

PACKET

JUNE 27

2016



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, June 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.

- 6:30 pm 1.) Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association;
- And Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Executive Session Minutes of June 13, 2016, Pertaining to the Above Subjects, because a Public Discussion of Collective Bargaining will have a Detrimental Effect on the Bargaining or Negotiating Position of the Town
- 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.) Interviews and Potential Vote to Appoint to Boards and Committees
1. Personnel Board
 - Jessica Green
 2. Zoning Board of Appeals
 - Jason Drori
 - Adam Hirsh
 - Argiro Shapiro (Associate Member)
 - Thomas W. White
 3. Finance Committee (two more interviews on July 13)
 - Klaus Shigley
 - Gil Wolin

BOARD OF SELECTMEN
Monday, June 27, 2016
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Proposed Agenda Page Two

- 8:10 pm 5.) Review Special Town Meeting Articles
- Petition the State Legislature to Adopt Special Act for Other Employment Benefits Trust Funds and Repeal Existing OPEB Trust Fund Special Act
 - Town Meeting Consent Calendar
 - Petition the State Legislature to Remove All Police Personnel from the Provisions of Civil Service Without Affecting the Civil Service Rights of Incumbents
 - Preservation of Historically Significant Buildings Through Demolition Delay
- 8:30 pm 6.) Update on Mainstone From Chairs of Community Preservation Committee and Conservation Commission; Vote Intent to Approve Conservation Restriction for Mainstone; Discuss Special Town Meeting Article to Authorize Application for Land Grant and Authorize Chief Executive Officer to Execute all Required Application Documents
- 8:50 pm 7.) Review and Vote to Approve Minutes of June 13, 2016, and Vote to Release Redacted Executive Session Minutes of June 13, 2016
- 9:00 pm 8.) Meet with Town Moderator; Annual Town Meeting Follow-up
- 9:20 pm 9.) Review and Approve Consent Calendar (See Separate Sheet)
- 9:25 pm 10.) Review Correspondence (See Separate Index Sheet)
- 9:35 pm 11.) Report of the Town Administrator
- 9:45 pm 12.) Selectmen's Reports and Concerns
- 9:55 pm 13.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:00 pm 14.) Adjourn

4) APPOINTMENTS

DATE: JUNE 24, 2016

TO: BOARD OF SELECTMEN

RE: APPOINTMENTS TO POSITIONS ON PERSONNEL BOARD, ZONING BOARD OF APPEALS, AND FINANCE COMMITTEE

REQUESTED ACTION, PERSONNEL BOARD:

Interview and potentially vote to reappoint Jessica Green to the Personnel Board. (She will join the meeting via telephone.)

VOTE: TO REAPPOINT JESSICA GREEN TO THE PERSONNEL BOARD EFFECTIVE JULY 1, 2016, FOR A FIVE-YEAR TERM TO EXPIRE ON JUNE 30, 2021.

REQUESTED ACTION, ZONING BOARD OF APPEALS

There is one opening for a full member of the Zoning Board of Appeals due to the end of the current term for Thomas White, and one opening for an Associate member due to the end of the current term for Argiro Shapiro. Thomas White and Argiro Shapiro are interviewing for reappointment, and Jason Drori and Adam Hirsh are interviewing as new applicants.

VOTE: TO APPOINT _____ TO THE ZONING BOARD OF APPEALS, EFFECTIVE JULY 1, 2016, FOR A THREE-YEAR TERM TO EXPIRE ON JUNE 30, 2019.

VOTE: TO APPOINT _____ AS AN ASSOCIATE MEMBER OF THE ZONING BOARD OF APPEALS, EFFECTIVE JULY 1, 2016, FOR A THREE-YEAR TERM TO EXPIRE ON JUNE 30, 2019.

REQUESTED ACTION, FINANCE COMMITTEE

There are two openings on the Finance Committee: one is due to the end of the current term for Gil Wolin, who is seeking reappointment, and one is due to the resignation of Bill Steinberg. On June 27, Gil Wolin will interview for reappointment, and Klaus Shigley will interview as a new applicant. No action will be taken tonight, as there are two additional new applicants (Jen Gorke and George Uveges) who will interview at the meeting of July 13, 2016.

Attached: Résumé from Jason Drori
Résumé from Adam Hirsh
Résumé from Klaus Shigley

Jason L. Drori

25 Covered Bridge Lane | Wayland, MA 01778 | 617.943.2760 | jason.drori@gmail.com

EXPERIENCE

FOLEY & LARDNER LLP, Boston, MA

Senior Counsel, Life Sciences Industry Team, August 2015-present

Lead litigation team and concentrate practice on the legal needs, business challenges, and regulatory pressures of the life sciences sector, particularly pharmaceuticals. Represent pharmaceutical companies and other drug industry stakeholders in commercial disputes as well as investigations and enforcement actions by the Department of Justice, federal regulatory agencies, and State Attorneys General. Possess substantial, first-hand experience handling every stage of litigation, from pre-suit negotiations and preliminary case assessment to discovery, motions practice, alternative dispute resolution, trial planning and presentation, and appeal.

Representative Matters:

- National counsel for a \$13 billion pharmaceutical company in well-publicized lawsuits alleging fraud in the marketing of opioids (prescription painkillers) to prescribers and patients.
- National counsel for multiple drug manufacturers in years-long, multi-state litigation involving claims of industry-wide fraud in the pricing of prescription drugs.
- Represent generic drug company in multiple federal investigations involving pharmaceutical price reporting practices.
- National counsel for multiple drug manufacturers in years-long, multi-state litigation involving claims of industry-wide fraud in the pricing of prescription drugs.
- Defend brand and generic drug manufacturers in Medicaid fraud lawsuit alleging misrepresentation of federal approval status for drug and nondrug products.
- Defend a distributor of prescription and OTC drugs in "pill mill" litigation filed in response to alleged statewide prescription drug epidemic.
- Defend drug manufacturer in action alleging fraudulent marketing of testosterone replacement therapy drug in violation of RICO Act and New Jersey consumer protection and insurance fraud statutes.

K&L GATES LLP, Boston, MA

Partner, Commercial Disputes Group, February-August 2015

Litigated complex, high-profile cases involving claims of health care fraud, regulatory noncompliance, off-label drug promotion, drug misbranding and unbranded marketing, False Claims Act violations, and unfair competition.

Litigation Associate, Commercial Disputes Group, July 2011-February 2015

Representative Matters:

- Represented billion-dollar drug manufacturer in arbitration involving alleged breach of contract for the manufacture and sale of popular acid reflux medication.
- Advised generic drug maker in connection with the settlement of claims of breach of multimillion dollar contract manufacturing agreement for ophthalmic suspension medication.

SHERIN AND LODGEN LLP, Boston, MA

Associate, March 2008-July 2011

Represented healthcare and life sciences clients in commercial disputes and government investigations and enforcement actions.

SUFFOLK UNIVERSITY LAW SCHOOL, Boston, MA

Adjunct Faculty Member (Trial Advocacy), 2005-May 2011

Instructed law students on rules of evidence and oral advocacy, including pretrial motions, trial planning, and courtroom presentation.

BOYLE, MORRISSEY & CAMPO, P.C., Boston, MA

Associate, September 2006-March 2008

Advised insurance carriers in coverage disputes as well as product liability and professional malpractice lawsuits.

HON. CHRISTINE E. KELLER, CONNECTICUT SUPERIOR COURT, Hartford, CT

Judicial Law Clerk, Fall 2005-Summer 2006

EDUCATION

SUFFOLK UNIVERSITY LAW SCHOOL, Boston, MA

J.D., *with honors*, Macaronis Civil Litigation Concentration, May 2005

UNIVERSITY OF PUGET SOUND, Tacoma, WA

B.A., *with departmental honors*, Politics & Government/English, June 2002

BAR ADMISSIONS

- Admitted to practice in Connecticut, Massachusetts, Washington, and before the United States Supreme Court, First Circuit Court of Appeals, and the Districts of Connecticut and Massachusetts.

SELECT PUBLICATIONS

- "Four Distinct Federal and State Policies Addressing Prescription Opioid Abuse," Health Care Law Today (March 29, 2016)
- "CMS Proposed Rule Reduces Drug Payments & Requires Implementation of Value-Based Purchasing Tools," Health Care Law Today (March 14, 2016)
- "Amarin Pharma Settles First Amendment Claims Against FDA: Potential Implications," Health Care Law Today (March 9, 2016)
- "FDA Unveils Action Plan to Combat Opioid Abuse," Health Care Law Today (February 10, 2016)
- "CMS Finalizes Long-Awaited Covered Outpatient Drug Rule," Health Care Law Today (February 8, 2016)
- "New FDA Rule on Drug Labeling May Mean Increased Exposure and an Uncertain Path for Generic Pharmaceutical Manufacturers," Defense Counsel Journal (July 2014)
- "Proposed FDA Rule on Drug Labeling May Mean Increased Exposure and an Uncertain Path," For the Defense (June 2014)
- "New FDA Rule on Drug Labeling May Mean Increased Exposure and an Uncertain Path for Generic Pharmaceutical Manufacturers," IADC Committee Newsletter, Products Liability, Second Edition (March 2014)
- "Jumping on the FCA Bandwagon: DOJ Sues Lance Armstrong," Corporate Integrity, Volume 7, Issue 1 (June 2013)
- "Answering When the Government Comes Calling," Massachusetts Medical Law Report (December 2011)
- "U.S. Supreme Court Applies FCA Public Disclosure Bar to Information Obtained From Public Agencies in Response to FOIA Requests," DRI Today – The Court Reporter (May 17, 2011)
- "Supreme Court to Rule Whether FOIA Response Triggers False Claims Act's Jurisdictional Bar," DRI Today-The Court Reporter (April 4, 2011)
- "Class War and The Women of Wal-Mart," Law360 (April 1, 2011)
- "The Powerful Lesson of the GSK/Whistleblower Case," BioPharm International, vol. 24, p. 66 (February 2011)

PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS

- International Association of Defense Counsel, Drug Device and Biotechnology Committee
- American Health Lawyers Association, Life Sciences Practice Group
- Food and Drug Law Institute
- Federal Bar Association, Health Law Committee
- Red Barn Nursery School, Weston, MA, Board of Directors (2015-2016)

Why I'm interested in the position:

As talked about my fiance and I purchased our house June 2014 and I feel that it's my duty to be more active in the community. I feel that the Zoning Board of Appeals would be the ideal position for me as I have a lot of experience in ensuring that quality standards are held to the high standards.

Why this position:

The reason why I chose this position was due to my background with regulation adherence. I have been working in a highly regulated industry (Biotech) for the past 5+ years. I have been a part of the Biotech Advisory Board for Middlesex Community College for the past 4+ years (since then the program has received the gold standard award multiple times throughout that time frame). My Degree of study from BU is in Clinical Research and Regulatory Business Studies and I'm currently work on a Quality Assurance Team which requires the highest standards are met daily. For someone who doesn't know what a Quality Assurance group does at a company, we ensure that the strict guidelines and regulations set forth by the FDA are reviewed and adherence to those regulations are completed by the company. If an out of tolerance was found, the Quality Group is also responsible for fixing that issue to bring that into tolerance. This is often completed but not limited to: auditing both internally and from government agencies (FDA...), providing guidance to upper management on long term action requirements, provide training to personal on how to complete required actions, and creating the best corrective and preventative actions.

If given the chance, my ability to assess regulations and provide proper guidance to ensure proper adherence to regulations as well as already having board experience with the Middlesex Community College Biotech Advisory Board would make me a positive addition and asset to the Zoning Board of Appeals of Wayland.

Please let me know what the next steps are to continue this process and thank you for your consideration.

Thank you,

Adam Hirsh

Adam J. Hirsh

33 Sunset Rd Wayland, Ma 01778
(774) 217-3389
ahirsh0228@yahoo.com

Summary: Dynamic and self-motivated performer with over 4 years of experience in the biotechnology field offering a wide spread industry knowledge and experience in manufacturing, quality, and compliance. I'm looking for a permanent position that will provide professional growth opportunities within a team atmosphere.

EMPLOYMENT:

Agenus, Lexington, Ma
Quality Assurance Specialist

Mar 2016 – Present

- Quality Systems Tracking
- Batch Review & Release
- MFG Document Review
- Quality Systems Trending
- Vendor Questionnaires
- Multi-Site integration

Foliage, Burlington, Ma
Quality Assurance Associate

Jan 2016 – Mar 2016

- Internal auditing
- Class 1, 2, and 3 medical device auditing
- Continuous ISO regulations implementation project
- Training development and implementation

Biogen, Cambridge, Ma
Compliance Manufacturing Support Associate I

Jun 2012 – Nov 2015

- Revises Standard Operating Procedures (SOPs) and maintains site procedure manuals
- Collaborates cross-functionally to ensure timely closure of Remedial Action Reports (RARs) and work orders
- Reviews documentation for accuracy and adherence to quality and compliance
- Performs root cause analysis, impact assessments, and initiates CAPAs related to environmental excursions, instruments out of tolerance, and deviations.
- Performs weekly walkthroughs of the manufacturing areas to identify compliance gaps and opportunities for continuous improvement
- Assesses impact of changes and shares best practices through collaboration with departments across all Biogen sites.
- Represents MFG compliance and presents metrics at routine senior leadership meetings
- Investigates remedial actions and environmental excursions
- Implements continuous improvement initiatives
- Supports the tech transfer process and work in partnership with cross-functional groups
- Safety Committee Board member and sub team leader; since 2012
- Operational Excellence Training (Green Belt Certificate and National Bronze LEAN Certification Training)

Kelly Scientific (Shire), Cambridge, Ma
Manufacturing Technician I

Nov '11 – May '12

- Maintained training proficiencies, ensuring training compliance
- Proficient in bioreactor operations, roller bottle cell culture, batch documentation and aseptic process techniques
- Evaluated documentation for accuracy and cGMP
- Cross trained in ultrafiltration, chromatography operations and batch sampling
- Conducted splits and aseptic operations within class 100 areas
- Provided assistance with deviation investigation and CAPA implementation

Adam J. Hirsh

33 Sunset Rd Wayland, Ma 01778
(774) 217-3389
ahirsh0228@yahoo.com

RELEVANT SKILLS AND KNOWLEDGE:

- Media Preparation
- Cell Thawing and Freezing
- Trypsinization of Cells
- Q.C. and cGMP Regulations for Practical Usage
- Cells Used: 1-A3, WI-38, HELA, CHO, MEFS,
- Embryotic Stem Cells
- pH Titration, Molarity, Normality
- SDS/PAGE, Western Blot Transfer, HPLC
- Harvesting Chromosomes
- Hemacytometers, Cell Count / Viability
- ELISA Technique

COMPUTER SKILLS:

- MyCIMS
- ISOTrain
- eDocs
- EAM (infor10)
- TrackWise
- Train Caster
- LIMS (LabWare)
- Microsoft Office
- Photo Shop
- Craft
- GIMP
- Delta V
- PI ProcessBook
- Bridge
- Calibration Manager

EDUCATION:

- **Boston University (BU):** BS in Clinical Research & Regulatory Business Studies 2016
- **Middlesex Community College:** AS in Biotechnology (Honors) 2013
- **Middlesex Community College:** Biotechnology Certificate (Honors) 2011

AWARDS AND ACCOMPLISHMENTS:

- Middlesex L.E.A.D.S. Program
- Middlesex PDA Club Member
- Middlesex Advisory Board Member Since 2012
- OEX Bronze Lean Certification Candidate
- PDA Member
- Business Award recipient from Holliston High School
- Jewish Big Brother Big Sisters Volunteer

FINANCE:
SHIGLEY

Dear Ms. Balmer,

I would like to be considered for an appointment to the Wayland Finance Committee.

I am attaching a resume. This resume deals solely with my working career. So for this purpose I would like to add the following:

- My wife Linda and I are long term residents of Wayland. We have enjoyed living here for roughly 40 years.
- Our two children were born and raised here, they matriculated through the Wayland Public School system, and they're both highly successful adults.
- I am fully retired but I've often thought about doing volunteer work. So when this opening on the Finance Committee came up, I thought this was an opportunity that I could enjoy and where I could add some value.

I would appreciate your forwarding this application, as necessary.

Sincerely,

Klaus Shigley

KLAUS O. SHIGLEY
20 White Road, Wayland, MA 01778
(h) 508-358-4229 • kshigley@verizon.net

PROFILE

Top insurance-financial services actuarial executive with two decades of unbroken success in enterprise-level risk management, financial/regulatory reporting, product development and pricing leadership positions.

- Strong track record in financial analysis and reporting that maintained and enhanced company stature with insurance regulators, rating agencies, auditors, as well as Wall Street analysts.
- Risk and asset liability management expert at the corporate level and across a wide range of insurance and investment business lines.
- Product development and pricing pioneer of many retail and institutional insurance and investment products – often sophisticated, risk and ratings-challenged – in highly competitive markets.
- Integral role in Manulife merger, including reconciliation of financial statements, reserves, balance sheets for all Hancock business units; as well as decisions on merging functions and personnel.
- Collaborative, respected leader of high-achieving management teams through IPO and merger changes.

PROFESSIONAL EXPERIENCE

JOHN HANCOCK FINANCIAL SERVICES, Boston, MA

1970-2005

The primary United States insurance and wealth management unit of Canadian financial services leader Manulife Financial Corporation. Hancock unit has \$142 million in managed assets; revenues of \$10 billion.

Senior Vice President and Corporate Actuary (2003-2005)

Key corporate and statutory position, working closely with Chief Financial Officer. Responsible for ensuring the company's financial soundness through testing and certifying its reserves, overseeing product pricing, helping set financial reporting practices, and coordinating all divisions' actuarial work.

- Built unblemished compliance record with state regulators for accurate and transparent filings on company's annual statement, reserves and sufficiency of assets to cover liabilities
- Adroitly managed difficult contingencies in determining and certifying company's liabilities for financial reporting in the post-merger environment.
- Played major role in company's financial and products platform transition from an independent, public company to wholly owned subsidiary, and post-merger coordination with new parent Manulife.
- Skillfully managed tax and capital planning and Return on Equity, increasingly important as a public company, through offshore transfer of liabilities as manager of Hancock's Reinsurance Department.

Vice President of Risk Management, Guaranteed and Structured Financial Products (1994-2003)

Chosen to head risk management in key division offering fixed-return, spread-lending products to qualified and non-qualified corporate buyers (including Guaranteed Investment Contracts, funding agreements, and single-premium annuities), as well as wrapped separate account products for Stable Value Funds.

- Played major role in product development, pricing, and asset liability management for state-of-the-art spread-lending portfolio, a complicated product line with tricky profitability, rating agency challenges.
- Helped drive division's assets managed from \$5 to \$25 billion; annual sales from \$2 to \$5 billion; profitable growth with good Return on Equity.
- Played central role in Hancock's pioneering development of funding agreements and direct access notes offered through broker-dealers, growing division earnings as traditional markets declined.
- Maintained Hancock's excellent reputation as liaison with rating agencies through solid implementation of risk management processes, success of a product line they generally did not favor.
- Represented division at investment analyst meetings; presented funding agreements in road show for European investors; successfully led Sarbanes-Oxley implementation for divisional departments.

JOHN HANCOCK FINANCIAL SERVICES, continued

Vice President, Retail Life Insurance Product Development (1988-1993)

Promoted into company's highest-profile division to direct product design, pricing and compliance for the company's "bread and butter" consumer life insurance business.

- Developed successful variable and universal life products in their earliest stages in the industry.
- Helped create company's first "joint and survivor policy," a highly lucrative product whose spousal estate planning advantages propelled it to a 25 percent share of Hancock's life insurance sales.
- Developed proprietary products to meet the high standards of the M Group, which won Hancock a larger share of "shelf space" through that third-party distribution channel.

Vice President (1984-1987), 2nd Vice President, Group Pension Product Development (1984-1987)

Headed development of pension and investment products for the institutional market.

- Developed successful Guaranteed Investment Contracts and Single-Premium Annuities by adeptly managing asset liability risks to offer long-term rate guarantees in volatile interest market.
- Helped build sales from \$250 million to \$1.2 billion in part through adroit pricing in a highly sophisticated and competitive market.
- Played key role in developing an interdisciplinary process to manage asset liabilities in the wake of rapidly rising interest rates, that was adopted by multiple Hancock business units.

Various actuarial roles, from Assistant to General Director (1970-1983)

Pricing, product development, cost consulting assignments in Group Life and Health, Group Pension divisions.

EDUCATION

M.A., Mathematics, University of Massachusetts, Amherst, MA (1970)

B.A., Mathematics, University of California at Berkeley (1967)

AFFILIATIONS AND HONORS

- Designations as Fellow of the Society of Actuaries (FSA), Chartered Life Underwriter (CLU), Enrolled Actuary (EA), Chartered Financial Analyst (CFA)
- Board member (Compensation Committee), Independent Investment Associates (Hancock subsidiary)
- Board member, John Hancock Reinsurance Corporation Bermuda (Hancock subsidiary)
- Member, Hancock 401K Investment Committee (selecting investments, investment managers)
- Director, Executive Committee member, Stable Value Investment Association
- Associate Editor, *North American Actuarial Journal*
- L. Ronald Hill Memorial Prize winner (1995) for "The Pension Max Election, in the Society of Actuaries' *Transactions* publication, dissecting the purported benefits of an industry employee annuity product
- Frequent speaker/moderator at semi-annual Stable Value Conferences
- Advisory Committee, Bentley College Continuing Education Division (1980-1995)
- Society of Actuaries: Chairman, Committee on Papers, *Transaction* publication; elected member, Investment Section Council; elected member, Product Development Section Council
- President, Boston Actuaries Club
- Member, Boston Securities Analysts Society

DATE: JUNE 27, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: SPECIAL TOWN MEETING ARTICLES

ATTACHED ARE ARTICLES WITHDRAWN FROM 2016 ATM WARRANT AND PRESENTED FOR CONSIDERATION FOR 2016 FALL STM:

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

Prior to its dissolution the OPEB Advisory Committee recommended a change to the town's OPEB Special Act in order to create a legal trust governed by a volunteer, local Board of Trustees.

There have been two new developments since the Selectmen received the OPEB Committee recommendation:

- 1) The Selectmen voted to transfer OPEB funds to a state trust (PRIT: Pension Reserve Investment Trust).
- 2) Pending state legislation would allow towns a local option to create a legal OPEB Trust rather than require a Special Act.

Town Counsel will be at the meeting to review approaches to drafting special legislation if the Board decides a locally controlled OPEB trust is advisable.

2. Town Meeting Consent Calendar
3. Petition the State Legislature to Remove All Police Personnel from the Provisions of Civil Service Without Affecting the Civil Service Rights of Incumbents
4. Preservation of Historically Significant Buildings Through Demolition Delay (Withdrawn)
(The Chair of the Historic Commission requests to defer consideration until 2017 ATM since the committee needs additional membership)

PROPOSED ARTICLE FOR 2016 ANNUAL TOWN MEETING

ARTICLE: PETITION THE STATE LEGISLATURE TO ADOPT SPECIAL ACT FOR OTHER EMPLOYMENT BENEFITS TRUST FUNDS AND REPEAL EXISTING OPEB TRUST FUND SPECIAL ACT

Sponsored by: Board of Selectmen

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

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

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

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

"GASB", the Governmental Accounting Standards Board.

"Health Care Security Trust board of trustees", the board of trustees established by section 4 of chapter 290 of the Massachusetts General Laws.

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

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

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

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

Section 2. Establishment and Management of OPEB Fund. The Town of Wayland shall establish and continue on its books and accounts the Other Post-Employment Benefits Liability Trust Fund, the assets of which shall be held solely to meet the current and future liabilities of the Town for group health insurance benefits and other post-employment benefits for retirees and their dependents. The town may appropriate amounts to be credited to the fund and the Town Treasurer, with the approval of the Board of Selectmen, may accept gifts, grants and other contributions to the fund. The fund

shall be an expendable trust subject to appropriation and shall be managed by a trustee or a board of trustees as provided in subsection (b). Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that the Town receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be dedicated to and become part of the fund by vote of the town at a town meeting. All monies held in the fund shall be accounted for separately from other funds of the town and shall not be subject to the claims of any general creditor of the town.

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

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

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

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

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

(e) Monies in the OPEB Fund not required for expenditures or anticipated expenditures within the investment period, shall be invested and reinvested by the custodian as directed by the investing authority from time to time; provided such investment is made in accordance with (i) section 54 of chapter 44 of

the Massachusetts General Laws, in the case of the Town Treasurer or OPEB Fund board of trustees as investing authority, unless the Board of Selectmen, upon recommendation by the Town Administrator, authorizes investment under the prudent investor rule established in chapter 203C of the Massachusetts General Laws; or (ii) section 4 of chapter 29D and section 24 of chapter 32A of the Massachusetts General Laws, if the OPEB Fund is invested in the State Retiree Benefits Trust Fund.

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

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

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

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

ARTICLE FOR 2011 ANNUAL TOWN MEETING

SPONSOR: BOARD OF SELECTMEN

DATE RECEIVED:

CONTACT PERSON Frederic E. Turkington, Jr.

TELEPHONE: 508-358-3620

BOARD VOTE:

DATE OF VOTE:

TITLE: ADOPT CONSENT CALENDAR BYLAW

TEXT: To determine whether the Town will vote to amend the Code of the Town of Wayland by adding the following new paragraph to § 36-9 thereof:

“If the Board of Selectmen shall designate one or more articles in the Warrant by asterisk or otherwise to be voted and disposed of as part of a “consent calendar”, the Moderator shall announce the number of each of the articles that have been designated by the Selectmen for collective disposition as part of the “consent calendar” to the voters in the town meeting assembled upon the disposition of the article immediately preceding the first of the articles in the Warrant so designated. The Moderator will then ask if anyone objects to the inclusion of one or more of the articles so designated in the “consent calendar”. If ten or more voters shall respond by objecting to the inclusion of one or more of such articles, those articles will be removed from the “consent calendar” and will be debated, voted and disposed of in the usual manner. The Moderator will then announce the number of each article that shall remain in the “consent calendar”. There will be no motion, second or debate allowed relative to such remaining articles. The Moderator will then ask all of the voters who wish to vote in favor of the article(s) remaining in the “consent calendar” to say, “Aye” and those, who are opposed to the article to say “No” according to the procedure set forth in the Moderator’s Rules and Regulations Governing Wayland’s Town Meetings or, if no such rules are in effect, in accordance with customary parliamentary procedure. The Moderator will then declare the vote upon the article(s) in the “consent calendar” and declare that each of those articles have been duly disposed of.

PROPOSED ARTICLE FOR 2016 ANNUAL TOWN MEETING

ARTICLE: PETITION THE STATE LEGISLATURE TO REMOVE ALL POLICE PERSONNEL FROM THE PROVISIONS OF CIVIL SERVICE WITHOUT AFFECTING THE CIVIL SERVICE RIGHTS OF INCUMBENTS

Sponsored by: Board of Selectmen

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

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

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

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

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

PROPOSED ARTICLE FOR 2016 ANNUAL TOWN MEETING

ARTICLE: PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS THROUGH DEMOLITION DELAY

Sponsored by: Historical Commission

To determine whether the Town will vote to amend the General Bylaws of the Town of Wayland to include:

PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS THROUGH DEMOLITION DELAY

SECTION 1 INTENT AND PURPOSE

This by-law is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, residents of the town are alerted to impending demolitions of significant buildings and owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw. This bylaw applies only to the exteriors of buildings and structures.

SECTION 2 DEFINITIONS

APPLICANT-Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION-An application for the demolition of a building.

BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

COMMISSION - The Wayland Historical Commission or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT - The building permit issued by the Building Commissioner for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.

SIGNIFICANT BUILDING - Any building within the town which is in whole or in part one hundred or more years old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

SECTION 3 PROCEDURE

No demolition permit for a building which is in whole or in part one hundred or more years old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.

An applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address, e-mail address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

The Building Commissioner shall within seven days forward a copy of the application to the Commission. The Commission shall within twenty-one days after receipt of the application, make a written determination of whether the building is significant.

Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time.

If the Commission does not notify the Building Commissioner within twenty-one days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven days prior to the date of said hearing and the applicant and the building inspector and abutters within 200 feet shall be notified in writing of the meeting time and place.

The Commission shall decide at the public hearing or within fourteen days after the public hearing whether the building should be preferably preserved or if agreed to in writing by the applicant, the determination of the Commission may be postponed.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No more than seventy-five days shall transpire from submittal of application to determination of preferably preserved. No demolition permit may then be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within fourteen days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that a building is preferably preserved, no building permit for new construction or alterations to the subject building shall be issued for a period of twelve months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the twelve months if the Commission notifies the Building Commissioner in

writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.
Following the twelve month delay period, the Building Commissioner may issue the demolition permit.

SECTION 4 ADMINISTRATION

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

SECTION 5 EMERGENCY DEMOLITION

If after an inspection, the Building Commissioner finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an emergency demolition permit to the owner of the building. The Building Commissioner shall then prepare a report documenting the condition of the building and the basis for his decision which shall be forwarded to the Commission within fourteen days.

SECTION 6 ENFORCEMENT AND REMEDIES

The Building Commissioner is specifically authorized to institute any and all actions and proceedings, in law or equity, as it may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent an imminent violation thereof.

Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of five years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

SECTION 7 SEVERABILITY

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

DATE: JUNE 27, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: MAINSTONE

REQUESTED ACTION:

VOTE INTENT TO APPROVE CONSERVATION RESTRICTION FOR MAINSTONE, AND

VOTE TO AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE ALL DOCUMENTS REQUIRED TO SUBMIT AN APPLICATION TO THE MA EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR A LAND GRANT

BACKGROUND:

CONSERVATION RESTRICTION:

In April 2016, Annual Town meeting appropriated \$12,000,000 from existing and future Community Preservation funds and authorized the Board of Selectmen, with the approval of Town Counsel as to form, to acquire a conservation restriction on 208.7 acres at Mainstone Farm, 87 Old Connecticut Path.

The Board of Selectmen appointed Special Counsel Elizabeth Wroblicka to draft and negotiate the Conservation Restriction. Town Counsel will represent the Town at closing.

The draft Conservation Restriction and letter from Attorney Wroblicka recommending approval of the Conservation Restriction are attached. Final approval and signatures of Board of Selectmen will be necessary after the State has approved CR and it is nearing time to execute the purchase of the CR – anticipated for February 2017.

APPLICATION FOR LAND GRANT:

The Town is eligible to apply to the Executive Office of Energy and Environment for a maximum of \$400,000 (52% - 70% cost reimbursement) to offset the costs of the Conservation Restriction. The application is due July 13, 2016 and is contingent upon approval at a Special Town meeting in the fall. . A prerequisite for the application is the preparation of a draft Open Space and Recreation Plan. Preparation of the Plan is CPA funded and under the Conservation Administrator.

ATTACHED:

1. DRAFT CONSERVATION RESTRICTION
2. CORRESPONDENCE FROM ATTORNEY WROBLICKA, 6/15/16

CA RECOMMENDATION:
SPECIAL
CNSL

RECEIVED

JUN 22 2016

Board of Selectmen
Town of Wayland

Etheredge & Steuer, P.C.
ATTORNEYS AT LAW
64 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS 01060
(413) 584-1600

FAX (413) 585-8406
ed@noholaw.com
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elizabeth@noholaw.com

EDWARD D. ETHEREDGE
SHELLEY STEUER**
ELIZABETH WROBLICKA*

*Also Admitted in New York
*Also Admitted in California

June 15, 2016

Ms. Cherry Karlson, Chair
Wayland Selectboard
Wayland Town Building
21 Cochituate Road
Wayland MA 01778

RE: Mainstone Farm Conservation Restrictions

Dear Ms. Karlson:

In February, 2016, I was retained as special counsel by the Town of Wayland for the purposes of drafting and negotiating two conservation restrictions that will protect approximately 218 acres of Mainstone Farm located at Old Connecticut Path and Rice Road from being further developed.

This is a complicated conservation project in that there are three separate landowners who will be granting two conservation restrictions each to two separate holders: the Town of Wayland and Sudbury Valley Trustees. Each of the conservation restrictions are made up of multiple legal parcels.

The main conservation restriction, which covers 208 acres, is before the Selectboard for preliminary approval so the parties may enter into a purchase and sale agreement without the contingency of your approval, now that Town Meeting has approved the funding allocation. The second conservation restriction, which covers approximately 10 acres, is essentially being placed on an interior lot to restrict its development to one house only.

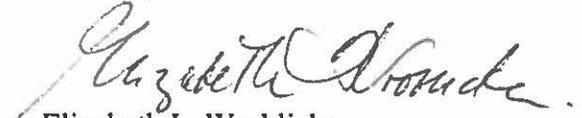
Also involved in this project are two attorneys for the landowners, SVT's attorney and staff, Wayland Town Counsel, Wayland Conservation Commission Chair, and Wayland Open Space Committee Chair

My primary focus during negotiations with all of the parties was 1) to ensure that the conservation values of the property – namely, scenic, agriculture, and habitat – are protected, and 2) to craft conservation restrictions that are legally sound, enforceable, and valid under state law. The conservation restrictions allow the historic uses of the property to continue and flourish, while protecting the open and scenic qualities of the property for the public to enjoy in

perpetuity. I recommend that you approve the conservation restrictions as being in the public interest and as permanently protecting an important farm in the Town of Wayland from residential development.

I will remain involved in the process from obtaining the necessary state approvals of the conservation restrictions to the final recording of the conservation restrictions. Wayland Town Counsel will be representing the Town at closing. If you have any questions, do not hesitate to contact me.

Sincerely,



Elizabeth L. Wroblicka

cc: Nan Balmer, Town Administrator
via electronic mail

Mainstone Farm Conservation Restriction

Grantors : Devens H. Hamlen;
Margery M. Hamlen; and;
Margery M. Hamlen and Michael E. Mooney, as Trustees of Mainstone Farm
Land Trust

Grantees: Sudbury Valley Trustees, Inc. and Town of Wayland

Property Address: 87 Old Connecticut Path, Wayland, MA

For title see: _____

**CONSERVATION RESTRICTION
TO
SUDBURY VALLEY TRUSTEES, INC. AND TOWN OF WAYLAND
Revised Draft – 4-13-16**

I. GRANTORS CLAUSE:

We, Devens H. Hamlen, of Wayland, MA , Margery M. Hamlen, of Boston, MA and Margery M. Hamlen and Michael E. Mooney as Trustees of Mainstone Farm Land Trust u/d/t dated April 1, 1991 recorded with Middlesex South District Registry of Deeds in Book 21128, Page 79 with an address of c/o Nutter McClennen & Fish, LLP, Seaport West, 155 Seaport Boulevard, Boston, MA 02110, for ourselves and our successors and assigns, (“Grantors”), being the owners of fee title for the parcels of land described below, hereby grant, with quitclaim covenants, pursuant to M.G.L. Ch. 184, §31-33, to Sudbury Valley Trustees, Inc., a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. Chapter 180, with a mailing address of 18 Wolbach Road, Sudbury, Massachusetts, 01776 and to the Town of Wayland, a Massachusetts municipal corporation, acting by and through its Conservation Commission, with a mailing address of 41 Cochituate Road, Wayland, MA 01778 (“Grantees”, which expression includes their permitted successors and legal assigns), in perpetuity and exclusively for conservation purposes, and pursuant to Article 97 of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, and Section 170(h) of the Internal Revenue Code, for consideration of Fifteen Million Dollars (\$15,000,000.00) paid, the following described perpetual Conservation Restriction on the entirety of the parcels of land located at 87 Old Connecticut Path in the Town of Wayland, Massachusetts, containing 208 acres more or less, which parcels are described in Exhibit A attached hereto and made a part hereof (hereinafter referred to as the “Premises”).

II. PURPOSES:

The purposes of this Conservation Restriction are to assure that the Premises will be retained forever predominantly in their natural, scenic, agricultural and open condition; to preserve and protect in perpetuity the wildlife, aesthetic, ecological and environmental values of the Premises; and to prevent any use or change that would materially impair or interfere with the Conservation Values listed below. The Grantor intends that this Conservation Restriction will confine the use of the Premises to such activities as are consistent with the purposes of this Conservation Restriction.

The Premises contain unusual, unique or outstanding Conservation Values the protection of which in their predominately natural, vegetated, agricultural or open condition will be of benefit to the public. The Conservation Values include the following:

- A. **Open Space Preservation.** The protection of the Premises contributes significantly to the preservation of the natural and scenic character of the Town of Wayland.
- B. **Enhancement of Existing Conservation Land.** The protection of the Premises enhances the open space value of over 400 acres of other permanently protected nearby land, making the Premises part of a large network of land protected by the Town and Sudbury Valley Trustees. Directly across Old Connecticut Path, the Weston Aqueduct connects the greater Mainstone Farm area with thousands of acres of conservation land along the Sudbury River, including the Great Meadows National Wildlife Refuge.
- C. **Scenic Protection.** The Premises are part of a distinctive scenic landscape with beautiful views of and across the Premises that are highly visible from adjacent public roads including Rice Road and Old Connecticut Path (east), both of which are designated as scenic roads by the Town of Wayland Scenic Roads Bylaw.
- D. **Protection of Wildlife Habitat.** The Premises contain open fields, grasslands, wetlands, forests and ponds, providing quality wildlife habitat for a large variety of species. Portions of the Premises are located within an area identified as "Habitat of Potential Regional and Statewide Importance" for having a high Ecological Integrity Index in the University of Massachusetts Conservation Assessment Prioritization System (CAPS), an ecosystem-based (coarse-filter) approach for assessing the ecological integrity of lands and waters.
- E. **Agricultural Preservation.** The Premises contain fields currently used for agriculture and pasturing of livestock, the continuation of which will preserve uses and scenic vistas that are integral to the history of the property and represent the agricultural and farming heritage of the region and of the Town of Wayland. Preservation of the property will protect Prime Agricultural Soils and Soils of Statewide Importance.
- F. **Public Access Trails.** Trails on the Premises which are marked for public use, and which may connect to other public trails on nearby conservation land, will be open to the general public for a variety of passive recreational activities, education and nature study.
- G. **Furtherance of Governmental Conservation Policy.** The Premises are identified in the Massachusetts Department of Conservation and Recreation's 1982 Landscape Inventory

Report, identifying landscapes that should be protected to conserve and protect natural, cultural, and recreational resources across the Commonwealth. The Premises are also identified as land meriting protection in the Town of Wayland's most recently completed Open Space and Recreation Plan (1995). Protection of the Premises is consistent with the goals of the Plan to preserve the semi-rural character of the Town; preserve the town's natural resources: water bodies, wetlands, municipal water supply, wildlife habitat, farmland, etc.; and provide opportunities for passive and active outdoor recreation within the Town.

H. **Recreation:** The recreational use of the Premises by the general public is consistent with the limitations set forth in Section VI below.

This Conservation Restriction has been partially acquired with Massachusetts Community Preservation Act (M.G.L. Chapter 44B) funds. The Town of Wayland, at a duly called Town Meeting held on April 11, 2016, voted to authorize the Board of Selectmen under Article 30 of the Warrant therefor to acquire a Conservation Restriction on the Premises for conservation purposes. An attested copy of said town meeting vote is recorded herewith.

III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES:

A. **Prohibited Acts and Uses.** Subject to the exceptions set forth in paragraph B below, the Grantors will neither perform nor allow others to perform the following acts and uses which are prohibited on, above and below the Premises:

1. Constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, sight impervious fences, asphalt or concrete pavement, sign, billboard or other advertising display, antenna, utility pole, tower, wind turbine, solar energy panel, conduit, line, temporary or permanent lighting, parking lot or any other temporary or permanent structure, utility, or facility on, under, or above the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resources or natural deposits or other processes such as hydraulic fracturing; alteration of the existing natural topography of the Premises; withdrawal of ground water from the Premises, other than for use on the Premises;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, toxic or hazardous chemicals as defined under applicable federal or state law, or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, shrubs, grasses or other vegetation, including leaf litter;

5. The use, parking, or storage of trailers (other than for horses or farm animals) or automobiles, trucks, motorcycles, motorized trail bikes, all-terrain vehicles and snowmobiles, or any other motorized or power-driven vehicles, except as necessary for emergency purposes, handicapped accessibility or the conduct of activities permitted in paragraph B;
6. The conveyance of a part or portion of the Premises alone, or the division or subdivision of the Premises (as compared to the conveyance of the Premises in its entirety which shall be permitted) without the prior written consent of Grantees; but in no event shall any portion of the Premises be used towards building requirements on these or any other parcels. No development rights which have been encumbered or extinguished by this Conservation Restriction shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise;
7. Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
8. Using the Premises for more than *de minimis* commercial recreational purposes as defined at Section 2031(c) of the Code, and conducting any other business, residential or industrial use of the Premises, except as expressly permitted.;
9. Pollution, alteration, depletion, diversion, channelization, damming, draining, or extraction of surface water, natural water courses, ponds, marshes, subsurface water or any other water bodies;
10. The construction of any new roads on the Premises, except as required by law to service permitted uses and excluded development sites;
11. The disruption, removal or destruction of the stone walls or granite fence posts on the Premises;
12. The introduction of non-native species of plants and animals determined by the Commonwealth of Massachusetts to be invasive or otherwise detrimental to the ecology and biodiversity of the Premises and nearby conservation land;
13. Any other activity on or use that is inconsistent with the Purposes of this Conservation Restriction or that would materially impair its Conservation Values.

B. Permitted Uses and Exceptions to Prohibited Activities and Uses. The following activities and uses of the Premises are expressly permitted, provided that such uses and activities to the extent described below do not materially impair the Purposes of this Conservation Restriction.

1. **Recreational Activities.** Fishing, the exercise and training of dogs, boating, hiking, equestrian activities (including construction and maintenance of horse jumps), sledding, skating, skiing and other outdoor recreational activities that do not materially alter the landscape or degrade environmental quality.

2. **Trails.** The construction, maintenance, and marking of trails (including bridges and boardwalks) for pedestrian and equestrian use and for farm vehicles and the construction and maintenance of a gravel parking area for trail users of a size and in a location agreed more or less as shown on Exhibit B. Trails and related structures may be relocated by mutual agreement of Grantors and Grantees;

3. **Wood and Farm Roads; Bridges; Driveways.** The maintenance of currently existing wood and farm roads, bridges and driveways located on the Premises, substantially in their present condition or as reasonably necessary for the uses hereinafter permitted, and, with the prior written approval of Grantees, the construction of new roads, bridges and driveways to serve such uses. The Grantors shall use their best efforts in the design for new roads, bridges and driveways to minimize adverse impact on the agricultural preservation and conservation purposes of this Conservation Restriction. For purposes of this Conservation Restriction, however, it shall be considered unreasonable for Grantees to withhold its approval of road, bridge or driveway specifications which are required by applicable permitting authorities.

4. **Agricultural Activities.**

a. Agricultural, horticultural and animal husbandry operations carried on in accordance with a USDA Farm Conservation Plan, and with sound agricultural and livestock management practices, which promote environmentally sound agriculture, including without limitation the cultivation, improvement, mowing and grazing of existing fields, and the mowing and grazing of existing meadows, and with prior written approval of Grantees the expansion of fields and meadows and the creation of new fields and meadows.

b. The use of fertilizers, herbicides and pesticides in accordance with the manufacturers' recommendations, with a preference for non-chemical, naturally sustainable and/or organic farming methods. Any agricultural chemicals used on the Premises shall be registered under Commonwealth of Massachusetts regulations and used in accordance and consistent with all pertinent federal, state, and local instructions, limitations, laws, zoning, rules, and regulations;

c. The installation and use of irrigation equipment to service permitted agricultural activities on the Premises;

- d. The maintenance, repair and construction of gates and stone walls on the Premises, provided that prior written approval of Grantees is required for the construction of new stone walls and openings in areas visible from Rice Road and Old Connecticut Path;
- e. The installation of sight pervious fencing, (including electrified fencing for the control of animals);
- f. The conduct of educational activities and programs related to the present or future agricultural uses of the Premises, such as programs designed to promote an appreciation and understanding of agriculture; and
- g. Hunting as necessary to control nuisance animals.

5. **Agricultural and Animal Husbandry Structures.** The maintenance and repair of existing buildings, structures or facilities exclusively for use in support of farming, agriculture, animal husbandry, forestry, or horticulture, including, without limitation barns, greenhouses, sheds and appurtenant structures such as utility poles, water lines, and dirt or gravel access roads and septic systems, and, upon prior written approval of Grantees, the expansion and replacement of said buildings, structures, and facilities, or the construction of new structures or facilities. Such newly constructed, expanded and replaced structures shall not exceed thirty-five thousand (35,000) square feet in the aggregate, and no single structure shall exceed ten thousand (10,000) square feet of footprint. Such structures may not be constructed within five hundred (500) feet of Rice Road and within nine hundred (900) feet of Old Connecticut Path except with written approval of Grantees. Excepting greenhouses, the exterior of such structures shall be made of or resemble natural materials. No residential use of barns shall be permitted.

6. **Temporary Agricultural Structures.** Upon prior written approval of Grantees, the placement and maintenance of temporary structures, including without limitation, temporary structures relating to livestock such as hayracks, shelters, watering troughs and the like; however, construction of any roofed or covered structures may not be constructed within five hundred (500) feet of Rice Road and within nine hundred (900) feet of Old Connecticut Path except upon prior written approval of Grantees. For purposes of this Conservation Restriction a "temporary structure" is a structure that does not have a permanent foundation.

7. **Farm Stand.** The use, maintenance, and repair of the existing farm stand, access drive, parking area, utilities and incidental facilities, provided that at least 25 per cent of the products for sale at said farm stand, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of the products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50

per cent of the products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located. Upon prior written approval of Grantees, the expansion and replacement of the existing farm stand, or the construction of a new farm stand, is permitted, provided that any new, expanded or reconstructed structure shall not exceed twenty (20) feet in height above grade. The footprint of the foundation of such structure shall not exceed three-thousand (3,000) square feet, inclusive of porches, eaves, and overhangs. The exterior of such structure shall be made of or resemble natural materials.

8. Forestry. In accordance with generally accepted forestry management practices, (i) selective pruning and cutting to prevent, control or remove hazards, disease, insect damage or fire or to preserve the present condition of the Premises, including vistas, wood and farm roads, driveways and trails or to improve sight lines at road intersections so as to promote vehicular traffic safety; (ii) selective harvesting of trees to provide construction materials or firewood for use on the Premises; (iii) the right to conduct, or to permit others to conduct, sound silvicultural uses of the Premises, including the right to commercially harvest forest products, and, when required by law, be carried on pursuant to a Forest Cutting Plan prepared by a licensed professional forester and approved by the Department of Conservation and Recreation acting by and through its State Forester (or any successor agency), which plan is designed to protect the purposes of this Conservation Restriction, including without limitation, scenic and wildlife habitat values. A copy of such forestry management plan shall be submitted to Grantees when completed and a copy of any cutting plan pursuant thereto shall be submitted to the Grantees at least thirty (30) days prior to any cutting taking place. Any removal of trees and brush in violation of the plan shall be remedied by the planting and maintenance of trees and brush of the size and type removed.

9. Excavation Activities. Excavation and removal from the Premises of fieldstone, soil, gravel, or other mineral resources or natural deposits as may be incidental to the expansion or improvement of agricultural fields, the installation, maintenance or removal of underground drainage facilities and other underground facilities or structures permitted on the Premises by this Conservation Restriction, all such activities to be conducted in a manner which is both consistent with good drainage and soil conservation practices and consistent with other purposes of this Conservation Restriction.

10. Composting and Brush Piles. The stockpiling and composting of organic material originating on or off the Premises for use on the Premises (but stumps, tree and brush limbs only if they originate on the Premises), in locations where the presence of such materials will not have a deleterious impact on the purposes of this Conservation Restriction;

11. Pond Management. The maintenance, improvement and repair of the existing ponds on the Premises and associated dams and water management

systems, including without limitation dredging, spoil disposal and weed harvesting and management; and, upon prior written approval of Grantees, the construction of new ponds;

12. **Wells and Springs.** The repair, construction, reconstruction and maintenance of drilled and driven wells, the tapping of springs, and the installation, repair and maintenance of associated water lines and water distribution and collection equipment, provided, however, that any withdrawal of water shall be solely for use on the Premises;

13. **Temporary Access; Utilities for Excluded Areas.** With the prior written approval of Grantees, the construction and maintenance of temporary access roads, bridges and driveways, and the installation of utilities and sewer connections to serve the development if any, which may take place in the Excluded Areas identified in Exhibit A. The Grantors shall use its best efforts to design these access roads, bridges and driveways and utilities which minimize adverse impact on the agricultural preservation and conservation purposes of this Conservation Restriction. For purposes of this Conservation Restriction, however, it shall be considered unreasonable for Grantees to withhold its approval of temporary road, bridge, driveway or utility specifications which are required by applicable permitting authorities;

14. **Septic Systems.** With the prior written approval of Grantees, the construction, repair and maintenance of septic systems to serve the Excluded Areas, provided that no practical alternative site exists within the Excluded Areas;

15. **Utilities, Culverts and Drainage Ditches.** Maintenance, repair, construction, expansion and replacement of underground utilities, ditches, culverts, canals and drainage structures for activities permitted on the Premises, all in a manner consistent with good drainage and soil conservation practices and consistent with other purposes of this Conservation Restriction;

16. **Signs.** The erection, maintenance, and replacement of signs with respect to hunting, trespass, trail access, identity and address of the occupants, sale of the property, the Grantees' interest in the property, and the protected agricultural and conservation values. Also permitted are signs advertising the sale of agricultural products and services grown or provided on the Premises or on adjacent land owned by the Grantors;

17. **Alternative Energy Facilities.** With the prior written approval of the Grantees, the construction of facilities for alternative energy production, designed to accommodate the permitted uses on the Premises, and the repair, maintenance and reconstruction of the same. Any ground-mounted solar arrays shall be located so as not to be visible from Rice Road or Old Connecticut Path. While both Grantors and Grantees agree that the use of alternative energy facilities may contribute to the long-term viability of the agricultural activities conducted on the

Premises, Grantees will assess whether such facilities would materially impair other purposes of this Conservation Restriction;

18. Private Burial Ground. Creation, use and maintenance of a private burial ground for family members of the Grantors on the Premises;

19. Emergency Egress to serve Excluded Areas. Construction and maintenance of a gravel road of the minimum width required by Town of Wayland permitting authorities in substantially the location shown on Exhibit A to provide emergency egress from the Excluded Areas to Forest Hill Road;

20. Separate Conveyance of Portions of the Premises. Recognizing that the Premises are comprised of three separately owned parcels, the Grantors and Grantees agree that the owner of any one of those separate parcels may convey, assign or transfer that parcel in its entirety, notwithstanding III.A.6 above. However, if Grantors wish to convey one or two of the separately owned parcels, then, at the request of the Grantees, a separate conservation restriction encumbering the land that is to be conveyed will be recorded and this Conservation Restriction will be amended (a) to eliminate the parcel or parcels to be conveyed from the legal description of the Premises and (b) reflect the change or changes in any other affected Permitted or Prohibited Uses. The parties agree that any reference in this Conservation Restriction to a permitted use that is restricted in the aggregate; e.g., total square footage of all newly constructed, expanded or replaced agricultural structures, applies to the entire 208 acres. Similarly, restrictions on uses of the Premises are intended to apply to the entire 208 acres as a whole. If in the future one or two separate conservation restrictions are to be recorded, each of the permitted and prohibited uses will be analyzed for consistency with the intent of the parties of this Conservation Restriction and either proportioned over each of the conservation restrictions, or limited to apply to only the conservation restriction that encompasses the particular use; e.g. provisions limiting the location of buildings and structures. Any amended to this Conservation Restriction shall be consistent with Paragraph XII below.

C. Additional Affirmative Covenants and Obligations

Under this Conservation Restriction, the Grantors shall maintain the open fields on the Premises and the open pastoral views along Old Connecticut Path and Rice Road by periodic mowing, or other methods of woody vegetation and invasive species control, with the exception of any area created or maintained for habitat in consultation with the Grantees. Non-chemical, naturally sustainable and/or organic methods of vegetation removal are preferred. If Grantors do not maintain the open fields, then this Conservation Restriction also grants to the Grantees the right, but not the obligation, to maintain the open fields on the Premises and the open pastoral vistas along Old Connecticut Path and Rice Road provided, however, Grantors are first notified in writing at least thirty (30)

days prior to the exercise of such right, with said Notice as described in Section IV being provided which details the scope, nature, and extent of proposed activities.

IV. NOTICE AND APPROVAL:

A. Notice of Intention to Undertake Certain Permitted Actions. Grantors agree to notify Grantees before exercising any right described as a permitted use under Section III that explicitly requires notice to Grantees. The purpose of said notification is to afford Grantees an adequate opportunity to monitor the activities in question and to ensure that they are designed and carried out in a manner that is consistent with the Purposes of this Conservation Restriction. Notices shall be sent to Sudbury Valley Trustees with a copy to the Wayland Conservation Commission, and shall be in writing and delivered by a method consistent with XVI.H. below, not less than forty-five (45) days prior to the date Grantors intend to undertake the activity in question. Notices shall be effective upon such personal delivery, or if mailed or sent by delivery service upon the date shown on the return receipt, or if sent by U.S. Postal Service on the date so sent. Notices shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantees to make an informed judgment as to its consistency with the Purposes of this Conservation Restriction.

B. Grantees' Approval. Where Grantees' approval is required as set forth under Section III, Grantees shall grant or deny their approval within forty-five (45) days from the effective date of the Grantors' notice described in Section IV Paragraph A above. Approval or denial by the Grantees shall be in writing and delivered by a method consistent with XVI.H. below.. Failure of Grantees to respond within said period shall be deemed to constitute approval by Grantees of the request as submitted, so long as the request sets forth the provisions of this paragraph relating to deemed approval after the passage of time and the requested activity is not expressly prohibited herein. Grantees' approval may be withheld or conditioned only upon a reasonable determination by Grantees that the action as proposed would be inconsistent with the Purposes or materially impair the conservation values described in Section II of this Conservation Restriction.

V. LEGAL REMEDIES OF THE GRANTEES:

A. Legal and Injunctive Relief. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantees will have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantees.

B. Reimbursement of Costs of Enforcement. The Grantors covenant and agree to reimburse the Grantees to the extent permitted by operation of law for all reasonable costs and expenses (including without limitation counsel and survey fees) incurred in

enforcing this Conservation Restriction or in remedying or abating any violation thereof, provided that Grantors either admit or are found by a court of competent jurisdiction to have violated this Conservation Restriction in such enforcement or corrective action. Prior to commencing any proceeding to enforce this Conservation Restriction or taking any action to remedy or abate any violation of this Conservation Restriction by Grantors, the Grantees shall give written notice to Grantors of the alleged violation and shall afford Grantors thirty (30) days or such longer period as is reasonable under the circumstances to cure such alleged violation.

C. **Disclaimer of Liability.** By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantees or their agents.

D. **Severability Clause.** If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

E. **Non-Waiver.** Any election by the Grantees as to the manner and timing of their right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

F. **Survey Disputes.** In the event of a dispute over the location of the boundaries, the Grantors and Grantees shall share the expense of survey work necessary to determine the proper location of boundaries, including the expense of placing permanent boundary markers delineating the boundaries of this Conservation Restriction.

G. **Acts Beyond the Grantors' Control.** Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including but not limited to fire, flood, storm and earth movement, non-human caused change (e.g., changes caused by beaver or deer) or natural processes, or from any prudent action taken by the Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantors' control, that if it is desirable and feasible to restore the Premises, the parties will cooperate in attempting to do so.

H. The Grantees share joint and several enforcement responsibility of the Conservation Restriction, including obtaining cease and desist orders, temporary restraining orders, injunctions, and judgments. If a Grantee is unable to enforce the terms of this Conservation Restriction, said Grantee shall assign their right of enforcement to the other Grantee who may then proceed as the sole enforcer of the Conservation Restriction.

VI. ACCESS:

Grantors grant to the Grantees, or their duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantees, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof.

The public shall be permitted to utilize the existing public trails, as they may be changed or relocated from time to time, or newly created public trails, on the Premises which are marked or otherwise identified for public use as shown on Exhibit B, for passive outdoor recreational purposes including, but not limited to, hiking, wildlife observation, nature study, cross-country skiing, and other non-motorized (except for motorized wheelchairs or similar equipment reasonably necessary to enable handicapped members of the public to access the Premises or as otherwise outlined in Section III.B of this Conservation Restriction, which shall be allowed), passive outdoor recreational and educational activities subject to reasonable rules and regulations established from time to time by Grantors and Grantees, but not for bicycling, and provided that Grantees shall be solely responsible for constructing, maintaining, repairing and replacing from time to time the trails and associated bridges and boardwalks if Grantors do not elect to do so. Neither Grantors nor Grantees shall impose any charge or fee upon any public access over such trails, consistent with the liability shield afforded to property owners who do not charge for public access on or over their property under M.G.L. Chapter 21, Section 17C. The Grantees acknowledge and agree that Grantors expect to have farming and grazing operations in the vicinity of the trail system and that Grantees shall modify trail signage and trail usage rules and regulations upon reasonable request of the Grantors from time to time including, without limitation, reasonable rules such as leash requirements to prevent domestic dogs (if dogs are allowed) harassing, harming or killing farm animals or damaging crops. The Grantors shall have the right to limit and/or prohibit such public access following sixty (60) days' Notice to the Grantees as outlined in Section IV, if in the reasonable determination of the Grantors, a pattern of abuse of such right of access develops or exists, such as, but not limited to, a pattern of discarding by trail users of containers or packaging or wrappers for food or drink or snacks or allowance by dog walkers of excessive animal droppings, or a lawsuit or claim against Grantors for personal injury or death arising from trail use, notwithstanding M.G.L. Chapter 21, Section 17C. The Grantees shall have the right following receipt of the Notice from the Grantors to take any reasonable steps, including installing signage, to curb or eliminate such abuses and to reinstate the access as described above upon Notice to the Grantors stating the remedial steps Grantees are taking and provided that Grantors reasonably agree on the sufficiency of such remedial steps. Grantees will have shared responsibility for preventing abuse of the public's access privilege and in that connection will have the right at the request of the Grantors or on its own initiative to limit or prohibit access to classes of users which are unable or unwilling to use the trails with appropriate respect for their use by others and for preservation of the conservation values of the Premises.

VII. EXTINGUISHMENT:

A. Grantees' Receipt of Property and Development Rights. The Grantors and the Grantees agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantees, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of extinguishment, bears to the value of the Premises at that time.

B. Right of Grantees to Recover Proportional Value at Disposition. If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction as determined by a court of competent jurisdiction under applicable law or after review and approval by the Secretary of Energy and Environmental Affairs (or successor official), then the Grantees, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, to be determined by appraisal at the time of this grant, subject, however, to any applicable law which expressly provides for a different disposition of proceeds and after complying with the terms of any gift, grant, or funding requirements.

C. Grantors/Grantees Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantors and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action;

D. Apportionment between Grantees

1. As between the Grantees, Sudbury Valley Trustees, Inc., and the Town of Wayland, the Grantees agree that all proceeds and expenses allocated to the Grantees collectively under this Section VII shall be apportioned as follows as between the Grantees individually:

- a. Sudbury Valley Trustees, Inc.: twenty percent (20%) of the allocation
- b. Town of Wayland: eighty percent (80%) of the allocation

This apportionment of allocations to the Grantees shall remain constant throughout the term of this Conservation Restriction.

E. Allocation of Expenses upon Disposition. All related expenses incurred by the Grantors and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantors and Grantees in shares equal to such proportionate value after complying with the terms of any gift, grant, or funding requirements.

F. Continuing Trust of Grantees' Share of Proceeds of Conservation Restriction Disposition. The Grantees shall use their share of the proceeds in a manner consistent with the Purposes of this grant.

VIII. ASSIGNABILITY:

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantors and their successors and assigns holding any interest in the Premises.

B. Execution of Instruments. The Grantees are authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantors on behalf of themselves and their successors and assigns appoint the Grantees their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, the Grantors and their successors and assigns agree to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantees, shall be in gross and shall not be assignable by the Grantees, except in the following instances and from time to time:

1. As a condition of any assignment, the Grantees requires that the purpose of this Conservation Restriction continue to be carried out;
2. Any assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly; and
3. Grantees comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

IX. SUBSEQUENT TRANSFERS:

The Grantors agree to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantees of the transfer of any interest at least twenty (20) days prior to the date of such transfer. Failure of the Grantors to do either shall not impair the validity of this Conservation Restriction or limit its enforceability in any way.

X. NON MERGER:

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantors agree that they will not grant, and the Grantees agrees that they will not take, title to any part of the Premises without having first assigned this Conservation Restriction to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner. No deed shall be effective until this Conservation Restriction has been assigned to a non-fee owner or other action taken to avoid a merger and preserve the terms and enforceability of this Conservation Restriction by a non-fee owner. It is the intent of the parties that the Premises will be subject to the terms of this Conservation Restriction in perpetuity, notwithstanding any merger.

XI. ESTOPPEL CERTIFICATES:

Upon request by the Grantors, the Grantees shall within thirty (30) days execute and deliver to the Grantors any document, including an estoppel certificate, which certifies the Grantors' compliance with any obligation of the Grantors contained in this Conservation Restriction.

XII. AMENDMENT:

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantors and Grantees may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantees under any applicable laws, including Sections 501(c)(3) and 170(h) of the Internal Revenue Code of 1986, as amended, and Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantees will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the Purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and, if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South District Registry of Deeds.

XIII. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantors and the Grantees have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

XIV. RECORDING:

The Grantors shall record this instrument in a timely fashion in the Middlesex South District Registry of Deeds.

XV. TERMINATION OF RIGHTS AND OBLIGATIONS:

Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Premises terminate upon and to the extent of such party's transfer of its interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Conservation Restriction, shall survive the transfer.

XVI. MISCELLANEOUS:

A. **Controlling Law.** The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the Purposes of this Conservation Restriction and the policy and purpose of M.G.L. Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

D. **Joint Obligation.** The obligations imposed by this Conservation Restriction upon the parties that together comprise "Grantors" shall be joint and several.

E. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

F. **Pre-existing Rights of the Public.** Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

G. **Compliance with Applicable Law.** The exercise of any right reserved under this Conservation Restriction by the Grantors or its successors and assigns shall be in compliance with the applicable provisions of the state Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40, as amended) and all other applicable federal, state, and local law. The signing of this Conservation Restriction by the Secretary does not imply approval for any activities requiring a permit.

H. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally with a receipt (or an affidavit of delivery if the addressee refuses to provide a receipt or is not present) or sent by first class mail, postage prepaid, or recognized overnight courier service, delivery confirmation requested; addressed as follows:

To Grantors: Devens H. Hamlen

Hamlen Company
54 Canal Street
Boston, MA 02114

Margery M. Hamlen
250 Beacon Street, Apt 14
Boston, MA, 02116

Michael E. Mooney
c/o Nutter McClennen & Fish LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02110

To Grantees:

Sudbury Valley Trustees, Inc.
18 Wolbach Road
Sudbury, Ma 01776
ATTN: Director of Land protection

Town of Wayland
41 Cochituate Road
Wayland, MA 01778
ATTN: Conservation Administrator

or to such other address as any of the above parties shall designate from time to time by written notice to the other parties, or if returned to sender to a valid address that is reasonably ascertained by the sender/parties.

I. Homestead. The Grantors hereby agree to waive and subordinate any and all M.G.L. Chapter 188 Homestead rights they may have in favor of this Conservation Restriction and swear or affirm under pains and penalties of perjury that there is no one else entitled to the benefits of M.G.L. c. 188 who has not signed to waive and subordinate their benefits with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agree to execute, deliver and/or record any and all instruments necessary to effectuate such waiver and subordination. In all other respects, the Grantors reserve and retain any and all Homestead rights, subject to this Conservation Restriction, pursuant to M.G.L. Chapter 188, including §10(e).

J. Deferred Like-Kind Exchange. Grantees understand and acknowledge that one or more of the Grantors may wish to structure this transaction as a tax deferred exchange of like-kind property within the meaning of section 1031 of the Internal Revenue Code. Grantees agree to reasonably cooperate with grantors to effect such an exchange; provided, however, that Grantees shall not be required to acquire or take title to any exchange property, incur any expense or liability whatsoever in connection with the exchange, including, without limitation, any obligation for the payment of any escrow, title, brokerage or other costs incurred with respect to the exchange, and no such exchange shall delay the grant of this Conservation Restriction. In addition, the Grantors shall indemnify and hold Grantees harmless from any and all costs, expense or liability incurred solely as a result of Grantees accommodating such tax deferred exchange.

There are attached hereto or recorded simultaneously herewith and incorporated herein by reference the following Exhibits:

Exhibits:

- A. Description of Premises; Identification of Excluded Areas and Sketch of Excluded Areas
- B. Existing Public Access Trails

[Signatures and approvals appear on the following pages.]

Executed under seal this ____ day of _____, 2016.

By: _____
Devens H. Hamlen
Individually

By: _____
Margery M. Hamlen
Individually and as Trustee as aforesaid

By: _____
Michael E. Mooney
Trustee as aforesaid and not individually

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2016, before me, the undersigned Notary Public, personally appeared the above-named _____, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

ACCEPTANCE OF GRANT

Sudbury Valley Trustees, Inc. accepts the above Conservation Restriction from Devens H. Hamlen *et. al.*

By: _____
Its Executive Director

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2016 before me, the undersigned Notary Public, personally appeared the above-named _____, Executive Director of Sudbury Valley Trustees, Inc., proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

ACCEPTANCE OF CONSERVATION COMMISSION

The above Conservation Restriction was accepted by the Conservation Commission of the
Town of Wayland _____
this _____ day of _____, 2016.

Middlesex, ss.

On this ____ day of _____ 2016, before me, the undersigned notary public,
personally appeared _____,

_____ and _____, proved to
me through satisfactory evidence of identification, being (check whichever applies): driver's
license or other state or federal governmental document bearing a photographic image, oath or
affirmation of a credible witness known to me who knows the above signatories, or my own
personal knowledge of the identity of the signatory, to be the persons whose names are signed
above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose
as members of the Conservation Commission of the Town of Wayland

Notary Public
My Commission Expires:

ACCEPTANCE OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Wayland, hereby certify that at a public meeting duly held on _____, 2016, the Board of Selectmen voted to accept the foregoing grant of Conservation Restriction from Devens H. Hamlen *et. al.* to Sudbury Valley Trustees and the Town of Wayland, pursuant to Massachusetts General Laws Chapter 184, Section 32 and Chapter 40, Section 8C.

Board of Selectmen of the Town of Wayland

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this ____ day of _____, 2016, before me, the undersigned Notary Public, personally appeared the above-named _____, _____, _____, _____, _____,

Members of the Town of Wayland Board of Selectmen, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license(s) or other state or federal governmental document(s) bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatories, or my own personal knowledge of the identity of the signatories, to be the people whose names are signed above, and acknowledged the foregoing to be signed by them voluntarily for its stated purpose, as members of the Town of Wayland Board of Selectmen.

Notary Public:

My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS,
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to Sudbury Valley Trustees, Inc. and the Town of Wayland has been approved in the public interest pursuant to M.G.L. Chapter 184, Sections 31-33.

Secretary of Energy and Environmental Affairs

Date

COMMONWEALTH OF MASSACHUSETTS

Suffolk , ss

On this ____ day of _____, 2016 before me, the undersigned Notary Public, personally appeared the above-named _____, Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

EXHIBIT A

Description of Premises; Identification of Excluded Areas

EXHIBIT B

Trails

DRAFT



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
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes June 13, 2016

Attendance: Lea T. Anderson, Mary M. Antes (arrived 6:53 p.m.), Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect To Health Insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and to Discuss Civil Service with Respect to the Police Union; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to Review and Consider for Approval the Potential Release of the Following Minutes Pertaining to the Above Subjects, and also Including Discussion of an Arbitration Filing with Respect to the Police Union; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), a Discussion of Strategy with Respect to Negotiations with Non-Union Personnel, Police Chief Contract, because a Public Discussion of Pending Litigation and Collective Bargaining will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: June 6, 2016 At 6:32 p.m., C. Karlson moved, seconded by L. Anderson, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to health insurance in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association; and to discuss Civil Service with respect to the Police Union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the executive session minutes of June 6, 2016, pertaining to the above subjects, and also including discussion of an arbitration filing with respect to the Police Union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), a discussion of strategy with respect to negotiations with non-union personnel, Police Chief Contract. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0). Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Benefits Manager Donna Lemoyne, Assistant Superintendent of Schools Brad Crozier, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:05 p.m.

A2. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:05 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. J. Nolan said he attended a celebration on

June 11 for DPW Director Stephen “Stubby” Kadlik, and congratulated him for the dedication of the new DPW facility in his honor for his 42 years of service to the town. M. Antes said the RiverFest celebration, sponsored by the River Stewardship Council, will take place on June 18-19.

A3. Public Comment There was no public comment.

A4. Swear In: Assistant Fire Chief Neil McPherson The Board was joined by Town Clerk Beth Klein and Fire Chief David Houghton to swear in the new Assistant Fire Chief Neil McPherson.

A5. Update from Fire Chief on Projects and Initiatives D. Houghton joined the Board to provide an overview of fire department activities. He noted there has been a 9% increase in overall incidents since the last fiscal year. He reviewed the new electronic patient care reporting system, the implementation of a quality improvement and quality control program, the updated hydrant bylaw, the transition to a wireless fire alarm system, the publication and distribution of standard operating procedures, the effort to provide better customer service, and a review of current staffing levels. He updated the Board on the purchase of the ladder and fire truck and the rescue pump truck which were approved at Annual Town Meeting.

A6. Interviews for Appointments to Boards and Committees Patrick Rowe appeared before the Board to interview for appointment to the Permanent Municipal Building Committee. He reviewed his background in commercial real estate and his interest in serving on the committee. L. Anderson moved, seconded by J. Nolan, to appoint Patrick Rowe to the Permanent Municipal Building Committee, effective immediately, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Doug Levine appeared before the Board to interview for appointment to the Economic Development Committee. He reviewed his background and his interest in serving on the committee. He said he currently serves as Special Counsel for the Massachusetts Executive Office of Public Safety and Security, and he is a member of the Wayland Dads Group. J. Nolan moved, seconded by M. Antes, to appoint Doug Levine to the Economic Development Committee for a three-year term, effective July 1, 2016, and expiring on June 30, 2019. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Wastewater Management District Commission Update The Board was joined by Fred Knight, Chair, Wastewater Management District Commission. F. Knight discussed betterment billing, the review of Title V allocations for Town Center, the process of assigning Title V design flows in the future, the administration of the Wastewater Management District Commission, and revisions to their rules and regulations. He said a consultant, Chris Woodcock, will attend the meeting on June 15 to discuss administration and the assignment of allocation to new building permits. He said the revision to the rules will include the ability of users to request an alteration of assigned Title V design flow. J. Nolan said he had three concerns: how administrative help is addressed in the special act; how the new rules and regulations will be administered in regard to public process; and if current assessments will be protected in the event that the procedure for determining assessments is revised. Participants discussed the possibility of transferring the funds remaining from the close-out of the former wastewater facility to an enterprise fund. In regard to the allocation of Title V design flow to a library site, F. Knight discussed two scenarios for PILOB (Payment in Lieu of Betterment). He said the PILOB transfer can be made on July 1, 2016, but the Library connection will be held until the site is confirmed. Alternatively, and preferably, the PILOB can be delayed until January 2017, in order to be included in the potential reimbursement by the state. C. Karlson noted the need to first finalize the return of the remaining 380 gpd from Wayland Commons in exchange for conservation land, and

the return of the 440 gpd relinquished by the Bastons. She said that no action was needed tonight, but that the Wastewater Management District Commission would come to a later meeting to finalize these issues.

A12. Review and Approve Minutes of June 6, 2016; Potential Vote to Release Executive Session Minutes of June 6, 2016 L. Anderson moved, seconded by M. Antes, to approve the minutes as amended of June 6, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Anderson moved, seconded by M. Antes, to approve and release with redactions the executive session minutes of June 6, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve consent calendar items 2, 3 and 4. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board congratulated the Energy Initiatives Advisory Committee on the completion of the Green Communities grant work. J. Nolan noted the development of the property at Mahoney's Garden Center, and C. Karlson said the Housing Authority is reviewing the housing production plan.

A8. Meet with Conservation Administrator The Board was joined by Brian Monahan, Conservation Administrator, to discuss pending conservation issues. In regard to the MWRA Weston Aqueduct access, he said there were outstanding issues that included a safety and emergency response plan with police and fire, and the need for gates and crosswalks where the trail crosses a street. He also discussed the need for a walk cycle in the signaling at Old Connecticut Path. J. Nolan said people are using the aqueduct access now, and requested that the permitting be expedited. B. Monahan said that in regard to the Town Center, the Conservation Commission is working on the conservation restriction, the trail easement, and the Certificate of Compliance. He said the land is sensitive and the issues are challenging, and he hopes to have something ready in the next two months. C. Karlson said the Board's highest priority is to complete the items in the development agreement, and on behalf of the Board, she requested that the Conservation Commission focus on these issues. The Board addressed the issue of stormwater management and the MS4 permitting requirements. B. Monahan reviewed the current procedures. He said the new MS4 general permit will become effective July 1, 2017, and he reviewed the timeline for compliance. He recommended that the work be done in-house, and noted that the town of Weston has a group of three or four professionals who deal exclusively with stormwater issues. J. Nolan said the regulations are changing substantially and may face opposition, especially from developers. B. Monahan said the target date for the completion of the Open Space and Recreation Plan is the end of June. He said Gretchen Schuler, Community Preservation Committee, has been working on a grant application from the Massachusetts Local Acquisitions for Natural Diversity (LAND) Program, for a partial reimbursement to the town for the purchase of the Mainstone conservation restriction. He said Town meeting will need to vote to authorize the application. He advised the Board that on June 30, the Conservation Commission will begin hearings on defining the resource areas for the proposed Carroll School. C. Karlson asked about the rail trail; B. Monahan said the Notice of Intent has not been filed. The Board emphasized the need to complete the permitting for the MWRA Weston Aqueduct access, and the need to resolve the conservation issues at the Town Center, as soon as possible.

A9. Planning Board: Discuss Special Town Meeting Articles Ira Montague, Chair, Planning Board, joined the Board to review a list of potential Special Town Meeting articles sponsored by the Planning Board. He said public hearings will be held on the proposed articles. C. Karlson reviewed the timeline to the Special Town Meeting and encouraged the Planning Board to have the articles fully prepared. The Board discussed

the number of articles and suggested the possibility of using abbreviated procedures. Linda Segal, 9 Aqueduct Road, said there was no commentary from the public on the list of articles presented, and I. Montague said there will be new public hearings.

A10. Consideration of Board and Committee Vacancies and Potential Vote for Reappointments

M. Antes moved, seconded by L. Anderson, to approve the following list of reappointments to the designated terms. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board thanked all the volunteers for their service to the town.

<u>Name</u>	<u>Appointing Authority</u>	<u>Board/Committee</u>	<u>Term</u>
Christopher Cullen	Selectmen	Audit Committee	three
Gretchen Schuler	Selectmen	Community Preservation Committee	three
William E. Pickett	Selectmen	Constable	three
Louis Gaglini	Selectmen	Constable	three
William Sterling	Selectmen	Council on Aging	three
Nancy Leifer	Selectmen	Council on Aging	three
Denise N. Yurkofsky	Selectmen	Council on Aging	three
Kara Brewton	Selectmen	Cultural Council	three
Matthew Ludwig	Selectmen	Cultural Council	three
Barbara Holtz	Selectmen	Cultural Council	three
Susan L. Wagner	Selectmen	Dog Control Appeals Board	three
Arthur Fine	Selectmen	Dog Control Appeals Board Alternate	three
Rebecca M. Stanizzi	Selectmen	Economic Development Committee	three
James Grumbach	Selectmen	Economic Development Committee	three
William Huss	Selectmen	Energy Initiatives Advisory Committee	three
Anne Harris	Selectmen	Energy Initiatives Advisory Committee	three
Kathie Steinberg	Selectmen	Historic District Commission	three
Kevin J. Crowley	Selectmen	Historic District Commission	three
Margery F. Baston	Selectmen	Historic District Commission	three
Sheryl Simon	Selectmen	Historic District Commission Alternate	three
Armine S. Roat	Selectmen	Housing Partnership (representing Planning Board)	three
Mary M. Antes	Selectmen	Metrowest Regional Collaborative Comm	one
Joseph F. Nolan	Selectmen	Metrowest Regional Transit Authority Advisory Board	three
Sarkis Sarkisian	Selectmen	Metrowest Regional Transit Authority Advisory Board (alternate)	three
Stephen A. Greenbaum	Selectmen	Municipal Affordable Housing Trust Fund Board	two
Brian O'Herlihy	Selectmen	Municipal Affordable Housing Trust Fund Board	two
Eric Sheffels	Selectmen	Permanent Municipal Building Committee	two
Brian J. Chase	Selectmen	Permanent Municipal Building Committee	two
Patricia Nelson	Selectmen	Senior Tax Relief Committee	three
Stephen J. Colella	Selectmen	Senior Tax Relief Committee	three
Frederick K. Knight	Selectmen	Wastewater Management District Commission	three
Brenda S. Ross	Selectmen	Youth Advisory Committee	two

A11. Review and Approve Letter to Twenty Wayland Regarding Escrow Reconciliation M. Antes moved, seconded by L. Anderson, to approve and send the letter as amended to Twenty Wayland regarding the Town Center Project Development Agreement escrow reconciliation. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A15. Report of the Town Administrator N. Balmer reported on the plan for the preparation of minutes. She said the Planning Board has voted to delete Condition 30 from the project approval for 150 Main Street, and a building permit application has been filed with the Building Commissioner. She said a draft RFP is being prepared for legal services, and the school department has agreed to prepare a separate, "school only" scope of work. She said the Director of Assessing is determining the requirements for assessing Habitat homes at the affordable price rather than the market value. She noted the Lovelane charitable event on September 24, because there will be a traffic impact. She said River's Edge bids have been delayed to September 12. L. Anderson asked about the news of concerts at the Town Center green; C. Karlson said the concerts will take place on the small green area between Stop & Shop and Sperry's.

A16. Selectmen's Reports and Concerns J. Nolan discussed the possibility of investing in improved communications with residents. M. Antes reported on a meeting with Katelyn O'Brien, Human Resources Assistant, who is working on public information; she said that while Facebook and Twitter notifications are in effect, she is having difficulty getting content. L. Anderson said Arlington will be voting tomorrow on a debt exclusion for the Minuteman School. C. Karlson and M. Antes reported on a Metropolitan Area Planning Council meeting on municipal governance that they attended on June 10.

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

A18. Adjourn There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 9:30 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Included as Part of Agenda Packet for Discussion During the June 13, 2016 Board of Selectmen's Meeting

1. Memorandum of 6/9/16 to Board of Selectmen re: Appointment of Patrick Rowe to Permanent Municipal Building Committee and Doug Levine to Economic Development Committee, with Attached Résumés
2. Fred Knight, Chair, Wastewater Management District Commission, Topics for Board of Selectmen, June 13, 2016
3. Memorandum of 6/10/16 to Board of Selectmen re: Annual Reappointments List
4. Memorandum of 6/10/16 from Elizabeth Doucette, Financial Research/Analyst, to Board of Selectmen, re: Status of Town Center Project Development Agreement Consultant Fee Payment Fee Reconciliation
5. Draft Minutes of June 6, 2016
6. Report of the Town Administrator for the Week Ending June 10, 2016

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 13, 2016

1. Memorandum of 6/13/16 to Board of Selectmen re: Revised List of Annual Reappointments
2. Memorandum of 6/13/16 from Fire Chief David Houghton to Board of Selectmen re: Fire Department Update
3. List of Possible Fall Special Town Meeting 2016 Articles prepared by Nan Balmer, Town Administrator

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Friday, May 27, 2016 9:02 AM
To: DiNapoli, MaryAnn
Subject: FW: what the Board of Selectmen can do to further improve Town Meeting Efficiency and Attendance (follow-up)

Correspondence

From: Dave Bernstein [<mailto:dave.bernstein@comcast.net>]
Sent: Thursday, May 26, 2016 10:49 PM
To: Anderson, Lea; Balmer, Nan
Cc: Dennis Berry; Karlson, Cherry; dave.bernstein@comcast.net
Subject: what the Board of Selectmen can do to further improve Town Meeting Efficiency and Attendance (follow-up)

Actions to continue

1. focus on Article preparation, deferring Board-sponsored Articles that are not "ready"
2. establish a time budget for each Article, and defer non-critical Board-sponsored Articles to keep the expected total time for Annual Town Meeting at 9 hours or less
3. provide the ability to display Main Motions and illustrative graphics on video displays
4. encourage use of the abbreviated presentation procedure
5. during Annual Town Meetings, schedule at least one 4-hour Sunday session

New actions

1. provide a copier at each Town Meeting
2. Identify the root cause of each item in the 7 page Errata Sheet distributed at the April 2016 April Town Meeting, and take appropriate action to prevent recurrence
3. provide on-site Day Care during the Sunday session (consider using the after-school care provider)
4. provide comfortable chairs (arrange for a group to offer on-site "chair upgrades"?)
5. re the "Proposals Destined for Town Meeting" section of the Town web site (http://www.wayland.ma.us/Pages/WaylandMA_WebDocs/Proposals)
 - a. require Boards to keep the information for their Articles up-to-date, or risk deferral on "not ready" grounds
 - b. enable citizens to "subscribe" to an Article, (automatic email generation whenever new information about that Article is posted - scheduled hearings, meeting minutes, study results, etc.)
 - c. enable citizens to post questions and comments about an Article (these must be reviewed for "acceptability" by the Town before appearing publicly)

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JUNE 24, 2016**

SUMMER MEETINGS

The summer meeting schedule includes:

Wednesday July 13
Monday July 25
Wednesday August 3
Monday August 15

CLEAR GOV: FINANCIAL AND DEMOGRAPHIC DATA, BENCHMARKING

The following is a link to the ClearGov website that would provide Wayland with user-friendly financial and demographic data, benchmarked to other towns: <http://www.cleargov.com/> A proposal to provide the service at an annual cost of \$5,250 is attached. Clear Gov provided a presentation last week to town and school representatives. The service provided by Clear Gov is consistent with the Board's goal of increasing transparency and communication with the public. Please consider whether the Board is inclined to provide this service to the public.

WATER MANAGEMENT ACT

Water Superintendent Don Millette and I attended a regional meeting with DEP Commissioner Martin Suuberg to discuss upcoming changes to municipal water permits. The Water Superintendent, Town Planner and a representative of WWMDC will meet to discuss development of non-technical information for policy makers on the availability of water and wastewater for town development.

AFFORDABLE HOUSING: HOUSING PRODUCTION PLAN

The draft Housing Production Plan, including an Executive Summary, will be placed in the Board's Dropbox as soon as it is available. The Board will be asked to vote to submit the Housing Production Plan at a future meeting.

IRS FINES

The IRS fined the town \$11,944 because during transition to a new Treasurer in 2015, payroll taxes were deposited one day late for 3 payrolls due to misinformation about the time IRS requires to process payments. Taxes are due to IRS the day employees were paid. They were submitted the day before employees were paid which did not account for an additional day which IRS requires to process deposits. The Treasurer is looking into other procedural risks that could result in additional fines and will recommend procedural changes. In Wayland, payroll is processed in the Accounting Office

ATHLETIC FIELD MAINTENANCE

Attached is a summary prepared by DPW showing a breakdown of maintenance costs for each athletic field. The Recreation Director will prepare a summary of user fees collected by field and a list of the "field assets" (such as nets, backstops, irrigation, benches) required for each field. This information will become useful when the Board and Finance Committee consider increasing the cap on the Recreation Revolving Fund.

COLLINS CENTER STUDY OF FINANCIAL PROCEDURES: STAFF KICK OFF MEETINGS WILL BE WEEK OF JULY 4TH



Proposal for Services

ClearGov Premier transforms complex municipal financial statements into easy-to-understand infographics to help build citizen trust and community engagement through transparency. The service helps inform citizens, as well helps policy makers make data-driven decisions. The platform also includes unique benchmarking intelligence tools to help the municipality compare its performance against similar municipalities and gauge strategic decision making processes.

Scope

- ClearGov will produce for client a premium, private-branded website to showcase FY2015 finances with detailed “drill-down” capabilities (e.g. Expenses > Public Safety > Police Department > Salaries)
- Client may backfill historical financial details, as well as post forward-looking budgetary figures.
- Website will showcase financial metrics with a variety of additional charting, including bar charts, stacked mountain charts and box (tree) charts.
- Visitors will be able to customize their experience by entering their annual tax bill to see their estimated contribution to expense categories across the site.
- Visitors will be able to post comments/questions on each page. This feature can be used at the town’s discretion.
- ClearGov will work with client to embed the website into the town’s website.
- Client will be given access to a back-office system that will enable:
 - Commentary on metrics
 - Responses to comments made by visitors
 - Posting of upcoming events
 - Posting of town seal



Deliverables

This project will be delivered via a customized website that may be framed into your municipality's website. Login credentials to a back-office platform will also be provided upon completion of the project.

Schedule Overview

Approximately one month from execution of a services agreement.

ClearGov Milestones

- Receive town financial statements and chart of accounts via spreadsheet
- Map line items to ClearGov category structure
- Provide mapping for client feedback
- Deliver first draft of website
- Deliver back-office login credentials
- Push website live

Client Milestones

- Deliver of town financial statements and chart of accounts via spreadsheet
- Approve financial categorical mapping
- Approve first draft of website
- Populate website with commentary, town seal, and upcoming events.

Impact of Late Delivery

Delays in client milestones may prevent progress and/or completion of our proposed project.

Proposed Fee:

\$5,250/yr.

Payment Terms:

An invoice will be delivered via email to client upon execution of services agreement. Payment will be due within 30 days of invoice receipt.

ATHLETIC FIELD
DATA

Athletic Field Data (DPW: JUNE 2016)

Based on 1 Year @ 34 Mowings etc

Rate of Pay average \$22.07 w/fringe \$30.90

High School Varsity BB	Drag, Prep	30min x 150	75	\$2,317.50	
	Line/Chaulk	30min x 150	75	\$2,317.50	
	Installation	40hr	40	\$1,236.00	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5hr	5	\$154.50	
	Materials		1600	\$1,600.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		1000	\$1,000.00	
				\$11,576.70	\$11,576.70

High School J.V. BB	Drag, Prep	30min x 150	75	\$2,317.50	
	Line/Chaulk	30min x 150	75	\$2,317.50	
	Installation	40hr	40	\$1,236.00	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5hr	5	\$154.50	
	Materials		1600	\$1,600.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		1000	\$1,000.00	
				\$11,576.70	\$11,576.70

High School Softball	Drag, Prep	30min x 150	75	\$2,317.50	
	Line/Chaulk	30min x 150	75	\$2,317.50	
	Installation	30hr	30	\$927.00	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5hr	5	\$154.50	
	Materials		1600	\$1,600.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		500	\$500.00	
				\$10,767.70	\$10,767.70

High School Behind Tennis	Line	75hr	75	\$2,317.50	
Soccer/Field Hockey/Lacross	Installation	9hr	9	\$278.10	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5 x 3	15	\$463.50	
	Materials		2300	\$2,300.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		500	\$500.00	
				\$8,810.30	\$8,810.30

High School Bennett	Line	75hr	75	\$2,317.50	
Soccer/Field Hockey/Lacross	Installation	12hr	12	\$370.80	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5 x 3	15	\$463.50	
	Materials		2300	\$2,300.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		1000	\$1,000.00	
				\$9,403.00	\$9,403.00

High School Practice Football area	Line	50hr	50	\$1,545.00	
	Installation	9hr	9	\$278.10	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5 x 3	15	\$463.50	
	Materials		2300	\$2,300.00	
	Misc.		500	\$500.00	
				\$7,187.80	\$7,187.80

\$59,322.20 Total High School

Middle School Baseball	Drag, Prep	30min x 150	75	\$2,317.50	
	Line/Chaulk	30min x 150	75	\$2,317.50	
	Installation	40hr	40	\$1,236.00	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5hr	5	\$154.50	
	Materials		1600	\$1,600.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.		1000	\$1,000.00	
				\$11,576.70	\$11,576.70

Middle School Softball	Drag, Prep	30min x 150	75	\$2,317.50	
	Line/Chaulk	30min x 150	75	\$2,317.50	
	Installation	30hr	30	\$927.00	
	Mowing	1hr x 68	68	\$2,101.20	
	Seed, Fert, Airate Etc	5hr	5	\$154.50	
	Materials		1600	\$1,600.00	
	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.			\$500.00	
				\$10,767.70	\$10,767.70

Middle School Soccer	Line	120hr	120	\$3,708.00	
11v11 8v8 Micros	Installation	32hr	32	\$998.80	
Field Hockey/Lacross	Mowing	2hr x 68	136	\$4,202.40	
	Seed, Fert, Airate Etc	20hr	20	\$618.00	
	Materials		2900	\$2,900.00	

	Rubbish p/u	34 x 25	850	\$850.00	
	Misc.			\$1,000.00	
				\$14,277.20	\$14,277.20

\$36,621.60 Total Middle School

Claypit Hill School	Line	120hr	1200	\$37,080.00	
(7) Small Soccer fields	Installation	44hr	44	\$1,359.60	
(2) Baseball fields	Mowing	160hr	160	\$4,944.00	
	Seed, Fert, Airate Etc	36hr	36	\$1,112.40	
	Materials	7000	7000	\$7,000.00	
	Rubbish p/u	34 x 50	1700	\$1,700.00	
	Misc.		1000	\$1,000.00	
				\$54,196.00	\$54,196.00

Loker School	Line	25hr	25	\$772.50	
T ball and Soccer Box	Installation	48hr	48	\$1,483.20	
	Mowing	42hr	42	\$1,297.80	
	Seed, Fert, Airate Etc	8hr	8	\$247.20	
	Materials	1200	1200	\$1,200.00	
	Misc.		500	\$500.00	
				\$5,500.70	\$5,500.70

Cochituate Fields	Line	660hr	660	\$20,394.00	
(2) Softball fields	Installation	56hr	56	\$1,730.40	
practic football	Mowing	104hr	104	\$3,213.60	
	Seed, Fert, Airate Etc	15hr	15	\$463.50	
	Materials	3600	3600	\$3,600.00	
	Rubbish p/u	34 x 50	1700	\$1,700.00	
	Misc.		1000	\$1,000.00	

					\$32,101.50	\$32,101.50
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Alpine Field	Line	75hr	75	\$2,317.50		
11 v 11 8 v 8 Soccer	Installation	16hr	16	\$353.12		
	Mowing	80hr	80	\$1,765.60		
	Seed, Fert, Airate Etc	12hr	12	\$264.84		
	Materials	2800	2800	\$2,800.00		
	Rubbish p/u	34 x 25	850	\$850.00		
	Misc.		500	\$500.00		
				\$8,851.06		\$8,188.81

Town Hall Field	Line	75hr	75	\$2,317.50		
11 v 11 8 v 8 Soccer	Installation	16hr	16	\$494.40		
	Mowing	100hr	100	\$3,090.00		
	Seed, Fert, Airate Etc	12hr	12	\$264.84		
	Materials	2800	2800	\$2,800.00		
	Rubbish p/u	34 x 25	850	\$850.00		
	Misc.		500	\$500.00		
				\$10,316.74		\$10,316.74

Art King Field	Line	60hr	60	\$1,854.00		
Baseball field	Installation	48hr	48	\$1,483.20		
	Mowing	120hr	120	\$3,708.00		
	Seed, Fert, Airate Etc	8hr	8	\$247.20		
	Materials		1200	\$1,200.00		
	Rubbish p/u	34 x 25	850	\$850.00		
	Misc.		500	\$500.00		
				\$9,842.40		\$9,842.40

Riverview	Line	60hr	60	\$1,854.00		
Baseball field	Installation	48hr	48	\$1,483.20		
	Mowing	80hr	80	\$2,472.00		
	Seed, Fert, Airate Etc	8hr	8	\$247.20		
	Materials		1200	\$1,200.00		
	Rubbish p/u	34 x 25	850	\$850.00		
	Misc.		500	\$500.00		
				\$8,606.40		\$8,606.40

ALL OTHER \$128,752.55
 ALL HIGH SCHOOL \$59,322.20
 ALL MIDDLE SCHOOL \$36,621.60

*See FOOTNOTES
 NEXT PAGE*

\$224,696.35

Line	Represents time accounted for Lining of Paint and or Chalk on Given fields
Installation	Represents time accounted for Initial installation of given fields
Mowing	Time accounted mowing based on 34 weeks, some mowed twice a week
Seed, Fertilize, Airate	Time accounted for 2 Seeding's, 3 Fertilizing's, 3Airatings
Materials	Seed, Fertilizer, Paint, Chalk
Rubbish	Based on Labor and Material of DPW Picking up rubbish and recycling once a week for 34 weeks
Misc.	Price based on unforeseen maintenance, or repairs ie: turf repairs, irrigation repairs etc

***Compiled information is a based on accounted times and figures and best estimates.**



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
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

BOARD OF SELECTMEN
Monday, June 27, 2016
Wayland Town Building
Selectmen's Meeting Room

CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Reappointment of Anne Gilbert to the Senior Tax Relief Committee as the Representative of the Finance Committee for a Three-Year Term that Expires June 30, 2019
3. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through May 31, 2016, Invoice 177, Account 5673-01M: \$1,650.70
4. Vote the Question of Approving the One-Day Liquor License for the Family Promise MetroWest Fundraiser, at the Temple Shir Tikva, 141 Boston Post Road, on November 5, 2016, from 6:00 p.m. to 10:00 p.m.
5. Vote the Question of Approving the Exemption as Required by Massachusetts General Laws 268A Section 20 (b) for Dennis Doherty, Scott Parseghian, Sean Chase, and Amanda Cosenza for Summer Sport Program and Clinic Staff Services

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
06/15/2016
Account No. 5673-01M
Invoice No. 177

Attn: Town Administrator

Labor

BALANCE DUE

\$1,650.70



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

APPLICATION FOR ONE DAY LIQUOR LICENSE

CHECK ONE

- Application by a manager for a one-day liquor license for the sale of BEER & WINE to be drunk on the premises
- Application by a manager of a nonprofit organization for a one-day liquor license for the sale of ALL ALCOHOLIC BEVERAGES OR BEER & WINE to be drunk on the premises

DATE OF EVENT BEING APPLIED FOR: November 5, 2016

Exact times of the license: FROM 6:00 am/pm TO 10:00 am/pm

The undersigned hereby applies for a License for a One Day Liquor License in accordance with the provisions of the Statutes relating thereto:

Full name, address, phone(s), and email of the organization making this application:

Family Promise metrowest
P.O. Box 847
13 Common ST
DARTMOUTH, MA 01760

Full name, address, phone (s), and email of the manager who shall be responsible for this license:

Carek Brodrick
carek@familypromise-metrowest.org
Same address as the above.

Is the Applicant TIPS Certified? Yes No If yes, please attach documentation.

I will have a Bartender TIPS Certified from the British Beer Comp
 Description of Event: Keep the Promise is a food + wine tasting event with a silent live auction to raise funds for our shelter programs for families who are homeless.

Number of Attendees 300 (If number of attendees exceeds 150 people, a police detail will be required)

Is the applicant a non-profit organization duly registered with the Secretary of State? If yes, please attach appropriate documentation.

Location where event shall be held:

Temple Shur Tikva
141 Boston Post Road

Has the approval of the property owner been obtained? Yes No

Please supply written confirmation from the owner of the property stating that approval is given for the sale and service of alcohol, and the occupancy number for the location.

Has the applicant been issued similar license in Wayland in the past 12 calendar months?

Yes No If yes, when? November 7, 2015

Please attach a floor plan or diagram (8 1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.

The applicant hereby states that the applicant has received a copy of the Licensing Authority's regulations pertaining to One Day Liquor Licenses and is aware of and shall comply with all applicable statutes, bylaws, and regulations.

Signature of Applicant: Carol A. Brodick Date: 5/23/16

Return this form, along with check for fee of \$25 made out to the TOWN OF WAYLAND, to:

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

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



FAMILY PROMISE METROWEST

May 23, 2016

Town of Wayland
Mary Ann DiNapoli
41 Cochituate Road
Wayland, MA , 01778

Dear Mary Ann,

I am with Family Promise Metrowest. We are a private, nonprofit organization that provides shelter, meals and professional case management to families that are homeless in Metrowest. Family Promise has a network of over 2600 volunteers and 50 congregations that provide the overnight stays for the families when they are in our program.

Our fall fundraiser, Keep the Promise: An evening of food tasting to benefit families who are homeless is being held on November 5 at Temple Shir Tikva. I have been in touch with the Board of Health to apply for a food permit and with Robert Irving at the Police Department. I need to apply for a one day liquor license for the evening. If you need anything else from me please let me know.

With much appreciation,

Carole A. Brodrick

Carole A. Brodrick

Development Director

Family Promisemetrowest



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In
Ju
20

FAMILY PROMISE METROWEST INC
PO BOX 847
NATICK MA 01760-0008



336874

Dear Taxpayer:

This is in response to your May 18, 2012, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in May 2007.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

July 6, 2012

TO WHOM IT MAY CONCERN:

I hereby certify that

METROWEST INTERFAITH HOSPITALITY NETWORK, INC.

appears by the records of this office to have been incorporated under the General Laws of this Commonwealth on January 18, 2005 (Chapter 180).

I also certify that by Articles of Amendment filed here February 28, 2012, the name of said corporation was changed to

FAMILY PROMISE METROWEST, INC.

I also certify that so far as appears of record here, said corporation still has legal existence.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

[Print](#) | [Close Window](#)

Subject: Permission for Family Promise Metrowest

From: Karen Edwards <kedwards@shirtikva.org>

Date: Thu, May 19, 2016 11:01 am

To: "carole@familypromisemetrowest.org" <carole@familypromisemetrowest.org>

To whom it may concern:

Family Promise Metrowest has permission to serve beer and wine at their fundraising event on November 5, 2016 at Temple Shir Tikva, 141 Boston Post Road in Wayland.

Karen Edwards

Karen Edwards

Assistant to the Rabbis and Cantor

Temple Shir Tikva

508-358-9992 ext. 210

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RECREATION DEPARTMENT

TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3662 • FAX (508) 358-3665

Jessica Brodie, Director

MEMO

June 16, 2016

To: Nan Balmer, Town Administrator
cc: MaryAnn DiNapoli
From: Jessica Brodie, Recreation Director

Re: Ethics Exemption - MGL 268A Section (b) – School Employees working
for a Recreation Department

Dear Nan,

This memo is to request that the Board of Selectmen Review and vote on Request for Exemption as required by MGL 268A Section 20 (b) for Dennis Doherty, Scott Parseghian, Sean Chase, & Amanda Cosenza for summer sport program & clinic staff services. Town Counsel has advised the vote of this exemption is required for employees working for two departments, in this case teachers working for the Recreation department seasonally.

VOTE: To approve the Request for Exemption as required by MGL 268A Section 20 (b) for Dennis Doherty, Scott Parseghian, Sean Chase, & Amanda Cosenza for summer sport program & clinic staff services with the Recreation Department.

Please let me know if you have any questions regarding this request.

Thank you,

Jessica Brodie, CPRP
Recreation Director

Attachments:

- Language from the Ethics Laws that applies to this exemption
- 20b Exemption forms from applicable employees

Below are additional details for each employee, as well as the outline of how they will meet the requirements for the exemption:

- **Dennis Doherty** will work for the Recreation Department for two, week long basketball programs the weeks of July 11th & August 1st for approx. 60 hours, and an 8 week youth summer hoops program June 14 - Aug. 9 for approx. 24 hours; totaling 84 hours for the summer.
- **Scott Parseghian** will work for the Recreation Department for two sessions of football clinics the weeks of July 11th & July 18th for approx. 60 hours.
- **Sean Chase** will work for the Recreation Department for two sessions of football clinics the weeks of July 11th & July 18th for approx. 60 hours.
- **Amanda Cosenza** will work for the Recreation Department for one session of a combined basketball and lacrosse clinics the week of July 25th for approx. 60 hours.

These school employees working for the Recreation Department will meet the requirements of the exemption by:

- Working less than 500 hours, outside of their regular working hours in a position where the duties are not the same as their regular job
- Being hired after all seasonal positions have been advertised and posted to the public
- Disclosure forms for each school employee have been filled out and filed with the Town Clerk
- The Recreation Director has filed a certification that no employee within its agency is available to perform the services as part of their regular duties
- That the Board of Selectmen approve the exemption



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN

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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM JUNE 10, 2016,
THROUGH AND INCLUDING JUNE 23, 2016,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR JUNE 27, 2016**

Items Distributed To the Board of Selectmen – June 10-23, 2016

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meeting of June 13, 2016**

1. Memorandum of 6/13/16 to Board of Selectmen re: Revised List of Annual Reappointments
2. Memorandum of 6/13/16 from Fire Chief David Houghton to Board of Selectmen re: Fire Department Update
3. List of Possible Fall Special Town Meeting 2016 Articles prepared by Nan Balmer, Town Administrator

**Items Included as Part of Agenda Packet for Discussion During the June 27, 2016
Board of Selectmen's Meeting**

1. Memorandum of 6/23/16 to Board of Selectmen re: Appointments To Positions On Personnel Board, Zoning Board of Appeals, and Finance Committee
2. Memorandum of 6/27/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Potential Special Town Meeting Articles
3. Memorandum of 6/27/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Mainstone, with Draft Conservation Restriction and Correspondence from Attorney Elizabeth L. Wroblecka, Etheredge & Steuer
4. Draft Minutes of June 13, 2016
5. Report of the Town Administrator for the Week Ending June 24, 2016



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, June 27, 2016
Wayland Town Building
Selectmen's Meeting Room

REVISED CORRESPONDENCE

Selectmen

1. Memoranda of 6/13/16 from Beth R. Klein, Town Clerk, to Board of Selectmen, re: Resignation of Colleen Sheehan from the Planning Board and the Wayland Real Asset Planning (WRAP) Committee
2. Letter of 6/13/16 from Board of Selectmen to Twenty Wayland, LLC, re: Town Center Project Development Agreement Consultant Fee Reconciliation
3. Letter of 6/15/16 from Attorney Elizabeth L. Wroblicka, Etheredge & Steuer, PC, to Board of Selectmen re: Mainstone Farm Conservation Restrictions
4. Monthly Update, Police Department, May 2016
5. DPW Director Report, June 14, 2016

Conservation Commission

6. Order of Conditions and Chapter 194 Permit, 6/14/16, re: Pinebrook Road Culvert
7. Chapter 194 Permit, 6/15/16, re: 115 Dudley Road
8. Chapter 194 Permit, 6/15/16, re: 270 Pelham Island Road
9. Determination of Applicability and Chapter 194 Permit, 6/16/16, re: 9 South Street
10. Order of Conditions and Chapter 194 Permit, 6/22/16, re: 18 Audubon Road
11. Determination of Applicability and Chapter 194 Permit, 6/23/16, Heard Road Drainage Improvement Project

Minutes

12. Finance Committee, May 9, 2016
13. Historical Commission, May 11, 2016
14. Housing Partnership, March 15, 2016
15. Board of Library Trustees, May 18, 2016, June 1, 2016
16. Personnel Board, May 23, 2016
17. Board of Public Works, May 24, 2016, June 3, 2016
18. River's Edge Advisory Committee, March 22, 2016

State

19. Letter of 6/22/16 from Linda L. Segal to Supervisor of Public Records, Office of State Secretary, re: SPR 16/314, Appeal of Denial of Access to Public Records, adding Failure to Comply as Ordered, and Failure to Respond



TOWN OF WAYLAND

MASSACHUSETTS
01778

①

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630

508-358-3631

FAX: 508-358-1683

www.wayland.ma.us

Date: June 13, 2016
To: Board of Selectmen ✓
From: Beth R. Klein, Town Clerk
Re: RESIGNATION OF ELECTED OFFICIAL

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective June 13, 2016.

Colleen M. Sheehan Board of Selectman Term Expires: April 2020

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 or such later time certain as may be specified in such resignation.

cc: Nan Balmer, Town Administrator
Andrew Reck, Chair Planning Committee
Sarkis Sarkisian, Town Planner
Colleen Sheehan

RECEIVED

JUN 13 2016

Board of Selectmen
Town of Wayland



TOWN OF WAYLAND

MASSACHUSETTS

01778

TOWN CLERK

Beth R. Klein

bklein@wayland.ma.us

ASSISTANT TOWN CLERK

Diane M. Gorham

dgorham@wayland.ma.us

TOWN BUILDING
41 COCHITUATE ROAD
Wayland, MA 01778

TEL: 508-358-3630
508-358-3631

FAX: 508-358-1683
www.wayland.ma.us

Date: June 13, 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 effective June 13, 2016:

Colleen M. Sheehan
Term Expires:

Wayland Real Asset Planning Committee
June 30, 2018

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
Andrew Reck, Chair Planning Committee
Sarkis Sarkisian, Town Planner
Colleen Sheehan

RECEIVED

JUN 13 2016

Board of Selectmen
Town of Wayland

Colleen Sheehan
16 Springhill Road
Wayland MA 01778

June 12, 2016

Andrew Reck, Chair of Planning Board
Sarkis Sarkisian, Town Planner
Town of Wayland
Wayland, Massachusetts

RECEIVED
TOWN OF WAYLAND
TOWN CLERK
2016 JUN 13 AM 9:33

After much deliberation, I have decided to announce my resignation from Planning Board and Wayland Real Asset Planning Committee, effective June 15, 2016. I regret that the demands of my family and work no longer afford the time required for these positions. I appreciate the experience of having served the town the town these past years both with the Planning Board and with WRAP.

I hope that this does not cause too much disruption to either committee. I wish all the members the best of luck in the future.

Sincerely,

Colleen Sheehan

cc: Cherry Karlson, Board of Selectmen
Nan Balmer, Town Administrator



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

June 13, 2016

Anthony J. DeLuca, Manager
Twenty Wayland, LLC
c/o KGI Properties
10 Memorial Boulevard – Suite 901
Providence RI 02903

RE: Town Center Project Development Agreement Consultant Fee Reconciliation

Dear Mr. DeLuca:

I am writing you in response to your letter to me dated May 18, 2016 concerning the above-referenced subject.

Your company's request that the Town revise the reconciliation by granting a credit for two checks totaling \$40,279.67 paid to the Town in the Fall of 2005 is not appropriate. The amounts paid are unrelated to the consultant fees that your company was obligated to pay under its Memorandum of Agreement with the Town dated March 28, 2006 (the "MOA"). The escrow account reconciliation required under Section 8 c of the MOA relates only to the "payment of invoices for the various costs and consultant fees required of the Developer pursuant to this Section [8 of the MOA]."

Attached are copies of the invoices for services paid to BETA (\$34,233.52) from October 29, 2012 to June 23, 2014 and Schofield Brothers of New England, Inc. on June 20, 2011 (\$3,000) showing that the services performed by them were related to advice and information provided to Planning Board and Conservation Commission relative to the Town Center Project Development. Further, a memo from the Wayland Town Planner and a technical report documenting services provided by Schofield Brothers of New England, Inc. are attached to provide additional details.

Please accept this letter and the enclosed documents as additional support for the final accounting that was provided to your company on May 2, 2016. I reiterate the Town's May 2, 2016 request for confirmation that the reconciliation is acceptable.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cherry Karlson". The signature is fluid and cursive, with a large initial "C" and a stylized "K".

Cherry Karlson
Chair

/enc

cc: Town Administrator (w/encl.'s)
Town Planner (w/ encl.'s)



Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
01778
PLANNING DEPARTMENT

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3615
FAX: (508) 358-4036

 DATE: June 13, 2016
TO: Nan Balmer, Town Administrator
FROM: SARKIS SARKISIAN, TOWN PLANNER
RE: Escrow Reconciliation Letter Town Center Project

Per your request regarding services from BETA in the amount of (\$34,233.52) from 10/29/12 to 6/23/14 and Schofield (\$3,000) on 4/30/11, funds were expended pursuant to the MOA and the Master Special Permit dated January 23, 2008.

The invoices for Gates, Leighton & Associates, Inc were for the performance of design review for the Wayland Town Center project including review of plant schedule, lighting, hardscape surfaces (sidewalks, mews, crosswalks and intersections) within the Town Center. Gates, Leighton & Associates also performed conceptual design of the trail connections and Town Green. Through GLA's conceptual design we were able to save Twenty Wayland from removing 7,000 yards of material off site, while using the material to contour and grade the Town Green. Please note that GLA employees working on the Town Center project joined the Beta Group on June 4, 2012.

The invoice for Schofield Brothers dated April 30, 2011 was for services performing Wetland delineation and reporting for the Off Site improvements along Route 20 near the Public Safety Building. Attached is a copy of the completed report.

Thank you.

SBSCHOFIELD BROTHERS
ENGINEERING • SURVEYING • PLANNING

Schofield Brothers of New England, Inc.
1071 Worcester Road
Framingham, MA 01701-5298
508-879-0030 • 1-800-696-2874
Fax 508-879-1797
Website www.schofieldbros.com

January 24, 2011

Mr. Sarkis Sarkisian, Town Planner
Wayland Town Building
41 Cochituate Road
Wayland, MA. 01778

Job # 24014

RE: Wayland Public Safety Building Property
Wetland Delineation

Dear Mr. Sarkisian:

Following my meeting with you and the Wayland Building Commissioner, Dan Bennett and the Wayland Conservation Commission Administrator, Brian Monahan, I performed a delineation of certain wetlands resource area boundaries at the subject property and checked the existing wetland flagging done by others in two areas. The field work was performed on December 17, 2010. The following are plans and reports reviewed as part of this work:

1. Report entitled "On-site Soil Investigation Report" dated September 11, 2010, by Peter C. Fletcher, Certified Professional Soil Scientist.
2. Letter Report dated October 20, 2010, by Francis X. Dougherty, for Twenty Wayland, LLC.
3. Plan entitled "Wayland Town Center, Wayland, MA, Millbrook Road Wetland Replication and Flood Storage Compensation Plan", dated 9/1/10 and revised 10/12/10, by RJ O'Connell & Associates, Inc.
4. Order of Resource Area Delineation issued by the Wayland Conservation Commission to Twenty Wayland, LLC, dated November 16, 2007 as corrected January 15, 2008.
5. Plans entitled "Wayland Town Center, Existing Conditions Plan", sheets 9, 10 and 11 of 22, dated November 20, 2007, by Hancock Associates.
6. Plans entitled "Wayland Public Safety Building, Existing Conditions Plan" as revised 9/12/02, by Finegold, Alexander & Associates, Inc.
7. Plan Entitled "Sketch plan of Land in Wayland, Massachusetts, Prepared for: Town of Wayland" dated March 15, 2002, by Schofield Brothers of New England, Inc.
8. Letter report dated February 27, 2002 prepared by Fredric King of Schofield Brothers of New England regarding a review of a previous delineation of wetlands resource areas at the site.
9. Soil Survey of Middlesex County Massachusetts, 1991 by the U.S. Soil Conservation Service.

General Site Description:

The property is located at 38 Cochituate Road consisting of approximately 8.68 acres of land bordered by Boston Post Road on the south, Cochituate Road on the west, Mill Brook Road and the former rail road right of way on the north and northeast, and a private residential property to the east. The site contains the Wayland Public Safety Building with associated parking lots, utilities, driveways and walkways located in the westerly portion of the site along Cochituate and Mill Brook Roads. Mill Brook enters the site at a culvert under the railroad bed near the northeast corner, and flows westerly through the site to a culvert at the intersection of Boston Post Road and Cochituate Road. Mill Brook is a perennial stream and has associated bordering vegetated wetlands along it.

Summary of the Wetlands Consulting Work by Schofield Brothers of New England, Inc. (SBNE)

SBNE was contracted by the Town to review and evaluate two portions of previously flagged wetlands delineations by others and to perform additional delineations of the boundary of Bordering Vegetated Wetland along Boston Post Road at the site. This work was performed per the methodologies contained in the Mass. DEP Handbook Delineating Bordering Vegetated Wetlands Under the Mass Wetlands Protection Act, March 1995. The reviews and delineations are described as follows:

Area 1: Flags A-32 to A-56:

These wetlands flags are located in the northeastern portion of the site and are shown on the October 12, 2010 R.J. O'Connell plan (Reference Plan 3 above). From the plans, the delineation appears to have been located by Chappell Engineering. The plans do not identify the delineator. The flagging was done with pink survey ribbon, pre-printed with "Wetlands Delineation" on the flags. This flagging was reviewed by Peter Fletcher in September of 2010 for the Wayland Conservation Commission and his report is Reference 1 above.

The purpose of the SBNE work relative to this section was to provide a second opinion of that portion of the line as it was different than the previous line that was delineated by the Conservation Agent in 2002 and shown on the plan and previous review contained in Refs 7 and 8 above.

Findings:

- All flagging was found intact for this evaluation. I also found several older blue flags located closer to the stream than the more recent pink flagging and four red flags along the edge of the stream near Pink flag A-46. The blue flags seemed to be within the vegetated wetland. I did not know the purpose of these flags, so I ignored these for this evaluation.
- I checked the general vegetation, topographic setting and took frequent soil probes with a hand auger.
- Based on the above, I found the line to be very reasonable and I concur with the previous evaluation of Mr. Fletcher. I saw no reason to recommend adjustment of any of these flags.

Area 2: Flags A-1 to A-21:

These flags are marked with the same pink survey ribbon with pre-labeled "Wetland Delineation" as in Area 1. These appear to have been done at the same time as the above flagging and, I would guess that they were set by the same wetland delineator. These were not previously reviewed by Peter Fletcher.

The flags begin at the north side of the culvert at Boston Post Road and run easterly along the north side of Mill Brook, to the property to the east of the Public Safety Building parking lot. The purpose of this evaluation was to provide a peer review of this portion of the delineation. Note that the delineation flagging continues through the rear of the adjacent Wayland Housing property from Flags A-22 to A-31 and these appear to be all within that parcel.

Findings:

- All flagging was found intact and in good condition for this evaluation.
- I checked the general vegetation, topographic setting and took frequent soil probes with a hand auger.
- Flags A-1 to A-5 generally follow the edge of the maintained lawn area at the edge of the shrub line with predominantly Silky Dogwood shrubs. One specimen Yellow Twig Dogwood was found that was

- likely planted. Flag A-3 appeared a bit high based on soils indicators, but due to the dense dogwood shrub growth, I would not recommend adjusting that flag.
- The remainder of the flags appear to follow near the base of the steep slope. The wetland vegetation included Silky Dogwood, American Elm saplings, Red Maple saplings, Willow, Sensitive Fern, and Cinnamon fern. Other groundcover vegetation was difficult to determine due to the time of year. The line appeared at the transition to Multi-flora Roses.
 - Flag A-10 appeared to be too low in comparison to the adjacent A-9 and A-11. This was confirmed with a check of the soils with hydric soil indicators at less than 12 inches depth. Based on the soils, vegetation and topographic character, I concur with flags A-9 and A-11 and recommend that Flag A-10 be move horizontally away from the stream by 4 feet. I placed a red survey ribbon at that location labeled A-10 Adjust.
 - With the one minor exception above, I found the line to be very reasonable and I concur with the flagged line.

Area 3: Southerly side of Mill Brook

This delineation defines the boundary of vegetated wetlands bordering on the south side of Mill Brook. The portion along Boston Post Road was previously flagged by Hancock Associates in 2007 as shown on the plan identified in Reference 5 above. Unfortunately, I found only a few remnants of the blue flagging used for that delineation, and the numbering was visible on only one flag identified as M-9.

Since this line could not be recovered, a new delineation was necessary to define this boundary. I performed this delineation beginning at the eastern side of the property working westerly along Boston Post Road to the Mill Brook culvert at the southwesterly corner of the site. The delineation was marked with red survey ribbon numbered SBNE 1 to SBNE 60. The general locations of the flagging are contained on the Sketch Plan in Attachment 2. That sketch was conveyed to the Town Surveyor on 12/17/10 who will be locating the delineation by survey. The field delineation is described as follows:

- **Flags SBNE 1 to SBNE 11:**
These flags are in a natural wooded area in the eastern portion of the site. The upland is an oak / poplar forest and the wetland at the boundary is a narrow band of red maple swamp that transitions to shrub swamp and open marsh near the brook. The slope of the terrain in the area of Flags SBNE 3 to SBNE 9 is fairly gradual and the boundary of the wetland is not well defined by vegetation, so I performed a transect with two sample plots in the area of Flag SBNE 5 to help define the boundary. At both sample plots, vegetation, soils and indicators of hydrology were documented. The DEP Field Data Forms for these sample plots are contained in Attachment 1. The remainder of this portion of the delineation was performed using the information from the transect for vegetation and soil indicators with frequent soil probes with a hand soil auger.
- **Flags SBNE 12 to SBNE 24:**
These flags follow the limit of the filled land that is presently maintained as lawn around the Town welcome sign. This area had been graded in the recent past and there are remains of the haybale barrier that was used for erosion control for that work. The change in grade at the boundary of the wetland is relatively abrupt and the boundary is quite distinct and easily determined.
- **Flags SBNE 25 to SBNE 30:**

RE: Town of Wayland, 38 Cochituate Road
Wetland Delineation Report

Page 4

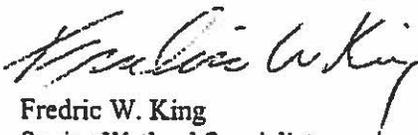
January 24, 2011

These flags follow around an old fill pile that is now covered with trees. The change in topography is abrupt and the boundary of the wetland is distinct and the vegetation and soils change is easily identified in this section.

- **Flags SBNE 31 to SBNE 58:**
This portion of the delineation follows the base of the fill embankment for Boston Post Road with the exception of Flags 49 to 53. In that section the grade is higher than the adjacent wetland area and the wetland boundary veers away from the toe of the road fill slope. In this area I found remnants of the blue Hancock flagging. I checked the soils and vegetation and concur with the Hancock flagging and tied my flags along that line. The remainder of the line in this area is easily determined along the base of the fill slope.
- **Flags SBNE 59 to SBNE 60 (Bank):**
At this location, the road embankment forms the bank of Mill Brook. The bank is high and there is no BVW at this location. The delineation flags, mark the "Bank" under the Wayland Wetland Bylaw which conforms to the top of the embankment (first break in slope) which in this case appears slightly higher than the mean annual high water level using bankfull indicators. Due to this, the limit of "bank" under the Mass. Wetlands Protection Act would be slightly lower in this case, however, due to the steepness of the bank, the horizontal difference would be insignificant.

If you have any questions regarding the delineation and this report, please contact me.

Sincerely,
Schofield Brothers of New England, Inc.



Fredric W. King
Senior Wetland Specialist

Attachments

1. DEP Field Delineation Forms.
2. Sketch of Wetlands Delineation

ATTACHMENT 1

MASS. DEP FIELD DELINEATION FORMS
(4 Pages).

DEP Bordering Vegetated Wetlands (310 CMR 10.55) Delineation Field Data Form

Applicant: Town of Wayland Prepared by: Fred King Project location: 38 Cochituate Rd. DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. Vegetation Observation Plot Number: P1 Transect Number: T1 Date of Delineation: 12-17-10

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Trees				
Red Maple (<i>Acer rubrum</i>)	421.3 sq. in.	53.7	Yes	FAC
Pin Oak (<i>Quercus palustris</i>)	49.7	6.3	No	FACW
Big tooth aspen (<i>Populus grandidentata</i>)	314.2	34.0	Yes	FACU-
Shrub / Sapling				
Buckthorn (<i>Rhamnus frangula</i>)	38.0	73.8	Yes	FAC
Arrow-wood (<i>Viburnum dentatum</i>)	10.5	20.4	Yes	FAC
Red Maple Saplings (<i>Acer Rubrum</i>)	3.0	5.8	No	FAC
Ground Cover				
None observed at plot				

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptations next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 3 Number of dominant non-wetland indicator plants: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes X No

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP: 3/95

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? Yes No
 title/date: Middlesex County Intreim Soil Survey Report 1991

 map number: 45
 soil type mapped: Swansea Muck, Windsor Loamy Sand
 hydric soil inclusions: Yes

Are field observations consistent with soil survey? Yes no
 Remarks: Swansea Muck soil in wetland along Mill Brook. Windsor loamy sand in the uplands.

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	2 inch		
A	VFSL 0-6	2.5 Y 2/1	
B	FSL 6-20	2.5 Y 3/2	2.5 Y 6/6 @10 in. Com.

Also 2.5 Y 1/1 few

Remarks: Saturated @ 10 in. and groundwater @ 16 in.

3. Other:

Conclusion: Is soil hydric? Yes No

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water on observation hole: 16 in.
- Depth to soil saturation in observation hole: 10 in.
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____

Other: Shallow and adventitious roots

Vegetation and Hydrology Conclusion		
	Yes	No
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present: hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology Present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

A1-2



FILE COPY

TOWN OF WAYLAND
MR. SARKIS SARKISIAN
41 COCHITUATE RD.
WAYLAND, MA 01778

July 17, 2012
Project No: 12.04291.00
Invoice No: 1

Project 12.04291.00 WAYLAND, MA / ON-CALL
GLA # P0001069.H

Professional Services from June 01, 2012 to June 30, 2012

TOTAL DUE THIS INVOICE ... \$912.50

Date: JUL 17 2012

Authorized By: *Arek Galle*

AREK GALLE



FILE COPY

August 15, 2012
 Project No: 12.04291.00
 Invoice No: 2

TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA 01778

Project 12.04291.00 WAYLAND, MA / ON-CALL

- * Preparation of Town Common Concept Plans.
- * Development of Draft plan (11 X17 Format).

Professional Services from June 27, 2012 to July 27, 2012

Professional Personnel

		Hours	Rate	Amount	
HOWARD, DEBRA	7/2/2012	.75	75.00	56.25	
HOWARD, DEBRA	7/5/2012	2.25	75.00	168.75	
HOWARD, DEBRA	7/9/2012	2.00	75.00	150.00	
HOWARD, DEBRA	7/10/2012	2.50	75.00	187.50	
HOWARD, DEBRA	7/11/2012	2.75	75.00	206.25	
HOWARD, DEBRA	7/23/2012	.75	75.00	56.25	
HOWARD, DEBRA	7/24/2012	.75	75.00	56.25	
HOWARD, THOMAS	7/5/2012	3.00	25.00	75.00	
HOWARD, THOMAS	7/9/2012	2.50	25.00	62.50	
HOWARD, THOMAS	7/10/2012	1.50	25.00	37.50	
LEIGHTON, DONALD	7/5/2012	1.25	160.00	200.00	
LEIGHTON, DONALD	7/11/2012	1.75	160.00	280.00	
LEIGHTON, DONALD	7/12/2012	2.75	160.00	440.00	
LEIGHTON, DONALD	7/18/2012	2.25	160.00	360.00	
LEIGHTON, DONALD	7/19/2012	3.00	160.00	480.00	
LEIGHTON, DONALD	7/23/2012	2.00	160.00	320.00	
LEIGHTON, DONALD	7/24/2012	.50	160.00	80.00	
LEIGHTON, DONALD	7/27/2012	1.00	160.00	160.00	
SOCHA, NATHAN	7/23/2012	3.00	75.00	225.00	
SOCHA, NATHAN	7/24/2012	5.00	75.00	375.00	
SOCHA, NATHAN	7/25/2012	4.00	75.00	300.00	
SOCHA, NATHAN	7/26/2012	6.25	75.00	468.75	
SOCHA, NATHAN	7/27/2012	8.00	75.00	600.00	
Totals		59.50		5,345.00	
Total Labor					5,345.00
				TOTAL DUE THIS INVOICE ...	\$5,345.00

Authorized By: *Arek Galle*
 AREK GALLE

Date: AUG 15 2012

Town Green

- Locate (In Field) 23 Sycamore Trees and diagram & forward plan
- Revised cost estimate for Landscaping & Drainage

Rivers Edge Housing

- Analysis proposed landscape plan
- Develop property line concept plans for contious planting & grading
- Present concept plans to planning board

DPW / Housing Study

- Review site conditions & evaluate space requirements for 150 housing units & new DPW Facility

Authorized By:



DONALD LEIGHTON

Date:

SEP 13 2013



September 19, 2012
 Project No: 12.04291.00
 Invoice No: 3

TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA 01778

Project 12.04291.00 WAYLAND, MA / ON-CALL

- * Conceptual Design - Trail Connection, create boards for meeting, finish conceptual design draft
- * Irrigation estimate, cut and fill, cost revise, booklet adjustment
- * Prepare boards and booklets: skating rink study, revisions
- * Town hall meeting 8/9
- * Booklet revisions
- * Grading with 100 x 100 rink, cut and fill calcs to 7000 cubic yards, winter perspective renderings
- * Project board condensing to 24 x 36 presentation 8/21
- * Meeting at Town Hall 8/23
- * Planting and cost estimate
- * Park enlargement study 8/30

Professional Services from July 28, 2012 to August 31, 2012

Professional Personnel

		Hours	Rate	Amount
CARR, KELLY	8/23/2012	1.00	140.00	140.00
LEIGHTON, DONALD	7/30/2012	1.75	160.00	280.00
LEIGHTON, DONALD	8/1/2012	.50	160.00	80.00
LEIGHTON, DONALD	8/2/2012	2.25	160.00	360.00
LEIGHTON, DONALD	8/6/2012	.25	160.00	40.00
LEIGHTON, DONALD	8/8/2012	.50	160.00	80.00
LEIGHTON, DONALD	8/9/2012	2.50	160.00	400.00
LEIGHTON, DONALD	8/10/2012	1.00	160.00	160.00
LEIGHTON, DONALD	8/22/2012	.75	160.00	120.00
SOCHA, NATHAN	7/30/2012	3.00	75.00	225.00
SOCHA, NATHAN	8/1/2012	5.00	75.00	375.00
SOCHA, NATHAN	8/2/2012	7.00	75.00	525.00
SOCHA, NATHAN	8/3/2012	8.00	75.00	600.00
SOCHA, NATHAN	8/6/2012	8.00	75.00	600.00
SOCHA, NATHAN	8/7/2012	4.00	75.00	300.00
SOCHA, NATHAN	8/8/2012	6.00	75.00	450.00
SOCHA, NATHAN	8/9/2012	4.50	75.00	337.50
SOCHA, NATHAN	8/10/2012	1.50	75.00	112.50
SOCHA, NATHAN	8/13/2012	8.00	75.00	600.00
SOCHA, NATHAN	8/14/2012	3.00	75.00	225.00
SOCHA, NATHAN	8/15/2012	1.50	75.00	112.50
SOCHA, NATHAN	8/21/2012	1.00	75.00	75.00
SOCHA, NATHAN	8/22/2012	1.00	75.00	75.00
SOCHA, NATHAN	8/23/2012	4.00	75.00	300.00
SOCHA, NATHAN	8/24/2012	2.00	75.00	150.00
SOCHA, NATHAN	8/27/2012	4.00	75.00	300.00
SOCHA, NATHAN	8/28/2012	4.00	75.00	300.00
SOCHA, NATHAN	8/29/2012	1.00	75.00	75.00

Project	12.04291.00	WAYLAND, MA / ON-CALL		Invoice	3
SOCHA, NATHAN		8/30/2012	.50	75.00	37.50
SOCHA, NATHAN		8/31/2012	1.00	75.00	75.00
	Totals		88.50		7,510.00
	Total Labor				7,510.00
TOTAL DUE THIS INVOICE ...					\$7,510.00

Authorized By: Arek W Galle
 AREK GALLE

Date: ~~SEP 19 2012~~



Gates, Leighton & Associates, Inc.
LANDSCAPE ARCHITECTURE

Invoice

March 13, 2013
Project No: P001069H
Invoice No: 0018981

MR. SARKIS SARKISIAN
TOWN OF WAYLAND
41 Cochituate Road
Wayland, MA 01778

Project: P000169H Wayland On-Call Services

Professional Services from April 1, 2012 to June 2, 2012

Design review for Wayland Town Center project including review of plant schedule, lighting, Hardscape surfaces (sidewalks, crosswalks, intersections)

Review of Town Center project including:

- Coordination with PB chair
- Review of wind turbines
- Schematic plan for locating 6 turbines and suggested tree planting for S & S parking lot
- Photo documentation & coordination between A Galle & S Sarkasian

Professional Personnel	Hours	Rate	Amount
A Galle	11.75	\$140	\$1645.00
D Leighton	6.25	\$160	1000.00
D Howard	4.50	\$ 75	337.50
A Sloan	9.0	\$ 95	855.00
S D'Ambrosia	.25	\$ 75	18.75
Total Labor			\$3856.25

Total this invoice

\$3,856.25

24122-700-52167



TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA 01778

September 13, 2013
 Project No: 12.04291.00
 Invoice No: 9

Project 12.04291.00 WAYLAND, MA / ON-CALL
 TOWN CENTER STUDIES - VISUALS

Professional Services from April 27, 2013 to August 30, 2013

Professional Personnel

		Hours	Rate	Amount	
BOISVERT, GARY	5/21/2013	1.00	60.00	60.00	
BOISVERT, GARY	5/22/2013	.50	60.00	30.00	
HOWARD, DEBRA	7/16/2013	1.00	75.00	75.00	
HOWARD, DEBRA	8/12/2013	.25	75.00	18.75	
LEIGHTON, DONALD	7/19/2013	.50	160.00	80.00	
LEIGHTON, DONALD	7/31/2013	.50	160.00	80.00	
LEIGHTON, DONALD	8/2/2013	.25	160.00	40.00	
LEIGHTON, DONALD	8/5/2013	.25	160.00	40.00	
LEIGHTON, DONALD	8/13/2013	4.50	160.00	720.00	
LEIGHTON, DONALD	8/19/2013	.50	160.00	80.00	
LEIGHTON, DONALD	8/21/2013	.50	160.00	80.00	
LEIGHTON, DONALD	8/23/2013	.50	160.00	80.00	
LEIGHTON, DONALD	8/26/2013	3.00	160.00	480.00	
LEIGHTON, DONALD	8/27/2013	5.00	160.00	800.00	
SLOAN, AMANDA	5/22/2013	1.00	75.00	75.00	
SOCHA, NATHAN	8/15/2013	5.00	75.00	375.00	
SOCHA, NATHAN	8/26/2013	5.00	75.00	375.00	
SOCHA, NATHAN	8/27/2013	8.00	75.00	600.00	
Totals		37.25		4,088.75	
Total Labor					4,088.75

Reimbursable Expenses

Direct/Reim/Miscellaneous					
8/13/2013	TEAM EJP LINCOLN, RI	3	Grade Stakes	14.71	
	Total Reimbursables			14.71	14.71

TOTAL DUE THIS INVOICE ... \$4,103.46

Make checks payable and mail to:

BETA Group, Inc.
PO Box 9
Albion, RI 02802-0009

Terms: Net 30 Days / Please Remit To: BETA Group, Inc., P.O. Box 9, Albion, RI 02802-0009



TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA
 01778

October 10, 2013
 Project No: 12.04291.00
 Invoice No: 10

Project 12.04291.00 WAYLAND, MA / ON-CALL
 TOWN CENTER STUDIES - VISUALS

~~Professional Services from August 31, 2013 to September 27, 2013~~

Task 053 CENTER / GREEN HOUSING

Professional Personnel

		Hours	Rate	Amount	
LEIGHTON, DONALD	9/3/2013	3.25	180.00	520.00	
SOCHA, NATHAN	9/3/2013	5.00	75.00	375.00	
SOCHA, NATHAN	9/9/2013	3.00	75.00	225.00	
SOCHA, NATHAN	9/12/2013	1.00	75.00	75.00	
SOCHA, NATHAN	9/24/2013	.50	75.00	37.50	
Totals		12.75		1,232.50	
Total Labor					1,232.50
			Total this Task		\$1,232.50

Task 063 RIVERS EDGE / DPW

Professional Personnel

		Hours	Rate	Amount	
COSTA, CARLOS	8/10/2013	2.00	75.00	150.00	
COSTA, CARLOS	9/11/2013	6.00	75.00	450.00	
Totals		8.00		600.00	
Total Labor					600.00
			Total this Task		\$600.00

TOTAL DUE THIS INVOICE ... \$1,832.50

Authorized By:

DONALD LEIGHTON

Date:

OCT 10 2013

Make checks payable and mail to:
 BETA Group, Inc.
 PO Box 9
 Albion, RI 02802-0009



Town Center Persepolis - 1227
 24122700 - 52167

February 17, 2014
 Project No: 12.04291.00
 Invoice No: 13

TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA 01778

Project 12.04291.00 WAYLAND, MA / ON-CALL
 TOWN CENTER STUDIES - VISUALS
Professional Services from December 28, 2013 to January 31, 2014

Task 053 CENTER / GREEN HOUSING

Professional Personnel

		Hours	Rate	Amount	
LEIGHTON, DONALD	1/30/2014	2.00	160.00	320.00	
LEIGHTON, DONALD	1/31/2014	4.00	160.00	640.00	
SOCHA, NATHAN	1/13/2014	3.50	75.00	262.50	
SOCHA, NATHAN	1/16/2014	.50	75.00	37.50	
SOCHA, NATHAN	1/17/2014	3.00	75.00	225.00	
Totals		13.00		1,485.00	
Total Labor					1,485.00
Total this Task					\$1,485.00

Task 083 TOWN HALL

Professional Personnel

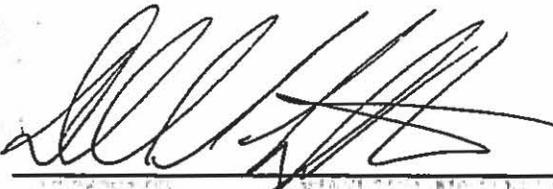
		Hours	Rate	Amount	
LEIGHTON, DONALD	12/19/2013	3.50	160.00	560.00	
LEIGHTON, DONALD	12/31/2013	2.00	160.00	320.00	
LEIGHTON, DONALD	1/2/2014	1.00	160.00	160.00	
LEIGHTON, DONALD	1/3/2014	.50	160.00	80.00	
LEIGHTON, DONALD	1/8/2014	1.00	160.00	160.00	
LEIGHTON, DONALD	1/10/2014	1.00	160.00	160.00	
LEIGHTON, DONALD	1/14/2014	1.00	160.00	160.00	
LEIGHTON, DONALD	1/15/2014	.25	160.00	40.00	
LEIGHTON, DONALD	1/16/2014	.50	160.00	80.00	
LEIGHTON, DONALD	1/17/2014	2.50	160.00	400.00	
SOCHA, NATHAN	1/6/2014	2.00	75.00	150.00	
SOCHA, NATHAN	1/7/2014	3.00	75.00	225.00	
SOCHA, NATHAN	1/8/2014	.75	75.00	56.25	
SOCHA, NATHAN	1/9/2014	4.00	75.00	300.00	
SOCHA, NATHAN	1/10/2014	6.00	75.00	450.00	
SOCHA, NATHAN	1/29/2014	5.50	75.00	412.50	
SOCHA, NATHAN	1/30/2014	6.00	75.00	450.00	
SOCHA, NATHAN	1/31/2014	5.00	75.00	375.00	
Totals		45.50		4,538.75	
Total Labor					4,538.75

Project 12.04291.00 WAYLAND, MA / ON-CALL Invoice 13

Total this Task \$4,538.75

TOTAL DUE THIS INVOICE ... \$6,023.75

- * Preliminary Plans & Layout of proposed Town Facilities within the Town Center.
- * Review Meeting at Public Safety Building.

Authorized By: 
DONALD LEIGHTON

Date: FEB 17 2014



March 13, 2014
 Project No: 12.04291.00
 Invoice No: 14

TOWN OF WAYLAND
 MR. SARKIS SARKISIAN
 41 COCHITUATE RD.
 WAYLAND, MA 01778

Project 12.04291.00 WAYLAND, MA / ON-CALL
 TOWN CENTER STUDIES - VISUALS
Professional Services from February 1, 2014 to February 28, 2014

Task 053 CENTER / GREEN HOUSING

Professional Personnel

		Hours	Rate	Amount	
LEIGHTON, DONALD	2/26/2014	2.00	160.00	320.00	
Totals		2.00		320.00	
Total Labor					320.00
Total this Task					\$320.00

Task 083 TOWN HALL
Professional Personnel

		Hours	Rate	Amount	
LEIGHTON, DONALD	2/3/2014	.50	160.00	80.00	
LEIGHTON, DONALD	2/7/2014	2.50	160.00	400.00	
SOCHA, NATHAN	2/6/2014	4.50	75.00	337.50	
SOCHA, NATHAN	2/11/2014	1.00	75.00	75.00	
SOCHA, NATHAN	2/20/2014	2.00	75.00	150.00	
SOCHA, NATHAN	2/25/2014	5.00	75.00	375.00	
Totals		15.50		1,417.50	
Total Labor					1,417.50
Total this Task					\$1,417.50

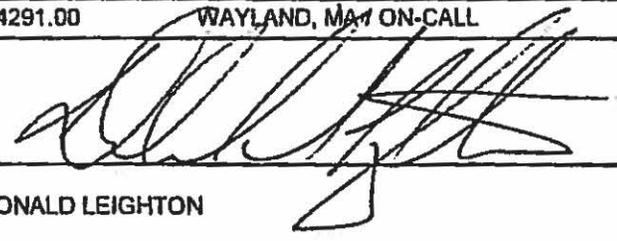
TOTAL DUE THIS INVOICE ... \$1,737.50

- * Preliminary Plans & Layout of proposed Town Facilities within the Town Center.
- * Review Meeting at Public Safety Building.

*Invoice overpaid
 by # 06
 E.A.D.*

Project 12.04291.00 WAYLAND, MA / ON-CALL Invoice 14

Authorized By:



DONALD LEIGHTON

Date:

MAR 13 2014



ENGINEERING SUCCESS TOGETHER

April 9, 2014

Project No: 12.04291.00

Invoice No: 15

TOWN OF WAYLAND
MR. SARKIS SARKISIAN
41 COCHITUATE RD.
WAYLAND, MA 01778

Project 12.04291.00 WAYLAND, MA / ON-CALL
TOWN CENTER STUDIES - VISUALS

Professional Services from March 1, 2014 to March 28, 2014

Task 083 TOWN HALL

Professional Personnel

		Hours	Rate	Amount
LEIGHTON, DONALD	3/11/2014	.25	160.00	40.00
LEIGHTON, DONALD	3/12/2014	1.00	160.00	160.00
LEIGHTON, DONALD	3/13/2014	.50	160.00	80.00
LEIGHTON, DONALD	3/14/2014	.75	160.00	120.00
SOCHA, NATHAN	3/5/2014	3.00	75.00	225.00
SOCHA, NATHAN	3/7/2014	6.00	75.00	450.00
SOCHA, NATHAN	3/10/2014	6.00	75.00	450.00
SOCHA, NATHAN	3/12/2014	4.00	75.00	300.00
SOCHA, NATHAN	3/13/2014	1.00	75.00	75.00
SOCHA, NATHAN	3/14/2014	1.00	75.00	75.00
SOCHA, NATHAN	3/20/2014	.50	75.00	37.50
SOCHA, NATHAN	3/21/2014	2.50	75.00	187.50
Totals		26.50		2,200.00

Total Labor

2,200.00

Total this Task

\$2,200.00

TOTAL DUE THIS INVOICE ...

\$2,200.00

- * Library Plans (2 options) @ DPW Site.
- * Produce Overview Plans / Diagrams of Town Center.

Authorized By:

DONALD LEIGHTON

Date:

APR 09 2014

24122700-52167
04/22/2014.



ENGINEERING SUCCESS TOGETHER

TOWN OF WAYLAND
MR. SARKIS SARKISIAN
41 COCHITUATE RD.
WAYLAND, MA 01778

May 20, 2014

Project No: 12.04291.00
Invoice No: 16

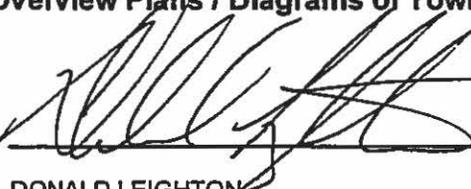
Project 12.04291.00 WAYLAND, MA / ON-CALL
TOWN CENTER STUDIES - VISUALS

Professional Services from March 29, 2014 to May 2, 2014

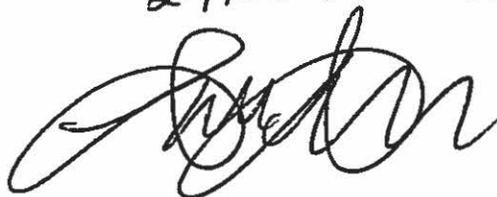
Task 083 TOWN HALL
Professional Personnel

		Hours	Rate	Amount	
SOCHA, NATHAN	3/31/2014	3.50	75.00	262.50	
SOCHA, NATHAN	4/2/2014	.25	75.00	18.75	
SOCHA, NATHAN	4/23/2014	3.00	75.00	225.00	
SOCHA, NATHAN	4/24/2014	2.50	75.00	187.50	
SOCHA, NATHAN	4/29/2014	.25	75.00	18.75	
Totals		9.50		712.50	
Total Labor					712.50
			Total this Task		\$712.50
			TOTAL DUE THIS INVOICE ...		\$712.50

- * Library Plans (2 options) @ DPW Site.
- * Produce Overview Plans / Diagrams of Town Center.

Authorized By:  _____ Date: MAY 20 2014
DONALD LEIGHTON

24122700 - 52167



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Fred King

April 30, 2011

TOWN OF WAYLAND
PLANNING DEPARTMENT
41 COCHITUATE ROAD
WAYLAND, MA 01778

Statement of Account

Invoice #	Date	0 - 30	31 - 60	61 - 90	91 - 120	121 +	Total AR
24014 TOWN OF WAYLAND							
1101004	01/25/2011				3,000.00		3,000.00
	Total.....				3,000.00		3,000.00

We accept Visa and Mastercard.

Interest accrues on unpaid balance at 1.5% per month after 30 days.

~~137.04~~

Total Amount Now Due

3,137.04

PLEASE REMIT



Etheredge & Steuer, P.C.
ATTORNEYS AT LAW
64 GOTHIC STREET
NORTHAMPTON, MASSACHUSETTS 01060

EDWARD D. ETHEREDGE
SHELLEY STEUER**
ELIZABETH WROBLICKA*

*Also Admitted in New York
*Also Admitted in California

(413) 584-1600

FAX (413) 585-8406
ed@noholaw.com
ss@noholaw.com
elizabeth@noholaw.com

June 15, 2016

Ms. Cherry Karlson, Chair
Wayland Selectboard
Wayland Town Building
21 Cochituate Road
Wayland MA 01778

RE: Mainstone Farm Conservation Restrictions

Dear Ms. Karlson:

In February, 2016, I was retained as special counsel by the Town of Wayland for the purposes of drafting and negotiating two conservation restrictions that will protect approximately 218 acres of Mainstone Farm located at Old Connecticut Path and Rice Road from being further developed.

This is a complicated conservation project in that there are three separate landowners who will be granting two conservation restrictions each to two separate holders: the Town of Wayland and Sudbury Valley Trustees. Each of the conservation restrictions are made up of multiple legal parcels.

The main conservation restriction, which covers 208 acres, is before the Selectboard for preliminary approval so the parties may enter into a purchase and sale agreement without the contingency of your approval, now that Town Meeting has approved the funding allocation. The second conservation restriction, which covers approximately 10 acres, is essentially being placed on an interior lot to restrict its development to one house only.

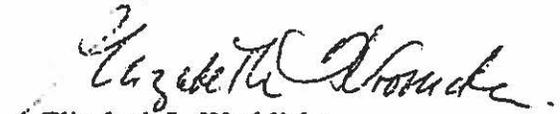
Also involved in this project are two attorneys for the landowners, SVT's attorney and staff, Wayland Town Counsel, Wayland Conservation Commission Chair, and Wayland Open Space Committee Chair

My primary focus during negotiations with all of the parties was 1) to ensure that the conservation values of the property – namely, scenic, agriculture, and habitat – are protected, and 2) to craft conservation restrictions that are legally sound, enforceable, and valid under state law. The conservation restrictions allow the historic uses of the property to continue and flourish, while protecting the open and scenic qualities of the property for the public to enjoy in

perpetuity. I recommend that you approve the conservation restrictions as being in the public interest and as permanently protecting an important farm in the Town of Wayland from residential development.

I will remain involved in the process from obtaining the necessary state approvals of the conservation restrictions to the final recording of the conservation restrictions. Wayland Town Counsel will be representing the Town at closing. If you have any questions, do not hesitate to contact me.

Sincerely,



Elizabeth L. Wroblicka

cc: Nan Balmer, Town Administrator
via electronic mail



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

May 2016

The month of May was a tragic one in Wayland as two separate motorists died in crashes. On May 6th, an 84 year old Wayland man was killed on Rice Road when his vehicle went off the road surface and struck a tree near Covered Bridge Lane. The man was alive after the crash and was transported to Cochrane Ball Field where he was met by a LifeFlight helicopter. He was then transferred to Beth Israel Hospital in Boston where he died a short time after arrival. The case is under investigation by the Wayland Police Department and the Massachusetts State Police Traffic Crash Reconstruction Team.

On May 15th, in the early morning hours, a 29 year old Framingham man was killed when he lost control of his motorcycle and struck a utility pole on West Plain Street. Police responded to the accident and officers performed C.P.R. on the man until the Wayland Fire Department arrived and took over treatment. They transported the victim to Metrowest Medical Center where he was pronounced dead. This case is being investigated by the Wayland Police Department and the Massachusetts State Police Traffic Crash Reconstruction Team.

During the month, Wayland officers participated in the statewide "Click It or Ticket" campaign. Through federal highway safety grant funding, the Executive Office of Public Safety and Security's Highway Safety Division has been successfully implementing the annual "Click It or Ticket" initiative since 2002. Over the past 12 years, Click It or Ticket initiatives have helped increase safety belt usage in Massachusetts from 51% in 2002 to 77% in 2014. During the same period, fatalities involving non-restrained (belted) vehicle occupants dropped significantly from 57% of crash fatalities to 28%.

Detectives are investigating several cases that occurred during the month of May. Lavin's Liquor Store was burglarized on May 25th, shortly after midnight, and cash was stolen. On May 10th, a piece of construction equipment valued at more than \$50,000, was stolen from a job site in Wayland. The equipment was a Caterpillar skid steer or Bobcat. Detectives are continuing their investigation into these crimes.

One person has been selected to continue in the hiring process to fill a vacant patrol officer position. The background investigation and other pre-employment checks are ongoing.

Dispatcher Richard Freni was selected to be the Joint Communications Dispatcher Coordinator in May. This new position gives Rich the responsibility for scheduling, training and other administrative tasks within the J.C.C.



Robert Irving
Chief of Police

***Wayland Police Department
Monthly Training Report***

Officers of the Wayland Police Department attended the following training programs during the month of May 2016:

Firearms Instructor Certification

MPTC- Lexington PD Range

Tyler Castagno May 2-12

Crime Scene Video and Photography

MPTC Randolph Academy

Lynnet Sloan May 9-13

Work Zone Safety

Massachusetts Interlocal Insurance Association - Waltham

Sean Fitzgerald May 12
Tim Henderson

In- Service

MPTC Boylston Academy

Justen Kazan May 16-19

Introduction to Gangs

MPTC Boylston Academy

Jarrold Kullich May 19
Tim Henderson

In- Service

MPTC Reading Academy

Colin Fitzpatrick May 23-26

Chief and Command Staff Training

Martha's Vineyard Law Enforcement Council
Martha's Vineyard, MA

Patrick Swanick

May 23-27

Evidence and Property Management

MPI-Grafton

Chris Cohen

May 23

Hurricane Preparedness and Vulnerability

Massachusetts Emergency Management Agency - Norwood

Sean Gibbons

May 26

Wayland Police Department Detective Division Report for May 2016

INVESTIGATIONS

Larceny over \$250 – Hillside Drive
Larceny over \$250 – Shaw Drive
Commercial Burglary – Crest Road
Commercial Burglary – Old Connecticut Path
Suspicious Activity – Heard Conservation
Suspicious Activity – Andrew Avenue
Found Property – Pelham Island Road

MEETINGS/TRAININGS

Property & Evidence – Grafton
MPTC Firearms Instructor Training – Lexington
Firearms qualifications

MISCELLANEOUS

Framingham District Court – MV/Criminal Hearings
Background Investigation – Civilian Dispatcher Candidate
Background Investigation – Police Officer Candidate
Background Investigation – Assistant Fire Chief Candidate
Wiring money scam cards distributed
Wayland Middle School 7th grade trip to Cape Cod
Wayland Middle School 8th grade trip to Washington DC



LIVE Remembering Muhammad Ali

RIGHT NOW



LiveWire: Muhammad Ali procession and service 2hr

FULL COVERAGE Get Alerts »

Home / Local News

Bobcat stolen from construction site

'J. DeVincent' painted on Bobcat's arm

UPDATED 3:49 PM EDT May 19, 2016

Text Size: A A A

Advertising



Wayland police

WAYLAND, Mass. — Police in Wayland are asking for the public's help in finding a piece of construction equipment that was stolen from a job site.

Police said a Caterpillar skid steer or Bobcat was stolen from a site in Wayland on May 10 at about 6 p.m., police said.

The skid steer is described as a yellow with "J. DeVincent" in white letters on the right arm, police said.

Anyone with information is asked to call Wayland police at 508-358-1735 or via an anonymous tip line at 508-358-1726.

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3. These adorable pups need new homes!
4. Foods that naturally whiten your teeth
5. Contemporary home on market for \$1.99M
6. McDonald's dishes around the world

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- 12 Famous People With Prison Records (NoCartridge)

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TEL: (508) 620-9110 FAX: (508) 879-7610

SLOAN
PERSONNEL
FILE

Wayland Police Department
Chief Robert Irving
38 Cochituate St
Wayland, MA 01778

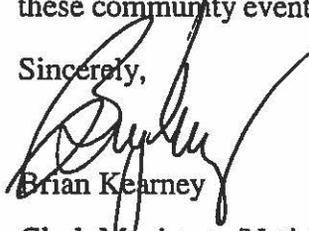
May 12, 2016

Dear Chief:

Both the Natick and Framingham District courts would like to thank you for allowing a representative from your police department to participate in our Law Day event. Officer Lynnet Sloan was particularly helpful and informative and we wanted you to know what an asset he was to the success of our Law Day event.

Your participation means so much to the community and to our District Courts and is much appreciated. We look forward to working with you in the future on these community events.

Sincerely,


Brian Kearney

Clerk Magistrate/Natick District Court

600 Concord St

Framingham, MA 01701

brian.kearney@jud.state.ma.us

508-620-9110 ext 716

Excellent Job!
Patricia Felt

Lieutenant Patrick Swanick
Wayland Police Department
Wayland, MA 01778

May 12, 2016

Dear Lieutenant Swanick,

I am writing in commendation of Sgt. Sean Gibbons of your department. He was the officer who came to my door on Friday morning May 6 to share the news of Howard ("Rick") Richter's (my "significant other") serious accident that occurred on Rice Road. As I was dealing with the shock of his news, I shared that my husband had died sixteen years earlier as a result of another serious car accident. Sgt. Gibbons was sensitive enough to relay that information to the staff at Beth Israel Hospital in Boston where Dr. Richter had been med-flighted. When I arrived at the hospital and learned of Rick's death, the Drs. extended their condolences and also expressed how sorry they were that I had had to experience this a second time. Sgt. Gibbons' sensitivity to the situation by taking the time to call the hospital and share this information was remarkable to me and his thoughtfulness helped to ease my pain at the moment.

When Sgt. Gibbons returned to my home on May 9th to bring some of Rick's personal effects, he offered several suggestions and made phone calls to help problem solve an anticipated difficult parking situation here at The Hills where I live, given that I was expecting a large number of visitors who would be paying their respects. In my opinion, Sgt. Gibbons went "above and beyond" his duties to help me through this most difficult time. I am extremely grateful and feel fortunate to live in a community where the members of the Police Dept. are caring and compassionate.

Please extend yet another expression of my gratitude to him.

Sincerely,



Ruth Ruderman
10 Cutting Cross Way
Wayland



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



Memorandum

ROBERT IRVING
CHIEF OF POLICE

5/20/2016

To: Dispatcher Richard Freni

From: Robert Irving, Chief of Police

Subject: Assignment as Joint Communications Dispatcher Coordinator

Effective Thursday, May 26th, 2016, you will be assigned to the position of Joint Communications Dispatcher Coordinator.

I have attached copies of the job description and your new PCA reflecting your change in salary.

Congratulations on this important assignment, I am sure you will do an outstanding job in this new position. Please see me should you have any questions or concerns.

cc: Lt. Pat Swanick
Sgt. Sean Gibbons
Chief David Houghton
Mr. John Senchyshyn, Personnel Director
Personnel File

DPW Director's Report

June 14, 2016

Water Division

- Consumer Confidence Report completed and mailed to residents
- Monthly Chemical usage reports completed and sent to DEP
- Training Nick Iarussi for temporary assignment to Treatment Plant Manager Position
- Preparing for Sanitary Survey (sometime in July or August)
- Bids received for Main Street Water Main Replacement Project. Engineers are currently checking references
- Water Management Act permitting still on hold
- Scheduling Source meter calibration this week
- Working with Tata & Howard to come up with a solution to our ongoing Sand Filtration Bed issue. Spoke with previous Water Superintendent last week, he told me that he was getting pushback for the potential costs of the repairs from previous DPW Director. It is extremely important that the Sand Filtration Beds are repaired ASAP or we could potentially face fines from EPA. We have purchased all required components (except for sand) to clean them and replace the sand, but this is a temporary measure until the underlining cause of the issue is determined.

Treatment

- All monthly water samples collected per DEP guidelines
- Completed monthly water treatment plant maintenance
- Happy Hollow Wellfield is now online and pumping at design flows
- Replaced a pneumatic valve that failed at the treatment plant
- Re-piped bulk-tank to day-tank KoH lines

Distribution

- Full system hydrant flushing and inspection completed on 6/2/2016
- Installed new gate valves for the Main St water main project on Center St, Quincy Rd, and West Plain St
- Responded to three service leaks at Melville Pl (replaced main to curb), Concord Rd (replaced main to curb), and Joyce Rd (repaired leak)
- Identified two homeowner leaks that were repaired by contractors
- Responded to and repaired a water main break on Sedge Meadow Rd

Highway Division

- Responded to 52 Service Requests
- Completed Spring street sweeping program
- Rebuilt 3 collapsed catch basins
- Responded to 8 sign requests (Sign Boards & Traffic Signs)
- Filled multiple potholes town-wide (on-going)
- Assisted the Water Division with 3 breaks
- Assisted the Park Division with Memorial Day and H.S. Graduation preparations

Maintenance

- Continue Routine maintenance on all DPW vehicles and equipment as well as all Town Building and Conservation equipment
- Constructing and implementing a new equipment inventory log with an updated numerical order system
- P-59 Tractor: Rebuilt rear lift arm assembly for spring/summer attachments
- H-8 Trackless: Removed and replaced radiator assembly to prepare for summer road-side mowing
- H-17 Sweeper: Repaired main and secondary sweeper broom solenoid valving, conveyor chain, and side light
- H-14 Swap-Loader: Repaired faulty headlight wiring, performed complete four-wheel brake job and replaced the fuel tank and lines due to rust

Park Division

- Responded to 43 Service Requests
- Performed 5 burial interments
- Completed Memorial Day and H.S. Graduation preparations
- Completed Spring clean-ups of Town properties
- Installed and lined athletic fields
- Responded to 3 Police call-ins for downed trees
- Completed preparations for the opening of the Town Beach

Transfer Station Division

- Submitted application for 2016 DEP Recycling Dividends Program Grant
- FY2017 sticker sales are beginning by check only – credit card payment system is not currently online.
- In FY2016, 2083 Full Stickers were sold. Of those, 1417 were paid by check (68%), 582 were paid by credit card on-site (28%), and 84 were purchased online (4%). Sales in FY16 were on-pace with FY2015, where 2082 Full Stickers were sold.
- In FY2016, 207 Recycle Only Stickers were sold. Of those, 174 were paid by check (84%) and 33 (16%) were paid by credit card. Sales in FY16 were up 7% - in FY2015, 187 Recycle Only Stickers had been sold.



(6)

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 14, 2016

Stephen Kadlik, Director
Department of Public Works
Town of Wayland
66 River Road
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for Pinebrook Road Culvert, Wayland (DEP File 322-867)

Dear Mr. Kadlik:

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

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

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

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.
DEP NERO w/enc.
Building Commissioner w/enc.
Eric Gerade, TEC, Inc. w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

RECEIVED

JUN 14 2016

Board of Selectmen
Town of Wayland



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 15, 2016

James Ogletree
115 Dudley Road
Wayland, MA 01778

Re: Chapter 194 Permit – 115 Dudley Road, Wayland (File D-874)

Dear Mr. Ogletree:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) issued by the Wayland Conservation Commission regarding the approved tree removal project at 115 Dudley Road 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.
Board of Selectmen
Board of Health
Planning Board
Abutters
File

RECEIVED

JUN 16 2016

Board of Selectmen
Town of Wayland

8



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 16, 2016

Amy Caputa
270 Pelham Island Road
Wayland, MA 01778

Re: Chapter 194 Permit – 270 Pelham Island Road, Wayland (File D-875)

Dear Ms. Caputa:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) issued by the Wayland Conservation Commission regarding the approved tree removal project at 270 Pelham Island Road 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.
- Stumpy's Tree Service w/enc.
- Board of Selectmen**
- Board of Health
- Planning Board
- Abutters
- File

RECEIVED
JUN 16 2016
Board of Selectmen
Town of Wayland

9



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 16, 2016

Gayle Gledhill
9 South Street
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-873] - WETLANDS PROTECTION ACT (WPA)
and Chapter 194 Permit – 9 South Street, Wayland

Dear Ms. Gledhill:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved septic project at 9 South Street in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 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
Brian J. Monahan
Conservation Administrator

Enclosure

- cc: Building Department w/enc.
- Town Clerk w/enc.
- DEP – NERO w/enc.
- Civilized Solutions w/enc.
- Board of Selectmen**
- Board of Health
- Planning Board
- Abutters
- File



(10)

TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 22, 2016

Michael & Julia VanRooyen
18 Audubon Road
Wayland, MA 01778

RE: Order of Conditions and Chapter 194 Permit for 18 Audubon Road, Wayland (DEP File 322-866)

Dear Mr. and Mrs. VanRooyen:

Enclosed please find the original Chapter 194 Permit and Order of Conditions, including Attachment A, for the swimming pool project at 18 Audubon Road, Wayland. **You are responsible for meeting all the conditions of both the Order of Conditions and the Chapter 194 Permit.** The Order and Permit must both be filed at the Middlesex South Registry of Deeds. Thereafter, evidence of the recording must be submitted to the Commission prior to commencing work.

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

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

Sincerely,

Brian J. Monahan
Conservation Administrator

Enc. (2 Original Decisions)

cc: Town Clerk w/enc.
DEP NERO w/enc.
Building Commissioner w/enc.
Goddard Consulting LLC w/enc.
Board of Selectmen
Board of Health
Planning Board
Town Assessor
Abutters
File

11



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

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

June 23, 2016

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

Re: DETERMINATION OF APPLICABILITY [D-872] - WETLANDS PROTECTION ACT (WPA)
and Chapter 194 Permit – Heard Road Drainage Improvement Project, Wayland

Dear Ms. Greenbaum:

Enclosed please find the original Wetlands and Water Resources Protection Bylaw Permit (Chapter 194) and a Determination of Applicability issued by the Wayland Conservation Commission regarding the approved drainage improvement project at Heard Road near the Heard Road Conservation Area in Wayland. The Chapter 194 Permit allows the project subject to the conditions specified in the Permit. The Determination of Applicability issued pursuant to the WPA is shorter, deferring to the Chapter 194 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

Encs.

- cc: Building Department w/enc.
- Town Clerk w/enc.
- DEP NERO w/enc.
- Board of Selectmen
- Board of Health
- Planning Board
- Abutters
- File

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JUN 23 2016

Board of Selectmen
Town of Wayland



Town of Wayland Massachusetts

Finance Committee

- Carol Martin
- Nancy Funkhouser (Chair)
- Gordon Cliff
- Gil Wolin
- David Watkins (Vice Chair)
- Bill Steinberg

Meeting Minutes May 9, 2016 Final

Attendance: Committee members - B. Steinberg, C. Martin, D. Watkins, G. Cliff, G. Wolin and N. Funkhouser. B. Keveny (Finance Director) also attended.

7:02 Call to Order

The meeting in the Selectmen’s Meeting Room at Town Building was called to order by N. Funkhouser. She announced that the meeting was being recorded. G. Cliff volunteered to prepare draft meeting minutes.

7:03 Public Comment & Members’ Response to Public Comment

Molly Upton, Bayfield Road, urged the FinCom to provide input to the School Committee on the upcoming negotiation of a new collective bargaining agreement (“CBA”) with the Teacher’s Union (see attachments). Linda Segal, Aqueduct Road, provided some numbers on attendance at Annual Town Meeting. Attendance was highest on Sunday. Linda argued that is an indication that Sunday is a good day to hold ATM. G. Wolin shared concerns about the “movement afoot” to replace our town street lights with LED technology and the potential negative impact on people who have negative reactions to them. N. Funkhouser distributed a public comment email that she had received from Judy Orloff, Glezen Lane (see attachments), encouraging FinCom to take an assertive role about the possible impact of major new building projects (e.g., CoA/CC, library) on our debt service levels relative to the 10% goal.

B. Steinberg noted that FinCom has in the past discussed collective bargaining agreements in executive session in an effort to guide the School Committee and can be expected to do so again this year.

7:12 Finance Director’s Update

B. Keveny went through his third quarter budget status report (see attachments). Revenues are ahead of Brian's expectation primarily due to favorable variances on local receipts. He expects a turn back of about 5% on health insurance, which is a bit high. Brian is expecting an overall turn back of at least \$1.4 million, which is similar to what he had projected. Brian believes that free cash will be around \$4.4 million, which is close to the amount he had projected.

Wastewater enterprise revenues at 63% are a bit lower than expected and more work is being done to understand the source of the variance. Expenses are 80% of budget. Water Fund results have improved significantly in April and Brian expects that they are now on track. G. Cliff asked whether the unreserved fund balance in the Water Enterprise Fund is unduly high relative to its annual budget. B. Keveny and B. Steinberg explained that the high amount would allow them to respond quickly if a catastrophic failure were to occur. Brian suggested that an alternative approach could be reduce the unreserved fund balance and replace it with an authorized but unused borrowing that we could tap if needed. FinCom members asked that Brian do more work to investigate that alternative. Recreation revolving fund revenue is significantly higher than the prior year.

B. Keveny distributed the Request for Transfer from the Reserve Fund to the recreation department of \$2,100. He explained that the amount was due to an unexpected retirement and related amounts for accrued vacation time. G. Cliff moved that we approve the transfer as requested. B. Steinberg seconded. Motion passed 6-0.

B. Keveny provided an update on the schedule for the 2016 audit. No major issues to report.

D. Watkins asked about the cash reconciliation status. Brian explained that the reconciliation is in good shape and that we have made a lot of progress in addressing the issues that had been raised in the past.

B. Steinberg asked for an update on the RFP for a financial advisor. Brian explained that the process is complete and that UniBank had been selected. D. Watkins shared that he participated on the advisory group and had recommended First Southwest. B. Steinberg observed that he thought First Southwest had done good work for us and might have been able to provide us better support. G. Cliff asked if we could have Nan Balmer, Town Administrator, join a future FinCom meeting to explain a bit more why UniBank was chosen. N. Funkhouser agreed to make that request.

7:47 Discussion and Recap of Annual Town Meeting

N. Funkhouser introduced the topic. C. Martin observed that she thought the meeting had gone very well. G. Wolin observed that he thought the Sunday meeting went particularly well. D. Watkins thought that we could aspire to do better on explaining how decisions on the sources of funding affect the tax rate. B. Steinberg thought the budget discussion over all went well. G. Wolin wondered if we could have used more time. B. Steinberg argued that he thought we had sufficient time. G. Cliff observed that we had gotten a lot of nice compliments during ATM

about our work, at least some of which were probably related to the fact that the result (a budget that was up only 2.8%) was viewed favorably. He noted that we should aspire to have fewer warrant errata (e.g., incorrect CIPs, FTE schedules), and that we should consider rearranging our schedule next year to allow more time to review the material submitted for the warrant. He also summarized an exchange he had with George Harris, where Mr. Harris had suggested that FinCom should work even harder to make sure pro and con arguments are both complete. FinCom members observed that we do try hard to do that well.

FinCom members felt in general that we had done a good job on prep and vetting the articles fully. G. Cliff observed that the work done on Mainstone was a particular highlight in terms of getting to an outcome that had near unanimous support. N. Funkhouser agreed and pointed out that Mainstone was very good in terms of working cooperatively with other committees and outside advisors to get to the best answer. B. Steinberg suggested we should consider doing more outreach to the Recreation Commission to see if we can come to more unified positions prior to town meeting. C. Martin and other FinCom members agreed. D. Watkins observed that we should give some more thought on a quality process on the materials that go into the warrant.

8:48 Discussion about Potential 2017 ATM Dates

N. Funkhouser distributed a handout and explained that the BoS is seeking FinCom input on dates for next year's ATM (see attachments). N. Funkhouser stated her preference was for Option 1 or 2. B. Steinberg agreed, with a preference for 1. C. Martin said she preferred the fourth option listed but would prefer that we include a Sunday. G. Cliff said that he also preferred the fourth option. G. Wolin said he preferred 4 but also would like to have one of the days be Sunday. D. Watkins stated his order of preference was 1, 2 or 4. N. Funkhouser agreed to provide that feedback to the Board of Selectmen.

8:15 Chair's Update – FY 2017 Committee Leadership Vote

N. Funkhouser explained that at this time in the year we generally decide on who will be Chair and Vice Chair for the coming fiscal year. By past precedent typically the Vice Chair becomes the Chair after the Chair has served 1-2 years. She explained the typical duties of the Vice Chair role. D. Watkins asked if the Vice Chair always moves into the Chair role and B. Steinberg explained that it isn't always that way but has been for at least the last 6 years. G. Cliff asked N. Funkhouser if she would consider serving as Chair for another year. She stated that she would prefer to hand the Chair role to D. Watkins, the current Vice Chair. G. Cliff asked D. Watkins if he wanted to be Chair and D. Watkins said yes and that he expected to be able to be physically here (vs. participating remotely due to geographic distance) for most of the meetings. B. Steinberg moved that we elect Dave to be Chair for the fiscal 2017 year. G. Cliff seconded. Motion passed 6-0. C. Martin stated that she was interested in the Vice Chair role. G. Cliff

nominated himself. B. Steinberg moved that FinCom nominate C. Martin as Vice Chair. N. Funkhouser seconded. FinCom members discussed the motion. Motion passed 5-1.

8:27 Special FinCom Topics Update

G. Cliff provided an update on debt management. He explained that many things could fit under debt management but that he and Bill thought we should start by looking at the debt management policy. He explained that he had done a proposed redraft of the policy, had gotten input from B. Steinberg on it, and has asked for input on it from Brian. The next step would be to review a copy of the policy. B. Steinberg recommended that B. Keveny asked Brian to print a copy of the proposed redraft and give it to FinCom members so we could discuss it at the next meeting (see attachments).

G. Cliff provided an update on the FinCom website. B. Keveny and G. Cliff discussed and are proposing that one objective should be to have more clarity about what material should go on the FinCom webpage vs. the Finance Department webpage. A second issue is whether we can use the FinCom website more effectively to distribute materials prior to meetings. We are hoping that the new IT director will have some ideas on how to use the current website, or a retooled website to do that. Next step is to bring a very rough draft back to FinCom at a future meeting for discussion and input.

As an administrative matter we agreed that FinCom would meet next on June 20. G. Cliff left the meeting at 8:45.

D. Watkins provided an update on a full year FinCom calendar (see attachments). FinCom had 37 meeting this past year including ATM, and the two STM as well as FinCom sessions. FinCom members agreed to discuss the proposed schedule at a future meeting.

C. Martin provided a brief update on Budget Guideline/Goal analysis - something should be ready for review at the next meeting. Nancy said the same about FinCom process improvements. C. Martin provided an update on Other – including possible improvements on the capital and the CIP process.

8:50 Liaison & Members' Reports, Concerns, and Topics

B. Steinberg volunteered a concern about potential new state requirements on public records requests and the town's possible need to hire additional resources/incur additional expenses to comply.

9:00 Chair's Update

N. Funkhouser distributed a draft process memo for the FY 18 CIP process (see attachments). FinCom members agreed that we would discuss it at the next meeting. N. Funkhouser distributed a copy of the proposed Fall 2016 STM timeline (see attachments). G. Wolin left the meeting at 9:02

9:03 Meeting Minutes Review, Discussion and Approval

N. Funkhouser said the minutes for 1/28 should be available for the next meeting. C. Martin read her proposed minutes for 4/10. A few minor edits were suggested. B. Steinberg moved that we approve minutes for 4/10 as amended. N. Funkhouser seconded. Motion passed 4-0.

9:03 Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 a (3) to discuss strategy with Respect to Collective Bargaining with Regard to the Unions representing Employees of the Police, Teamsters (DPW), AFSCME (Department Heads and Professional Employees), SEIU (Administrative and Clerical), Library, and Any Other Such Bargaining Units; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 a (7), to Review and Consider for Approval and Release the Following Executive Session Minutes Relative to the Said Subject, because a Public Discussion of these Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town:

N. Funkhouser moved the FinCom enter into Executive Session to cover the topics and for the reasons stated in the agenda. B. Steinberg seconded. Roll call vote Watkins- Yes, Funkhouser – Yes, Steinberg-Yes, C. Martin - yes.

9:38 FinCom reconvened in open session

9:39 Adjourn

B. Steinberg made a motion to adjourn the meeting. C. Maring seconded. Motion passed yes (4), no (0).

Attachments

Public comment email from Molly Upton
Public comment Judy Orloff
Budget Status Report FY 2016, 3rd Quarter
Request for Transfer from the Reserve Fund
Spring 2017 Annual Town Meeting Date
Debt Management Policy (draft revised version)
FY2018-2022 Capital Improvement Program (Draft)
2016 Special Town Meeting Schedule

Respectfully Submitted,
Gordon Cliff

Wayland Historical Commission Meeting Minutes – May 11, 2016

Attendees: Members: Elisa Scola (Chair), Tonya Largy, John Dyer, Rick Conard, Mike Lowery

Chair Elisa Scola called the meeting to order at 7:55 pm.

1. There were no public comments.
2. **Railroad Historic Site:** At our volunteer brush clearing on May 7-8 we had ten volunteers on Saturday and seven on Sunday. The foundations of the enginehouse and water tank were cleared of brush and some additional excavation of the turntable pit was accomplished. Tracks that are to be preserved after rail trail construction were also cleared of brush. The Wayland Transfer Station provided containers for brush and dirt, thanks to Mariann Maloney and Bill Parker. It was voted to reimburse Rick Conard for \$36.33 for lunch for the volunteers on Saturday.
3. **Stone's Bridge:** Elisa said that she had received two proposals from Ben Keefe in response to the request for firms to perform design work. She will meet with Ben and the PMBC next week to discuss and review these. Elisa will send copies of the proposals to other members of the WHC for review. She has not heard from MHC regarding the MPPF grant application.
4. **Historic Signs at Recreation Sites:** Mike Lowery discussed suggestions for signs as the result of an idea that he had at an open space planning meeting that he had attended recently. He showed some examples of sign designs made by Pannier Graphics. A standard style of sign would be desirable with WHC name at the bottom. John Dyer discussed some ideas for signs that had been proposed from Wayland 375. John mentioned that some funds that had been collected for a publication that was not published could possibly be used for signs. Locations could be at the Cochituate ballfield, Mansion Inn site, shoe factories, and railroad interpretive site. John suggests that people come up with ideas for new historic signs. Mike Lowery suggested sharing such a list with those working on the open space planning project.
5. **North Cemetery Preservation Plan priorities:** We reviewed a listing of 15 items that had been selected from the report. In many cases it was difficult to determine priorities and feasibility without knowing more about current cemetery procedures and practices. Mike Lowery suggested a dialogue with Mike Lindeman, foreman at the DPW. We will schedule a meeting with the DPW to discuss the list of possible recommendations. Ben Keefe will prepare an RFP for gravestone conservation for the CPA funds that were approved at Town Meeting.
6. **Archaeology Update:** Tonya reported that our Archaeology Month event will be on Oct. 15 at 2PM. Salvatore L. DeMaio, University of Mass., Boston, will give a program entitled "Sudbury Plantation: A Puritan History Not Fully Recorded." We need a monitor for the Dudley Woods project. Royce Kahler and Tonya went through the Archaeology Lab and found some artifacts that had been gathered in the mid-1980s at the Kaprelian Orchard & Egg Farm by Karen Langthorne, a member of WARG and the WHC at that time. Tonya expressed a desire to return these artifacts to Natick by transferring them to the Natick Historical Society in South Natick. There are 34 items of pieces of dishes, cups, glass, etc. It was voted (3 for, one abstention) to transfer these items to the Natick Historical Society. A

fence on Lakeshore Drive between Mansion Road and Simpson Road (on the lake side) will be replaced. Tonya and Mike will monitor this project while the contractor is working.

7. The minutes of the April 13 meeting were approved.
8. New Business and Other Items: Elisa sent a notice to the Town Crier that we have a vacancy on our Commission.

Our next meeting was scheduled for sometime in June at a date to be determined [this was subsequently changed to June 1].

The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Richard Conard

WAYLAND HOUSING PARTNERSHIP

Minutes – March 15, 2016

Submitted by Rachel G. Bratt

Attending: Mary Antes, Kathy Boundy, Rachel Bratt, Chris Di Bona, Stephanie May, Marty Nichols, Armine Roat, Betty Salzberg,

Absent: Pat Harlan

Also attending, Jennifer Steel, WHP representative to Municipal Affordable Housing Trust

At 7:47 Rachel called the meeting to order.

Kathy moved to approve the minutes of January 12, 2016, as corrected. Chris seconded. Unanimously approved.

Habitat –Mary reported that the first two families have moved in to their homes. The second two families should be able to move in within 6 months. This has taken a very long time to complete; the land was transferred in 2010.

Craftsman – 8 units on Rte. 126. This is a 40B development and two units must be affordable, although the developer had submitted some paperwork indicating that only one was going to be affordable. This is being followed up by Brian.

Covered Bridge - Mary reported that Devens Hamlen is holding up the procedure for the 3 units to be approval by DHCD. Apparently he wants to have control over tenant selection, which is not possible.

River’s Edge –Chris reported that the new RFP is supposed to be completed shortly.

Trust Fund- The Trust Fund committee is working on goals. Jennifer outlined the major goals that are being considered. These will be discussed at our joint meeting of May 3. Jennifer is also committed to figuring out a way to streamline the town’s housing goals. There are a lot of documents, with a lot of information, but we should have a single, short, concise plan that can be used to guide initiatives and to help prioritize efforts. She is working on this project.

We discussed the problem that the Housing Production Plan has not yet been finalized, even though Sarki has been working on it for several years and a number of comments have been made, including by Mary and Rachel. Rachel suggested that a summer graduate student intern could help to bring this task to completion. Members suggested that perhaps the Housing Trust could allocate up to \$5,000 for this work. Jennifer and Mary will work on a job description and Rachel will help disseminate to area schools.

Brief discussion concerning the request by the town for input regarding the disposition of 2 parcels on Sycamore Road. These would apparently be used to enhance septic capacity on abutting sites; Mary says that disposal of town-owned land does not allow it to be combined as a second buildable lot.

Next meeting; joint housing groups: Tuesday May 3, 7:00

Next meeting of WHP: Tuesday June 14, 7:45

At 9:10 Stephanie made a motion to adjourn, seconded by Betty

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JUN 16 2016

Board of Selectmen
Town of Wayland

Wayland Free Public Library
Board of Library Trustees
Minutes of Meeting Wednesday, May 18, 2016
Raytheon Room, Wayland Free Public Library

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Mark Peter Hughes, Lynne Lipcon, Suzanne Woodruff **Absent:** None

Call to Order: 8:15 a.m.

Visitors and Public Comment

Former Trustee Nan Jahnke attended the meeting and took the minutes. There were no other visitors and no public comment.

Minutes of Previous Meeting(s)

The minutes of the Trustees' meeting of May 4, 2016, were approved unanimously (6-0).

Circulation, Financial, and Director's Reports

After a dip in February, circulation has risen steadily to nearly 15,200 items in April. As the fiscal year comes to a close, the budget is on track with adequate funds to guarantee future deliveries of books already on order.

Mrs. Gennis explained to Mr. Hughes, the newly elected Trustee, the Trustees' practice of reviewing all Library bills and signing warrants on a weekly basis, the job falling to individual Trustees on a rotating basis. Though not required to do so in our municipality, the Trustees believe this practice helps fulfill the Board's fiduciary duties to the Library's building and funds. Trustees were assigned to upcoming bill-review periods as follows: the remainder of May and June, Mr. Hughes (Mrs. Woodruff will provide the training); July and August, Mrs. Gennis; September and October, Mrs. Heller.

Mrs. Woodruff reported on a meeting of the Wayland Trust Fund Commission on May 16 at which Bartholomew & Company, the Town's investment service, presented a historical overview of Town funds from the 18th century to present, along with a performance report for the period from July 2015 to April 2016, during which time the funds showed a 1.01% return in what was described as a "volatile market."

On a motion by Mrs. Lipcon seconded by Mr. Hughes, Trustees voted to accept a gift of \$500 from a former assistant director of the Library and to apply it to the Millennium Fund.

Mrs. Knight highlighted a section of her Director's Report concerning draining mitigation at the library, noting that the engineers are still pursuing permits from the Conservation Commission as a project deadline looms. The current project, which is being paid for with state and federal emergency management funds, addresses conditions for a 100-year flooding event like the one that occurred in Spring 2010. Remediation is expected in fall 2016. At a later date, the Town may pursue a second drainage solution, one that would address 25-year events, using Town funds.

Election of Officers

On a motion by Mrs. Woodruff, seconded by Mr. Hughes, Trustees voted unanimously (6-0) to elect the following officers for Fiscal Year 2017: Aida Gennis, Chair; Sally Cartwright, Vice Chair, Lynne Lipcon,

Secretary. These are the same officers as are serving for Fiscal Year 2016. Trustees chose to approve this slate to ensure continuity as the Board undertakes its Library Planning and Design study and decides whether to apply for a grant from the Massachusetts Public Library Construction Program (MPLCP). Former Trustee and Friend of the Library Nan Jahnke will continue to take the Board's meeting minutes to allow Trustees to focus on that work.

Director Search

Mrs. Lipcon reported that the search for a new library director is on track. Mrs. Knight reported that Sandy Raymond, the Library's assistant director, has asked to take vacation days from November 14-18, a period shortly after the new director is expected to assume his or her position. After discussion of how best to ensure good coverage and, on assurances from Mrs. Knight that other senior staff will be available to help with the new director's transition, Trustees agreed Mrs. Raymond could take the time off.

Library Planning and Design Study

Mrs. Gennis reported that the Tappé architects are moving along through their schedule of site evaluations. She also reported that she will submit the Trustees' request for special legal counsel to investigate possible site constraints to the Board of Selectmen as early as May 18.

On a report that a member of the Library Planning Committee had resigned, and mindful of the difficulty of achieving a quorum for the 20-member board in summer, Trustees voted unanimously (6-0) to approve a reduction in the size of the committee to 18 members (Mrs. Gennis made the motion and Mrs. Lipcon seconded it). Mrs. Gennis will see that the necessary notifications are made to the Town to finalize the change.

Mrs. Gennis reported that the first of two Community Visioning Forums with the Design Team from Tappé Architects was held on May 17 and attracted about 30 people. A similar meeting with high school students will be held on May 27, and a second community-wide forum will be held June 8. Trustees discussed ways to engage busy families with young children, including devising a survey to distribute at Story Hours and at meetings of the Holistic Moms and Wayland Dads groups. Trustees also discussed ways to involve Town officials, including the Library's liaisons from the Board of Selectmen and Finance Committee.

Long-Range Plan

Mrs. Knight reported that the Massachusetts Board of Library Commissioners (MBLC) expects that the need for a new Library facility, or expanded Library building, be squarely addressed in the most recent Long-Range Plan of any library applying for a grant from the MPLCP. Mrs. Lipcon advised that this information be made immediately available to the Library Planning Committee, which is guiding work on the new plan.

Communication with Other Town Boards about Library Issues

Trustees reported on other Town board meetings they had recently attended and said that no decisions were made that directly affect the Library.

Of interest, however, is the Wayland Real Asset Planning Committee's continuing work to uncover synergies and redundancies in different departments' programs and space needs; its interest in the idea

of developing a campus-style community complex at 202 Connecticut Path; and its ongoing concern about what will become of the current library building at 5 Concord Road if the Library moves to a new location.

Mrs. Gennis reported that the Town Administrator has made inquiries to the MBLC on behalf of the Board of Selectmen about possible timetables and payments for a wastewater hookup for the current library building at 5 Concord Road; no answer has yet been received.

Topics Not Reasonably Anticipated 48 Hours Before the Meeting

Mrs. Cartwright announced that part-time Library staff member Rachel Sideman-Kurtz has expressed a willingness to take on much of the work of the Wayland Reads program going forward. Mrs. Cartwright will remain the Trustees' liaison to the popular program, which this summer will host a Wayland Reads Summer Book Selection: a new novel by Wayland author Juliette Fay titled "The Tumbling Turner Sisters."

The Meeting Was Adjourned at 10:15 a.m.

Documents for This Meeting

1. Agenda for Meeting, Wednesday, May 18, 2016
2. Director's Report, May 2016
3. Minutes of May 4, 2016
4. Memorandum to Chairs of Library Trustee Boards, et al., from Dianne Carty, Director, Massachusetts Board of Library Commissioners, May 5, 2016, announcing an application round under the Massachusetts Public Library Construction Program, including Program Notice for the General Construction Grant, Letter of Intent Form for same, and Calendar for same
5. April Circulation Report
6. Monthly Statistics Dashboard, April 2016 data
7. "Wayland's Trust Funds Date Back to 1747," by Mike Patterson and Jay Evan, [February 25, 1994] [Draft?]

Next Meeting(s)

- Wednesday, June 1, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, June 15, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, June 29, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, July 13, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, July 20, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, August 10, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, August 24, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, September 7, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)
- Wednesday, September 21, 8 a.m., Raytheon Room, Wayland Free Public Library (tentative)

Respectfully submitted by Nan Jahnke, Friend of the Wayland Free Public Library

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JUN 16 2016

Board of Selectmen
Town of Wayland

Board of Library Trustees
Wayland Free Public Library
Minutes of Meeting Wednesday, June 1, 2016
Raytheon Room, Wayland Free Public Library

Present: Library Director Ann Knight, Trustees Aida Gennis (chair, presiding), Sally Cartwright, Anne Heller, Mark Peter Hughes, Lynne Lipcon, Suzanne Woodruff **Absent:** None

Call to Order: 8:20 a.m.

Visitors and Public Comment: There were no visitors and no public comment.

Approval of any prior meeting minutes: There were none available.

Reports, if available: Monthly Financial, Statistical and Director's Report-No new reports since prior meeting. Ms. Knight shared yearly statistics highlighting Library services and use by Wayland residents— FY 2012-2016 that shows significant increase in program attendance and number of offerings for all ages.

Discussion of next steps in Library Director search process

Ms. Cartwright and Ms. Lipcon reported on recent meeting with John Senchyshyn and Katelyn O'Brien (HR). Our search team may include no more than 2 trustees. For the purpose of a search, 3 would constitute a quorum of trustees and require posting of all meetings. Ms. Cartwright and Ms. Lipcon will serve on the search team. Other potential members of the team are being approached. Members will be asked to serve on behalf of HR as this is a staff function. The trustees are clear that WPL staff input into the search process is critical to the success of the search. Ad will be posted June 8 on Simmons, MBLC, any town-required sites, MLS Allregion listserv and local library networks listservs. Ms. Knight will ask consultant Chuck Flaherty if there are additional places we should consider posting. Salary range has been corrected to read \$77,493-\$101,108. Finalists will be given a writing assignment/task as part of final interview. Trustees will discuss specifics of this task next meeting.

Discussion of the progress of the Library Planning and Design Study

Report from the Permanent Municipal Building Committee: WPL was not on meeting agenda last night. 5/ 18 meeting: discussed survey, our forum and site investigation (the information they do have and concerns about 3 sites). They are awaiting topographical maps. Criteria suggestions for the site comparison matrix of LPC presented. Some concerns were expressed about former DPW site because of its earlier life as a dump. There were questions as to who is most capable of evaluating site for a building. Remediation monies is available through the grant process but may be capped at \$400k. Needs to figure into decision for applicability of site.

Project Work accomplished to date and future work

Tappé Architects work schedule update: Team meeting on June 8th and visioning session for public that evening

Site investigations: Can build something at 195 Main St.: Is it possible to build library and a full size playing field?

Community forums—outreach to additional groups: High School session held May 27—

can use the land where the septic system is sited for any expansion plans, if needed. If WPL grant is turned down by MBLC, we still have town commitment to preserve usability of building. Having town commitment strengthens our grant. The town will most likely wait to incur these costs until we have more clarity about whether or not we will apply for a grant. Final costs of hook up are not clear to Ben Keefe. He plans to put into capital improvement plan for next year.

May 23 Selectman Meeting- It is expected that wastewater will be coming up at next meeting (June 6).

Update on Library Long-Range Planning process: Ms. Knight provided a preliminary Long Range Plan draft —“Not Even 1st “ draft in today’s packet: MBLC now requires a vision statement as well as a mission statement. We agreed that our mission statement actually contains a vision statement. First paragraph is Vision and second paragraph is Mission.

Topics not reasonably anticipated by the chair 48 hour in advance of the meeting, if any Former Wayland resident and recent Great Presenter Misha Chowdhury who would like to offer a musical evening of song next Friday at 8 pm has contacted Ms. Knight. He will be performing songs from a musical he has written which was accepted at NY Musical Theatre Festival. The Trustees welcome him. While solicitation of funds is not permissible, he may have flyers available about his musical production group and how folks can support them.

WRAP committee has expressed strong interest in write-ups to educate Wayland residents about all town lands.

The Meeting Was Adjourned at 10:00 a.m.

Documents for This Meeting

1. Agenda for Meeting, Wednesday, June 1, 2016
2. Mission Statement
3. (Not Even) Draft 1 of Long Range Plan

Next Meeting(s)

- Wednesday, June 15, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, June 29, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, July 13, 8 a.m., Raytheon Room, Wayland Free Public Library
- Wednesday, July 20, 8 a.m., Raytheon Room, Wayland Free Public Library

Respectfully submitted by Lynne Lipcon

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Meeting Minutes
May 23, 2016 7:00 pm

Members Present:

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

Also Present: J. Senchyshyn (JS), K. O’Brien (KO)

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

Public Comment

None

Review of the 4/26/16 Minutes

MJ moved to approve the minutes of 4/26/16. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Release of Executive Session Minutes

JS stated that the Board voted in Executive Session on 3/21/16 and 4/26/16 to release executive session minutes. He noted that corresponding open session votes should be taken.

DC moved to release the Executive Session minutes of 01/11/16, 12/15/15, 11/30/15, 11/18/15, 09/21/15, 05/04/15, 10/20/14, 08/06/14, 03/31/14, 01/27/14, 11/01/13 (2), 06/24/13, 04/22/13, and 07/09/12. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

DC moved to release the redacted Executive Session minutes of 10/19/15, 9/28/15, 8/3/15, 6/22/15, 3/2/15, 9/15/14, 6/2/14, 5/5/14, 2/24/14, 2/10/14, 1/15/14, 8/5/13, 2/11/13, 10/15/12, 9/10/12, 8/13/12, 7/13/12, and 1/23/12. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of Personnel Policies

JS stated he believed that it made sense to start the policy review with the policies for non-union employees. There is nothing formal in the way of policies in place for this group of employees with the exception of the By-laws and an old Handbook. This group of policies could be rolled out to non-union employees quickly as the policies would not require union review.

The Board reviewed the following non-union policies: Terms and Conditions of Employment, Position Classification and Pay Rates, and Performance Reviews. Members made numerous comments and suggestions. JS stated that KO would capture the edits and provide red-lined versions for the next meeting. No votes are required this evening. DC also provided a “lead” statement to use in advance of the policies.

Review and Approval of Starting Wage Rate

Neil McPherson has been recommended for the position of Asst. Fire Chief. He will assume the role of 2nd in command of the Fire Department. JS reviewed the hiring process. He requested a starting wage rate of N9, Step 7, \$87,054 for McPherson. JS also requested that the Board credit him for his service with Sherborn for the purpose of vacation accrual. With the previous service credit,

McPherson would accrue vacation monthly at the rate of 20 days per year. This accrual rate is consistent with the maximum accrual established under the April 2016 By-law revision for newly hired non-union employees.

MJ moved to approve a starting wage rate of N9, Step 7, \$87,054 and to approve previous service credit to provide for an annual leave accrual rate of 20 days per year for Neil McPherson. PS 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 Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Collective Bargaining Request from Fire Union regarding Specialist Job Descriptions; to Discuss AFSCME 2 and Teamsters Negotiations Regarding the Installation of Security Cameras at the DPW Facility; to Discuss Collective Bargaining Negotiations with AFSCME 2 Regarding a Potential Position Elimination; to Discuss a Police Grievance; to Review and Potential Vote to Approve Executive Session Minutes of 3/21/16 and 4/26/16 as an open discussion might have a detrimental effect on the Town's position.

JS noted the grievance discussion is an addition to the Executive Session agenda.

MJ seconded the motion.

JG took a roll call vote:

Member Schneider	Aye
Member Jones	Aye
Member Cohen	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 30 minutes for the stated purposes. The Board would be returning to Open Session.

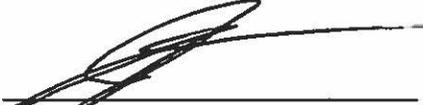
The Board entered Executive Session at approximately 8:15 pm.

The Board returned to Open Session at approximately 8:30 pm.

Next Meeting

The Board scheduled its next meeting for 6/13/16. Members also discussed a potential summer schedule.

MJ moved to adjourn at 8:35 pm. DC seconded the motion. Four members having voted in the affirmative, the motion passed.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

May 23, 2016

Document:

Policies:

Policy Disclaimer

Terms and Conditions of Employment

Position Classification and Pay Rates

Performance Reviews

Resume - McPherson

2016-04-26 Draft Minutes

WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

May 24, 2016

7:00 PM

MEETING MINUTES

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

Meeting opened at 7:00 PM

Brown noted that the meeting is being recorded.

Brown opened the meeting with a review of the agenda.

Brown asked for public comment – there was none.

Water Abatement Request – 175 Concord Road

Richard and Barbara Romanow of 175 Concord Road appeared before the Board to discuss their request for abatement.

Brown described the Board’s policy of only granting an abatement for a maximum of 20% of the value of the lost water regarding leaks in irrigation systems.

Mishara made a motion to abate the 11/25/2015 water bill from 36,800 units down to 31,700 units, waiving all interest and fees.

Mishara 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- 05-12-2016 Letter from Dick Romanow and Barbara Band-Entrup Romanow
- 11-30-2015 Email from Dick Romanow re: Request for abatement
- 05-06-2016 Invoice from Henley Lawn Sprinklers
- 11-25-2015 Water Bill for 175 Concord Road
- 175 Concord Road Water Account Financial History

Items Distributed for Discussion

- 175 Concord Road Water Usage History

Irrigation Application Review – 35 Covered Bridge Lane

Brown asked if the Board could approve the application as presented without the presence of a representative of the property.

Lowery noted that there are issues he would like to discuss with the applicant.

Lowery made a motion to pass over the irrigation application review for 35 Covered Bridge Lane.

Mishara 2nd, all in favor.

Items Included as Part of Agenda Packet for Discussion

- 4/24/2016 Application for the Installation of an Underground irrigation System for 35 Covered Bridge Lane and associated plans

Update on the Status of the Artificial Turf Field (Facilities Director Ben Keefe in Attendance)

Facilities Director Ben Keefe appeared before the Board to discuss the status of the artificial turf field.

Keefe noted he has been working with Conservation Administrator Brian Monahan to develop the best course of action.

Lowery noted that the Conservation Commission had the authority to enforce the order of conditions, but did not do so, and the School Committee had the responsibility to follow them.

Keefe clarified that the order of conditions was issued to the Boosters, not the School Department.

Keefe noted that indications are that the swale is functioning as intended.

Lowery clarified that the report did not specifically say that the swale is functioning as intended, and referenced several areas of concern, specifically well protection measures that have not yet been implemented, noted in the report.

Mishara asked if the field's maintenance is currently under the purview of the DPW.

Keefe noted that the only aspect of the field's maintenance under the purview of the DPW is basic grooming, with all other maintenance falling under the purview of the School Department.

DPW Park and Highway Superintendent Mike Lindeman noted that light grooming is conducted by the DPW every 6-8 weeks.

Lowery requested that a copy of the fields operation and maintenance plan be forwarded to the Board when it is available.

Keefe confirmed that he would forward a copy of the report.

Items Distributed for Discussion

- 4/28/2015 Letter from the Board of Public Works to the Wayland School Committee " Protection of Wayland's Happy Hollow wells near WHS athletic fields"

Library Drainage Project Update (Tighe & Bond in Attendance)

Janet Moonan and Ian Catlow of Tighe and Bond appeared before the Board to provide an update on the status of the Library Drainage project.

Catlow discussed specific action items addressed in their last meeting with the Board, noting that the gas pipelines in the area have been identified.

Moonan discussed the process of assessing the feasibility of alternative drainage options and related issues, including permitting and environmental concerns.

Baston asked if the drainage pipe was 30-inches in diameter.

Catlow responded that it was 15-inches.

Baston asked if the brook from the Depot parking lot to the pipe under Route 20 would be cleaned to facilitate the flow of water.

Catlow responded that it was not part of the project.

Baston asked if the pipe under Route 20 would be cleaned out to allow for the flow of water.

Catlow responded that it would not be cleaned out.

Moonan noted that the permitting and environmental concerns in the area of the Route 27 / Route 126 intersection are significantly less, as the area has been excavated several times in the past.

Lowery asked if the NOI has been filed.

Moonan and Catlow replied that it has not, and described the delays affecting the project's timeline.

[Wegerbauer arrived at 7:31PM]

Brown asked if the project will be done by April 11, 2017 as required for the MEMA grant.

Catlow replied that he believes the project will be done, and expressed optimism that the Conservation Commission will provide constructive direction relative to the project.

Wegerbauer asked if the plans have been shared with Conservation Administrator Brian Monahan.

Catlow replied that Monahan is aware of the current status of the project.

Catlow added that if the project has been bid and is underway, in his opinion MEMA would likely allow for additional time if the project is not fully completed by the end of construction season.

Suzanne Woodruff of the Board of Library Trustees asked if the work would necessitate the closure of the library at any time.

Catlow noted that he feels he could coordinate with the contractor to minimize the impact to library users.

Lowery asked if they anticipate the need for any significant laydown area for the project.

Catlow noted that he anticipates it may be needed, and that the Depot parking would be the likely location of the laydown area.

Keefe noted that other pending projects in the area, such as the installation of the Library sewerage system; upgrade to the Depot electrical service; and construction of the DCR Rail Trail should be considered when scheduling construction.

Catlow noted he will send Keefe a set of draft plans in an attempt to coordinate projects.

Lowery asked Catlow if the library could have a copy of the draft plans.

Catlow noted that he would prefer to not circulate the plans until they are finalized.

Update on the Status of the Draft MOU Between the DPW, Recreation, and School Dept

Mishara suggested that the MOU be reviewed by Town Counsel before it is finalized.

Brown noted that since there is no new information pertaining to the MOU, the Board will delay further discussion to a future meeting.

Items Distributed for Discussion

- Draft Memorandum of Understanding between Wayland School Committee, Wayland Recreation Commission, and Wayland Board of Public Works

Discussion of Potential By-Law Change to Allow for Municipal Irrigation Systems Over 15,000 sq. ft. for Town Playing Fields

Brown discussed a potential change to the irrigation by-law, and wishes to get the sense of the Board if this should be considered for Town Meeting.

Lowery discussed the water rate structure, and noted that maintaining a Town field that has a widespread benefit to residents provides a rational basis for amending the by-law.

Lindeman noted that the control systems for field irrigation will be changed over with the next month, yielding an anticipated 40% savings in water used for field irrigation.

Mishara suggested that the implementation of radio read meters be pursued at the same time a potential change in the irrigation by-law is sought.

Brown asked how what fields are not currently being irrigated.

Lindeman noted that the Town Building fields are only partially irrigated; and the Claypit and Riverview currently do not have irrigation systems.

Mishara noted that the sense of the Board is that the by-law and the radio read should be explored in a future meeting.

Baston asked if a sub-committee could be formed to explore the potential by-law changes further.

Lowery noted he would assist Baston in the further investigation of potential by-law changes.

Board Members' Reports, Concerns, and Updates

Wegerbauer updated the Board on the status of the River's Edge project.

Lowery noted that the Historical Commission gave a letter to the DPW thanking the Transfer Station employees Mariann Maloney and Bill Parker for their assistance with the Commission's recent brush clearing work.

Lowery noted that MassDOT has issued a letter in response to the Board of Selectmen's request for a review of the speed limit on Stonebridge Road.

Lowery added that the letter noted that the 30mph zone will be extended 0.12 miles and recommended the installation of radar speed signs as well.

Mishara noted that the Board has voted for the installation of two radar signs in FY2017 by the DPW in conjunction with the Police Department.

Lowery noted that following a recent executive session by the Board of Selectmen, they voted to allocate \$1400 for TEC to conduct additional traffic data sampling on Glezen Lane.

Baston discussed the proposed talking points for the WayCam Weekly Buzz.

Brown noted that the June Board meetings will occur on 6/14 and 6/28.

Items Distributed for Discussion

- 5/20/2016 Letter from the Historical Commission to the DPW re: Commendation of Transfer Station staff
- 5/19/2016 Letter from MassDOT to the Board of Selectmen re: Speed limit on Stonebridge Road
- 5/24/2016 Wayland Weekly Buzz Proposed Submission

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

Lowery noted that he had a conversation with one of the Selectmen, who noted that the Board of Selectmen would favor the dedication of the DPW Facility to DPW Director Stephen Kadlik.

Brown made a motion that the Board of Public Works supports the Board of Selectmen's resolution to erect a plaque to honor Kadlik for his 40+ years of service to the Town.

Mishara 2nd, all in favor.

Review and Approve the Minutes of the 5/17/2016 Meeting

Wegerbauer noted that he had requested additional information be added to the long-term road resurfacing.

Mishara noted that it was Lowery who made the motion to adjourn.

Brown made a motion to accept the minutes of the 5/17/2016 meeting as amended.

Wegerbauer 2nd, all in favor.

Wegerbauer requested that further discussion of the road resurfacing schedule and irrigation by-law change be placed on a future agenda.

*Items Included as Part of Agenda Packet for Discussion
- 05-17-2016 Board of Public Works Meeting Minutes Draft*

Executive Session to Review and Approve the Executive Session Minutes of the 4/26/2016 and 5/17/2016 Meetings

Brown made a motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to review and approve the executive session minutes of the 4/26/2016 and 5/17/2016 meetings.

Wegerbauer 2nd.

Roll call vote: Baston – aye, Brown – aye, Lowery – aye, Wegerbauer – aye.

Brown invited the attendance by DPW employees Dan Cabral, Joe Doucette, and Mike Lindeman.

Brown noted the Board would reconvene in open session in approximately five minutes for the purpose of adjourning.

The Board entered into executive session until 8:40PM

The Board reconvened in open session at 8:45PM.

Baston made a motion to adjourn.

Lowery 2nd, all in favor.

Meeting adjourned at 8:45PM

WAYLAND BOARD OF PUBLIC WORKS

Wayland DPW Facility

June 3, 2016

1:30 PM

MEETING MINUTES

Present: C. Brown, (Chair), M. Lowery (Vice Chair), W. Baston, M. Lindeman (DPW Park & Highway Superintendent), D. Millette (DPW Water Superintendent), J. Doucette (DPW Senior Foreman)

Participating Remotely: J. Mishara, M. Wegerbauer

Meeting opened at 1:30 PM

Brown noted that the meeting is not being recorded.

Mishara noted he is attending remotely due to geographic distance.

Brown opened the meeting with a review of the agenda.

Brown asked for public comment – there was none.

Discussion and Board Vote to Authorize the Potential Implementation of Water Conservation Measures

Brown noted that the DEP requested the DPW institute usage restrictions due to low readings on the streamflow gauge located in Lowell.

Lowery asked when the DEP intends to issue the new water withdrawal permit.

Lowery asked Millette if the Board fails to follow the DEP's instructions, could the DPW potentially be cited under any current permit stipulations.

Millette replied that he was unsure if the current regulations would allow for the DEP to issue a fine.

Lowery expressed his concern that the DEP would consider issuing a fine for something that may be outside their scope of authority under the current permit.

Brown expressed his desire for clarification on the DEP's current authority, and added that he supports the Board empowering Millette to institute any necessary water usage restrictions.

Lowery noted that bylaws require public notification before the restrictions go into effect.

Millette noted that the new withdrawal permit will include new regulations that will alter the way in which future water use restrictions are structured.

[Wegerbauer joined remotely at 1:37PM]

Wegerbauer noted he is participating remotely due to geographic distance.

Mishara asked if the Town is still operating under the old withdrawal permit until the new one is issued.

Millette replied that although the old permit has expired, the Town is operating under it until the new permit is issued.

Lowery noted that he feels the DEP may be asking the Town to institute a water ban that they have no authority to request.

Brown asked Millette to gather more information on the DEP's request for further discussion at the next Board meeting.

Baston asked Millette how soon the restrictions would be implemented.

Millette replied that ban would be implemented immediately, although enforcement would not begin until sufficient public notification occurs.

Brown made a motion to authorize DPW Water Superintendent Don Millette to enact water usage restrictions throughout CY2016 as he sees fit, consistent with Town by-laws and timely notification of the Board of Public Works.

Baston 2nd.

Roll Call Vote: Baston – aye, Lowery – aye, Brown – aye, Mishara – aye, Wegerbauer – aye

Wegerbauer requested that in the usage restriction notice it be noted that the restriction are being imposed by the DEP.

Brown noted that Town Planner Sarkis Sarkisian wished to meet with the Board to discuss a proposed community branding project, with Sarkisian requesting the Board's attendance at an upcoming presentation.

Lowery suggested that a Board representative attend, or have the meeting videotaped for future review.

The Board determined that the community branding project should be discussed at the June 28 meeting at the Town Building for approximately 30 minutes.

Brown made a motion to adjourn.

Lowery 2nd.

Roll Call Vote: Baston – aye, Lowery – aye, Brown – aye, Mishara – aye, Wegerbauer – aye

Meeting adjourned at 1:58PM

- Although the RFP encourages bidders to submit proposals which are in compliance with the Fair Housing Act, we will still consider proposals which would require further variance approval through Town Meeting. Language around this issue was amended in the hopes that developers with particular expertise in non-compliant projects will still feel motivated to submit bids.
 - As with the first RFP release, Committee will schedule a briefing plus site tour. All potential bidders will be invited to attend and ask questions in a public forum.
3. Committee unanimously agreed on legal changes to both the Land Disposition Agreement and Schematic Site Plan.
 4. RFP package as amended will be submitted to Nan Balmer on Thursday, March 24 and presented at Board of Selectmen meeting on Monday, March 28.
 5. Motion to approve RFP as modified was made by J. Heller, seconded by B. Sterling. Motion approved 6-0.
 6. **The meeting adjourned at 8:50 P.M.**

Respectfully submitted by Christine DiBona

THIS CORRESPONDENCE
WAS REFERRED TO

19

Linda L. Segal
9 Aqueduct Rd.
Wayland, MA 01778-4605
(508) 655-0724 lmlsegal@comcast.net

TOWN COUNSEL FOR
REVIEW &
RESPONSE
NEB

Supervisor of Public Records
Office of State Secretary
One Ashburton Place, Room 1719
Boston, MA 02108

June 22, 2016

RE: **SPR16/314**

Appeal of Denial of Access to Public Records, adding Failure to Comply as
Ordered, and Failure to Respond

Dear Mr. Williams:

Thank you for your letters of May 12 and May 24 regarding my May 4, 2016 appeal, **case number SPR16/314**. The June 2, 2016 response from Wayland School Superintendent Paul Stein is not satisfactory.

As I indicated in a recent conversation with your staff attorney, Stephen Shorey, my original April 1, 2016 public records request for access to town counsel invoices was addressed to officials on both the town and school sides of our government.

The arrest and trial of our former athletic director for an alleged theft of a laptop computer involved billed legal time spent by school and town officials and employees (including, but not limited to, administrators, police, information technology, facilities, attorneys, other staff, elected officials) during FY15 and FY16, all at taxpayer expense.

Part 1: Failure of record custodian for Wayland Public Schools (Paul Stein) to comply with the Supervisor of Public Records' May 24, 2016 order

In Dr. Stein's April 13 response, he said he was representing both the school and town sides. He does not have the authority to do so.

His June 2 response speaks only to legal bills for the school side and fails to comply with your May 24, 2016 order to him:

"Accordingly, the School is hereby ordered...to provide Ms. Segal with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulation. If the School maintains that any portion of the records responsive to Request 1 are exempt from disclosure it must...provide to Ms. Segal a written explanation, with specificity, how a particular exemption applies to each record. To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record."

Dr. Stein denies public access to town counsel invoices concerning the identified matter without including the explanation with specificity you instructed him to provide

that justifies any exemption. It is unacceptable that Dr. Stein continues to withhold the entire record of legal invoices on this matter as privileged communication.

Part 2: Failure of record custodian for the Town of Wayland (John Senchyshyn) to respond to my original April 1 public records request

Wayland's Assistant Town Administrator, John Senchyshyn, is the record custodian for Town Counsel Mark Lanza's invoices to the Town of Wayland.

To date, I have received no written response from Mr. Senchyshyn, who was one of the addressees on my original April 1 public records request. It is unacceptable for the Town to continue to withhold the entire public record of legal invoices on this matter.

If some charges are in fact "commingled" with other matters (see Stein's April 13 email response), e.g. when employees or officials seek legal advice during town counsel's weekly office hours, those are discernible in standard itemized legal billing without disclosing information considered privileged under the law.

As indicated in my May 9 addendum to my May 4, 2016 appeal, I am not seeking access to what is exempt under the public records law, e.g. attorney-client privileged materials showing legal strategy, motivation, or the nature of legal services provided.

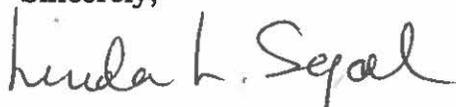
The FY15 and FY16 invoices showing who met with town counsel, the dates town counsel was consulted and/or worked on the identified matter, for how much time and the itemized costs are public record.

Wayland taxpayers pay for town counsel's legal services. It is the fiduciary responsibility of town officials to be transparent about how our tax dollars are spent.

Pursuant to G.L. c. 4, § 7, cl. 26, G.L. c. 66, § 10, and 950 CMR 32, I again write to appeal the denial of access to public records by Wayland town officials and their failure to comply with your May 24 order.

Thank you again for your assistance with this matter.

Sincerely,



Linda L. Segal

cc: Dr. Paul Stein, Wayland School Superintendent
Nan Balmer, Town Administrator
John Senchyshyn, Assistant Town Administrator
Wayland Board of Selectmen

WAYLAND • PUBLIC • SCHOOLS

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Paul Stein, Ed.D.
Superintendent of Schools
(508) 358-3774

Brad J. Crozier
Assistant Superintendent
(508) 358-3772

Marlene M. Dodyk, Ph.D.
Director of Student Services
(508) 358-3756

Susan Bottan
Business Administrator
(508) 358-3750

Leisha Simon
Technology Director
(508) 358-3714

June 2, 2016

Linda L. Segal
9 Aqueduct Road
Wayland, MA 01778-4605
RE: SPR16/314

Dear Ms. Segal:

In accordance with Supervisor of Records Shawn A. Williams' letter to me dated May 24, 2106 about the above-referenced matter, I am writing to inform you that I cannot provide the detail portions of the invoices received by my office from Town Counsel Mark J. Lanza from May 1, 2015 related to the alleged theft of a MacBook computer owned by the Wayland Public Schools as they contain attorney-client privileged communications. The detail portions of the invoices on this subject relate to private communications between Mr. Lanza and members of the School Committee, me and other School Department administrators. The communications relate to legal advice provided by Mr. Lanza which was sought by School officials. The attorney-client privilege as to these communications has not been waived.

Thank you for your attention to this matter.

Sincerely,



Paul Stein
Superintendent of Schools

cc Shawn A. Williams
Supervisor of Records

Mark J. Lanza, Town Counsel



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Shawn A. Williams
Supervisor of Records

May 24, 2016
SPR16/314

Dr. Paul Stein
Superintendent of Schools
Wayland Public Schools
41 Cochituate Road
P.O. Box 408
Wayland, MA 01778

Dear Dr. Stein:

I have received the petition of Linda Segal appealing the response of the Town of Wayland – Public Schools (School) to a request for public records. G. L. c. 66 § 10(b); see also 950 C.M.R. 32.08(2). Specifically, Ms. Segal requested all invoices showing all legal expenses charged to the School and Town in the FY15 and FY16 Town budgets from May 1, 2015 related to the alleged theft of a MacBook computer (Request 1). Ms. Segal also requested salary information regarding Town employees who appeared at a related court proceeding (Request 2). In a response dated April 13, 2016, the School provided information related to Request 2 and aggregate information regarding Request 1. Ms. Segal appealed the response to Request 1 which appears to withhold responsive records under the attorney-client privilege.

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10(c); 950 C.M.R. 32.08(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any town of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(c); see also Dist. Attorney for the Norfolk Dist. v. Flatley, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption).

Attorney-client privilege

In the April 13 response you indicated the records responsive to Request 1 contain information that is marked as “Attorney-Client Privileged Communication – Not a Public

Record.” The Supreme Judicial Court confirmed the existence of a common law attorney-client privilege with respect to government matters in the Commonwealth of Massachusetts. Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444 (2007). The Supreme Judicial Court has found that the Supervisor of Records may make “a decision...delineating what documents among...requested reports are privileged or exempted from the public records act.” Hull Municipal Lighting Plant v. Massachusetts Municipal Wholesale Electric Co., 414 Mass. 609 (1993).

A records custodian claiming the attorney-client privilege under the Public Records Law has the burden of not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client’s search for legal advice from the attorney in his or her capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived. See Suffolk, 449 Mass. at 450 n.9; see also Hanover Ins. Co. v. Rapo & Jepsen Ins. Servs., 449 Mass. 609, 619 (2007) (stating that the party seeking the attorney-client privilege has the burden to show the privilege applies).

Some jurisdictions, such as the Supreme Court of New Hampshire, have found that invoices for legal services that “provide only general descriptions of the nature of the services performed and do not reveal the subject of confidential communications with any specificity are not privileged.” See Hampton Police Assoc., Inc. v. Town of Hampton, 20 A.3d 994, 1001 (2011) (citing Cypress Media v. City of Overland, 997 P.2d 681, 691, 693 (2000)). The Hampton Court found that the Town did not meet its burden because it did not specifically identify which narratives it claimed were privileged. See Hampton, 20 A.3d at 1002. Further, the Court refused to adopt a per se rule that all descriptive narratives contained in invoices for legal services are subject to the attorney-client privilege. Id. at 1001.

As in Hampton, the School’s response fails to explain with specificity why the attorney-client privilege applies to withhold the entirety of the responsive records. In addition, in a letter dated May 9, 2016, Ms. Segal indicated she is only seeking “portions of attorney invoices stating the general title of the matter, the dates of the legal services performed, and the hours, rate, and money charged for the services, including out-of-pocket expenses.” The School has not shown the nexus between this information and confidential communications or opinion records that would be eligible for withholding from mandatory disclosure. I understand an attorney on my staff contacted you about this matter.

Conclusion

Accordingly, the School is hereby ordered, within ten (10) days of this order, to provide Ms. Segal with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations. If the School maintains that any portion of the records responsive to Request 1 are exempt from disclosure it must, within ten (10) days provide to Ms.

Dr. Paul Stein
Page 3
May 24, 2016

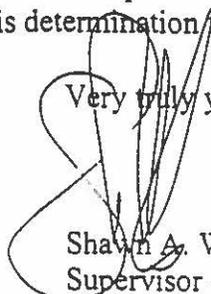
SPR16/314

Segal a written explanation, *with specificity*, how a particular exemption applies to each record. To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

If there are any fees associated with this response a written, good faith estimate must be provided. G. L. c. 66, § 10(a); see also 950 C.M.R. 32.06(2) (where cost of complying with a request for public records is expected to exceed ten dollars (\$10.00), custodian of records shall provide written good faith estimate). Once the fees are paid, you must provide the responsive records.

To assist in requesting and responding to requests for public records please refer to our publication, *A Guide to the Massachusetts Public Records Law*. This document is available on the Internet, free of charge, at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>. Attorneys on my staff are available during regular business hours to answer general questions regarding the Public Records Law. In addition, members of my staff will visit a records custodian in person to conduct training workshops on the Public Records Law upon request. Please contact my office directly at the telephone number provided in this determination for further information.

Very truly yours,


Shawn A. Williams
Supervisor of Records

cc: Ms. Linda L. Segal
Mr. Mark Lanza, Esq.

RECEIVED

MAY 10 2016

Board of Selectmen
Town of Wayland

Linda L. Segal
9 Aqueduct Rd.
Wayland, MA 01778-4605
(508) 655-0724 lmlsegal@comcast.net

Supervisor of Public Records
Office of State Secretary
One Ashburton Place, Room 1719
Boston, MA 02108

May 9, 2016

RE: Addendum to Appeal of Denial of Access to Public Records

Dear Supervisor:

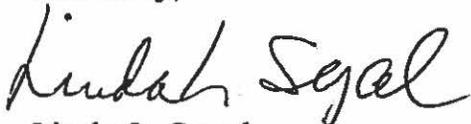
I am writing to clarify my appeal dated May 4, 2016 specifically with respect to my request for access to legal invoices from the Town of Wayland (including Schools).

I seek only those attorney invoices or portions of attorney invoices stating the general title of the matter, the dates the legal services were performed, and the hours, rate, and money charged for the services, including out-of-pocket expenses.

I do **not** seek attorney-client exempt communications such as motive of the client in seeking representation, specific legal opinion or advice, litigation strategy, or the specific nature of the services provided, unless those services are described in generic terms (for example, read email, telephone conference, court appearance, answer questions, attend meetings).

Thank you again for your assistance in resolving this appeal.

Sincerely,



Linda L. Segal

cc: Dr. Paul Stein, Wayland School Superintendent
Nan Balmer, Wayland Town Administrator

Linda L. Segal
9 Aqueduct Rd.
Wayland, MA 01778-4605
(508) 655-0724 lmsegal@comcast.net

Supervisor of Public Records
Office of State Secretary
One Ashburton Place, Room 1719
Boston, MA 02108

May 4, 2016

RE: Appeal of Denial of Access to Public Records

Dear Supervisor:

Pursuant to G.L. c. 4, § 7, cl. 26, G.L. c. 66, § 10, and 950 CMR 32, I write to appeal the denial of access to public records by Wayland town officials.

Enclosed please find my April 1, 2016 public records request addressed to four parties. For purposes of this appeal, the two record custodians of concern are the Wayland School Superintendent (Paul Stein) and Wayland Town Administrator (Nan Balmer). Also enclosed is Dr. Stein's response dated April 13, 2016.

1. Dr. Stein states in responding to my request for legal invoices that he is responding "on behalf of both the Town and School Department." Dr. Stein is not authorized by law to respond for another record custodian (namely, Ms. Balmer). I seek a written response directly from Ms. Balmer.

2. Dr. Stein states that the legal invoices I seek are marked as follows: "Attorney Client Privileged Communication - Not a Public Record." A legal invoice is "not . . . a protected attorney-client communication because the invoice does not reveal the motive of the client in seeking representation, litigation strategy, or the specific nature of the services provided." Advisory from (MA) Office of the Attorney General at <http://www.mass.gov/ago/docs/government/advisory-sjc-suffolkconstruction.pdf>. This advisory cautions public entities to "guard against indiscreet use or over-use of the attorney-client privilege," as appears to have occurred here.

Dr. Stein's denial is, therefore, unwarranted.

Kindly contact me if you have any questions or need additional information. I look forward to hearing from you. Thank you.

Sincerely,


Linda L. Segal

Enclosures (2)
cc: Dr. Paul Stein (w/o enclosures)
Nan Balmer (w/o enclosures)

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MAY 05 2016

Board of Selectmen
Town of Wayland

Senchyshyn, John

From: Paul Stein <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
Attachments: Segal Public Records Request.xlsx

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

Response to Public Records Request of April 1, 2015			
Last	First	Salary	Contracted days
Barber	Mary	\$ 82,728.00	182.5
Berger	Jamie	\$ 72,697.00	260
Bowles	Shane	\$ 59,819.00	260
Clevenger	Keith	\$ 46,172.35	260
Crozier	Brad	\$ 145,845.35	260
Doherty	Dennis	\$ 89,694.00	182.5
Dolleman	Ethan	\$ 108,605.00	260
Ginsberg	Susan	\$ 39,963.60	157.2
Keefe	Ben	\$ 108,843.00	260
Lyons	Reid	\$ 78,246.35	260
Parseghian	Scott	\$ 111,497.75	260
Stein	Paul	\$ 199,864.00	260

Linda L. Segal
9 Aqueduct Rd.
Wayland, MA 01778-4605
(508) 655-0724 lmlsegal@comcast.net

Keeper of the Records
Wayland Human Resources/Personnel Department
Wayland Town Administrator
Wayland Board of Selectmen
Wayland School Superintendent
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778
RE: Public Records Request

April 1, 2016

Dear Mr. Senchyshyn, Ms. Balmer, Wayland Selectmen, and Dr. Stein,

Pursuant to G.L. c. 4, § 7, cl. 26 and G.L. c. 66, § 10, I respectfully request to be copied electronically on the following public records associated with the legal actions taken against former Wayland Athletic Director Stephen Cass in 2015 and 2016, as follows:

- 1) All invoices showing all legal expenses charged to the school and town sides of the FY15 and FY16 Town of Wayland budgets from May 1, 2015 through the present related to the alleged theft of a MacBook computer owned by the Wayland Public Schools.
- 2) The annual base salary and the number of contracted work days per year for each of the following Wayland employees who appeared at Framingham District Court on March 17, 2016 for trial proceedings lasting from 9 a.m. to 4 p.m.:

Paul Stein
Brad Crozier
Ben Keefe
Jaimie Berger
Shane Bowles
Scott Parseghian
Keith Clevenger
Susan Ginsberg
Reid Lyons
Mary Barber

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Please add any other employee(s) who attended the trial and whose name(s) I may have inadvertently omitted from the above list.

As you know, the law requires a response to this request within ten calendar days. If the public records cannot be provided electronically, kindly advise me of where/when in Town Building they will be made available to the public.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Linda L. Segal". The signature is written in black ink and is positioned below the word "Sincerely,".

Linda L. Segal

cc: Wayland Town Clerk
Wayland School Committee