pickup trucks will pick up filled bags.

Organized by PTO Green Team, Transition Wayland and the Wayland Democratic Town Committee

For more information, call 978-505-5912



9

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

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

March 21, 2016

Kris & Zdravka Nikolovska-Copeland  
3 York Road  
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 3 York Road, Wayland (DEP File 322-858)

Dear Mr. and Mrs. Copeland:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the septic project at 3 York Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

**Written notice must be submitted to the Conservation Commission not less than two or more than five business days prior to the commencement of the work permitted by these decisions.** All submissions must refer to the DEP file number and condition or conditions, which the submission is intended to address.

**Please note that any modification of your plans must be reported to the Commission** and may necessitate either an amendment to the Order of Conditions or the submission of a new Notice of Intent. If you have any questions, please call 508-358-3669.

Sincerely,

Brian J. Monahan  
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.  
DEP NERO w/enc.  
Building Commissioner w/enc.  
Green Hill Engineering w/enc.  
Board of Selectmen  
Board of Health  
Planning Board  
Town Assessor  
Abutters  
File



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

*Select.*

10

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

**MARCH 28, 2016**

**POSTED**

**There will be a Site Visit by the Zoning Board of Appeals**

**on APRIL 5, 2016**

**for**

**NASH QUADIR  
29 CASTLE GATE ROAD**

**(16-05)**

**at 8:00 A.M**

**on the site located at**

**29 CASTLE GATE ROAD**

**WAYLAND, MA**

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2016 MAR 28 AM 11:41



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

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

**MARCH 28, 2016**

**POSTED**

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

**continued hearing on**

**APRIL 26, 2016**

**at**

**7:00 p.m.**

**for the applicant**

**NASH QUADIR**

**(16-05)**

**29 CASTLE GATE ROAD**

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

file (11)  
RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2016 MAR 28 AM 11:42



# Town of Wayland Massachusetts

**Finance Committee**  
Thomas Abdella  
N. Funkhouser (Chair)  
Dave Watkins  
C. Martin  
B. Steinberg  
Gil Wolin  
G. Cliff

**Finance Committee**  
**Meeting Minutes, February 11, 2016**

Attendance: C. Martin, B. Steinberg, N. Funkhouser (Chair), G. Cliff, and Finance Director Brian Keveny.

**I. Call to Order**

The meeting was called to order at 7:07 PM in the Middle School Auditorium. The meeting was not taped.

**II. Public Comment**

None

**III. Report from Finance Director, Brian Keveny:**

Brian reported that the increase in this year's estimate of Health Insurance to next year's budgeted amount is roughly 11%. The initial budget didn't include new hires and the engineer position that we added. The number that is currently in the budget is the number that John Senchyshyn believes is the appropriate number based on seven months of actual. There was discussion about the increase and whether or not to take the budgeted number down some. The committee agreed that if we overrun this year we can be more conservative next year in our forecasting. B. Keveny indicated that turn backs have been declining over the past several years and rather than cut the budget now, it would be more prudent to see where the number comes in this year and look closely at it next year.

C. Martin also mentioned she would like to reduce the fincom reserve account because some the funds the Committee had earmarked for IT have actually been put into the IT operating budget and after much discussion the committee decided not to.

**IV. Discuss STM Articles**

N. Funkhouser indicated that a request was made for the fincom to speak at the PRO microphone for the MM articles and inquired of the committee whether they felt that was appropriate. Consensus was that our input was provided in the article write-up and no further information should be provided in a comment.

#### **IV. Liaison & Members Reports Concerns and Topics**

B. Steinberg indicated that we may want to reconsider whether we disseminate article write-ups in advance of meetings because of the potential for an OML violation. N. Funkhouser indicated as long as the write-ups are distributed by the Finance Director and no discussion is held between committee members in advance of their review at a meeting that advance distribution is okay. There was discussion about the matter with no committee consensus on the issue.

#### **V. Reconvene following completion of STM – 9:20 pm**

##### **Article S – Adopt MA General Laws Chapter 44, Section 53 E ½ , Revolving Accounts**

C. Martin presented Article S. there was a discussion about lowering the Transfer Station spending cap to \$450,000 from \$550,000 as well as adding in capital costs and indirect costs to the description printed in the article. C. Martin indicated she would look into the appropriate cap. With respect to the School Curriculum Fund, there was a question about where the revenues come from. With respect to the School Department, Professional Fund, there was a question about whether teachers contribute to this out of their own pockets.

C. Martin moved to recommend approval on the article. B. Steinberg seconded the motion and the vote was 4-0-0 in favor. There was a recommendation to modify the language in the transfer Station fund to add reference to capital projects.

##### **Article FF: Establish 53D Recreation Revolving Fund**

C. Martin explained that while waiting for the special state legislature to act on their request to increase their 1% cap, the Recreation Commission has elected to move the Beach costs to a separate 53D which will support both the revenue and expenses of the Town Beach. The 53D will be funded with approximately \$100K from the existing Recreation Revolving Fund. C. Martin indicated that because of the 53D fund, we cannot take indirect costs from it. B. Steinberg inquired whether we were more directly matching costs with revenues and C. Martin indicated that in case of the beach, yes. Ms. Martin added that because a 53D may carry over only a maximum of \$10K from year to year, the 53D would have to be funded annually at Town Meeting. C. Martin moved to recommend approval of the article, N. Funkhouser seconded the motion, and it was approved 4-0-0.

##### **Article GG: Establish and Fund Recreation Stabilization Fund**

C. Martin explained that while waiting for the special state legislature to enact an increase to their 1% cap, the Recreation Commission has elected to create and move approximately \$300K of their surplus funds to a Recreation Stabilization Fund. The fund will be set up to support Recreation Capital projects. This article permits them to spend that money with a 2/3rds vote at Town Meeting. C. Martin indicated that by moving the user fees for field and town gym rentals to local receipts, the Recreation Revolving Fund may not continue to experience such large annual surpluses. Mr. Cliff asked Brian his opinion on this article. Mr. Keveny indicated he is okay with this short term solution. C. Martin moved to recommend approval of the article, G. Cliff seconded the motion, and the vote was 3-1-0.

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

C. Martin moved that we recommend approval of article AA, B. Steinberg seconded the motion and the vote was 4-0 in favor.

##### **Article D: OPEB Funding**

G. Cliff indicated that the way the article is structured, \$50,000 comes as a reduction because we get it back in the General Fund. He also said, referencing page 20 of the warrant, that b) puts us on parity with recommendations by our OPEB committee.

There was an ensuing discussion about an ongoing observation about the fact that some employees that pay into the fund are part time less than 50% of the time so that there would be no cost to us. B. Steinberg mentioned that the Schools in particular hire school personnel to work PT for the schools during the year and then those same people are PT for seasonal work or FT Kindergarten and that the FY Kindergarten or Pegasus for instance, should not bear the full brunt of their OPEB contribution because it isn't fair. B. Steinberg stated that an argument against this article is that programs are being unfairly charged.

No vote was taken on this article.

**Article X: Transfer 193 and 195 Main Street**

G. Cliff mentioned that this article was intended mostly for the Library to put an application in to the State but that Recreation also wants to put a field in that location. A suggestion was made to add the word "authorize" to the title of the article. G. Cliff mentioned that the WRAP Committee has not opined on this matter. No vote was taken.

**VI. Adjournment**

C. Martin put forth a motion to adjourn the meeting at 10:29 pm. B. Steinberg seconded the motion and the vote was 4-0 in favor. The meeting was adjourned at 10:29 pm

Respectfully submitted,

N. Funkhouser



# Town of Wayland Massachusetts

## **Finance Committee**

Nancy E. Funkhouser (Chair)

Gordon Cliff

Carol Martin

Bill Steinberg

David Watkins

Gil Wolin

## **Finance Committee**

### **Minutes**

**March 21, 2016**

**Attendance:** N. Funkhouser, B. Steinberg, G. Cliff, C. Martin and B. Keveny (Finance Director). D. Watkins (participated remotely).

**Call to Order:** The meeting was called to order by Chair Funkhouser in the Senior Center at the Town Building at 7:02pm when a quorum was present. Ms. Funkhouser indicated the meeting was being recorded by WayCam and may be recorded by others and that Mr. Watkins would be participating remotely due to geographic restrictions.

**Public Comment:** None

**Committee's Response to Public Comment:** N/A

**Finance Director's Update:** Finance Director Mr. Keveny stated the Board of Selectmen anticipate there will be a Fall Special Town Meeting in November and distributed the proposed STM calendar created by Town Administrator Nan Balmer. Turning to FY17 budget, Mr. Keveny indicated the Town has received a late assessment from Minuteman. The Town's FY17 Minuteman expense is increasing by approximately \$20K from \$68K to \$88K. Mr. Keveny explained the options to pay this bill included re-opening the Fy17 budget, using FinCom reserve funds or via current year transfer, adding his recommendation was current year transfer. The Committee concurred.

Mr. Keveny informed the Committee Recreation has filled their open position and between starting salary, the 6 and 12 month step increases, the difference in the FY16 and Fy17 personnel budgets is under \$5K, stating his recommendation was to not re-open the budget. The Committee concurred.

Mr. Keveny then advised the Committee the town is in the midst of selecting financial advisors who work closely with the Treasurer primarily to advise the town on long-term borrowing. Mr. Keveny felt it



prudent to have a Committee member be part of that process and suggested Mr. Watkins assist in this process. After a short discussion, the Committee concurred.

**Review, Discuss and potentially vote FY 2017 Modified Operating and/or Capital Budgets (if necessary):** Chair Funkhouser indicated that based on the Committee's decision to address the additional Minuteman FY17 expense via current year transfers at the upcoming STM, no review, discussion or vote was necessary.

**Liaison & Members' Reports, Concerns and Topics:** Ms. Martin asked for clarification of the spreadsheet recently created by the WRAP committee. She expressed concern with the title: "Anticipated" Capital Projects, particularly since none of these requests have been vetted via the CIP process. The Committee discussed and agreed perhaps the title should read "Proposed" or "Potential". The Committee discussed the role of the WRAP Committee. After a short discussion, it was decided Chair Funkhouser would reach out to WRAP chair for an update. The Committee also discussed its representation on the WRAP Committee. After a brief discussion, the Committee decided to ask former FinCom member Tom Abdella if he would be willing to continue as a FinCom Liaison to the WRAP Committee.

Ms. Martin distributed a list of "Potential FinCom Topics" that she and Mr. Cliff had assembled stating their goal was to assemble the projects individual fincom members have indicated at one point or another that warranted further review/study by the Committee. For ease of future discussion and prioritizing, the list has been divided into five sub-headings: Infrastructure, Analysis, Guidelines/Policies, Budget and Misc. Both Mr. Cliff and Ms. Martin stated they were looking for input from the Committee and suggested this topic be an agenda item at the next meeting.

**Review and Discuss potential Finance Committee newspaper article submission:** Due to the pending Crier deadline, after the draft of the newspaper article was distributed, the Committee members took five minutes to read through it. Ms. Martin thought it was well done. Mr. Cliff wanted greater understanding of the purpose of the article. Mr. Watkins replied the newspaper provides a forum/opportunity to reach and inform residents. Mr. Steinberg added an article is not necessary but a good opportunity to encourage more residents to participate at ATM. A discussion ensued, during which Ms. Funkhouser stated she felt the article should have more content, particularly the FY17 budget drivers. The Committee agreed. A revised draft will be reviewed at the next meeting.

**Chair's Update on Matters pertaining to Annual Town Meeting:** Chair Funkhouser advised the Committee she would attend both the Moderator's Motion review meeting and the Moderator's Warrant hearing on behalf of the Committee. Ms. Funkhouser further stated that the Moderator had asked the Finance Committee to restrict its discussion of the budget article to 14 minutes: 7 for the Fincom and 7 for the School Committee. The Committee was a bit surprised at this request, particularly since there is no time limit established for the budget article, but felt that if the Chair was able to deliver her message in 7 minutes that would be appropriate as well.

Ms. Martin indicated that Article 28: Funding for a new Minuteman High School would be passed over -

because the Department of Elementary and Secondary Education (DESE) has approved the revised Minuteman agreement. With that approval, Wayland will be allowed to withdraw from Minuteman and thus does not need to take a position on article 28. Mr. Cliff expressed surprise that the Current Year Transfers article was being handled by the BoS and not the FinCom.

**Items the Chair did not reasonably anticipate would be discussed at this meeting:** Chair Funkhouser advised the Committee the BoS have expressed interest in purchasing Clear Gov which would download Wayland's data from the DOR website and populate a website with Wayland's budget data and would like some FinCom input. After a brief discussion, the Committee asked Mr. Watkins to participate. Ms. Funkhouser told the Committee she received an email from Beth Doucette stating the town is considering disposing of Parcels 47 and 48 on Sycamore Road and was seeking input. Mr. Steinberg suggested the Committee inquire what is the current use of this land, sale price and why it is being considered for disposal. Chair Funkhouser indicated she would follow up and advise.

Ms. Funkhouser distributed a response to the Attorney General's office regarding an Open Meeting Law complaint the FinCom has received. Mr. Cliff felt this discussion should be a separate agenda item. Ms. Funkhouser indicated that she only had 14 days to reply and the Committee's response was due in three days. Thus, waiting until a future meeting, would make our response late. After discussing several options, Mr. Steinberg moved and Ms. Martin seconded that Ms. Funkhouser contact the AG's office, and explain that due to our meeting schedule, the FinCom hadn't had an opportunity to discuss the complaint and/or response and request an extension so discussion could take place at the March 28th meeting. Approved: 5-0-0 by Roll Call Vote: Steinberg: Yes, Funkhouser: Yes, Watkins: Yes. Martin: Yes; Cliff: Yes.

**Future Meeting Schedule:** Ms. Funkhouser stated the Committee would meet on 3/28th in the Town Building and she would post a meeting for each night of Town Meeting which starts on April 7th. A discussion ensued concerning agenda items for the 28th and Spring FinCom meeting schedule which will include May 2nd and June 20th.

**Meeting Minutes Review, Discussion and Approval:** After a brief discussion, Ms. Martin moved the committee accept the Minutes of February 11th as written. Mr. Steinberg seconded. Approved 5-0 Vote by Roll Call vote: Steinberg: Yes, Funkhouser: Yes, Watkins: Yes. Martin: Yes; Cliff: Yes. Mr. Steinberg distributed copies of the draft minutes for February 22nd for review at a future meeting.

The Committee reviewed the Minutes of February 25th. Mr. Steinberg moved and Ms. Funkhouser seconded that the Minutes of February 25th be approved as written. Approved 5-0-0 by Roll Call vote: Steinberg: Yes, Funkhouser: Yes, Watkins: Yes; Cliff: Yes. Martin: Yes. Mr. Watkins questioned whether the Minutes he took on January 13th had been reviewed and suggested that review take place on the 28th.

**Adjourn:** Ms. Martin made a motion to adjourn. Mr Steinberg seconded. Approved 5-0 Vote by Roll Call vote: Steinberg: Yes, Funkhouser: Yes, Watkins: Yes. Martin: Yes; Cliff: Yes. Meeting adjourned at 8:42pm.

Respectfully Submitted,

Carol Martin

Documents:

Draft Special Town Meeting Schedule (source: N. Balmer)

Draft: Potential Finance Committee Topics of Discussion (Source: Cliff/Martin)

Draft: Finance Committee Budget Letter for Crier (source: Steinberg/Watkins)

Draft: Finance Committee Response to 3/10th OML complaint (source: Funkhouser)

Draft: Minutes: February 22, 2016 (source: Steinberg)

13



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
BOSTON, MA 02114  
Telephone: 617-626-7300  
Facsimile: 617-727-0030

**Charles D. Baker**  
Governor

**Matthew A. Beaton**  
Secretary

**Karyn E. Polito**  
Lt. Governor

**Judith F. Judson**  
Commissioner

March 15, 2016

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

**RECEIVED**

**MAR 28 2016**

Board of Selectmen  
Town of Wayland

Dear Selectmen Karlson, Antes, Anderson and Nolan,

Thank you for your correspondence and interest in the Department of Energy Resources solar programs. DOER is committed to its mission to "develop and implement policies and programs aimed at ensuring the adequacy, security, diversity, and cost-effectiveness of the Commonwealth's energy supply to create a clean, affordable and resilient energy future".

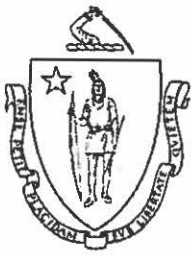
We have directed your comments and concerns to the appropriate staff and I want to assure you that we are working towards a solution. Thank you for your communication on this issue and please do not hesitate to reach out in the future.

Sincerely,

Judith Judson  
Commissioner

Cc: Matthew A. Beaton, Secretary, EOEEA





THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

14

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
www.mass.gov/ago

March 25, 2016

RECEIVED

MAR 28 2016

Board of Selectmen  
Town of Wayland

George H. Harris, Esq.  
8 Holiday Road  
Wayland, MA 01778

Dear Attorney Harris:

We understand that on February 26, 2016, you filed a complaint with the Wayland Board of Selectmen (the "Board"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Board is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Board on March 15, 2016.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). Our office currently has no record of a complaint filed by you in this matter. Accordingly, we will presume that the action taken by the Board was sufficient and will close this file unless we receive a request for further review by this office and a copy of the initial complaint by **Friday, April 29, 2016**.

Please feel free to contact us if you have any questions about the Open Meeting Law complaint process.

Sincerely,

Bongani T. Jeranyama  
Paralegal  
Division of Open Government

cc: Cherry Karlson, Chair, Wayland Board of Selectmen  
Wayland Board of Selectmen

15



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

**Department of Environmental Protection**  
One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor  
  
Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary  
  
Martin Suuberg  
Commissioner

RECEIVED

MAR 28 2016

Board of Selectmen  
Town of Wayland

March 30, 2016

Dear Municipal Official:

On behalf of the Baker Administration, it is my pleasure to announce the 2016 Sustainable Materials Recovery Program Municipal Grant Application. The Sustainable Materials Recovery Program (SMRP) was authorized under the Green Communities Act and MassDEP regulations (310 CMR 19.300) to provide grants to Massachusetts municipalities and regional government entities for recycling, composting, reuse and waste reduction activities in support of the State's Solid Waste Master Plan goals. SMRP is funded by the Waste Energy Credits Expendable Trust, created under the Green Communities Act.

The SMRP grant application provides funding in nine categories: mattress recycling incentive program, Pay-As-You-Throw start-up assistance, recycling and food waste collection carts, recycling drop-off containers, waste reduction enforcement coordinator funding, school recycling assistance, small-scale initiatives, organics capacity/waste reduction projects and the Recycling Dividends Program. Last year, MassDEP awarded \$4.88 million to 222 communities and regional entities through SMRP.

To assist your community in applying for a SMRP grant, MassDEP is holding two grant information webinars in early April. Dates and times, along with detailed information on the application process, eligibility criteria, and funding categories, may be found at:  
<http://www.mass.gov/eea/agencies/massdep/recycle/grants/smrp-grants.html>.

The deadline for submitting the SMRP Municipal Grant Application is **June 15, 2016**. Applications must be submitted online, via ReTRAC Connect, a web-based reporting system. You may access this reporting system via the website above.

Thank you for your commitment to building effective and sustainable waste reduction and recycling programs. Should you have questions about SMRP, please call Tina Klein at 617-292-5704.

Sincerely,  
  
Martin Suuberg  
Commissioner