

PACKET

May 2

2016



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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BOARD OF SELECTMEN
Monday, May 2, 2016
Wayland Town Building
Selectmen's Meeting Room

REVISED Proposed Agenda

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

- | | |
|---------|--|
| 7:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 7:10 pm | 2.) Public Comment |
| 7:20 pm | 3.) Introduce Jorge Pazos, IT Director |
| 7:30 pm | 4.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Strategy with Respect to Potential Litigation by a Former School Employee; Discuss Collective Bargaining for Health Insurance with Police, Fire, AFSCME 1 and AFSCME 2, Library, Teamsters, WTA, WESA, Custodians and Cafeteria Workers Unions; Review and Approve and Potential Vote to Release Executive Session Minutes of 11/30/2015 |
| 8:00 pm | 5.) Discuss and Vote to Approve Renewal of Health Insurance Incentive Waiver Program for 7/1/16 through 6/30/19 |
| 8:05 pm | 6.) Discuss and Vote to Approve Acceptance of Employees Enhanced Insurance Plan from Boston Mutual |
| 8:10 pm | 7.) Discuss and Vote to Approve Revised Letter and Accounting to KGI |
| 8:15 pm | 8.) Discuss and Vote to Approve Board Portfolio Assignments |
| 8:30 pm | 9.) Review and Approve Consent Calendar (See Separate Sheet) |
| 8:35 pm | 10.) Review and Vote to Approve and Release Executive Session Minutes of 11/30/2015 |
| 8:40 pm | 11.) Review Correspondence (See Separate Index Sheet) |
| 8:45 pm | 12.) Report of the Town Administrator |
| 8:55 pm | 13.) Selectmen's Reports and Concerns |
| 9:05 pm | 14.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:10 pm | 15.) Adjourn |

5) Health Insurance
Incentive Waiver
program

DATE: May 2, 2016
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **HEALTH INSURANCE INCENTIVE WAIVER PROGRAM (HIIW)**

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN VOTE TO RENEW THE HEALTH INSURANCE INCENTIVE WAIVER PROGRAM FOR QUALIFYING EMPLOYEES EFFECTIVE JULY 1, 2016 THROUGH JUNE 30, 2019.

BACKGROUND:

In FY 06 the Selectmen established a Health insurance Incentive Waiver Program (HIIW). The program was intended to incentivize school and town employees already enrolled in a Town-sponsored health insurance plan to enroll in a health insurance plan from another source. The initial incentive was established at \$2,000 to leave a Town-sponsored family plan and \$900 to leave a Town-sponsored individual plan. In FY 07 16 employees were participating in the HIIW generating approximately \$84,400 in net savings.

In FY 08 the incentives were increased to \$4,000 and \$1,800 respectively in an effort to expand employee participation. Enrollment increased to 36 employees and net savings increased to approximately \$170,700.

Based on the current enrollment of 60 employees and the established FY 17 health insurance rates, the FY 17 HIIW savings are projected at \$559,000.

The program has been approved on 3-year cycles. The current cycle expires on 6/30/16. The suggested extension would run from 7/1/16 through 6/30/19.

During the current cycle a resident suggested that the program should only pay a one-time sign up incentive with no continuing annual incentive payments, similar to the Commonwealth's Group Insurance Commission program. In my opinion, such a change would, over time, cause employees to eventually re-enroll in Town-sponsored health insurance. Municipalities that have pursued similar incentive programs pay an annual incentive.

A draft of the proposed 2016-2019 guidelines is attached.

HEALTH INSURANCE INCENTIVE WAIVER PROGRAM

GUIDELINES

July 1, ~~2013-2016~~ – June 30, ~~2016~~2019

- Employees participating in Town sponsored family and individual health insurance plans have the option to drop their health insurance coverage and participate in a Health Insurance Incentive Waiver program.
- To be eligible to participate in the Health Insurance Incentive Waiver program, current employees must have been enrolled as a subscriber in a Town sponsored health insurance plan within the previous 12-month period prior to applying for the waiver payment. Employees enrolling in a Town sponsored health plan as of July 1, ~~2013-2016~~ must be enrolled for a period of 12 months before applying for the incentive waiver.
- Employees who were approved for the ~~20102013-2013-2016~~ waiver plan are required to re-enroll in the ~~20132016-2016-2019~~ waiver program. Any such employees will be bound by the terms and conditions of the ~~20132016-2016-2019~~ plan.
- Employees who opt to participate in the program agree not to exercise their option to enroll in a Town sponsored health insurance plan for a 3-year period beginning July 1, ~~2013-2016~~ and continuing through June 30, ~~2016-2019~~ or for a designated approved period which shall expire on June 30, ~~2016~~2019.
- In order to participate in the HIW program, newly enrolled employees must complete the attached Health Insurance Waiver Incentive application and provide proof of health insurance from another provider within 30 days of the application date, otherwise enrollment approval and waiver payments may be delayed.
- Employees who opt-out of Town sponsored health insurance and who provide proof of coverage will be eligible to receive a waiver incentive as follows:

An employee subscriber with a Family Plan will receive an incentive of four thousand dollars (\$4,000) per year paid as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$166.67
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$200.00

An employee subscriber with an Individual Plan will receive an incentive of eighteen hundred dollars (\$1,800) per year as follows:

- ❖ Town Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 12 mo) – 24 installments of \$75.00
- ❖ School Employees (Bi-weekly 10 mo) – 20 installments of \$90.00

Employees applying for the waiver after July 1, ~~2013-2016~~ will be eligible for a pro-rated waiver amount based upon their date of acceptance.

This waiver incentive is subject to taxes and regular withholdings as required by law.

The first waiver installment will be paid with the first pay period of Fiscal ~~1417~~. Installments will continue until such time as the program concludes or until an employee re-enrolls in a Town sponsored health insurance plan due a qualifying event (see below). Employees who re-enroll in a Town sponsored health insurance plan during this 3-year period due to a qualifying event as described below, will not receive any further incentive installments following re-enrollment in a Town sponsored health insurance plan for the remainder of the program.

- Where spouses are employed by the Town and/or the School Department and where both spouses are eligible for family health insurance coverage, only one spouse shall be eligible to participate in the incentive waiver program for the family plan incentive.
- Employees who apply for an incentive waiver after July 1, ~~2013-2016~~ will be considered for acceptance at the discretion of the Assistant Town Administrator/HR Director.
- Employee who choose to participate in the waiver program may re-enroll in a Town sponsored health insurance plan during the 3-year waiver period only if the employee has a qualifying event as recognized in the plans' underwriting rules. The qualifying events are as follows:
 - 1) Marriage or divorce
 - 2) Birth or adoption of a child
 - 3) Death of a family member
 - 4) Loss of coverage through no fault of the employee or subscriber
 - 5) Change in hours which results in a change of employment status.

In order to re-enroll in a Town sponsored health insurance plan, an employee must notify the Benefits ~~Coordinator~~ Manager within 30 days of the qualifying event(s) and provide written documentation of the same. When an employee re-enrolls in a Town sponsored health insurance plan, all waiver incentive installments shall cease. Annual open enrollment periods are not considered to be a qualifying event.

- The ~~health~~ Health insurance-Incentive waiver ~~Waiver incentive~~ program is intended to reduce the Town's health insurance costs. If the program does not generate sufficient cost-savings, the program may be terminated at the sole discretion of the Town. Participating employees shall be given notice of such termination in order to permit participating employees sufficient time to elect coverage through a Town sponsored plan during the Town's open enrollment period.
- The Town will make reasonable rules and regulations required to implement and administer the program. The Town reserves the right to make additional reasonable rules and regulations to maintain the program. This Health Insurance Incentive Waiver program shall comply with all applicable state and federal laws pertaining to health insurance.
- Any issues or disputes that arise regarding enrollment periods or rules and regulations relating to implementation of the program shall be reviewed by the Town's Assistant Town Administrator/HR Director. His/her determination shall be final and binding.

b) Insurance Plan
from Boston Mutual

DATE: May 2, 2016
TO: Board of Selectmen
FROM: Donna Lemoyne, Benefits Manager
RE: **BASIC/OPTIONAL LIFE INSURANCE FOR EMPLOYEES**

REQUESTED MOTION:

I MOVE THAT THE BOARD OF SELECTMEN VOTE TO ACCEPT THE ENHANCED LIFE INSURANCE PLAN FROM BOSTON MUTUAL FOR EMPLOYEES EFFECTIVE JULY 1, 2016.

BACKGROUND:

Boston Mutual, the life insurance policy carrier, has announced a rate increase for the first time in many years. Basic Life is increasing from \$.51/thousand to \$.62/thousand. The Town contributes 50% of the cost of employees' basic coverage for a \$10,000 policy. The annual increase to the insurance budget is projected to be approximately \$3,500.

Optional and Dependent Life coverage are a 100% employee funded expenses.

Boston Mutual is offering a new Enhanced Plan for employees' optional and dependent insurance. The new program will lock in employees' contribution rates based upon their age at the time of their enrollment. Based upon Boston Mutual's proposed rate structure, the Enhanced Plan can be a meaningful benefit to long-term employees under the age of 54. As the Enhanced Plan rates do not apply to Basic Life premiums there is no additional cost or savings to the Town.

Employee informational sessions are underway in advance of open enrollment in May. As the new Optional and Dependent programs become finalized, the amended policy needs to be brought to the Board for a vote.



Group Basic and Voluntary Life and Accidental Death & Dismemberment Benefit Summary for Eligible Employees of Wayland MA

The following information is a summary of benefits; this summary is not your Certificate nor does it constitute coverage for claim. Any discrepancies between this summary and the group policy will be resolved by the language issued in the master policy. Please contact your benefits administrator for policy provisions.

Eligibility

Basic Life & AD&D

All Eligible Active Employees working a minimum of 20 hours per week are eligible for the Basic Life and AD&D coverage.

Voluntary Life and AD&D

You as an active full-time employee working 20 or more hours per week, your spouse under age 70, your unmarried children ages 14 days to 19 years (to age 25 if a full-time student), and handicapped children over the age of 19 are eligible for the Voluntary Life and AD&D coverage.

Dependents may not be insured if they are confined in a medical facility. Dependent coverage is available only if you, the employee, also elects coverage.

If you are not actively at work on the effective date of coverage, then your insurance will not become effective until the date you return to active employment.

Employee Basic Life and AD&D Benefit

- Flat \$10,000.
- Upon retirement, Basic Life and AD&D coverage reduces to \$5,000.

Cost of Coverage for Basic Life and AD&D

You, the employee, currently contribute to the cost of the *Basic Group Life and AD&D* coverage. Please consult your Benefits Administrator for specific contribution percentage.

Voluntary Life and AD&D Available Benefit Amounts

- You have the flexibility to choose coverage for yourself in units of \$10,000 to a maximum of \$500,000. However, the maximum coverage amount you may elect cannot exceed five times your base annual salary.
- You may insure your spouse in units of \$5,000 to a maximum of \$100,000, not to exceed 50% of your coverage amount.
- You may insure your dependent children for Life Insurance only. Coverage amounts are as follows:
 - 14 days to 1 year.....\$1,000
 - 1 year to 19 years*.....\$10,000

*(Age 25 for full-time students)

A spouse or child who is also an employee cannot be insured as a dependent. If both spouses are insured employees of the same group, their children can be insured as dependents of one spouse only.

Medical Questions

If you and your eligible dependents enroll within the initial eligibility period as defined by the policy, you and your spouse may purchase a specific amount of insurance on a guaranteed basis. No medical questions will be asked for coverage at or under the Guarantee Issue Amount.

Guarantee Issue Amounts

<u>Age</u>	<u>Employee</u>	<u>Spouse</u>
Under Age 60	\$100,000	\$30,000
Age 60-69	\$50,000	\$20,000
*Age 70 and over	\$10,000	-Not Eligible-

All life coverage for dependent children is Guarantee Issue

* Employee's insurance reduction schedule applies. Please refer to the section: **Benefit Reductions**

Guarantee Issue coverage will become effective for eligible employees on the later of the effective date as defined by the group policy or the date the application is approved by Boston Mutual. Proof of good health satisfactory to Boston Mutual is required for amounts above the Guarantee Issue Amounts or beyond the initial eligibility period.

Cost of Coverage for Voluntary Life and AD&D

You pay for the cost of the *Group Voluntary Term Life and AD&D* coverage. Below, you will find samples of Monthly payroll deductions for you and your spouse:

Sample Monthly Payroll Deductions

Age	Monthly Premium Rate per	10,000	20,000	30,000	50,000	100,000
	\$1,000					
<35	\$0.12	\$1.20	\$2.40	\$3.60	\$6.00	\$12.00
35-39	\$0.17	\$1.70	\$3.40	\$5.10	\$8.50	\$17.00
40-44	\$0.26	\$2.60	\$5.20	\$7.80	\$13.00	\$26.00
45-49	\$0.39	\$3.90	\$7.80	\$11.70	\$19.50	\$39.00
50-54	\$0.62	\$6.20	\$12.40	\$18.60	\$31.00	\$62.00
55-59	\$0.98	\$9.80	\$19.60	\$29.40	\$49.00	\$98.00
60-64	\$1.42	\$14.20	\$28.40	\$42.60	\$71.00	\$142.00
65-69	\$2.38	\$23.80	\$47.60	\$71.40	\$119.00	\$238.00
70-74	\$3.97	\$39.70	\$79.40	\$119.10	\$198.50	\$397.00

This plan utilizes Boston Mutual's Issue Age billing option. Issue age billing means that Employees and Spouses enroll and are billed based on their age band as of the effective date of coverage. Once enrolled, Employees and Spouses remain in the age band they were originally issued at with Boston Mutual.

After the initial rate guarantee period, the group is subject to an annual review and possible rate changes.

- The cost to insure all eligible dependent children for Voluntary Life Insurance is only

\$1.90 per Family Unit Monthly.

See reverse side for additional information

Benefit Reductions

- For active employees, your Group Voluntary Life insurance reduces upon the attainment of age 70 and periodically thereafter in accordance with the following schedule:
 - To 65% of the original benefit at age 70;
 - To 50% of the original benefit at age 75;
 - To 25% of the original benefit at age 80.
- Your spouse's insurance terminates upon the earlier of attainment of age 70 or the employee's retirement.
- Dependent Children coverage terminates upon notice to Boston Mutual that all dependent children are no longer eligible or the employee's retirement.

All insurance benefits shall terminate upon the employee's retirement.

Applying for Coverage

Complete the provided enrollment form. When you sign it, you are giving your employer authorization to deduct the premiums from your pay. We will process your application quickly. Boston Mutual will notify you of the effective date of insurance for requests that are approved for coverage in excess of the Guaranteed Issue amount.

Additional Features

Group Voluntary Accidental Death & Dismemberment

The Group Voluntary Life Insurance benefit is doubled if death is due to an accident. Dismemberment benefits are payable for loss of eyesight or limbs according to the policy provisions. Group Voluntary AD&D is only available for employees and their spouses.

Portability

If you leave your employment prior to age 60, the coverage is "portable" for you, your spouse under age 60 and all eligible dependent children. You may elect to exercise this option in accordance with the provisions as defined by the policy. The coverage would not include Waiver of Premium or Group Voluntary AD&D.

Conversion

Employees have 31 days from the date of termination to convert their Basic Life Insurance to an individual permanent life policy without evidence of insurability. The premium will be based on Boston Mutual's usual rate for the insured's age on the date of conversion. Coverage will not include Waiver of Premium.

Waiver of Premium

If you become totally disabled prior to age 60 and remain totally disabled for the period stated in the policy, Boston Mutual will continue your insurance without any further payment of premiums subject to the provisions of the contract.

Accelerated Death Benefit

This provision enables an employee diagnosed and certified by a Doctor with a terminal illness, resulting in a life expectancy of twelve months or less, to receive a portion of the life insurance benefit prior to death. The remaining benefit will be paid to the beneficiary.

Education Benefit

We will pay a percentage of an employee's life insurance benefit to a maximum of \$2,500 per year, for up to four years of education, to each qualifying dependent if the employee's death is the result of an accident while covered under Group AD&D.

Seat Belt Benefit

We will pay an additional 50% of the AD&D benefit, not to exceed \$10,000, in the event of an insured's death as a result of an automobile accident while wearing a properly secured seat belt.

Repatriation of Remains Benefit

If an employee dies as a result of an Accident while insured for AD&D and the death occurs outside a 100 mile radius from his or her primary residence, we will pay for Covered Expenses reasonably incurred to return his or her body to their primary residence up to \$5,000.

Exclusions

Under the AD&D coverage, benefits are not payable for losses caused by or contributed to by: suicide or attempted suicide; intentionally self-inflicted injuries; insurrection, riot or war; diseases, or medical treatment for diseases; ptomaine or bacterial infection; accident while serving on active duty in the armed forces; travel or flight in any aircraft or device which can fly above the earth's surface (as detailed in the policy); commission of an assault or felony by an insured; the insured's intoxication or voluntary use of any drug, unless taken as prescribed by a physician; voluntary taking or inhalation of poison, gas, or fumes; or injury which occurred before the effective date of the insured's coverage under this policy. All exclusion details are stated in the master policy and certificate which may be reviewed through your benefit administrator.

Also available to you...

Bereavement Counseling*

This service is provided to all beneficiaries who experience the loss of a loved one. Beneficiaries have access to a toll-free counseling service supported by professional counselors experienced with the human emotions associated with the death of a loved one.

**Services provided by Health Management Systems of America – a nationally recognized leader in the field of Mental and Behavioral Health Care Services. These services are currently available but are not part of your Boston Mutual policy/contract.*

TOWN OF WAYLAND		
Voluntary Life and AD&D	Boston Mutual Current Plan	Boston Mutual New Enhanced Plan
Employee Coverage		
Eligibility	20 Hours / Week & Enrolled in Basic Life Plan	20 Hours / Week & Enrolled in Basic Life Plan
Maximum Coverage	\$150,000	Lesser of 5 times salary or \$500,000
Minimum Coverage	\$10,000	\$10,000
Increments	\$10,000	\$10,000
Guaranteed Issue	\$50,000	Under Age 60: \$100,000 Age 60 - 69: \$50,000 Age 70 & Over: \$10,000
Portability	No	Yes
Accelerated Death Benefit	No	Yes
Conversion Privilege	Yes	Yes
Waiver of Premium	Yes	Yes
Reduction schedule	Upon retirement, Life and AD&D reduces to \$5,000. All benefits including dependent life, for active employees and retirees, terminate at age 75	Reduces to 65% at age 70; to 50% at age 75; to 25% at age 80; Terminates at retirement.
Spouse Coverage		
	Life Only	Life and AD&D
Maximum Coverage	\$5,000	\$100,000 Not to exceed 50% of employee's amount
Minimum Coverage	\$5,000	\$5,000
Increments	N/A	\$5,000
Guaranteed Issue	\$5,000	Under Age 60: \$30,000 Ages 60 - 69: \$20,000 Ages 70 and Over: Not Eligible
Reduction schedule	Terminates at earlier of age 75 or when employee coverage terminates.	Spouse's Insurance terminate at age 70
Dependent Child(ren)		
	Life Only	Life Only
	Age 6 months to 19 years (Age 25 if full time student): \$5,000	Age 1 year to 19 years (Age 25 if full time student): \$10,000
	Age 14 days to 6 months: \$500	Age 14 days to 1 year: \$1,000
Guaranteed Issue	Full Benefit	Full Benefit
Child Rates:	\$4.77 / Family Unit/Month (SP & CH) \$5.80 / Family Unit/Month - Renewal	\$1.90 / Family Unit / Month (Child(ren) cost only)
Rates:		
	Employee Cost Per Month / (\$1,000)	Employee / Spouse Per \$1,000
		Less than age 35: \$.12
	Current Cost: \$.51 per \$1,000	35 - 39: \$.17
		40 - 44: \$.26
	Renewal Cost: \$.62 per \$1,000	45 - 49: \$.39
		50 - 54: \$.62
		55 - 59: \$.98
		60 - 64: \$ 1.42
		65 - 69: \$ 2.38
		70 - 74: \$ 3.97
		75 - 79: \$ 6.96
		80 & Over: \$ 10.92
AD&D Rate	Employee: \$0.04 / \$1,000 included in above figures	Employee / Spouse: \$0.03 / \$1,000 included in above figures
Participation Requirements	N/A	At least 20% of eligible employees, but not less than 10
Rate Guarantee	N/A	24 Months
Bereavement Counseling Benefits	NO	Yes
Education Benefits (AD&D)	NO	Yes
Seat Belt Benefits (AD&D)	NO	Yes
Repatriation Benefits (AD&D)	NO	Yes

7) Revised Letter
& Accounting to KGI

April 27, 2016

Anthony J. DeLuca, Manager
Twenty Wayland, LLC
10 Memorial Boulevard - Suite 901
Providence, RI 02903

RE: Town Center Project, Wayland, Massachusetts Development
Agreement Consultant Fee Payment Reconciliation

Dear Mr. DeLuca:

I am writing you in response to our recent conversation concerning the above-referenced subject.

As you know, under Section 8, Paragraph c of the Memorandum of Agreement between the Town of Wayland and Twenty Wayland, LLC ("20 Wayland") dated March 28, 2006, as amended (the "MOA"), the Town is required to provide a final accounting of all consultant fees paid by 20 Wayland pursuant to Section 8 of the MOA. A final accounting of all such payments and expenses is enclosed for your review. The Town hopes that the enclosed reconciliation is acceptable to 20 Wayland.

The reconciliation shows a \$1,751.26 shortfall in the total amount of consultant fees payable to the Town under Section 8 of the MOA.

Upon 20 Wayland's confirmation that the enclosed reconciliation is acceptable, or if it is deemed acceptable by the passage of 30 days without objection, the Town will provide 20 Wayland a written release from any further obligations relative to consultant fee payments under Section 8 of the MOA.

Please contact me if you would like to discuss this matter.

Thank you for your attention to this matter.

Very truly yours,

Cherry Karlson, Chair

Encl.

cc Town Administrator (w/ encl.)
Town Planner (w/encl.)



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BRIAN KEVENY
FINANCE DIRECTOR
TEL. (508) 358-3610
www.wayland.ma.us

To: Board of Selectmen
From: Brian Keveny, Finance Director

Date: April 26, 2016
Subject: Town Center Revolving Account

The attached is a report of the Town Center Revolving Account. The report documents all transactions entered into the Town of Wayland accounting software MUNIS from July 2006 thru April 2016. Both receipts and expenditures are detailed and explained in the report. The report reflects accurately and completely all transactions for this time period.

If you have any questions or concerns please do not hesitate to contact me.

Respectfully submitted,

Brian Keveny

Finance Director

**Town Center MOA 03/28/2006
Amend. No. 1 10/20/2009, Sections B8(c) and J2**

April 26, 2016

MOA Sections	MOA	MOA Description	MOA Amount	Initial Deposit	Deposit Chk Date	Check No.	Total Deposit	Account Expended	Paid to 20Wayland	Paid Chk Date
Per Section J2: no reimb to Twenty Wayland up to \$400,000										
Concept Plan Escrow Account	B4	Payment for Review of Concept Plan, initial deposit of \$10,000 replenished when bal <= \$2,500, MGL c.44, §53G	\$ 10,000	\$ 10,000	07/31/06	#264	\$ 85,113.54	\$ 49,021.99		
Special Permit Escrow Account including Attorney fees	B5	Payment for Review of Plans & Docs Accompanying Appl for MSP, initial deposit \$25,000, replenished when bal <= \$5,000, MGL c.44, §53G	\$ 25,000	\$ 25,000	05/16/07	#497	\$ 195,976.87	\$ 100,377.85		
Site Plan Escrow Account including Attorney fees	B6	Payment for Review of Plans & Docs Accompanying Appl for Site Plan Review Phase I & II, initial deposit of \$15,000, replenished when bal <= \$3,000, MGL c.44, §53G	\$ 15,000	\$ 15,000	05/21/08	#800	\$ 55,000.00	\$ 90,218.41		
Construction Escrow Account including Attorney fees	B7	Payment for Review of Plans & Docs Before & During Construction, gift of \$150,000, MGL c.44, §53A	\$ 150,000	\$ 150,000	11/02/11	#1684	\$ 150,000.00	\$ 94,693.02	(1) \$90,000.00	2/4/2015
Related to B4 - B7	B8	Management and Allocation of Escrow Accounts								
		TOTAL Deposit from Twenty Wayland					\$ 486,090.41	\$ 334,311.27		
Earned Interest							\$ 2,158.33			
		TOTAL in Account (includes interest)					\$ 488,248.74	\$ 334,311.27		

B 4 - 7 Expense Total Falls under J2: \$400,000

Payments to Town of Wayland	\$ 486,090.41
interest earned	<u>\$ 2,158.33</u>
Total Payments and Interest	\$ 488,248.74
Amount due to Town	\$ 400,000.00
Amount due to Twenty Wayland	\$ 88,248.74
Previous Payment to Twenty Wayland	<u>\$ 90,000.00</u>
Amount owed to Town	\$ 1,751.26

(1) Paid pursuant to verbal agreement between Twenty Wayland and Town to reimburse Twenty Wayland for estimated excess payments under Section B (4) - (7) of MOA.

Town Center MOA 03/28/2006
Amend. No. 1 10/20/2009, Sections B8(c) and J2

April 26, 2016

MOA Sections	MOA	MOA Description	MOA Amount	Initial Deposit	Deposit Chk Date	Check No.	Total Deposit	Account Expended
Per Section J2: no reimb to Twenty Wayland up to								
Concept Plan Escrow Account	B4	Payment for Review of Concept Plan, initial deposit of \$10,000 replenished when bal <= \$2,500, MGL c.44, §53G	\$ 10,000	\$ 10,000	07/31/06	#264	\$ 85,113.54	\$ 49,021.99

Detail Description	Vendor Number	Vendor Name	Date	Check No.	Deposit	Expense
			07/31/06	264	10,000.00	
			08/23/06	287	36,497.49	
			11/29/06	366	18,648.05	
			03/14/07	456	19,968.00	
					\$ 85,113.54	
TOWN CTR - PEER REV/DESIGN ADS	2762	BOSTON GLOBE	09/25/06			331.50
LEGAL AD TRANS PLAN	2762	BOSTON GLOBE	10/30/06			167.70
PROF SERVICES 7/31-9/3/06	4792	CECIL GROUP	10/10/06			2,400.00
PROF SVS 9/4-10/1, 10/30-12/30	4792	CECIL GROUP	01/08/07			19,642.37
SVS. 10/2-10/29, 12/1-12/31/06	4792	CECIL GROUP	04/09/07			13,938.33
PROF SVS 10/1-10/31/06	5041	TEC	01/08/07			4,651.60
SVS 11/1/06-1/15/07	5041	TEC	04/09/07			7,890.49
TOTAL						\$ 49,021.99

Town Center MOA 03/28/2006
Amend. No. 1 10/20/2009, Sections B8(c) and J2

April 26, 2016

MOA Sections	MOA	MOA Description	MOA Amount	Initial Deposit	Deposit Chk Date	Check No.	Total Deposit	Account Expended
Per Section J2: no reimb to Twenty Wayland up to \$400,000								
Special Permit Escrow Account including Attorney fees	B5	Payment for Review of Plans & Docs Accompanying Appl for MSP, initial deposit \$25,000, replenished when bal <= \$5,000, MGL c.44, §53G	\$ 25,000	\$ 25,000	05/16/07	#497	\$ 195,976.87	\$ 100,377.85

	Detail Description	Vendor Number	Vendor Name	Date	Check No.	Deposit	Expense
				05/16/07	497	25,000.00	
				11/30/07	569/628	25,615.62	
				12/12/07	670	17,813.17	
				03/31/08	686	26,000.00	
				03/31/09	971	25,000.00	
				04/30/09	1043/44	40,475.00	
				10/26/09	1158	21,073.08	
				12/08/09	1202	15,000.00	
						\$ 195,976.87	
	TOWN CTR 4/30-5/27/07	4792	CECIL GROUP	07/09/07			2,683.08
	CONSULT SVS 5/28-7/1/07	4792	CECIL GROUP	08/13/07			6,686.75
	PROF SVS 7/1-7/29/07	4792	CECIL GROUP	11/19/07			4,091.33
	PROF SVS 7/30-8/28/07	4792	CECIL GROUP	11/19/07			2,645.70
	PROF SVS 8/27-9/30/07	4792	CECIL GROUP	11/19/07			2,952.24
	SVS 10/1-10/28/07	4792	CECIL GROUP	01/07/08			5,870.23
	PROF SVS 10/29-11/25/07	4792	CECIL GROUP	01/28/08			1,169.92
	PROF SVS 11/26-12/20/07	4792	CECIL GROUP	02/19/08			1,456.98
	SVS 1/31/07- 1/27/08 MUOD REVU	4792	CECIL GROUP	03/10/08			1,575.00
	TOWN CTR LEGL ADS 6/7, 6/14/07	1016	GATEHOUSE	07/23/07			33.90
	August 2007	3805	LANZA MARK	09/20/07			1,656.00
	12/27/07	3805	LANZA MARK	12/31/07			2,652.00
	LEGAL SERVICES	3805	LANZA MARK	12/31/07			2,616.00
	LEGAL SVS DEC. 2007	3805	LANZA MARK	01/28/08			6,073.01
	LEGAL	3805	LANZA MARK	01/31/08			2,088.00
	TOWN CENTER MASTER PLAN	3805	LANZA MARK	02/11/08			6,991.28
	PROF SVS 7/1-7/31/07	2948	MARCHIONDA	08/20/07			5,625.00
	PROF SVS 8/1-8/31/07	2948	MARCHIONDA	11/19/07			4,250.00
	PROF SVS 9/1-9/30/07	2948	MARCHIONDA	11/19/07			1,625.00
	SVS	2948	MARCHIONDA	01/07/08			7,112.50
	SVS 1/1 -1/31/08 TOWN CENTER	2948	MARCHIONDA	03/10/08			250.00
	TOWN CENTER 5/1-5/31/07	5041	TEC	07/09/07			577.18
	TOWN CTR 6/1-6/30/07	5041	TEC	07/23/07			4,122.50
	CONSULT SVS 6/1-6/30/07	5041	TEC	08/13/07			4,122.50
	PROF SVS 7/1-7/31/07	5041	TEC	08/20/07			3,913.81
	PROF SVS 8/1-8/31/07	5041	TEC	11/19/07			1,837.31
	PROF SVS 9/1-9/30/07	5041	TEC	11/19/07			4,234.05
	SVS 10/1-10/31/07	5041	TEC	01/07/08			4,853.17
	PROF SVS 11/1-11/30/07	5041	TEC	01/28/08			1,125.86
	PROF SVS 12/1-12/31/07	5041	TEC	01/28/08			1,480.94
	PROF SVS 1/1 - 1/30/08	5041	TEC	02/19/08			676.00
	0124.02 MUOD REVIEW TOWN CTR	5041	TEC	03/24/08			3,520.61
	TOTAL						\$ 100,377.85

Town Center MOA 03/28/2006
Amend. No. 1 10/20/2009, Section B8(c) and J2

April 26, 2016

MOA Sections	MOA	MOA Description	MOA Amount	Initial Deposit	Deposit Chk Date	Check No.	Total Deposit	Account Expended
Per Section J2: no reimb to Twenty Wavland up to \$400,000								
Site Plan Escrow Account including Attorney fees	B6	Payment for Review of Plans & Docs Accompanying Appl for Site Plan Review Phase I & II, initial deposit of \$15,000, replenished when bal <= \$3,000, MGL c.44, §53G	\$ 15,000	\$ 15,000	05/21/08	#800	\$ 55,000.00	\$ 90,218.41

	Detail Description	Vendor Number	Vendor Name	Date	Check No.	Deposit	Expense
				05/21/08	800	15,000.00	
				09/03/08	882	15,000.00	
				12/09/08	989	25,000.00	
						\$ 55,000.00	
	PROJECT NO. 12.04291.00	2002	BETA	10/29/12			912.50
	PROJECT 12.04291.00	2002	BETA	10/29/12			5,345.00
	PROJECT: 12.04291.00	2002	BETA	10/29/12			7,510.00
	GATES LEIGHTON TOWN CENTER	2002	BETA	04/08/13			3,856.25
	PLANNING	2002	BETA	10/07/13			4,103.46
	PLANNING 12.04291.00	2002	BETA	10/28/13			1,832.50
	PLANNING	2002	BETA	03/10/14			6,023.75
	PLANNING	2002	BETA	03/24/14			1,737.56
	PLANNING	2002	BETA	05/27/14			2,200.00
	PLANNING	2002	BETA	06/23/14			712.50
	SITE PLAN 3/31-4/27/08	4792	CECIL GROUP	07/14/08			1,226.22
	TOWN CTR 4/28-5/25/08	4792	CECIL GROUP	10/27/08			780.00
	TOWN CTR 5/26-6/29/08	4792	CECIL GROUP	10/27/08			6,427.03
	TOWN CTR 6/30-7/27/08	4792	CECIL GROUP	10/27/08			8,616.54
	TOWN CENTER 7/28-8/24/08	4792	CECIL GROUP	12/22/08			6,119.30
	TOWN CENTER 8/25-9/28/08	4792	CECIL GROUP	12/22/08			6,033.64
	TOWN CENTER 9/29-10/26/08	4792	CECIL GROUP	12/22/08			1,015.94
	PLANNING	2036	CMG ENVIRONMEN	06/23/14			2,675.00
	PLANNING	2036	CMG ENVIRONMEN	06/23/14			312.50
	2008-078 TOWN CENTER PROJECT	2036	CMG ENVIRONMEN	01/05/15			312.50
	LEGAL ADS 5/29 & 6/5/08	1016	GATEHOUSE	10/27/08			24.22
	TOWN CTR ADS 7/24	1016	GATEHOUSE	10/27/08			29.06
	TOWN CTR AD 8/5/08	1016	GATEHOUSE	10/27/08			14.53
	SITE PLAN 4/1-4/30/08	2948	MARCHIONDA	07/14/08			937.50
	TOWN CTR 6/1-6/30/08	2948	MARCHIONDA	10/27/08			625.00
	TOWN CTR 7/1-7/31/08	2948	MARCHIONDA	10/27/08			7,625.00
	TOWN CENTER 8/1-8/31/08	2948	MARCHIONDA	12/22/08			4,125.00
	TOWN CENTER 10/1-10/31/08	2948	MARCHIONDA	12/22/08			4,562.50
	SITE PLAN 5/1-5/31/08	5041	TEC	07/14/08			1,135.25
	TOWN CTR 7/1-7/31/08	5041	TEC	10/27/08			1,590.55
	TOWN CENTER 9/1-9/30/08	5041	TEC	12/22/08			852.15
	TC TRAFFIC	5041	TEC	04/08/13			265.35
	PLANNING 0124.02	5041	TEC	10/28/13			660.73
	JUNE TRANSFER			06/30/08			19.38
	TOTAL						90,218.41

Town Center MOA 03/28/2006
Amend. No. 1 10/20/2009, Sections B8(c) and J2

April 26, 2016

MOA Sections	MOA	MOA Description	MOA Amount	Initial Deposit	Deposit Chk Date	Check No.	Total Deposit	Account Exoended	Paid to 20Wavland
Per Section J2: no reimb to Twenty Wayland up to \$400,000									
Construction Escrow Account including Attorney fees	B7	Payment for Review of Plans & Docs Before & During Construction, gift of \$150,000, MGL c.44, §53A	\$ 150,000	\$ 150,000	11/02/11	#1684	\$ 150,000.00	\$ 94,693.02	

	Detail Description	Vendor Number	Vendor Name	Date	Check No.	Deposit	Expense	Paid to 20Wavland
				11/02/11	1684	150,000.00		
						\$ 150,000.00		
	Reimbursement to Twenty Wayland	4102	TWENTY WAYLAND	02/04/15				\$ 90,000.00
	BOH Septic proposal	2036	CMG ENVIRONMENTA	01/12/09			3,475.00	
	TOWN CTR CONSERVATION 10/30/08 INV DT	2036	CMG ENVIRONMENTA	03/25/09			8,812.50	
	TOWN CTR CONSERVATION 12/17/08 INV DT	2036	CMG ENVIRONMENTA	03/25/09			8,718.75	
	SERV 2-22 TO 3-31-09	2036	CMG ENVIRONMENTA	05/12/09			468.75	
	SERV 1-25 TO 2-21-09	2036	CMG ENVIRONMENTA	05/12/09			11,531.25	
	Serv 10-26 to 11-15-08	2036	CMG ENVIRONMENTA	05/12/09			20,806.25	
	CONSERVATION FEB 5 09 COMPLIAN	2036	CMG ENVIRONMENTA	10/26/09			18,493.75	
	TOWN CENTER PROJ-CONSERVATION	2036	CMG ENVIRONMENTA	07/19/10			3,812.50	
	TOWN CENTER PROJ - CONSERVATIO	2036	CMG ENVIRONMENTA	07/19/10			6,125.00	
	CONSERVATION SERVICES 2008-078	2036	CMG ENVIRONMENTA	09/07/10			2,906.25	
	TOWN CTR PROJECT	2036	CMG ENVIRONMENTA	12/20/10			4,906.25	
	CONSERVATION TOWN CENTER SERVI	2268	FLETCHER	10/18/10			570.00	
	WETLANDS FLAGGING	1074	SCHOFIELD BROS	06/20/11			3,000.00	
	REVIEW SIGNS ETC HISTORIC DIST	5041	TEC	03/30/09			343.20	
	0124.02 MUOD TOWN CTR	5041	TEC	04/21/09			546.77	
	0124.03 Glezen Lane Date Colle	5041	TEC	07/13/09			376.80	
	TOTAL						94,693.02	

Board of Selectmen Portfolio Assignments for April 2016 through April 2017

Mary Antes - term expires 2018

Conservation Commission
Community Preservation Committee
Council on Aging, Senior Property Tax Relief Committee
Council on Aging/Community Center Project
Historical Commission
Historic District Commission
Housing: Housing Authority, Housing Partnership, Affordable Housing, 40B projects
River's Edge Advisory Committee
Wayland Real Asset Planning Committee

Lea Anderson - term expires 2018

Board of Assessors; Overlay Estimate; Tax Classification/ Tax Rate Hearing
Emergency Preparedness
Minutes
Minuteman Regional Vocational Technical School
Planning Board and Zoning Board of Appeals
Public Safety Issues (Police, Fire, Including Ambulance, ALS Committee, Paramedic Services)
Surface Water Quality Committee
Open Meeting Law/Town Clerk

Cherry Karlson - term expires 2017

Audit Committee
Economic Development Committee
Energy Initiatives Advisory Committee
Finance Committee, Fiscal/Budget Strategy; Capital Planning
Personnel Board, Collective Bargaining, Negotiation Strategy; Health Insurance
Town Counsel and Legal Services

Joe Nolan - term expires 2017

Board of Public Works
Library Board of Trustees
MetroWest 495 Partnership, MetroWest Regional Collaborative
Permanent Municipal Building Committee
Town Center, Town Green, Municipal Parcel
Transportation Issues (Rail Trail, Canoe Launch, Senior/Disabled Transit, TIP Projects/Funding, RTA)
Wastewater Management District Commission

Louis Jurist - term expires 2019

Board of Health
Recreation Commission
Schools
Technology Planning, Electronic Communication and Improvements to Town Website
WayCAM Public Access Corporation; Cable Television Advisory Committee
Youth Advisory Committee



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, May 2, 2016
Wayland Town Building
Selectmen's Meeting Room

CONSENT CALENDAR

1. Vote the Question of Approving the Invoice from Anderson & Kreiger LLP, Reference 116164/5415-001, dated March 23, 2016: \$2,950.00
2. Vote the Question of Approving the Invoice from Anderson & Kreiger LLP, Reference 116379/5415-001, dated April 19, 2016: \$2,560.00
3. Vote the Question of Approving the Invoice from Deutsch Williams Brooks, Reference 175, dated April 14, 2016: \$1,592.00

DATE: APRIL 27, 2016
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST
RE: ANDERSON / KREIGER INVOICE APPROVAL

BOARD ACTION REQUESTED:

APPROVAL OF TWO INVOICES FOR ANDERSON / KREIGER LEGAL SERVICES IN FEBRUARY AND MARCH FOR RIVER'S EDGE PROJECT. THIS APPROVAL IS SUBJECT TO FURTHER APPROVAL BY RIVER'S EDGE ADVISORY COMMITTEE FOR A TOTAL OF \$5,510.00.

ANDERSON KREIGER

Anderson & Kreiger LLP
One Canal Park
Suite 200
Cambridge, MA 02141

EIN: 04-2988950

March 23, 2016

Town of Wayland
Attn: John Moynihan
Public Buildings Director
2nd Floor, Facilities Department
41 Cochituate Road, Wayland, MA 01778

Reference # 116164 / 5415-001

In Reference To: River's Edge Special Counsel

Anderson & Kreiger LLP

Page: 2

re: changes. Draft Memorandum and cover email.

Sub-total: 16.00 4,700.00

Courtesy Discount -1,750.00

Sub-total Fees: 2,950.00

Attorney/Paralegal Summary

Name	Hours	Rate	Amount
Stephen D. Anderson	7.60	320.00	2,432.03
Stephanie B. Dubanowitz	8.40	270.00	2,267.97

Total Current Billing: 2,950.00

Previous Balance Due: 0.00

Total Now Due: 2,950.00

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

ANDERSON

KREIGER

Anderson & Kreiger LLP
One Canal Park
Suite 200
Cambridge, MA 02141

EIN: 04-2988950

April 19, 2016

Town of Wayland
Attn: John Moynihan
Public Buildings Director
2nd Floor, Facilities Department
41 Cochituate Road, Wayland, MA 01778

Reference # 116379 / 5415-001

In Reference To: River's Edge Special Counsel

Anderson & Kreiger LLP

Page: 2

Total Current Billing:	<u>2,560.00</u>
Previous Balance Due:	2,950.00
Total Now Due:	<u>5,510.00</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

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

 INVOICE FOR LEGAL SERVICES

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

Page 1
 04/14/2016
 Account No. 5673-01M
 Invoice No. 175

Attn: Town Administrator

Labor

Town of Wayland

Page 2
 04/14/2016
 Account No. 5673-01M
 Invoice No. 175

Labor

FOR CURRENT SERVICES RENDERED HOURS
9.05 1,592.00

Recapitulation			
<u>Timekeeper</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
J. Foskett (JF)	6.00	\$200.00	\$1,200.00
Nicholas J. Dominello	0.40	180.00	72.00
Elizabeth B. Valerio (EBV)	0.35	200.00	70.00
Robert D. Hillman (RDH)	0.30	200.00	60.00
Caroline Thibeault	2.00	95.00	190.00

TOTAL CURRENT INVOICE 1,592.00

BALANCE DUE \$1,592.00



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO
THE BOARD OF SELECTMEN FROM April 15,
2016, THROUGH AND INCLUDING April 27,
2016, OTHERWISE NOT LISTED AND
INCLUDED IN THE CORRESPONDENCE
PACKET FOR May 2, 2016**

Items Distributed To the Board of Selectmen – May 2, 2016

1. N/A

**Items Included as Part of Agenda Packet for Discussion During the May 2, 2016
Board of Selectmen's Meeting**

1. Town Administrator's Report for the Week Ending April 29, 2015



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

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BOARD OF SELECTMEN

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BOARD OF SELECTMEN
Monday, May 2, 2016
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Email of 4/28/16 from MMA, re: Upcoming Education Opportunities
2. Email of 4/27/16 from MWRC to Mary Antes, re: Legislative Breakfast May 6
3. Email of 4/12/16 from Gordon Cliff, re: Public Comment COA/CC
4. Email of 4/13/16 from Paul Stein to Linda Segal, re: Public Records Request
5. Letter of 4/4/2016 from Susan Dromey Tiberii to Cherry Karlson, re: Girl Scout Recognition
6. Letter of 4/21/2016 from Verizon to Selectmen, re: Strike Notice
7. Letter of 4/24/2016 from Beth Klein, Town Clerk, to Selectmen, re: Resignation of Douglas Goddard
8. Letter of 4/18/16 from George Harris to Division of Open Government, OAG, re: OML Complaint dated February 26, 2016.

Conservation Commission

9. Letter of 4/20/2016 from Brian Monahan, Conservation Administrator to Ms. Elizabeth Hedden c/o James Marino, re: Chapter 194 Permit-3 Riverview Circle (File D-870)

Minutes

10. Personnel Board Minutes, February 29, 2016, March 21, 2016
11. Municipal Affordable Housing Trust Fund (MAHTF), March 2, 2016
12. COA/CCAC Minutes, March 17, 2016

State

13. Letter of 4/27/2016 to Office of the Attorney General to Juliana DeHaan Rice, Deputy Chief, re: Open Meeting Law Response

Senchyshyn, John

From: Ruby Sadoques <rsadoques@mma.org>
Sent: Thursday, April 28, 2016 10:36 AM
To: Ruby Sadoques
Subject: Upcoming Educational Oppurtunities
Attachments: 2016_regmtgs.com.pdf; May_regional_mtg.pdf

Hello MMMA Members,

Please help us, for a second time, distribute these 2 upcoming educational opportunities. The Association of Town Finance Committees regional meetings with your finance committees and the May 13 Human Services Council training on Opioids with whoever on your staff would be interested in attending. As always, we appreciate your help. Feel free to contact me if you have any questions.

Thank you,
Ruby Sadoques
Administrative Assistant
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110

617-426-7272 x240
www.mma.org

**Association of Town Finance Committees
One Winthrop Square, Boston, MA 02110
617-426-7272 www.mma.org**

Join us for a workshop this spring!

The ATFC is offering 3 educational opportunities across the state this spring.
There is no charge, but we do ask you to pre-register.
Other local officials are welcome to attend; please spread the word.

**Thursday, May 5
MMA Office, Boston**

11:30 a.m. Check-In, Sandwiches and Beverages

11:45 a.m. – 1:00 p.m.

Managing Your Debt and Credit

This workshop is designed to be a primer on municipal capital planning and debt management for finance committees. It will touch upon debt management policies and what ratings agencies look for when evaluating municipalities; and debt-related questions finance committees should be asking their municipal finance officials.

Speaker: Cinder McNerney, Swampscott Finance Committee and Managing Director at First Southwest Company

**Thursday, May 12
Sharon Community Center**

5:00 p.m. Check-In, Sandwiches and Beverages

5:30 -7:00 p.m.

Building a Capital Plan

This presentation will focus on using financial policy development, trend monitoring and capital planning to build a sound capital plan for your community. Coderre is a frequent speaker at ATFC events and is known for his thorough and insightful presentations.

Speaker: John Coderre, Town Administrator, Northborough

**Thursday, May 19
Hadley Senior Center**

5:00 p.m. Check-In, Sandwiches and Beverages

5:30 -7:00 p.m.

Planning For and Making Presentations at Town Meeting

This session is designed to be interactive, focusing on how finance committees prepare for town meeting and then make a strong presentation at town meeting.

Speakers: John Trickey Pelham Finance Committee and one speaker TBA

Directions on Back

Regional Meeting
Friday, May 13, 2016
9:30 a.m. – 2 p.m.
Northborough Senior Center

8:45 a.m.

Registration & Continental Breakfast

9:30

Welcome, Moderator Mark Purple, Southborough Town Administrator and member of MMA's Opioid Task Force

9:35

Opioid Addiction 101: Fact and Fiction Behind Addiction

Dr. Kevin Hill, Director of Substance Abuse Consultation Service, McLean Hospital

10:30 a.m.

Around the Commonwealth: Public Health and Safety Perspectives

Andy Robinson, Bureau of Substance Abuse Prevention Program Manager, Department of Public Health

Elisabeth Haddad, Community and School Outreach Project, Worcester County District Attorney's Office

Catherine Madden, Attorney General's Office

Noon

Lunch

12:30 p.m.

Community Focus: Arlington

Arlington Police Chief **Fred Ryan**

1:15 – 2:00 p.m.

Youth in Crisis: Training and Support Initiatives

Jordana Willers, Institute for Health and Recovery

The Senior Center is located at 119 Bearfoot Road in Northborough. Please park at the far end of the lot to allow the seniors access.

2

OBrien, Katelyn

From: Balmer, Nan
Sent: Thursday, April 28, 2016 7:45 AM
To: OBrien, Katelyn
Subject: Fwd: Join MWRC for a Legislative Breakfast on May 6 at 7:45am!

Sent from my iPhone

Begin forwarded message:

From: Mary Antes <mantes2@verizon.net>
Date: April 27, 2016 at 9:21:50 PM EDT
To: "Balmer, Nan" <nbalmer@wayland.ma.us>, "Karlson, Cherry" <ckarlson@wayland.ma.us>
Subject: FW: Join MWRC for a Legislative Breakfast on May 6 at 7:45am!

Hi,

Perhaps this can go in correspondence for the packet. I plan to attend and hope others will as well.

Mary

From: MetroWest Regional Collaborative [<mailto:kadelman@mapc.org>]
Sent: Thursday, April 21, 2016 2:05 PM
To: mantes2@verizon.net
Subject: Join MWRC for a Legislative Breakfast on May 6 at 7:45am!

Having trouble viewing this email? [Click here](#)



MWRC Legislative Breakfast 2016

When

Friday May 6, 2016 from
7:45 AM to 9:30 AM EDT

[Add to Calendar](#)

Where

Ashland Public Library

Dear Mary,

Please join the MetroWest Regional Collaborative at our annual MWRC Legislative Breakfast! Discuss your municipality's priorities with your legislators, hear your legislators' thoughts, and network with MetroWest colleagues. Click "RSVP now" below to register, and please share this invitation with anyone you know who might be interested!

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Wednesday, April 20, 2016 2:05 PM
To: DiNapoli, MaryAnn
Subject: FW: Public Comment

Correspondence

From: Gordon Cliff [mailto:gordoncliff59@gmail.com]
Sent: Wednesday, April 20, 2016 1:58 PM

April 12, 2016

Next Steps on the CoA/CC

I'm sure the CoA/CC Advisory Committee and the Board of Selectmen are disappointed by the failure of the design article you cosponsored to get the 2/3 quantum of vote required. The question you face now is how to respond.

The response I suspect that many of you will be tempted to follow is to "stick your guns", make a few minor adjustments, and run the same basic proposal again at Special Town Meeting this fall with more effort at getting "turnout" of voters who support the project.

I urge you not to follow that path. At best you are likely to wind up with a project that barely squeaks by and even then only because of turnout from residents who don't usually come to town meeting. That is not a very good outcome. And there is a risk that by "going for it all" you will lose again. With the comments of the head of the Conservation Committee, the recommendation of the WRAP Committee, and the number and strength of comments at the Con mike, I heard some pretty serious concerns. I expect that another vote by the Finance Committee on essentially the same proposal is likely to receive less support than the 3-1 recommendation listed in the ATM warrant. One current FinCom member, who was not present on the night we voted our recommendation on the article, went so far as to speak against your proposal at ATM.

I urge you to consider a path that is less ambitious in terms of the timing of what we do by when. Comments from a number of those who spoke against your article (including the main opposition speaker) suggested that at least some would support a build-out of the current 10,000 sq. ft. building. I believe your revised design proposal should be structured so that it specifically calls for a first phase that entails making the current vacant

building usable, with an optional second phase to be pursued when we have proven that the first phase has been successful, that additional space is needed, and that the right place for that space is an additional building on the site as your “optional phase 2” design would call for.

The major downside of what I suggest above is that phase 1 would need to stand on its own, which if we do end up doing both phases would suboptimize vs. a design for the current building that is based on one integrated overall design. I believe that suboptimization need not be that large and is a price worth paying to get the overwhelming community support of "town meeting regulars" that I believe we should be aiming for on major new building projects.

Regards and thanks,

Gordon Cliff

Highfields Road

Member of the Finance Committee, but the views expressed above are my own.

4

OBrien, Katelyn

From: Senchyshyn, John
Sent: Wednesday, April 27, 2016 12:16 PM
To: OBrien, Katelyn
Subject: FW: Response to Public Records Request of April 1
Attachments: Segal Public Records Request.xlsx

From: Paul Stein [mailto:paul_stein@wayland.k12.ma.us]
Sent: Wednesday, April 13, 2016 2:16 PM
To: Linda Segal
Cc: Senchyshyn, John; Ellen Grieco; Balmer, Nan; Karlson, Cherry
Subject: Response to Public Records Request of April 1

I am writing in response to your public records request of April 1, 2016. This response is made on behalf of both the Town and School Department. The information provided below is listed according to the two areas of inquiry included in your request, as follows:

1) The School Department's Town Counsel invoices to which you refer contain information about numerous cases. This information is marked as follows: "Attorney-Client Privileged Communication – Not a Public Record." A summary page only lists the total hours and charge. However, I was able to go through these invoices, add up all the charges that related to the MacBook Computer case, and gather the information you requested. (These details were not commingled with other legal matters, as was the case in the Town's Town Counsel invoices.) There was also a short consultation with School Department Counsel Gini Tate related to this matter.

The School Department charges were as follows:

Mark Lanza	\$1,552
Gini Tate	\$60

As noted, the Town's Town Counsel expenses related to this case are commingled with numerous other legal items. Therefore, on the Town side, it is not possible to isolate either time or expenses solely related to the case.

2) The attached table lists the School Department and Town employees who were in court, their salaries and contractual days.

Sincerely, Paul

Cherry C. Karlson, Chair
Board of Selectmen
Town of Wayland, MA

RECEIVED

APR -4 2016

Board of Selectmen
Town of Wayland

(Resubmitted)

Dear Ms. Karlson:

I am writing to inform you of a very special accomplishment in the lives of five young women from Eastern MA who have earned their Gold Award from the Girl Scouts of the United States of America. The Gold Award is the highest honor in Girl Scouting, a culmination of years of preparation and service to their communities. The recipients from the Wayland Girl Scout Service Unit are:

*Elodie Carel

18 Joyce Road

Wayland, MA 01778

Project: "The focus of my project was to help families who cannot afford diapers for their children by creating a Diaper Depot at the local resource center for high risk young adults, and creating and distributing materials to educate the families about budget planning to help them learn how to manage their money to be able to afford diapers and other necessities, and about resources where they can access needed support."

*Sophia Alexandra Gloria Estrada (Sage)

27 Cedar Crest Road

Wayland, MA 01778

Project: "Blue Heron Stewardship Forest is located in the northeast area of Pennsylvania. It encompasses about 2,400 acres. My project was to preserve the knowledge of the culture, maintain the heritage of the land and inspire the community to engage in its natural environment. First I identified all of the current trails (approx. 20 miles) by using GPS coordinates. I then created a trail marking system and had trail signs put up. Next I researched the area and preserved the history by documenting historical points of interest (approximately 30), nature facts, activities and native cultures. Finally, I created multiple wellness hikes that included these historical, nature and Native American points of interest. I also created 3 additional fun hikes using geo-caching. The community has been incredibly supportive and helpful for this project. They are already benefitting since they are using the information packets (I've received much positive feedback) and are excited and comfortable going out into the woods."

*Megan Kistner

30 Stonebridge Road

Wayland, MA 01778

Project: My project addressed nutrition and health education in young, underprivileged children in Boston. To do this, I organized a one-day wellness fair, "Wellness Mathers", to promote information about nutrition, physical activity, eye health, dental health and the importance of good hand washing at the Mather Elementary School in Dorchester, MA. In addition to my Girl Scout troop, the fair involved graduate students from 4 health professional programs at MCPHS University to help educate the Mathers student about health issues. The goal of the nutrition aspect of this project was to teach children to recognize the difference between healthy and unhealthy foods and make the right decision for their own health when deciding a snack. This project was designed to create a greater awareness of the nutritional contents of various popular, yet unhealthy, foods, such as the sugar content in various sodas and fruit juices. Lastly, I created handouts with simple, low cost healthy recipes in each of the major languages of the school. These were handed out at the wellness fair.

Additionally, I created grade-specific teaching packets that were provided to every single classroom in the school. These packets included age specific lesson plans about nutrition as well as nutrition-based games for the teachers to include into their lesson plans. One of my goals was to make a difference in the way the children think about healthy and unhealthy foods. Feedback from the teachers, via a survey I created, is that they really liked the lesson plans and the games and they plan to continue using them with the students. I hope that the children will use what they learned from the health fair and the teaching packets and that they will continue to use those new skills throughout their lives. The students and the community of Mather Elementary School benefitted from this project because they learned different ways to eat healthier and more about nutrition.

* Amanda Mae Judah

6 Country Corners Road

Wayland, MA 01778

Project: "My project addressed the issue that students learn about only a small group of historical women in school. Although students are exposed to women who have certainly made a difference, there are many others who also made significant contributions that are not recognized. Additionally, while students are taught Massachusetts history in third grade, they aren't taught very much about their local history. I created my primary source toolkits to profile historical women from the local area, women that students would not have otherwise learned about. To date, this project has benefitted the third grade students from public schools in Wayland and Waltham Massachusetts, as well as a homeschooling group based out of Wayland. In addition, one of my toolkits is in the public library in Waltham featuring a historical woman from that community."

* Alisha Ukani

234 Winter Street

Weston, MA 02493

Project: "CodHer Camp tackled the lack of diversity in technology fields by creating a 2-day program for women of high school age and older to learn the basics of web development. All participants were able to create and publish websites, and have the resources to continue learning and teach others their new skills. The root cause of the gender gap in technology is the culture surrounding the field. Even outside of the workplace, there are 3 stereotypes about programmers: they're all male, they're isolated when they work, and they've all been coding since they were very young. To break these, my promotional materials featured some of the original programmers, who were women, and emphasized the fact that no programming experience was necessary. The program was also set up as a group class where participants could help each other, emphasizing the group work in coding. I plan to create detailed lesson plans that follow what I taught during CodHer Camp so that people all over the world are able to access the instructional materials."

These young women will be honored at the Girl Scout Court of Awards at 7 p.m. on Thursday, May 26, 2016 at St. Zepherin's Parish in Wayland MA., when they will receive their Gold Award certificates and pins from GSUSA.

We would be delighted if you could join us at this event and would be willing to recognize the recipients with a letter of congratulations.

Please contact me if you are able to join us at this very special occasion where we recognize these young leaders of tomorrow.

Sincerely yours,



Suzanne Dromey Tiberii

Recognitions Chair

Wayland Girl Scout Service Team

508-561-7801 (cell)

jtiberli@comcast.net



Monica F. Azare
Vice President & Deputy General Counsel



140 West Street, 6th Floor
New York, NY 10007
212.519.4715
monica.f.azare@verizon.com

BY FEDERAL EXPRESS

April 21, 2016

Office of the Board of Selectmen
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

*Re: Cable Television Final License Granted to Verizon New England Inc. –
Notice of Force Majeure Events*

Dear Board of Selectmen:

The International Brotherhood of Electrical Workers and the Communications Workers of America, unions representing Verizon wireline employees in the Northeast and Mid-Atlantic went on strike on April 13, 2016. This letter will serve as notice that the strike and related labor events are Force Majeure events under our license agreement.

Sincerely,

Monica F. Azare
Vice President & Deputy General Counsel

cc: Wayland Cable Advisory Committee

BOS



TOWN OF WAYLAND

MASSACHUSETTS

01778

7

TOWN CLERK
BETH R. KLEIN
bklein@wayland.ma.us

ASSISTANT TOWN CLERK
DIANE M. GORHAM
dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD

TEL: 508-358-3630
508-358-3631
www.wayland.ma.us

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

Please be informed that the attached letter of resignation was received in the Town Clerk's Office on April 25, 2016 and is effective as of May 1, 2016:

Douglas Goddard
Term Expires:

Permanent Municipal Building Committee
6/30/16

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

cc: Nan Balmer, Town Administrator
James E. Riley, Chair
Douglas J. Goddard

Beth R. Klein- Wayland Town Clerk
41 Cochituate Road
Wayland, MA 01778
bklein@wayland.ma.us

Dear Ms. Klein,

My name is Douglas Goddard, and I am currently a member of the Wayland Permanent Municipal Building Committee, PMBC. The time required for the PMBC is increasing, due to proposed building projects in Wayland.

Due to the increased time required, and the fact that my position at work is requiring more time, I will be unable to meet the requirements of my PMBC position moving forward.

I am therefore resigning from the PMBC, effective on May 1, 2016. Please accept my resignation and communicate to the appropriate parties within Town Hall. I appreciate your coordination of my resignation in advance.

Sincerely,



Douglas Goddard, AIA, MCPPO
14 Dunster Avenue
Wayland, MA 01778
Djgoddard14@gmail.com

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2016 APR 25 AM 8:52



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
ANTHONY V. BOSCHETTO
CHERRY C. KARLSON
JOSEPH F. NOLAN

July 14, 2015

Douglas J. Goddard
14 Dunster Avenue
Wayland MA 01778

Dear Doug:

At its regular meeting on July 13, 2015, the Board of Selectmen voted to reappoint you to the Permanent Municipal Building Committee for a one-year term that will expire on June 30, 2016.

Please note that all appointed members of all boards, commissions, committees and every appointed Town official must be sworn to the faithful performance of the duties of the office to which they are appointed. No official is qualified to take any action until after the oath of office has been taken. Massachusetts General Laws require oath-taking for reappointed officials as well as for persons newly appointed. For your appointment to be valid, please bring this letter at your earliest convenience to the Office of the Town Clerk, Beth Klein or Diane Gorham, so that the following may be completed.

Sincerely,

Cherry C. Karlson
Chair

The above named personally appeared before me and took the following oath on 8/11/15:

I, Douglas J. Goddard, do solemnly swear (affirm) that I will faithfully and impartially perform all the duties of my office in accordance with the Constitution of the United States of America, the laws of the Commonwealth of Massachusetts, and the rules, regulations, policies and the bylaws of the Town of Wayland to the best of my ability.

Appointee's Signature
Town Clerk/Assistant Town Clerk

8

GEORGE H. HARRIS
ATTORNEY AT LAW
8 HOLIDAY ROAD
WAYLAND, MASSACHUSETTS 01778

Tel & Fax: (508) 358-2379

E-mail: geoharris2@gmail.com

April 18, 2016

Director, Division of Open Government
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108

Re: Open Meeting Law Complaint Dated February 26, 2016—Wayland Board of Selectmen

Dear Sir or Madam:

Submitted herewith for your further review is a Complaint that the Wayland Board of Selectmen (Board) intentionally violated the Open Meeting Law, G. L. c. 30A, §§ 18-25. I am also responding to Board Chair Cherry C. Karlson's letter to you dated March 15, 2016.

A public body subject to the Open Meeting Law may meet in executive session “[t]o discuss strategy with respect to . . . litigation if an open meeting may have a detrimental effect on the . . . litigating position of the public body and the chair so declares[.]” G.L. c. 30A, § 21(a)(3).

Ms. Karlson and I agree that the subject matter of this complaint—the Board's convening in executive session pursuant to the litigation exception, G.L. c. 30A, § 21(a)(3)—has been previously addressed by the Superior Court in Collins v. Wayland Bd. of Selectmen, 2013 WL 2456337, 1 (Mass. Super., 2013).¹ In that decision, the Court wrote as follows:

The litigation exception only protects discussions the disclosure of which may undermine the “litigating position of the public body” (emphasis in original). G.L. c. 30A, § 21(a)(3). This provision means what it says. It applies only where the public body reasonably anticipates that it may wish to or need to take a position in ongoing or future litigation, and determines that engaging in public discussions about or in some way to help formulate the body's litigation strategy would undermine its litigating position.

Collins at 2.

¹Wayland Town Counsel Mark J. Lanza and the undersigned were opposing counsel in the Collins case. I believe Mr. Lanza drafted Ms. Karlson's letter.

In other words, a public body may meet in executive session to discuss its strategy with respect to litigation if an open meeting may have a detrimental effect on its litigating position and the chair so declares. Under the litigation exception, a public body's discussion is protected only to the extent that the discussion concerns its own litigation strategy.

At its meeting on February 1, 2016, the Board discussed seven cases in executive session, of which three² were cases in which neither it nor the Town of Wayland was a named party. Chair Karlson informed me by email on February 24, 2016 as follows:

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

Complaint Exhibit 2.

It is perfectly clear from Ms. Karlson's statement, with particular regard to the three cases in which the Board was not legally involved ("non-Board cases"), that the February 1 executive session consisted of routine, scheduled case status reviews and not discussions of the Board's own legal strategies relative to those cases. The executive session minutes provided by Ms. Karlson bears this out.

Consider the redacted paragraph beginning "M. Lanza reviewed the status of the remaining cases." The redacted four lines cover five cases, of which two did not formally involve the Board. It is inconceivable that those four redacted lines could summarize the Board's discussion of its legal strategies for the five remaining cases.

With the possible exception of the Bernstein, et al. v. Planning Board case in which the Town was a named party, the executive session discussions were, as Ms. Karlson wrote, merely to update the Board on the status of all cases involving town entities. That is fine for the four cases in which the Board is a named party or is otherwise developing its strategy with respect to litigation with the intent of taking a legal position. But it is not permissible to meet in executive session where it is not discussing its own legal strategies distinct from those of the defendant town parties. G.L. c. 30A, § 21(a)(3).

² These three cases are the following: 150 Main Street v. Zoning Board of Appeals, Nelson v. Conservation Commission, and West Beit Olam Corporation v. Board of Assessors.

“The Legislature did not authorize boards of selectmen to hold private discussions about any lawsuit that may involve or affect their Town.” Collins at 2 (emphasis added). When the Court wrote this, it was mindful of Wayland Town Code § 58-1 attached to Ms. Karlson’s letter. The Court categorically rejected the Board’s argument that it had a statutory right to discuss in private any litigation involving or affecting the Town. Id. The Board now repeats that same discredited argument.

Ms. Karlson writes that the Board’s Policy on management of Legal Affairs provides that Town Counsel will make a semi-annual report to the Board on the status of legal matters. The Board’s policy, however, cannot trump the requirements of the Open Meeting Law. Ms. Karlson states in her letter that the private discussion with Town Counsel involved issues of appointment of counsel, funding counsel, and the Board’s position (i.e., opinion) relative to the cases. Those are insufficient reasons for discussing the three non-Board cases because they do not concern the Board’s own litigation strategies. Most important, Ms. Karlson’s email statement reveals that the executive session discussions of the three non-Board cases were merely routine, scheduled status reviews, not designed to address pressing substantive legal issues.³ These are exactly the situations the Court ruled the Board could not discuss in executive session.

Furthermore, if the Board wished to discuss any one of the non-Board cases (say, its status or legal expenses) in private where it does not have a legal strategy to protect from disclosure, it may readily do so by attending an executive session called by the town litigating party. In any event, it makes no sense for the Board to exclude the town litigating party from its discussion unless the Board does not support such party, as was the situation in the Collins case.

In conclusion, the Board has not met its burden to show that it was lawful to exclude the public from its discussions of the three non-Board cases. See District Att’y for the N. Dist. v. School Comm. of Wayland, 455 Mass. 561, 566 (2009) (“The burden to show the need for a closed session rests on the governmental body.” (quoting District Att’y for the N.W. Dist. v. Selectmen of Sunderland, 11 Mass. App. Ct. 663, 666 (1981))). The violation was intentional because the Board acted in knowing violation of the Open Meeting Law, having been previously informed by receipt of a decision of the Middlesex Superior Court that such conduct violates G.L. c. 30A, §§ 18-25. 940 CMR 29.02 (Intentional Violation).

³ In the Collins case, the Board publicly disagreed with the defendant Wayland Historic District Commission’s litigation position and considered alternative litigation approaches it might take. In contrast here, no evidence has been advanced that the Board discussed its own litigation strategy with respect to each of the three non-Board cases.

Director, Division of Open Government
April 18, 2016
Page 4

Sincerely,

George H. Harris

Enclosure (Complaint)
cc: Cherry C. Karlson (w/o complaint) (by email)



✓ 9

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

April 20, 2016

Ms. Elizabeth Hedden
c/o James D. Marino
31 Kinsley Lane
Mendon, MA 01756

Re: Chapter 194 Permit – 3 Riverview Circle, Wayland (File D-870)

Dear Ms. Hedden:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) issued by the Wayland Conservation Commission regarding the approved replacement septic project at 3 Riverview Circle in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. No other work is permitted by this decision.

If you have any questions, please contact me at (508) 358-3669. Thank you.

Sincerely,

Brian J. Monahan
Conservation Administrator

Enclosure

cc: Building Department w/enc.
Town Clerk w/enc.
Drake Associates, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Abutters
File

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
February 29, 2016 7:00 pm

AMENDED TO INCLUDE VOTES ON MINUTES OF 12/15/15, 1/11/16, 2/11/16

Members Present:

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

Also Present: J. Senchyshyn (JS)

MP called the meeting to order at 7:00 pm.

Public Comment

None

Asst. Fire Chief Job Description

Chief Houghton joined the meeting. JS reviewed the Asst. Fire Chief job description as amended by the Board on 9/28/15. Now that the Fire negotiations are concluded, it is time to move forward with the position. Funding is included in the FY 16 budget. The Board had no additional questions.

PS moved to approve the Asst. Fire Chief job description as amended by the Board on 9/28/15. MJ seconded the motion. Three members having voted in the affirmative, the motion passed.

Draft Teamster Performance Evaluation

JS provided the background. Before conducting evaluations, Teamster affiliated Foremen submitted a proposed evaluation format. JS took the concepts and incorporated them into the format established for non-union employees. The Board discussed the proposal and a suggested edit. JS stated he was meeting with the Teamsters on 3/14 and would present the evaluation form at that meeting.

MJ moved to authorize JS to negotiate the draft Teamster Performance Evaluation form with the Teamsters as amended and to approve the form with the possibility for minor edits. PS seconded the motion. Three members having voted in the affirmative, the motion passed.

CY 2015 Vacation Carryover Requests - Updated

JS stated that following the Board’s vote in December 2015, several employees requested to carryover vacation. Given the Board’s limited meetings and weather cancellation, JS asked the Board to consider these requests which were added to the original list and highlighted.

MJ moved to approve the supplemental CY 2015 carryover vacation requests. PS seconded the motion. Three members having voted in the affirmative, the motion passed.

Request to Amend FMLA Policy

JS presented a request for consideration to amend the FMLA Policy to permit employees to access their sick leave for approved FMLA absences for the care of a family member as defined under the FMLA regulations, a father’s absence due to the birth of a child or a mother’s/father’s adoption of a

child. He requested an effective date of 1/1/16. Most of the CBA's provide their members with the use of sick leave for the stated purposes. Members also reviewed the federal regulations pertaining to "Substitution of Paid Leave".

PS moved to amend the Town's FMLA Policy to permit employees access to their accrued sick leave for approved FMLA absences for the care of a family member as defined under the FMLA regulations, a father's absence due to the birth of a child or a mother's/father's adoption of a child. MJ seconded the motion. Three members having voted in the affirmative, the motion passed.

Proposed Job Description – Library Director

JS presented the Library Director job description revisions as proposed by the Library Trustees. Members questioned several of the edits and sought clarification. Library Trustee L. Lipcon (LL) was called and placed on the speakerphone. LL did not have access to her notes to answer the Board's questions. LL was on her way to Town Building and would try to join the meeting later in the evening.

J. Green (JG) arrived at 7:35 pm

Proposed Job Description – DPW Working Foreman

JS stated that a new Working Foreman position was approved for the FY 17 budget. DPW would like to create the position with no specific ties to either the Highway or Parks Division. Such references have been removed from the job description. JS stated that he plans to meet with the Teamster representative on 3/14 to review the job description.

MJ moved to authorize JS to negotiate the draft DPW Working Foreman job description with the Teamsters and to approve the job description as presented with the possibility for minor edits. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Proposed Job Description – DPW Highway/Parks/TS Superintendent

JS reviewed the background to the DPW Highway/Parks/TS Superintendent position. Approximately one year ago an agreement was entered into with AFSCME 1 to combine the 2 superintendents' positions for a test period of 1 year. The test was successful and the budget for FY 17 carries only 1 superintendent. The Board corrected one error.

MJ moved to authorize JS to negotiate the draft DPW Highway/Parks/TS Superintendent job description with AFSCME 1 and to approve the job description as amended with the possibility for minor edits. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Proposed Job Description – Library Director

LL joined the meeting. The Board posed its questions on the revisions to the Library Director job description. Discussion ensued regarding the "selection of books" and the "community welcoming center" concept. JG questioned the absence of language pertaining to the oversight of performance evaluations. JS suggested language contained in other Department Head job descriptions regarding administrative duties. The Board asked JS to make the changes discussed and have it available for review at the next meeting. LL departed.

He requested an effective date of 1/1/16. Most of the CBA's provide their members with the use of sick leave for the stated purposes. Members also reviewed the federal regulations pertaining to "Substitution of Paid Leave".

PS moved to amend the Town's FMLA Policy to permit employees access to their accrued sick leave for approved FMLA absences for the care of a family member as defined under the FMLA regulations, a father's absence due to the birth of a child or a mother's/father's adoption of a child. MJ seconded the motion. Three members having voted in the affirmative, the motion passed.

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JS presented the Library Director job description revisions as proposed by the Library Trustees. Members questioned several of the edits and sought clarification. Library Trustee L. Lipcon (LL) was called and placed on the speakerphone. LL did not have access to her notes to answer the Board's questions. LL was on her way to Town Building and would try to join the meeting later in the evening.

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MJ moved to authorize JS to negotiate the draft DPW Working Foreman job description with the Teamsters and to approve the job description as presented with the possibility for minor edits. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

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JS reviewed the background to the DPW Highway/Parks/TS Superintendent position. Approximately one year ago an agreement was entered into with AFSCME 1 to combine the 2 superintendents' positions for a test period of 1 year. The test was successful and the budget for FY 17 carries only 1 superintendent. The Board corrected one error.

MJ moved to authorize JS to negotiate the draft DPW Highway/Parks/TS Superintendent job description with AFSCME 1 and to approve the job description as amended with the possibility for minor edits. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Proposed Job Description – Library Director

LL joined the meeting. The Board posed its questions on the revisions to the Library Director job description. Discussion ensued regarding the "selection of books" and the "community welcoming center" concept. JG questioned the absence of language pertaining to the oversight of performance evaluations. JS suggested language contained in other Department Head job descriptions regarding administrative duties. The Board asked JS to make the changes discussed and have it available for review at the next meeting. LL departed.

Review of Hours and Pay Grade for the WWMDC Account Specialist

WWMDC Chair F. Knight (FK) joined the Board. FK reviewed his request to increase the hours of the Account Specialist. He spoke about the workload being more substantial than originally planned. Discussion ensued over the tasks assigned to the position and if they were consistent with the job description as written. Discussion turned to the potential need of an Executive Director. MP inquired about the management of other wastewater districts. FK indicated that he would research the possibility. JS stated that the AFSCME 2 union had inquired about representing the position should the hours increase. He noted the request was consistent with the collective bargaining agreement. JS also stated that the Town Administrator had requested in her memo to the Board that the Board delay any actions on the WWMDC requests for 90 days. FK inquired about the upgrade for the position. JS expressed concern about internal equity should the request be approved. FK left the meeting. The Board discussed the requests and decided it would delay any actions for 90 days.

Proposed Job Description – Recreation Program Coordinator

JS stated the position had been reviewed at an earlier meeting. The Board had recommended to the FinCom that it be funded as a fee supported position. The FinCom had approved the position as fee supported. No other details of the duties and responsibilities have changed.

MJ moved to authorize JS to negotiate the draft Recreation Program Coordinator job description with AFSCME 1 and to approve the job description as amended with the possibility for minor edits. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Personnel Board Warrant Article

JS reviewed the final versions of the wage charts, FTE counts and Chapter 43 amendments as well as the projected cost of the non-union 2.0% increase for FY 17. Including the Town Administrator's new contract, N-scale incumbents, paramedics and Library weekend positions, the estimated increase is 39K.

JS also updated the Board on A. Lewis' information request and comments to the FinCom on the proposed non-union increase. FinCom Chair N. Funkhouser requested his input. JS reviewed the response that he forwarded.

Review of the 12/15/15 Minutes

The draft minutes were amended as follows:

... PS arrived during Executive Session ...

MJ moved to approve the minutes of 12/15/15 as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of the 1/11/16 Minutes

PS moved to approve the draft minutes of 1/11/16. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of the 2/11/16 Minutes

The draft minutes were amended to correct capitalization errors.

PS moved to approve the minutes of 2/11/16 as amended. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Executive Session

JG moved the Personnel Board enter executive session pursuant to MGL Ch30A, Sec 21(3) to Discuss Collective Bargaining Negotiations with the Police Union Regarding Civil Service; Discuss and Review a Step 2 Police Grievance; and to Review and Potentially Approve Executive Session Minutes of 12/15/15 and 1/11/16 as an open discussion might have a detrimental effect on the Town's negotiating position.

MJ seconded the motion.

JG took a roll call vote:

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


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

The Board Entered Executive Session at approximately 9:00 pm.

The Board returned to Open Session at approximately 9:20 pm.

Next Meeting

The Board scheduled its next meeting for 3/21/16.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

February 29, 2016

Document:

D'Amico Resume

FMLA Federal Regulations - Substitution of Paid Leave

FMLA Policy Amendment

TA Comments to Personnel Board

Teamster Performance Evaluation Draft and Proposal

12/15/15, 1/11/16 and 2/11/16 Draft Minutes

Vacation Carryover Requests - Updated

Warrant – Ch. 43, Wage Scales, FTE Counts

Warrant - Lewis Response 1 and 2

WWMDC Account Specialist Request

Draft Job Descriptions:

Asst. Fire Chief

DPW Hwy/Parks/TS Supt.

DPW Working Foreman

Library Director

Rec Program Coordinator

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
March 21, 2016 7:00 pm

10

Members Present:

J. Green (JG), P. Schneider (PS); M. Jones (MJ); D. Cohen (DC)

Also Present: J. Senchyshyn (JS)

JG called the meeting to order at 7:00 pm.

Public Comment

None

Proposed Job Description – Library Director

Library Trustee L. Lipcon (LL) joined the meeting. JS reviewed the last meeting’s discussion regarding the Library Director job description revisions as proposed by the Library Trustees. An update version was prepared and included in the packet. Members’ comments and suggestions from the previous meeting were highlighted. LL indicated that the Trustees were in agreement with the proposed changes. No other comments or edits were proposed.

MJ moved to approve the revised Library Director’s job description as presented. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

LL left the meeting.

Review of the 2/29/16 Minutes

PS moved to approve the minutes of 2/29/16. MJ seconded the motion. Three members having voted in the affirmative, the motion passed. DC abstained as she did not attend the meeting.

Executive Session

JG moved the Personnel Board enter executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Conduct Step 2 Police Grievance Hearing; Discuss Collective Bargaining Negotiations with AFSCME 1, AFSCME 2 and Teamsters regarding the Installation of Cameras at the DPW Facility; Discuss Collective Bargaining Negotiations with AFSCME 2 Regarding a Potential Position Elimination; Review and Potential Vote to Approve Executive Session Minutes of 2/29/16; Review and Potential Vote to Release Executive Session Minutes of 1/11/16, 12/15/15, 11/30/15, 11/18/15, 10/19/15, 9/28/15, 9/21/15, 8/3/15, 6/22/15, 5/4/15, 3/2/15, 2/23/15, 10/20/14, 9/15/14, 8/6/14, 6/2/14, 5/5/14, 3/31/14, 2/24/14, 2/10/14, 1/27/14, 1/15/14, 11/1/13 (2), 8/5/13, 6/24/13, 4/22/13, 2/11/13, 10/15/12, 9/10/12, 8/13/12, 7/13/12, 7/9/12, 1/23/12; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2) to Conduct a Strategy Session in Preparation for Negotiations with Non-Union Personnel as an open discussion might have a detrimental effect on the Town’s negotiating position.

MJ seconded the motion.

JG took a roll call vote:

Member Schneider Aye
Member Jones Aye
Member Cohen Aye
Chair Green Aye

JS noted that the item relating to Negotiations with Non-Union Personnel was the result of an occurrence earlier in the day could not have been anticipated in advance.

The Board having voted 4-0 to move into Executive Session, the motion carried. JG announced that the Board would be going into Executive Session for approximately 1 hour and 20 minutes for the stated purposes. The Board would be returning to Open Session.

The Board Entered Executive Session at approximately 7:10 pm.

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

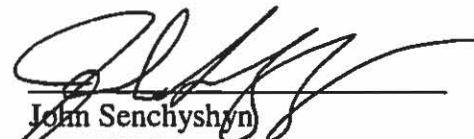
Personnel Board Warrant Article

JS distributed an email from BOS Chair C. Karlson. The Moderator's Forum is scheduled for the evening of 3/23. The BOS' Warrant Hearing is scheduled for the evening of 3/28. MJ agreed to attend the Moderator's Forum. JG agreed to attend the Warrant Hearing. JS stated that he expected the Wage & Classification article to be discussed on Sunday afternoon, 4/10 depending upon the length of the budget discussion. JS would confirm with Member Peabody that she would be available to present the article.

Next Meeting

The Board scheduled its next meeting for 4/26/16.

PS moved to adjourn at 8:50 pm. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.


John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

March 21, 2016

Document:

2016-02-29 Draft Minutes

Karlson Email

Library Director Draft Job Description

Municipal Affordable Housing Trust Fund (MAHTF)

Meeting Minutes—March 2, 2016

Wayland Town Building

Attendance: Mary Antes; Jacqueline Ducharme; Stephen Greenbaum; Brian O’Herlihy; Jennifer Steel; Susan Weinstein

Absent: Kevin Murphy

Materials Distributed:

- Draft February 3, 2016 minutes
- Agenda for March 2, 2016 meeting
- Financial Statement as of February 29, 2016
- Wayland MAHTF goals—working paper with Trustees rank order of goals
- Wayland Housing Authority 50058 Statistical Summary Report

Open Meeting: Mary Antes called the meeting to order at 7:31 PM

Public Comment: None

Notes:

1. The February 3, 2016 minutes were reviewed. Susan Weinstein moved that the minutes be approved as amended. Stephen Greenbaum seconded the motion. Motion approved unanimously (6-0)
2. Brian O’Herlihy provided the Treasurer’s report which included:
 - i. A review of the MAHTF financial statement (unaudited) as of February 29, 2016
3. The Trustees reviewed the rankings of the draft goals/ objectives, and discussed which objectives the Trustees would work on. The Trustees also identified which goals were short-range objectives to be completed by June 30, 2016. Additionally, the Trustees agreed that for each identified short-term goal, the Trustee will give a monthly status update at the MAHTF meeting.

- i. Complete Wayland Housing Needs Assessment: Jennifer Steel will take the lead in this objective. Susan Weinstein and Jackie Ducharme will assist.
 - a. This is a short-term objective

- ii. Create An Informative And Useful Website: Susan Weinstein will take the lead in this; Brian O’Herlihy and Mary Antes will assist.
 - a. This is a short-term objective

- iii. Introduce/ Amend By-laws to Support Affordable Housing (i.e. accessory apartment): Jennifer Steel and Kevin Murphy* will work on this objective.
 - a. Accessory apartment by-law change could be made for Fall Town Meeting
 - For preparation of this specific by-law change, it is a short-term objective
 - For presentation at Fall Town Meeting, this is a medium-range objective
 - For implementation of this specific objective, it is a long-term objective

- iv. Explore Potential for Additional Units At Town Center and Explore Ways To Assist River’s Edge Project: Mary Antes will take the lead in this objective; Jennifer Steel and Kevin Murphy* will assist

- v. Work with WHA/ Town to Preserve Existing Stock: Mary Antes, Susan Weinstein and Jacqueline Ducharme have been and will continue to work on this objective.
 - a. This is an on-going objective

- vi. Create a PR Campaign That Informs and Moves the Public to Action: Jacqueline Ducharme will take the lead in this objective; Stephen Greenbaum and Mary Antes will assist.
 - a. This is a medium-to long-range objective
 - b. The campaign will be based on the information garnered from the Wayland Housing Needs Assessment

- vii. Promote Donations of Homes, Property and Money: Brian O’Herlihy will take the lead in this objective; Mary Antes and Susan Weinstein will assist.
 - a. This is a medium-to long-range objective

- viii. Develop Rules/ Regulations for Payments in lieu of Affordable Construction: Brian O’Herlihy will take the lead in this objective; Mary Antes will assist.

- a. This is a medium-to long-range objective
- ix. Buy-down Home Prices to Affordable Levels: Stephen Greenbaum will take the lead in this objective; Jacqueline Ducharme and Brian O’Herlihy will assist.
 - a. This is a short-medium and long-term goal
 - b. Will develop blue-print for this objective
- x. Work with Developers to Facilitate New Construction: Mary Antes will take the lead with this objective; Stephen Greenbaum and Brian O’Herlihy will assist.

Jacqueline Ducharme moved that the meeting be adjourned at 9:15 PM. Susan Weinstein seconded the motion. The motion was unanimously approved (6-0).

Respectfully Submitted

Jacqueline Ducharme

*Kevin Murphy will be asked to consider participating in this goal/ objective



Town of Wayland Massachusetts

Members:

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

Council on Aging/Community Center Advisory Committee ("CoA/CCAC")

Minutes: March 17, 2016

In attendance: Mark Foreman, Marylynn Gentry, Carol Glick, Frank Krasin, Jean Milburn and William Sterling. Also in attendance was Julie Secord.

Absent: Steve Correia

The meeting was called to order, when a quorum was present, at 6:41 PM.

- (1) Public Comment: None
- (2) WRAP discussion: Discussed Bill Sterling's draft letter to WRAP and decided that he should not send it since it was reported that the WRAP Committee had changed their views.
- (3) Reviewed meeting notes from 12/3/2015. Motion to accept was seconded and the Committee voted 5 to 0 to accept the minutes.
- (4) Reviewed meeting notes from 3/10/2016. Mark moved to accept and Marylynn seconded. Voted 6-0 to accept the minutes.
- (5) The Committee reviewed the Tighe & Bond draft Alternatives Analysis report: Mark asked if we need to take action as a committee on the draft report. Marylynn cautioned that we need to be careful to state that this is a draft subject to revisions. Marylynn moved to accept the draft as a draft subject to expected revisions and corrections. Bill said that the Committee will not be going back to the Conservation Commission until we need their approval, but that we should post the draft report on our website.
- (6) Review preparation for LWV & Town Meeting:

Re Town Meeting: Jean Milburn said that Aida Gennis is going to speak about the COA/CC article at the Town meeting and suggested that Bill and Jean speak with Tom and Aida before that.

The COA/cc Warrant article is No. 21. On March 24th, the Committee will hold a Public forum on the article.

Reviewed Mark's slideshow to be presented at League of Women Voter's forum:

Mark: will emphasize that this warrant is only for design.

The Committee discussed and addressed possible concerns:

- Discussed why this article cannot wait until 2017 town meeting:
 - We need to get a bid 30 days before the 2017 Town meeting, so we must get money at this 2016 Town Meeting to proceed with the bid process.
 - Cannot wait another year for TM approval due to the current lack of COA, Rec and V.A. space
- Is the space too small? Up to 21,000 square feet is in line with peer towns' space requirements and state standards. If the space is too small, future generations could expand it up.
- The COA/cc has different needs than the library.
- The design is contingent upon town control of the property and complete testing

The Committee also discussed the reasons that the town needs this COA/CC:

- Current COA is "woefully undersized"
- There is currently no Veteran's space in town
- The art center space is needed by the fire dept
- The draft alternative analysis report points to the Municipal pad site as the most suitable

Jean proposed a COA coffee on April 4th.

(7) Bill moved to adjourn. Mark seconded and the Committee voted 6-0 to adjourn at 7:35 PM.

Handouts: Draft Tighe & Bond Alternatives Analysis Report

Respectfully submitted: Carol Glick



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13

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

April 27, 2016

Juliana deHaan Rice, Deputy Chief
Division of Open Government
Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston MA 02108

RE: Open Meeting Law Complaint of George H. Harris, April 8, 2016

Dear Ms. deHaan Rice,

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 April 8, 2016, are enclosed.

The complaint states that the minutes of the Board of Selectmen meetings of January 11, 25, and 27, 2016 and February 1 and 8, 2016 are not yet approved by the Board. 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. The Board should be fined for engaging in intentional violations, with a view to inducing the Board's future compliance with the Open Meeting Law.

The Board responds as follows;

1. The Board acknowledges its errors above in the specific instances.
2. The Minutes of the Board meetings of January 11, 25, and 27th 2016 were approved on April 4 and 11, 2016. The minutes of the Board meetings of February 1, 9 (snow date for February 8), 22, and 29, and March 7, 2106 were approved on April 19, 2016.
3. On April 19, 2016 the Board voted to adopt the attached plan for the timely preparation of its meeting minutes.

The Board will comply with the Open Meeting Law. The Board accepts its responsibility to make its meetings transparent and open. All agendas and full meeting information packets are posted online in advance of every meeting. Each session is recorded by WayCam, Wayland's local access cable station. The meetings are usually broadcast live and recordings are available for viewing online at no cost, shortly after each meeting.

The Board is aware 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. On May 16, 2016, the Board will review and discuss outstanding Executive Session minutes.

Accordingly the Board requests that the Attorney General's office determines that no additional remedial action is necessary or appropriate pursuant to the above-referenced complaint.

Sincerely,



Nan Balmer
Town Administrator

cc: George H. Harris
Town Counsel Mark J. Lanza

Enc: Open Meeting Law Complaint of George Harris Esq., 4/8/16
Plan for Timely Preparation of Minutes, 4/19/16

INTERIM PLAN FOR TIMELY PREPARATION & APPROVAL OF MEETING MINUTES

Effective at the May 2, 2016 Board of Selectmen meeting:

1. The Board will assign one member responsibility for monitoring the timely approval of open session minutes by the Board and for reviewing and editing minutes as soon as draft minutes are produced by staff. The Chair will be responsible for monitoring the timely approval of executive session minutes and will conduct a periodic review for potential release of executive session minutes.
2. The Board's expectation is that town staff will prepare the minutes of each meeting for approval at the next regularly scheduled meeting.
3. "Review and Vote to Approve Minutes" will be included on the agenda of every meeting of the Board of Selectmen.
4. The Executive Assistant is responsible for preparation of Board minutes. The Human Resources Assistant will prepare minutes as needed under the supervision of the the Executive Assistant.

ADOPTED APRIL 19, 2016 BY THE WAYLAND BOARD OF SELECTMEN



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: April 8, 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 5 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.

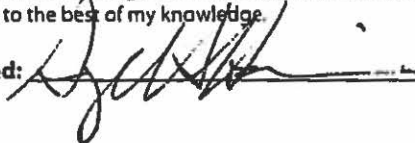
II. Consulting With a Private Attorney.

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: 04/08/2016
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) intentionally violated the Open Meeting Law by failing to create and approve in a timely manner minutes of 5 open meetings as required under G. L. c. 30A, §§ 22(a), (c).

Background

In determination OML 2015-79, dated June 2, 2015, the Attorney General found that the Board had failed to create and approve minutes for 10 open meetings in a timely manner (that is, within two months). The Board acknowledged its violations 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." The AGO advised the Board that "we recommend that minutes be approved at the next meeting whenever possible. See OML 2013-173; OML 2013-37; OML 2012-91."

On March 10, 2016, I filed with the Board another Open Meeting Law complaint alleging that it again failed to timely create and approve minutes for 3 meetings held on December 7 and 14, 2015 and January 4, 2016. In its response letter to the AGO dated March 21, 2016, the Board acknowledged its new violations and again pledged to comply with the Open Meeting Law by timely preparing meeting minutes in the future.

The Present Complaint

The Board has not timely created and approved minutes for the following 5 open meetings: January 11, 25, and 27 and February 1 and 8, 2016.¹ See Exhibits 1-5 attached hereto. The table below summarizes these violations. For example, 12 weeks have elapsed after the Jan. 11 meeting to April 8, 2016 (date of this complaint), and during that period the Board held 13 meetings at which it could have approved the minutes (but failed to do so).

¹ Most of these minutes when created will contain discussions of matters relating to the April 7, 2016 Annual Town Meeting. However, these minutes may not be released until after Town Meeting ends, when they will be essentially useless. The AGO's timeliness standard of two months for public bodies meeting weekly (that is, up to 9 meetings later) seems excessive and not very helpful to the public.

<u>Meeting Date</u>	<u>Elapsed Weeks</u>	<u>Subsequent Meetings</u>
Jan. 11	12	13
Jan. 25	10	12
Jan. 27	10	10 (minutes were approved April 4, 2016)
Feb. 1	9	10
Feb. 8	8	9

These violations were intentional because the Board knowingly failed to timely create and approve minutes.² On the basis of its admissions in OML 2015-79, there is no question that the Board was and is aware of its obligation to create and approve minutes in a timely manner. See also its March 21, 2016 letter to the AGO. There is also no question that the Board knew that minutes approved two months or more after a meeting are untimely. The Board mistakenly blames these errors on its overworked staff. The Board was well aware that it was not honoring its prior pledge to comply with the Open Meeting Law's requirement to timely approve minutes.

The Board has significant resources at its disposal with which to timely create minutes. The Board administers an annual total town office budget of about \$546,000 with a staff of five. If it needs more money to pay for additional clerical services to ensure the timely creation of minutes, it can ask the Finance Committee (which it appoints) for a Reserve Fund transfer at any time. Furthermore, nothing prevents the current four Board members themselves (there is one temporary vacancy) from timely creating minutes; many public bodies do this without staff assistance. In short, there is no justification for the Board (1) to have failed to timely create and approve minutes following its confirmed violations in OML 2015-79 and (2) to have blamed those failures on its staff. The violations were intentional.

ACTIONS REQUESTED

1. At its next meeting, the Board shall acknowledge these violations of the Open Meeting Law.
2. The Board shall without further delay approve and release the subject meeting minutes.
3. The Board should be fined for engaging in intentional violations, with a view to inducing the Board's future compliance with the Open Meeting Law.

² All four current members of the Board held office in June 2015 when OML 2015-79 was issued and are on notice thereof.



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TOWN OF WAYLAND

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EXHIBIT 1

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

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

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

- 7:00 pm 1.) Call to Order by Chair
• Announcements; Review Agenda for the Public
- 7:02 pm 2.) Public Comment
- 7:15 pm 3.) Attend Finance Committee's Special Town Meeting Warrant Article Hearing
- 7:35 pm 4.) Potential Vote to Amend the Location of the February 11, 2016, Special Town Meeting
- 7:40 pm 5.) Special Town Meeting
a.) Petitioners' Workshop
b.) Vote Positions on Articles to Amend Minuteman Agreement and to Withdraw from the Minute School District
c.) Discuss Special Town Meeting Logistics/Budget
- 8:05 pm 6.) Discuss Massachusetts Gas Leaks Legislation with Paul Dale, Sierra Club, and Vote to Adopt Resolution
- 8:15 pm 7.) Annual Town Meeting 2016: Discussion and Review List of Potential Articles and Vote to Submit Articles
a.) Petition Legislature for New Special Legislation for OPEB and Rescind OPEB Special Act
b.) Petition Legislature regarding Police Civil Service
c.) Amend Private Fire Hydrant Bylaw
d.) Fund Next Step in Council on Aging/Community Center Project
e.) Fund Glezen Lane Construction of Permanent Turn Restrictions on Glezen Lane
f.) Authorize 53 E ½ Accounts
g.) Allow Town Counsel to Speak at Meeting Without Meeting Vote
h.) Minuteman Borrowing for New School
i.) Authorize Confirmatory Taking of Newbury Conservation Land

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

Proposed Agenda Two

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



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BOARD OF SELECTMEN
LEA T. ANDERSON
JIMMY M. ANTIS
CHERRY C. EARLSON
JOSEPH P. NOLAN

EXHIBIT 2

BOARD OF SELECTMEN
Monday, January 25, 2016
Wayland Town Building
Selectmen's Meeting Room

**IF THIS MEETING IS CANCELLED DUE TO INCLEMENT WEATHER,
THEN IT WILL BE HELD ON TUESDAY, JANUARY 26, 2016**

Proposed Agenda

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

- 6:00 pm 1.) 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 21A(3) to Discuss Strategy with Respect To Collective Bargaining Pertaining to the Police Union and the Fire Union
- 6:20 pm 2.) Call to Order by Chair
 - Announcements; Review Agenda for the Public
- 6:22 pm 3.) Public Comment
- 6:30 pm 4.) 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
- 6:35 pm 5.) Review and Potential Vote to Approve Board of Selectmen Annual Report for FY2015
- 6:40 pm 6.) Vote Special Town Meeting: Discussion and Vote to Approve Letter to the Editor
- 6:45 pm 7.) Review Annual Town Meeting Articles and Vote Assignments
- 7:00 pm 8.) Approval of Four New Chapter 71, Section 26 A, B, C School Revolving Funds

BOARD OF SELECTMEN
Monday, January 25, 2016
Wayland Town Building
Selectmen's Meeting Room
Proposed Agenda Page Two

- 7:15 pm 9.) 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
- 7:45 pm 10.) Attend Finance Committee Annual Town Meeting Warrant Article Hearing
- 9:40 pm 11.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:45 pm 12.) Review Correspondence (See Separate Index Sheet)
- 9:55 pm 13.) Report of the Town Administrator
- 10:05 pm 14.) Selectmen's Reports and Concerns
- 10:15 pm 15.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, if Any
- 10:20 pm 16.) Adjourn



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BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
CERRY C. ARLSON
JOSEPH F. NOJAN

BOARD OF SELECTMEN

Wednesday, January 27, 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.

- | | |
|----------|--|
| 12:00 pm | 1.) Call to Order by Chair <ul style="list-style-type: none">• Announcements; Review Agenda for the Public |
| 12:02 pm | 2.) Public Comment |
| 12:05 pm | 3.) Vote to Sign Warrant for February 2016 Special Town Meeting |
| 12:10 pm | 4.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 12:15 pm | 5.) Adjourn |



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

BOARD OF SELECTMEN
Monday, February 1, 2016
Wayland Town Building
Selectmen's Meeting Room

Proposed Agenda

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

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

BOARD OF SELECTMEN
Monday, February 1, 2016
Wayland Town Building
Selectmen's Meeting Room
Proposed Agenda Page Two

- (T) Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials
 - (V) Amend Chapter 145 – Inspection, Testing, Maintenance of Private Fire Hydrants
 - (FF) Establish 53D Recreation Revolving Fund for the Wayland Town Beach
 - (GG) Establish and Fund a Recreation Stabilization Fund
 - (OO) Set Aside Community Preservation Funds for Later Spending
 - (PP) Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund
 - (QQ) Appropriate Funds to Restore Monuments at North Cemetery
 - (RR) Appropriate Funds to Restore Cochituate Town Clock
- 9:30 pm 11.) Mainstope Farms; Vote to Approve Conservation Commission's Request for Special Counsel and Authorize Town Administrator to Take Next Steps
- 9:45 pm 12.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:50 pm 13.) Review Correspondence (See Separate Index Sheet)
- 10:00 pm 14.) Report of the Town Administrator
- 10:10 pm 15.) Selectmen's Reports and Concerns
- 10:20 pm 16.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:25 pm 17.) Adjourn



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN
Monday, February 8, 2016
Wayland Town Building
Selectmen's Meeting Room

**IF THIS MEETING IS CANCELLED DUE TO INCLEMENT WEATHER,
THEN IT WILL BE HELD ON TUESDAY, FEBRUARY 9, 2016**

Revised Proposed Agenda

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

- 6:45 pm 1.) Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21A(3) to Discuss Strategy with Respect To Collective Bargaining Pertaining to the Police Union
- 7:00 pm 2.) Call to Order by Chair
 - Announcements; Review Agenda for the Public
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) 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
- 7:15 pm 5.) Swearing In of New Firefighter Paramedic Josiah David
- 7:30 pm 6.) Attend Finance Committee Budget Hearing
- 8:15 pm 7.) Vote to Approve Recommendation of Library Owner's Project Manager Selection Committee to Appoint
- 8:25 pm 8.) Vote to Sign Massachusetts School Building Authority Statement of Interest for Loker Window Replacement Project
- 8:35 pm 9.) Discussion and Vote Positions on Annual Town Meeting Articles, Including But Not Limited To:
 - Discuss Order of Articles
 - Standard Articles: A, F, G, I, J, K, M and U
 - OPEB Article R
 - Historical Commission Article W
 - Planning Board Articles: II, JJ, KK, LL, MM
 - Board of Public Works Articles: AA, BB, CC, DD, EE
- 9:35 pm 10.) Discuss Municipal Modernization Act

**BOARD OF SELECTMEN
Monday, February 8, 2016
Wayland Town Building
Selectmen's Meeting Room**

Revised Proposed Agenda Page Two

- 9:45 pm 11.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:50 pm 12.) Review Correspondence (See Separate Index Sheet)
- 10:00 pm 13.) Report of the Town Administrator
- 10:10 pm 14.) Selectmen's Reports and Concerns
- 10:20 pm 15.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:25 pm 13.) Adjourn

Note:

The following Town Administrator's report references a Town Counsel letter regarding the Carroll School. The letter was not ready to include with the report. It will be provided to the Board at a later time.

A handwritten signature in blue ink, appearing to be the initials 'Joh'.

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING APRIL 29, 2016**

CARROLL SCHOOL PROJECT

At my request Town Counsel prepared the attached letter to explain to the Board and community the permitting processes for the Carroll school project. Representatives of the school are invited to meet the Board and introduce the project at a June meeting.

SYCAMORE ROAD – REQUEST TO PURCHASE TOWN LAND

Attached please find a summary of departmental and public input to date on the potential sale of town land on Sycamore Road.

MAINSTONE FARM / OPEN SPACE AND RECREATION PLAN / LAND GRANT

The Conservation Administrator and Weston and Sampson will conduct 3 public meetings on the Open Space and Recreation Plan from May 4th through June 1st. A new Open Space and Recreation Plan is a prerequisite for the town to apply for state grants to offset the the costs of the purchase of conservation land, such as Mainstone. Attached is notice of May 4 meeting.

USE OF PUBLIC GREEN: MASTER SPECIAL PERMIT

As requested, attached is the provision in the MSP that requires making the Public Green at Town Center open to the public.

TOWN CENTER: TAX RECEIPTS

In FY 16, the Town received \$882,459 in commercial, residential property and personal property tax receipts from Town Center and River Trail Place. Meals tax receipts grew \$43,000 from 2013 to 2015.

FINANCIAL ADVISOR RFP

A recommendation is expected Monday May 2nd on a firm to serve as Financial Advisor for town borrowing.

TAX TITLE ACCOUNTS PROJECT

The Treasurer's office entered into 2 payment agreements and is in process of foreclosing on 9 properties.

Community Input Meeting

TOWN OF WAYLAND

OPEN SPACE AND RECREATION PLAN UPDATE

Wayland residents are invited to attend a public input meeting hosted by staff representing the Conservation Commission and Recreation Commission. The meeting is being held in conjunction with the updating of the Wayland Open Space and Recreation Plan.

The Open Space and Recreation Plan will inventory existing parks, playgrounds, athletic facilities, schoolyards and other lands of conservation interest, identify community needs and establish a prioritized action plan for improving passive and active recreational properties, facilities, programs and related amenities throughout the community. The updating of the plan will make the Town eligible for state funding for various open space and recreation project initiatives.

YOUR OPINION COUNTS!

At the meeting, Weston & Sampson (the Town's consultant) will describe the Open Space and Recreation planning process, identify basic goals and objectives, discuss initial findings and then lead a question and comment session. Community input is essential in order to develop a plan that best meets Wayland's open space and recreation needs.

MEETING SPECIFICS

Date: Wednesday, May 4, 2016

Time: 7:30 PM

Location: Wayland Town Building, 41 Cochituate Road, Wayland, MA

FOR ADDITIONAL INFORMATION

Brian J. Monahan
Conservation Administrator
bmonahan@wayland.ma.us
508-358-3669

Jessica Brodie
Recreation Director
jbrodie@wayland.ma.us
508-358-3662

PUBLIC GREEN

initiative, to lay out, accept and acquire any such roadways as Town ways.

- (iii) In the event that the Applicant, its successors, or agents fail to maintain the Secured Infrastructure in accordance with applicable guidelines for operation and maintenance of similar public infrastructure by the Town, the Town may conduct such emergency maintenance or repairs, thereof and the Applicant shall permit entry onto the Locus as set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith. If the Applicant fails to so reimburse the Town within thirty (30) days of a request or demand for such reimbursement, the Town may place a lien on any property owned by the Applicant in the MUP to secure such payment.

- (iv) The Public Green shall be open to public use subject to such reasonable rules and requirements as the Applicant may establish in accordance with a plan for the operation and maintenance of the Public Green to be prepared by the Applicant in consultation with the Park and Recreation Commission or its successor. Nothing herein shall restrict the ability of the Town and the Applicant to enter into any lease, license or indemnification agreement with respect to any portion of the Public Green.

2. "Zones" - Locations of Uses. The locations of allowed uses within the MUP shall be as shown on the plan entitled "Building Envelopes" and as set forth in Table A below.

EXEMPT, "TOWN CENTER MASTER SPECIAL PERMIT DECISION" Subpar. (iv), p 43

TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH/ANALYST
DATE: APRIL 27, 2016
RE: UPDATE: OFFER TO PURCHASE TOWN LAND ON 4 AND 8 SYCAMORE ROAD

BACKGROUND;

On January 25, 2016, the Board was presented with information related to an offer to purchase town land and the Massachusetts Law 30B requirements.

Steps Taken:

1. Per Town Policy, Town Departments and Boards were asked to indicate their interest in the property and the potential impact of the sale.

Town Departments and Boards did not express interest or use for the property. However, the following comments were received (see attached):

Conservation Commission: They expressed a desire to maintain the land as open space as well as for future drainage needs. They indicated that the lot could still remain as open space if it were used for drainage or improved onsite septic.

Public Works Response: They indicated a need to maintain a water main easement on the property.

Resident Responses (see attached):

- Densely populated neighborhood
- Requested to maintain as open space

2. Initiated Title Search by Town Counsel

Next Steps:

- Initiate appraisal to determine property value, upon results of Title Search
- Request BoS vote to declare property surplus and potentially restrict use
- Conduct advertised public hearing with abutter notification
- Follow procurement requirements to dispose of property

Town Department and Board Responses

From Geoffrey Larsen, Building Commissioner

Good morning,

As the zoning enforcement official I have been requested to review for zoning purposes the following 2 vacant and adjacent parcels currently owned by the Town:

- Map 46B Parcel 47; 0 Sycamore RD, (see Book 9244, Page 515) apparent Town ownership as of 1.1.1900; lot size 6,098 square feet.
- Map 46B Parcel 48, 0 Sycamore RD, (see Book 11436, Page 360) apparent Town ownership as of 1.1.1900, lot size 4,791 square feet.

Both parcels are located in the Single Residence District (R-20) and in the Aquifer Protection District. Neither referenced parcel appears to be in the Federal Flood Plain Protection District though that is not to say that any proposed use of these parcels would not also require a review by Conservation as well as all other relevant authorities having jurisdiction (i.e. Health for septic, Building for structure).

Both of these lots have less than 20,000 square feet each however the lot referenced by Map 46B Parcel 47 has 6,098 square feet which may entitle this lot to protections afforded by MGL 40A §6.

- As controlled by current zoning both parcels appear to have insufficient lot size and only Map 46B Parcel 47 has more than 120 feet of frontage on Chestnut Road. Referencing both the above dimensional challenges and §198-705.4 of Town zoning it would appear that any future use of these lots; including merging 1 or more of these lots with an existing developed lot, is not necessarily by right.

Regarding what is generally referenced as the “buildability” of these 2 lots I offer the following. I understand that the only definitive way to know if these 2 vacant parcels may be built upon is the issuance of a building permit following submittal of a completed building permit application with required documents.

Whereas the Town may require a more definitive assessment as to the zoning status of these 2 parcels I would recommend that Town Counsel be requested to review these 2 parcels in order to also inform the Town as to any potential legal protections for 1 or both of these referenced lots.

Geoff Larsen

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

From: Julia Junghanns, Director of Public Health
From: Junghanns, Julia
Sent: Monday, March 28, 2016 5:42 PM
To: Doucette, Elizabeth
Cc: MacCaughey, Darren
Subject: FW: Health Department information on parcels 047, 048
Importance: High

Hi Beth,

Please find my email below with staff review notes regarding these parcels of land. In addition, we reviewed this information and discussed it at our last BoH meeting. The Board was inquiring as to when the last abutter notification was sent (was it 2008?) to make people aware that these parcels are for sale in case someone else needed or wanted the land for septic purposes. Do you have this information on this that I can provide to my board?

They also were inquiring as to how much the land is being sold for.

Thanks
Julia

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

Response from Elizabeth Doucette
Hi Julia,

This is in the early stages of research to determine value and if the land will be made available. The value is in process of being established and notifications would be required if it goes forward.

This initial part of the required process is to ensure that other town departments do not have either a need for the land or a reason why it should not be sold or restriction requirements.

Thank you for your input,
Beth

From: Julia Junghanns, Director of Public Health
From: Junghanns, Julia
Sent: Monday, February 22, 2016 2:43 PM
To: Doucette, Elizabeth
Cc: MacCaughey, Darren
Subject: Health Department information on parcels 047, 048

Hi Beth,

As you requested we have looked into this property and we have the following information for you outlined below. To be more specific in our feedback we would need more specifics on the proposed use for this land.

1. Both parcels are located in a "Nitrogen Sensitive area" as outlined by the Mass Dep and mapped on Town maps by GIS. Parcel 46B-047 .14 acres or 6,098.4 square feet of land area, 46B-048 .11 acres or 4,791.6 square feet of land area, total land area of both parcels is 10,890 square feet. If new construction is considered on these parcels, or at another property where they are looking to use this land for a septic system; 10,000 square feet of land area would be required per bedroom as outlined by State Title 5 Regulations.
2. A Professional Engineer or Registered Sanitarian would need to be hired by the owner to begin the process (1. soil testing/percolation testing application) to design a septic system for review and consideration by the Health Department staff and likely review by the Board of Health. For new construction the Town BoH Regulations would need to be met in addition to meeting the minimum requirements of the State Environmental Code.
3. If this land is considered for nitrogen aggregation credit for another property, then the owner would need to hire a Professional Engineer or Registered Sanitarian to design a septic plan and nitrogen aggregation plan for review by Health Department staff and review/approval by the Board of Health.
4. I am not aware of soil testing or percolation testing being done on either of these parcels, however, typical soils in this area are well drained, deep sands and gravels, likely with percolation rates of less than 2 minutes per inch. To consider this area for a septic system and verify soil types, soil testing and percolation testing would need to be done by a Certified Soil Evaluator on these parcels and Health Department staff would witness the testing. As a note, these parcels appear to be relatively flat.
5. Depending on what is proposed for use of these parcels the Health Department and likely the Board of Health would need to be involved in the decision making process.

Please let me know if you have any questions regarding this information or if I can be of further assistance.

Thanks,
Julia

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

From: Julia Junghanns, Director of Public Health

Hi Beth,

As an addendum to my email from yesterday I found an old Board of Health septic system permit from 1955 with the address of 4 Sycamore Road, although I can find no evidence that anything was ever built at this address and there is no number of bedrooms listed on the form. I am unsure if the reference address of 4 Sycamore was actually assigned to this parcel as referenced in Mike Lowery's email of 10/2/15.

Thanks,

Julia

Julia Junghanns, R.S., C.H.O.

Director of Public Health

Town of Wayland

Health Department

41 Cochituate Road, 01778

From: Chris Brown, Chair Board of Public Works

From: Chris Brown

Sent: Wednesday, March 23, 2016

Hello Beth,

The Board of Public Works voted last night 4-0 that we had no need for this land and no opposition to its sale. HOWEVER, we do have water mains that run under this land and any sale should be subject to an easement to allow DPW to access their water mains if necessary.

Thank you,

Chris Brown

Chair

Board of Public Works

From: Brian Monahan, Conservation Administrator

From: Monahan, Brian

Sent: Tuesday, April 05, 2016 3:22 PM

To: Doucette, Elizabeth

Cc: Sherre Greenbaum; Balmer, Nan

Subject: Parcels Sycamore Road

Beth

The Conservation Commission discussed the two town parcels on Sycamore Road at their meeting of March 31, 2016. In addition two residents also attended the meeting and had comments regarding the land. The Commission has directed me to write a letter, which is pending, noting that they do not think the land should be sold. The Commission also would be happy to accept the responsibility for the properties which would serve as a nice small natural park for the neighborhood with great views of Dudley Pond.


Brian



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

To: Beth Doucette, Procurement Officer

From: Brian J. Monahan, Conservation Administrator 

Re: Land on Sycamore Road – PID 46B-047 and 46B-048

Date: April 13, 2016

The Conservation Commission discussed the request for input regarding the possible sale of land on Sycamore Road – Parcels 47 and 48 shown on Assessor's Map 46B at their meeting of March 31, 2016. The Commission recommends that the town retain the ownership of these two parcels and consider putting them into the care and custody of the Conservation Commission. The following points were discussed:

- These parcels provide a modest open area in a neighborhood that is generally densely developed providing open space to be enjoyed by residents..
- In addition to providing a green space for people, this area is an established habitat for birds and other wildlife.
- The lots have a very nice vista of Dudley Pond and would be an ideal small green to be enjoyed by all residents.
- The Town may, in the future, find that this property would also be useful in addressing drainage and stormwater runoff.
- The Town should consider the impact of development of the parcel on abutting property owners including the addition of impervious surface and resulting runoff, traffic, and increasing the density of the development.
- There may also be a future use of the land should there be a need to address failing onsite septic systems for existing properties in the neighborhood.
- The property is within the Aquifer Protection District thus increased impervious surfaces would need to comply with applicable zoning.
- Residents in the neighborhood attended the Commission's meeting and expressed a strong desire to see it remain as open space.
- Should, in the future, there be a need to address either drainage or improved onsite septic, the lot could still remain as open space to be enjoyed by the residents.

Please contact me if you have any questions regarding this correspondence. Thank you.

Cc: Conservation Commissioners
N. Balmer, Town Administrator
File

From: Nancy Funkhouser, Chair Finance Committee

From: Nancy [<mailto:nancyfunkhouser@verizon.net>]

Sent: Tuesday, March 22, 2016 2:05 PM

To: Doucette, Elizabeth

Subject: Re: Response Requested - DISPOSITION OF TOWN-OWNED PARCELS, MAP 46B PARCELS 47 AND 48 SYCAMORE ROAD

Ellen,

The Fincomm has a bunch of questions abt this land:

How is it currently being used? It is currently open land, though I understand there is a water easement on the property

Who is seeking to acquire it and for what purpose? Is it a resident? Residents, Mike and Karen Lowery, would like to purchase the land to use for septic purposes for their home that abuts the property.

What is the value of the land? An appraisal will be initiated once the required legal research (underway) is complete

How did we acquire ownership of it and when? This is being researched by Town Counsel, however, the information I have been given so far is that parcel 47 was acquired through a probate deed in 1958 and parcel 48 was acquired in 1967,

Why would we consider selling it? The resident requested and we are simply following the Town's policy by taking all the defined steps

What is the purchase price? Unknown at this time

Perhaps we should talk? More efficient? I can be reached any time this week if you would like to discuss

Nancy

Response from Elizabeth Doucette

Hi Nancy,

I have answers to several of your questions, listed below. Others are in progress; I can keep you informed as they are discovered. I can be reached in the office most times this week if you would like to discuss further. Town Counsel is researching the parcels and will confirm the details, some of which you have asked here.

Sincerely,

Elizabeth Doucette, MCPPO
Financial Research / Analyst

From: Aida Gennis, Chair Library Trustee
Beth,

The Board of Library Trustees considered the below request at their last Trustee meeting and have determined that there is no interest, need or use of these parcels by the BoLT. The BoLT did not determine how a sale of this land could impact the Town. The BoLT did not determine whether any restrictions should be imposed on a sale of these parcels.

Best,
--Aida Gennis, Chair, BoLT

From: Toni Moores, Chair Surface Water Quality Committee
Elizabeth,

The SWQC does not have any comments re the disposition of the Town owned parcels in question.

Toni Moores, Chairperson

From: Clifford Lewis, former OPEB Advisory Committee
Elizabeth:

I'm on your list as the Chair of the former Temporary OPEB Advisory Committee. We are no longer active, but we would have no jurisdiction over any property. Cliff

From: Rebecca MacGregor, Wayland Senior Tax Relief Committee

Elizabeth –

I am not aware of any reason for the Wayland Senior Tax Relief Committee to object to this sale.

Of course, we anticipate that the town would be selling it for fair and adequate consideration.

We are also assuming that if the space is a green space or has restrictions on use, that it such restrictions would remain in place.

Since I am not aware of the reason for the sale or the proposed use of the property after the sale, I am unable to comment on its impact.

Rebecca MacGregor

rmacgregor@wcfllp.com | Tel: 781.235.5500 | Fax: 781.235.5577

Wellesley Office Park, 20 William Street | Suite 130, Wellesley, MA 02481

From: Jessica Brodie, Recreation Director

Hi Beth,

I received one comment from my commission on this so far...please see below.
I will send you any other comments I receive.

Thanks,

Jessica Brodie, CPRP

Director

Recreation Department

Town of Wayland

41 Cochituate Road

Wayland, MA 01778

508-358-3662 (phone)

From: Frank Krasin [<mailto:frankkrasin@hotmail.com>]

Sent: Wednesday, March 16, 2016 12:42 PM

To: Brodie, Jessica

Subject: RE: Response Requested - DISPOSITION OF TOWN-OWNED PARCELS, MAP 46B PARCELS 47 AND 48 SYCAMORE ROAD

Jess , I am strongly opposed to the sale of this land . I saw this land and
it was very obvious that this is a congested area so I want this land not to be
sold but keep as open space to minimize any further congestion .

frank k.

From: Dennis Berry, Moderator

Dear Ms. Doucette,

While I don't consider myself a board or committee since I am a singular officeholder,
nevertheless I appreciate that you are taking the conservative route and notifying anyone who
might fit into that role.

Insofar as the use of this land is concerned, and speaking as the Moderator, I have no interest in
any future use of the parcel.

Thank you for your inquiry, I hope this response was helpful.

Very truly yours,

Dennis Berry
Moderator

From: Julie Secord, Director Council on Aging

Will the purchase of those town owned parcels then eliminate a “non-conforming lot” restriction on the existing owner(s) who wish to use the added land for their septic? If so, the town parcel has greater value it would seem ...but that’s my two cents ...out of my area of expertise. I will ask Board Chair to submit concern/interest statement in writing. My question re: conversion of a non-conforming and increased value of their individual parcels has nothing to do with my position as COA Directorjust a curious resident who wants to make sure the Town isn’t giving anything away.

Response from Elizabeth Doucette

From: Doucette, Elizabeth

Sent: Tuesday, March 15, 2016 10:32 AM

To: Secord, Julie

Subject: RE: Response Requested - DISPOSITION OF TOWN-OWNED PARCELS, MAP 46B PARCELS 47 AND 48 SYCAMORE ROAD

Their intent is to use the land for septic for their abutting property.

Resident Responses

From: Mitch Brody [<mailto:mitchbrody@gmail.com>]
Sent: Thursday, April 14, 2016 2:44 PM
To: Balmer, Nan
Subject: Sycamore and other town parcels in the area

Hi Nan,

It was very nice meeting you earlier today to briefly discuss the general process around town land sales, and specifically parcels 46B-048 and 46B-047 on Sycamore Rd. I have some quick follow-up questions, so please let me know if this is something that you would handle or if there is someone else I should be following up with.

I own and live at 3 Chestnut Rd, which directly abuts both of those Sycamore lots in question, so I was surprised that I was not notified by the town of a potential sale being considered. I understand there were apparently notification letters sent out by a former town administrator a number of years ago, but I just bought my house in December 2014, so I have not seen them. Would it be possible to get a copy of any prior notifications that were sent to abutters? My understanding is that there was at least one letter that went out on or around September 28, 2008 from Mr. Turkington. I'd just like to understand what was in the letter(s) and which town parcels are in scope, as there is another smaller town parcel (46B-068) that abuts the opposite side of my property as well.

I just want to ensure I fully understand all potential town land sales that abut my property and have an equal opportunity as the other abutters to provide input and/or express interest.

I realize this is a very small item in your overall workload, and I greatly appreciate any further information you can provide.

Thanks,
Mitch Brody
3 Chestnut Rd., Wayland, MA 01778
508-651-0215

From: Alice Boelter

Greetings, Nan and Ms. Doucette-

In advance of the Conservation Commission meeting on March 31, I sent the message shown below to Sherre Greenbaum, Chair. I don't know if you have a copy of this letter in your Sycamore Rd. parcels file, so I'm sending it to you now while the Town makes a decision on how to handle the parcels. I truly hope that the Conservation Commission's stated preference for the Town to retain the property will be honored. Should you have any questions about my letter I am happy to respond. Many thanks.

Alice Boelter

508.650.3592

106 Lake Shore Dr.

Wayland, MA 01778

March 31, 2016

From: Alice Boelter

Sherre Greenbaum, Chair

Town of Wayland Conservation Commission

41 Cochituate Rd.

Wayland, MA 01778

Re: Town-owned Vacant Parcels (2) on Sycamore Rd.

Dear Ms. Greenbaum;

I write in support of the request from Hawthorne Rd. resident, Judy Bennett, for two parcels on Sycamore Rd. to remain in Town ownership in spite of a recent request that they be made available for purchase. Our neighborhood is densely populated with very small lots. While that may have been manageable when houses were simple "summer cottages" in days of old, today is different. There is little space to accommodate replacements for failed cesspools or for parking spaces needed for additional house construction for year round use. Any remaining open space in the area is treasured for its natural beauty and the restorative sounds of the birds which frequent it.

Given a schedule conflict this evening, I cannot attend your meeting when you will be discussing this matter. I hope you will share with others on the Commission my plea to retain these parcels in Town ownership. Thank you for your attention to this matter.

Sincerely,

Alice Boelter

508.650.3592

From: James Thompson

We are writing to express our concern with any plans that might allow the sale or transfer of the above lots, for development purposes and/or any future structures. As long time residents of this neighborhood and in line with our many small lots and the proximity of so many dwellings, we request that these lots remain as open space, with the exception to allow and support a "community septic field", if and when needed.

These lots, while small in nature, are important to the environment of Chestnut and Sycamore Road and have for years defined this neighborhood. When we first moved here, in 1975, our Town took little interest in these lots, yet we personally spent many hours and days cleaning up what were once "junk and scrap yards", which in itself strongly promoted the re-growth of many trees and plants. In fact, just last week, I spent close to 2 hours cutting down invasive vines, pulling weeds, picking up broken glass and sorting through older fallen trees. We all want to continue to take pride in our neighborhood and enjoy the small amount of openness that we still have.

Please respect our neighbors and neighborhoods wish.

THANK YOU

JIM AND LINDA THOMPSON, 22 SYCAMORE ROAD (508) 653-5454

106 Lake Shore Dr.
Wayland, MA 01778
March 31, 2016

From: Judy Bennett [mailto:jb1020@gmail.com]

Sent: Thursday, April 14, 2016 9:55 AM

To: Monahan, Brian; Balmer, Nan; Mitch Brody

Subject: Sycamore road parcels

Hi Brian and Nan,

Attached is the signature sheet fro the March 31 Con Com meeting showing broad support from the abutters and nearby neighbors to the Sycamore Road parcels to keep this as town owned land.

Mitch and I hope to stop in shortly and catch a minute to talk to you.

Can you share with us the process that needs to happen on this?

Thanks

Judy

Sycamore Road Parcels 46B-47 & 46B-48



I support the town keeping Sycamore Road Parcels 46B-47 & 46B-48 for open space or other town use.

Name

Address

Date

Steve Boyard

12 Richard Rd Weyland

3/25/16

Jim Smith

64 Hawthorne rd

3/28/16

Judy Bennett

66 Hawthorne Rd

3-31-16

Margaret Cardenas

16 Richard Rd

3/31/16

Mitchell Brady

7 Chestnut Rd

3/31/16

Trish Karpal

3 Chestnut Rd

3/31/16

Kathy Randall

67 Hawthorne Road

3-31-16

Helen J. Anoville

108 Loffe St. Olive

3/31-16

From: judy bennett [<mailto:jb1020@gmail.com>]
Sent: Friday, March 18, 2016 12:31 PM
To: Sherre Greenbaum; Monahan, Brian; Balmer, Nan
Subject: Sycamore Road Parcels 46B-048 and 46B-047

Hi Sherre,

You likely received an email from Elizabeth Doucette on March 15th, notifying town agencies of a request to purchase two, adjacent town-owned parcels on Sycamore Road, parcels 46B-048 and 46B-047 and requesting that agencies indicate any interest in retaining these parcels for a designated purpose by March 28th.

This 12,000 SF of land is just a short distance from Dudley Pond (less than 200'). See the attachment titled 1. Sycamore Road Parcel Map & Photos. It is in the middle of a beech wood forest, a very unique and quickly vanishing feature here, as neighbors cut down their trees to install solar panels. While the 125 year old beech tree on this land was removed at the end of 2015 because of decay, there still are several others supporting wildlife on these parcels as well as a dead tree we fondly call the bird condo. Pileated woodpeckers and their friends have enjoyed this tree for several years.

These parcels have been a refuge for local and migrating birds for decades. These include cardinals, blue jays, flickers, red tailed and sharp-shinned hawks, kestrels, chickadees, junco's, doves, downy and hairy woodpeckers, pileated and red headed woodpeckers, wrens, sparrows, grackles, red-wing blackbirds, starlings, hummingbirds, gold finches, nuthatches, titmouse, screech and barred owls, robins and crows. Selling these parcels puts all of this at risk.

In addition to birds, possums, rabbits, raccoons, skunks, squirrels, moles, mice, and chipmunks all call this land their home. Brush piles and now a wood log pile provide great habitat for many species. It has had indigenous plants for the most part, but the mechanical equipment used to allow access for the bucket truck to remove the giant beech tree wiped out some of this. The earth disturbance provides an opportunity to plant milkweed and other native plants to encourage monarch butterflies and other struggling species.

I urge the Commission to advise Elizabeth Doucette that you would like more time to consider this request as you intend to evaluate the land's open space resource value to the Town as a whole. Further, the open space with its 100% permeable surface minimizes runoff to Dudley Pond and protects the aquifer/town wells and our drinking water supply. In addition, these parcels, situated in a densely populated neighborhood within close proximity to Dudley Pond provide a resource which the Town may want to consider for it's value as open space and/or a subsurface community wastewater system such as that anticipated for Dudley Woods.

Judy

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