

**PACKET**

**AUG 15**

**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, August 15, 2016  
Wayland Town Building  
Selectmen's Meeting Room**

**REVISED Proposed Agenda**

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

- |         |   |
|---------|---|
| 7:00 pm | 1.) Call to Order by Chair; Review Agenda for the Public <ul style="list-style-type: none"><li>• Announcements</li></ul>  |
| 7:02 pm | 2.) Public Comment  |
| 7:10 pm | 3.) Vote to Open Warrant for Special Town Meeting   |
| 7:20 pm | 4.) Special Town Meeting Petitioners' Workshop  |
| 7:40 pm | 5.) Vote to Submit Special Town Meeting Articles: <ul style="list-style-type: none"><li>a.) Article to Adopt Special Legislation to Withdraw from Civil Service</li><li>b.) Article to Amend Chapter 32, Section 18 of Town Code, Attendance and Participation of Non Resident Town Officials</li></ul> |
| 7:55 pm | 6.) Meet with Assistant Town Administrator and Town Clerk to Review Plan to Fulfill Requirements of Public Records Laws   |
| 8:05 pm | 7.) Meeting with Assistant Town Administrator to Review Potential Change in Duties of Executive Assistant   |
| 8:15 pm | 8.) Meet with Town Clerk to Review Election Schedule  |
| 8:30 pm | 9.) Meet with Facilities Director to Review Draft FY 18 Capital and Operating Budgets   |
| 8:50 pm | 10.) Review Format and Procedure for Town Administrator Evaluation  |
| 9:05 pm | 11.) Discuss Schedule Request for Proposal for Legal Services   |
| 9:10 pm | 12.) Review and Vote to Approve Minutes of August 3, 2016   |
| 9:15 pm | 13.) Review and Approve Consent Calendar (See Separate Sheet)   |
| 9:20 pm | 14.) Review Correspondence (See Separate Index Sheet)   |
| 9:30 pm | 15.) Report of the Town Administrator   |
| 9:40 pm | 16.) Selectmen's Reports and Concerns   |
| 9:50 pm | 17.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any  |
| 9:55 pm | 18.) Adjourn  |



## Memorandum

**To:** All Boards, Committees, Commissions, Departments and Staff  
**From:** Board of Selectmen  
**Date:** August 15, 2016  
**Re:** Special Town Meeting, November 15, 2016

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The Board of Selectmen voted on Monday, August 15, 2016, to hold a Special Town Meeting on Tuesday, November 15, 2016, at 7:00 p.m. in the Wayland High School Field House, and the warrant for said Special Town Meeting will be open from Wednesday, August 24, 2016, at 8:30 a.m. through Thursday, September 1, 2016, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Wednesday, September 1, 2016.

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Cherry C. Karlson, Chair

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Lea T. Anderson, Vice Chair

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Mary M. Antes

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Louis M. Jurist

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Joseph F. Nolan



**SPECIAL TOWN MEETING WARRANT ARTICLE PROCESS:  
GUIDE FOR PETITIONERS: 2016**

Citizens have the right to submit articles for consideration by Town Meeting. Such articles must be in writing and signed clearly by 100 or more registered voters using the attached form. All petitioners' articles must be submitted, in accordance with the law, on or before the date fixed by the Selectmen for closing the warrant for town meeting. All petitioners' articles which have the required number of qualified signatures, as certified by the Town Clerk, must be included in the Town Meeting Warrant by state statute.

**The Board of Selectmen and Finance Committee encourage petitioners to work with appropriate town boards to achieve their goals whenever possible before submitting petitioners' articles.**

**TIMELINE AND PROCESS**

<b>Date</b>	<b>Action</b>	<b>Responsibility</b>
August 15 at 7:20 PM	PETITIONERS WORKSHOP: DISCUSS POTENTIAL ARTICLES AND THE PETITION PROCESS WITH THE BOARD OF SELECTMEN AND TOWN COUNSEL	Board of Selectmen
September 1 by 4:30 PM	SUBMIT ARTICLES ON THE ATTACHED PETITION FORM TO THE TOWN ADMINISTRATOR'S OFFICE ON PAPER WITH ORIGINAL SIGNATURES OF REGISTERED VOTERS AND THEIR PRINTED NAME AND STREET ADDRESS. IF POSSIBLE PLEASE ALSO E-MAIL THE TEXT OF THE ARTICLE TO <a href="mailto:mdinapoli@wayland.ma.us">mdinapoli@wayland.ma.us</a>	Petitioner
September 12	WARRANT ARTICLE HEARING	Finance Committee
September 19	DEADLINE FOR SUBMISSION OF PETITIONERS' COMMENTS OF UP TO 150 WORDS FOR INCLUSION IN THE WARRANT	Petitioner
September - October	ARTICLES WILL BE REVIEWED AND CONSIDERED BY THE FINANCE COMMITTEE AND BY THE BOARD OF SELECTMEN WHICH MAY REQUEST TO MEET WITH THE PETITIONERS	Board of Selectmen and Finance Committee
Before September 30	REVIEW OF PETITIONERS' ARTICLES FOR LEGAL FORM SEE ATTACHED POLICY ON PETITIONERS' ACCESS TO COUNSEL	Town Counsel
November 7 (tentative)	WARRANT ARTICLE HEARING	Board of Selectmen
November 15 or subsequent day of Special Town Meeting	MOVE THE ARTICLE AND MAKE A BRIEF PRESENTATION (UP TO 10 MINUTES)	Lead Petitioner

**INSTRUCTIONS FOR COMPLETING PETITIONERS' ARTICLE FORM**

**Lead Petitioner:** The lead petitioner will serve as the spokesperson for the petitioned article and will be the contact person to the Board of Selectmen and Finance Committee and to the Planning Board if the petition is for a zoning by-law article.

**Date Received:** The date received will be stamped on the petition when it is received by the Town Administrator's Office and will be forwarded to the Town Clerk for certification.

# BOARD OF SELECTMEN POLICY

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

## **2. Requests for Formal Written Legal Opinions**

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

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

## **3. Approval for Representation of the Town in Litigation**

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

## **IV. PETITIONERS' ACCESS TO TOWN COUNSEL**

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

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

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

#### **V. APPOINTMENT OF SPECIAL COUNSEL**

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

Requests must clearly state:

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

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

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

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

**PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING**

LEAD PETITIONER \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

DAY PHONE \_\_\_\_\_ EVENING PHONE \_\_\_\_\_

TITLE \_\_\_\_\_

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE \_\_\_\_\_

ESTIMATED COST \_\_\_\_\_

ARTICLE: To determine whether the Town will vote to

**Add comments and pro and con arguments on the next page. Thank you.**

#	Print Name Legibly	Signature	Print Street Address
1			
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**PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING**

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COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

**2016 SPECIAL TOWN MEETING SCHEDULE**  
(Schedule for fall STM to begin on TUESDAY, NOVEMBER 15, 2016)

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August 15	Selectmen vote on August 15 <sup>th</sup> to open warrant for Special Town Meeting; Hold Petitioners' Hearing.
August 24	Warrant opens <b>Wednesday, August 24, 2016</b> at 8:30 a.m. through <b>Thursday, September 1, 2016</b> at 4:30 p.m. <u>Note new requirement - Articles must include board, committee and petitioner comments.</u>
September 1	Last day to submit articles for Special Town Meeting at 4:30 p.m. Petitioners' articles must be submitted to the Selectmen's office with at least 100 signatures.
September 5	<i>Labor Day</i>
September 12	Finance Committee: Special Town Meeting Article Hearing
September 19	<u>Deadline for submission of revised petitioner's and board and committee sponsors' comments on STM articles at 4:00 pm.</u>
September 26	Selectmen review, order and vote on articles
October 5	<u>Deadline for submission of Special Town Meeting article comments from Finance Committee</u>
October 10	<i>Columbus Day - Town offices closed</i>
October 14	Compilation of Warrant completed and all changes made; Final Warrant copied and delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director; <u>Warrant sent to printer.</u>
October 24	Motions for articles submitted by Town Counsel and provided to Moderator and Town Clerk. Draft motions posted for public review.
October 24	Selectmen meet to sign warrant.
November 1	Date by which warrant will be posted by Constable and mailing of warrants. (Town Code 36-2A, MGL c. 39, s. 10 - No later than 14 days before TM)
November 4 by 8:00 p.m.	Last day before Town Meeting to register to vote (No earlier than 10 days before STM).
November 7	Selectmen review proposed motions ; Selectmen conduct Special Town Meeting Warrant Hearing with Moderator, 7:15 p.m. Large Hearing Room, Town Building.
November 8	<i>Presidential Election</i>
November 15	Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk ; Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.
November 15	<b>SPECIAL TOWN MEETING, TUESDAY 7:00 PM WAYLAND HIGH SCHOOL</b>
November 16	Second day of Special Town Meeting, Wednesday 7:00 pm.

*Note - Dates not set by general laws and town code may change.*  
*Date of Document: 4/11/16*

POSSIBLE FALL STM 2016 Articles	
BOARD OF SELECTMEN:	
1	Petition the State Legislature to Remove All Police Personnel from the Provisions of Civil Service Without Affecting the Civil Service Rights of Incumbents
2	Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials
BOARD OF PUBLIC WORKS:	
3	Purchase Land for Wellhead Protection
4	Amend Chapter 191-6 c to Provide a Municipal Field Waiver for Irrigation Systems (co-sponsored with Recreation)
PLANNING BOARD ARTICLES:	
5	Home Occupation
6	Assisted/Independent Living and Nursing Home
7	Landscaping in Parking Areas Zoning Bylaw
8	Building Height
9	Conservation Cluster Developments
CONSERVATION COMMISSION AND COMMUNITY PRESERVATION COMMITTEE:	
10	Authorize Application for LAND Grant to Purchase Mainstone Farm
DELETED:	
	<del>Petition the State Legislature to Adopt Special Act for Other Employment Benefits Trust Funds and Repeal Existing OPEB Trust Fund Special Act</del>
	<del>Preservation of Historically Significant Buildings Through Demolition Delay</del>
	<del>Regulating Temporary Signs Within Town Owned Rights of Way</del>
	<del>By-law to Create Town Meeting Consent Calendar</del>
	<del>Sidewalk Construction in Roadside, Business Districts A and B, Light Manufacturing and Limited Commercial of the Zoning Bylaw</del>
	<del>Street Acceptances (Greenways, Summer Lane, Dylan Circle, Speneer Circle)</del>

PROPOSED ARTICLE FOR 2016 SPECIAL 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.

5 STM ARTICLES  
PARTICIPATION OF  
NON-RES  
OFFICIALS  
AT STM

ARTICLE FOR SPECIAL TOWN MEETING

SPONSOR: Board of Selectmen DATE RECEIVED: August 15, 2016

CONTACT PERSON: Nan Balmer TELEPHONE/Day: (508) 358-3620

TELEPHONE/Evening: \_\_\_\_\_

BOARD VOTE: \_\_\_\_\_ DATE OF VOTE: \_\_\_\_\_

TITLE: Amend Chapter 36, Section 18 of Town Code, Attendance and Participation of Nonresident Town Officials

COST: \_\_\_\_\_ NO COST: \_\_\_\_\_ COST ESTIMATE AVAILABLE ON: \_\_\_\_\_

TEXT: To determine whether the Town will vote to amend Chapter 36, Section 18 of the Town Code, Attendance and Participation of Nonresident Town Officials, by adding thereto the words "Town Counsel" as follows:

Notwithstanding their place of residence or voter registration status, the Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools shall have the same right as registered voters of the Town to attend and sit on the floor of Town meetings and answer questions. Said Town officials shall not be considered in determining the presence of a quorum at Town meetings nor shall any of them be permitted to vote unless s/he is a registered voter of the Town.

COMMENTS:

PROS:

CONS:

SIGNATURE OF CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

NEW PROPOSED STM  
ARTICLE: #4  
IRRIGATION

## DRAFT

### 191-6 (c) Municipal field waiver

Any municipally-owned field which uses prudent water conservation practices shall be exempt from the 15,000 square foot limit for new installations or expansions of existing irrigation systems. All irrigation improvements will be limited to the playing field area. All irrigation systems are subject to applicable regulations as well as approval by the Board of Public Works as Water Commissioners.

Nothing in this by-law shall limit the authority of the Board of Public Works to implement water restrictions, including for municipal irrigation systems.

DATE: August 15, 2016  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: **NEW PUBLIC RECORDS LAW**

**REQUESTED MOTION:**

**NONE AT THIS TIME. FUTURE ACTION MAY BE REQUIRED.**

**BACKGROUND:**

An Act to Improve Public Records, Ch. 121 of the Acts of 2016 was signed into law on June 3, 2016. The provisions pertaining to Public Records become effective on January 1, 2017. The Supervisor of Records will implement additional regulations no later than January 1, 2017. There are many facets to the new Public Records Law. For purposes of Monday night's discussion, this memo will focus on the more significant aspects of the Law.

Records Access Office (RAO)

- Under the Law, "the municipal clerk, or the clerk's designees, or any designee of a municipality that the chief executive officer [Board of Selectmen] of the municipality may appoint, shall serve as records access officers."
- There may be more than one RAO designated by a municipality.
- RAOs contact information must be posted in offices and on the website.
- RAOs are to assist requestors, assist record custodians, and coordinate responses. RAOs are also tasked with publishing and posting guidelines no later than July 1, 2017.
- In the absence of an appointment by the chief executive officer [Board of Selectmen], the Town Clerk or Town Clerk's designee serves as the RAO.
- RAOs must track information related to requests for annual collection by the Secretary of the Commonwealth.
- It is not clear under the Law how School Departments will fit in the guidelines. It has been suggested that the chief executive officer [Board of Selectmen] should appoint an RAO for the School Department to process all School public records requests.

Records Request

- Requests are to be in writing to the RAO. Requests can be hand-delivered, submitted via first class mail or submitted via email. Further clarification is needed regarding verbal requests.

- RAO must respond to a request within 10 business days of receipt and acknowledge when the record(s) will be available. Failure to respond in a timely manner means that no fees can be charged.
- If no inspection or copy of a record is provided, the municipality must submit a written response citing an applicable exemption or an undue burden which may extend the response deadline by 15 days.
- No reason for the request may be asked, unless it is to determine if there is a commercial purpose to the request or to evaluate a fee waiver.

### Fees

- Reasonable fees may be charged unless the record is freely available for public inspection.
- Copies are 5 cents per page for black and white copies (already in effect).
- No charges apply to sending electronic records.
- Employees' time can be charged. Municipalities under 20,000 in population can charge the first 2 hours to a max fee of \$25 per hour.
- RAO can deny access to records if fees are not paid.

### Exemptions

- Exemption (a) - personal information pertaining to law enforcement and family members; personal information of victims of crimes or domestic violence.
- Exemption (n) – applies to cyber and infrastructure security.
- Exemption (o) – personal email address are added to the employee exemption. (Should give consideration to Town email accounts for Board/Committee members)

### Remedies

- Requestor may petition the Supervisor of Public Records if a municipality doesn't comply.
- Requestor may seek judicial review of a decision by Supervisor of Public Records.
- In a Superior Court civil action, an injunction may be issued and reasonable attorney's costs awarded.
- Municipalities also have options to appeal to the Supervisor of Public Records.

The above items are only highlights of the new Public Records Law. When regulations are issued, clarifications published and training seminars conducted, further Board presentations and discussions will occur.



7 EXEC ASST  
DUTIES

DATE: August 15, 2016  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. Town Administrator/HR Director  
RE: EXECUTIVE ASST. TO TOWN ADMINISTRATOR. JOB DUTIES

**REQUESTED MOTION:**

**NONE.**

**BACKGROUND:**

Effective August 3<sup>rd</sup> Katelyn O'Brien assumed the responsibility of attending Board of Selectmen meetings and producing Board minutes. These duties previously fell to MaryAnn DiNapoli. Selectmen minutes were a meaningful part of MaryAnn's job. Given the transfer of the minutes, new responsibilities are being identified for MaryAnn. Following are several duties/responsibilities for consideration that could be added to her job description:

Records Access Officer (RAO) - The new Public Records Law calls for a number of significant changes to the manner by which municipalities process public records requests. One of the most significant changes in the law is the appointment of RAOs. While the function may be vested with the Town Clerk, I believe the function is better served in the Selectmen's Office. The Selectmen's Office has a broader familiarity of many of the activities of Town Departments as well as current issues that may generate records requests. Vesting the responsibility of the RAO for Town with the Executive Asst. to the Town Administrator should position the Town well to administer the requirements of the new law.

Website Administration - There is a vast amount of information on the Town's website. The information could be better managed, and in some instances, the content could be presented in a more organized manner. One possibility could be the creation of new pages to display information on specific subject matter. The overall presentation of departments' data could also be improved upon. In the not too distant future it is likely that the template for the Town's website will be updated. In preparing for an update a single point of contact working with IT staff on presentation will be helpful.

Board/Committee Member Oversight - Better oversight is needed following Board/Committee appointments/elections. This includes orientation for new members, updates on key laws and provisions, appreciation events, etc. Acknowledgement of Board/Committee members leaving their seats could also be improved upon.

Vesting of Other Responsibilities - In general, the vesting of responsibilities (including some for duties currently being performed) will be more clearly stated.

As with any change in a job description, the changes need to be approved by the Personnel Board. I plan to present a revised job description at the September Personnel Board meeting.

9 FACILITIES  
REVIEW OF  
DRAFT BUDGET

**PRELIMINARY FACILITIES CAPITAL AND OPERATING PLAN WILL BE PROVIDED  
FOR DISCUSSION AT THE 8/15 MEETING**

August 10, 2016

**Town Administrator Evaluation: Background Information and Process  
September 2015 – August 2016**

**Requirement – Town Administrator Employment Contract:**

The full contract is available at:

[http://www.wayland.ma.us/Pages/WaylandMA\\_HR/TA2017.pdf](http://www.wayland.ma.us/Pages/WaylandMA_HR/TA2017.pdf)

**XI. Performance Evaluation.**

- A. Balmer's performance shall be evaluated by the Board of Selectmen as referenced in Section III, at least once each contract year in accordance with the prevailing Town policy and practice for evaluations of non-union Department Heads on or about her anniversary date. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Board and TA and the goals and objectives identified in accordance with Paragraph B of this Section. Said criteria, goals and objectives may be added to or deleted from as the Board may from time-to-time determine, in consultation with the TA. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation process.
- B. At the start of the contract year, the Board and Balmer shall define such goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and the appropriations provided.

**The Town Administrator job description is available at:**

[http://www.wayland.ma.us/Pages/WaylandMA\\_HR/desc/ta.pdf](http://www.wayland.ma.us/Pages/WaylandMA_HR/desc/ta.pdf)

**Nan Balmer's Goals, Objectives and Actions document, dated October 19, 2015, is available at:**

[http://www.wayland.ma.us/Pages/WaylandMA\\_Admin/BOSgoals.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Admin/BOSgoals.pdf)

**ICMA (International City/County Management Association) guidelines:**

Excerpts from their website

- Periodic evaluation of the Town Administrator by the Board of Selectmen is an important component of a high-performance organization.
- The evaluation should contain performance goals, objectives and targets that are linked to the Board's established strategic plans, goals and priorities.

- The evaluation should focus on the Town Administrator's degree of progress toward organizational outcomes.
- To be fair, the evaluation must be based on criteria that have been communicated to the Town Administrator in advance.
- The purposed of the evaluation process is to increase communication between the Board and the Town Administrator concerning the Town Administrator's performance.
- The evaluation will also help to establish specific work-related goals and objectives for the coming year.
- All members of the Board must participate in the process, both individually completing the rating document and by discussing their ratings with the other Board members in open session in order to arrive at a consensus about performance expectations.

**Public Discussion:**

The Town Administrator makes the decision whether to waive the right to privacy as to her written performance evaluation of the past year. If she chooses to waive this right, it should be stated for the record at a BoS meeting and also specifically noted in the minutes.

**Proposed process:**

This process has been reviewed with Town Counsel and it assumes the Town Administrator gives consent for a public discussion of her evaluation:

- One board member is tasked with coordinating and overseeing the evaluation process. *Due: August 15.*
- The board will review, discuss, modify and accept a 2015-2016 evaluation form. *Due: September 6.*
- Each board member completes the form and brings their written comments to an open meeting. (These documents become public record and will be listed on the "pink" sheet in the next BoS packet.) *Due: September 12.*
- A composite evaluation is created by the coordinating board member and brought to a public session. (It may be emailed in advance of the meeting with the caveat that no discussion may occur until the next meeting. It becomes a public record.) *Due: September 26.*
- The board will review, discuss, modify and accept a completed composite evaluation (may occur over multiple sessions). *Begin discussion Oct 5.*
- The board delivers the composite evaluation to the Town Administrator. *Completed by Oct 24.*
- The Town Administrator prepares a written response to the evaluation, if so desired.

**Evaluation template:**

C. Karlson will bring a draft template to the meeting on August 15<sup>th</sup>. It is a composite form created using ICMA suggested formats and the town administrator's goals for the previous year.

TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: LEGAL RFP  
DATE: AUGUST 15, 2016

**REQUESTED ACTION:**  
**AUTHORIZE ADVERTISING RFP FOR LEGAL SERVICES BEGINNING 9/6/16 WITH ANTICIPATED DATE OF CONTRACT BY 1/2/17.**

**BACKGROUND:**

I reviewed with staff the timetable proposed to the Selectmen on July 25<sup>th</sup> for an RFP for legal services. With the more aggressive schedule below, the RFP process could be complete by early December. Since issuance of an RFP for legal services is an important initiative, I recommend the following revised timetable:

September 6: Evaluation Committee names presented to Selectmen  
September 8: Advertise and distribute RFP to municipal law firms and attorneys  
September 29: Proposals due  
October 3: Staff review and assembly of proposals for evaluation committee  
October 11 – 14: Evaluation Committee reviews all proposals and creates list of interviewees  
October 17 – 21: Evaluation Committee interviews and recommends candidates to Selectmen  
October 24: Interviews of candidates by Selectmen  
November 7: Selectmen decision  
November 8 – 17: Town Administrator / Assistant Town Administrator negotiate contract  
December 5: Contract recommended to Selectman for final decision



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## BOARD OF SELECTMEN

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## Board of Selectmen Meeting Minutes August 3, 2016

**Attendance:** Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Human Resources Assistant Katelyn O'Brien.

**A1. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:02 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. L. Anderson announced that on August 13<sup>th</sup> the Police Department and Fire Department will participate in Public Safety Day at the Sudbury Police and Fire Station, which includes "touch a truck" and car seat inspections. M. Antes announced that the League of Women Voters is sponsoring a forum on the 19<sup>th</sup> in Newton before the primary.

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

The Board decided to move on with agenda items until Town Counsel Mark Lanza and other committee members arrived before entering into Executive Session.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by J. Nolan, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A7. Review Status of Board Policies** Chair C. Karlson asked the Board if they had any thoughts on updating the policies. M. Antes stated that they certainly needed to be updated, some are from 2010. L. Anderson mentioned the policy of payment of bills and that she would like to understand them a little better. The board agreed that they would focus on board procedure policies first, then go into policies that fall under facilities.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. The Board thanked David Hill, who resigned from the Board of Assessors, for his service. The Board would also like to clarify that they are always looking for the best qualified applicants to serve as volunteers. L. Anderson stated that although committee members should represent the town, this board was only focused on qualifications when picking members. L. Jurist stated that only qualifications, not age, plays a factor in their decision making. J. Nolan followed up by stating that picking volunteers in a town such as Wayland where there are so many qualified individuals is one of the hardest jobs in public service and the board works hard to make the best decision possible.

**A3. Enter into Executive Session (a) Pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to Discuss Strategy with Respect to Pending Actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief; and (b) 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 July 25, 2016, Pertaining to the Following Subjects, because a Public Discussion of These Matters will have a Detrimental Effect on the Bargaining, Negotiating, or Litigating Position of the Town: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of 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)(3), a Discussion of Civil Service with Respect to the Police Union; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to 8 Glezen Lane, and 107 Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a Discussion of Strategy with Respect to Pending Action regarding Boelter et al v. Wayland Board of Selectmen**

At 7:25 p.m., C. Karlson moved, seconded by M. Antes, to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Green v. Police Chief; and (b) 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 July 25, 2016, pertaining to the following subjects: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of 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)(3), a discussion of civil service with respect to the Police Union; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), the consideration of the purchase, exchange, taking, lease or value of real property in regard to 8 Glezen Lane and 107 Old Sudbury Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), a discussion of strategy with respect to a pending action regarding Boelter et al v. Wayland Board of Selectmen. The Chair declares that a public discussion of these matters may have a detrimental effect on the bargaining, negotiating or litigating position of the town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Town Counsel Mark Lanza, Representative from the Board of Public Works Chris Brown and Mike Lowery, Police Chief Robert Irving, Planning Board Representative Ira Montague, and Human Resources Assistant Katelyn O'Brien. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 8:08 p.m.

#### **A4. Carroll School: Update on Review Process and Vote to Forward Comment to Planning Board**

C. Karlson announced that she would recuse herself from the discussion about the traffic report since she lives on a street that is mentioned in the report, although she is not required. C. Karlson exits room at 8:09.

Town Counsel M. Lanza states that the town's ability to interfere with Carroll School is limited however it can impose traffic regulations. Police Chief R. Irving discussed his memo that states his recommendations to the board. He suggested that a school zone could be put in place at any time, but it might not be necessary. He recommended designing lighting in parking lot that focused on safety and decreased light pollution. TEC Traffic Engineer Kevin Dandrade stated to the Board that the school had a good plan for parking and if events occur they don't require any changes to design. At this time there is no walking population so it doesn't appear a school zone is needed. K. Dandrade recommended trimming lower tree limbs for safety in parking lot. He also recommends post occupancy study.

J. Nolan stated that he hopes the town and school can have a mutually beneficial relationship. M. Lanza notes that town can't require a PILOT payment, school has mentioned a possible contribution to public safety.

J. Nolan recommended the Board support and forward the Police Chief's memo to the Planning Board. J. Nolan moved, seconded by L. Jurist, to forward the Carroll School Memo. YEA: L. Anderson, M. Antes, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: C. Karlson. Adopted 4-0-1

C. Karlson rejoined the meeting at 8:35 pm.

**A5. Discuss Open Meeting Law Complaint with Town Counsel, Attorney General Decision 2016-98**

M. Lanza discussed the legal definition of intentions, which according to the Attorney General is defined as a presumption that an act was intentional if it happens twice. According to M. Lanza chances are slim the AG would change their definition. Town can have a hearing or pay fine. L. Jurist stated his opinion that Board knew what was going on and the AG was right to cite that. C. Karlson strongly stated she disagreed with him, town was busy and understaffed and unaware of minute backup. The Board agreed that its not worth Town Counsel's time or money, will notify Attorney General in writing and respectfully disagree and pay the fine using the Selectmen's budget.

C. Karlson recommended the Board vote to pay the fine. J. Nolan moved, seconded by L. Anderson, YEA:L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A6. Consider Adoption of Board and Committee Handbook; Discuss Volunteer Training and Relations; Review, Discuss and Vote Article about Volunteers for Media Distribution**

N. Balmer discussed her handbook handout that she has developed for several towns that she has worked for over the years. Goal is to have a structured program and handbook for volunteers to learn about OML and Public Records Law and for a staff member to potentially manage it. The Board all agreed that the handbook was a great idea and that as volunteers this would be very helpful. The Board will look over and send revisions to Nan.

M. Antes suggested that the town bring back ice cream socials for volunteers. N. Balmer suggested events for the Board of Selectmen to get to know staff.

The Board discussed M. Ante's Article about Volunteers for Media Distribution. The Board agreed that it was a great document that highlighted qualified volunteers in Wayland. J. Nolan moved to forward revised article to all media outlets, seconded by L. Anderson, YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Review and Approve Minutes of July 25, 2016; Potential Vote to Release Executive Session**

**Minutes of July 25, 2016** L. Anderson moved, seconded by M. Antes, to approve the minutes as amended of July 25, 2016. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Anderson moved to vote to release the redacted Executive Session Minutes of July 25, 2016, seconded by M. Antes, YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



**A11. Report of the Town Administrator** N. Balmer mentioned David Hills resignation from the Board of Assessors and Brian Monahan's upcoming retirement as Conservation Administrator. She also stated she has Jury Duty August 22, 2016. She said that the Solar Panels will be installed starting August 15 and will cause limitations on parking at Town Building. Savings are estimated around \$110,000 from solar panels. Both J. Nolan and L. Anderson are very pleased with solar panels at schools. N. Balmer also mentioned the town was challenged by a resident regarding the procurement of a firewall but the town was found in compliance. N. Balmer thanked the work of Financial Analyst Elizabeth Doucette for her work with that challenge.

**A12. Selectmen's Reports and Concerns** L. Anderson mentioned she attended a local emergency planning meeting on power outages. C. Karlson stated that she will work with B. Keveny on the Cleargov contract, hopefully have it ready the next day, along with an open space and rec plan as well. The Board agreed to form a process at the next meeting for evaluating the Town Administrator, N. Balmer, since her annual anniversary is coming up soon. C. Karlson also reminded the Board that they need to be ready to provide commentary for upcoming articles for Special Town Meeting. Next meeting is August 15, 2016.

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

**A14. Adjourn** There being no further business before the Board, J. Nolan moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:25 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 3, 2016**

1. Memorandum of 8/3/16 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re; Town Building Solar Panel Installation
2. Memorandum of 8/1/16 from Elizabeth Doucette, Financial Research/Analyst, to Nan Balmer, Town Administrator, re: Massachusetts General Laws 30B Compliance of Firewall Procurement
3. Invitation to Grand Opening of 110 Grill, 171 Commonwealth Road, on Saturday, August 13, 2016, at 7:00 p.m.
4. Draft Press Release from Board of Selectmen re: Committee Appointees

**Items Included as Part of Agenda Packet for Discussion During the August 3, 2016 Board of Selectmen's Meeting**

1. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Carroll School, and Draft Letter of 7/27/16 from Engineering Consultant TEC Inc. to Sarkis Sarkisian, Town Planner, re: Carroll School Wayland Campus, Traffic and Transportation Peer Review
2. Letter of 7/22/16 from Office of the Attorney General to the Board of Selectmen re: Open Meeting Law, Attorney General Decision 2016-98
3. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board and Committee Handbook/Volunteer Training and Relations
4. Memorandum of 8/3/16 from Nan Balmer, Town Administrator, to Board of Selectmen re: Board of Selectmen Policies
5. Draft Minutes of July 25, 2016
6. Report of the Town Administrator for the Week Ending July 28, 2016

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING AUGUST 12, 2016**

**HOUSING PRODUCTION PLAN (HPP)**

A draft Housing Production Plan was prepared by town volunteers. The Town Planner will present the draft plan at its next meeting to the Planning Board for review and approval after which it will be referred to the Board of Selectmen for final approval and submission to the state. The draft HPP is in your Dropbox. Any comments you wish to make will be referred to the Town Planner prior to Planning Board approval and referral of the document to Board of Selectmen for final approval and submission.

**MUNICIPAL MODERNIZATION ACT**

A summary and the full text of the Municipal Modernization Act were placed in your Dropbox. Of most interest to the town are changes in law regarding finance, assessing, procurement, OPEB, revolving funds, and double poles. The Division of Local Services will host two fall training sessions on the Municipal Modernization Act. In light of the Act's new provision regarding 53 e ½ revolving funds, the legislature will not act on Wayland's request for a special act to increase the cap on the recreation revolving fund. It appears a new by-law for all 53 E ½ revolving funds will be proposed at Annual Town meeting.

**PENSION**

The Finance Director is working to correct inconsistencies with pension data that resulted from a change in software by Middlesex Retirement. Middlesex Retirement imposed a deadline of about September 2<sup>nd</sup> to make corrections. The Finance Director reports that, with the assistance of the IT Director, a MUNIS consultant and staff, significant progress was made this week to correct errors and that he expects to meet the retirement board's deadline.

**FINANCE COMMITTEE:**

**PRESENTATION OF FIVE YEAR PLAN AND RECOMMENDED BUDGET GUIDELINES**

On August 29<sup>th</sup>, the Finance Director, Treasurer, Director of Assessing and I will present to the Finance Committee a draft five year financial plan to be used as the basis of an FY 18 recommended budget guideline. The Board of Selectmen and School Committee will be notified of the meeting and will be provided with meeting materials.

**FINANCE REPORTS**

The 6/30/16 end-of-year financial reports are in the Dropbox. Estimated state aid (Cherry Sheets) is attached.

**RECREATION:** Late in July, it was brought to my attention that there are some inconsistencies with cash deposits from the Town Beach. The inconsistencies were discovered during the routine reconciliation between the Town Treasurer and the Recreation Department Assistant Director. The Town Treasurer and the Director of Recreation amended the processes and procedures for handling and safekeeping of Town monies. The Recreation Department purchased a safe, to be installed later this month, and will institute a cash register system to better control and monitor the cash collected. On August 9<sup>th</sup>, I convened the Treasurer, and Assistant Town Manager/HR Director with Asa Foster, Chairman of the Recreation Commission. The situation was discussed. A decision to hire an outside consultant to perform an "Agreed Upon Procedures" audit for the collection of all recreation fees. Additionally, going forward, training sessions regarding the handling of cash for the seasonal staff will be held before the Town Beach opens. As of Friday, August 12<sup>th</sup>, the discrepancy of most concern was resolved.

#### **POLICE CHIEF – LETTER TO MASS HIGHWAY**

The Police Chief recommends the Selectmen approve the attached draft letter to Mass Highway reminding the department of its commitment to resurface Rt. 20. If you agree, I will put the letter in final form for adoption on September 6<sup>th</sup>.

#### **SPECIAL MUNICIPAL EMPLOYEES**

Early this month I learned from a town volunteer that many positions in town are designated "special municipal employees" as a result of a Board of Selectmen action in 1963. Special municipal employees are subject to less restrictive and, somewhat complex, ethical requirements (listing and summary of requirements attached). The Board will be asked to review the 1963 decision in the future, as time permits, so that volunteers can be informed of these rules.

#### **FY 18 BUDGET PROCESS**

On August 3<sup>rd</sup>, town Department Heads met to review the FY 18 Budget Process and were provided a budget packet requesting that operating budgets be submitted on a "level services" basis, defined as the expenditures required to maintain services in FY 18 at the same level as FY 17. Department Heads will request new / changed personnel on forms that provide consistent justification. All Department Heads are also asked to provide a narrative statement explaining the challenges and opportunities facing them. Review meetings will begin September 6<sup>th</sup>. Final schedule attached.

### **WATER – SPECIAL TOWN MEETING – PROPOSED LAND PURCHASE**

Chapter 30 B procurement law require the Town Administrator, acting as Chief Procurement Officer to issue a “uniqueness determination” or conduct an advertised procurement process prior to entering into agreements to purchase land to protect the wellheads. We expect to issue an RFP within two weeks on behalf of the Board of Public Works to seek properties that meet criteria to protect town water supply. The Water Superintendent is developing criteria for selection of properties that will be part of an overall plan for wellhead protection in town. There is a required DEP process to approve land acquisition for watershed protection that will be conducted concurrently with the 30B procurement process before Special Town Meeting

### **PUBLIC CEREMONIES COMMITTEE – STORAGE**

Ben Keefe spoke with Richard Turner concerning the Public Ceremonies Committee’s request for storage space and responds: Richard is well aware of the lack of usable storage space here at the Town Building or anywhere else in Town. We discussed the option of renting space at a local self-storage facility. He thought that the expense and inconvenience would make that impractical. I explained that I am attempting to free up storage space by better utilizing the storage we do have. He understands that I could not promise space even if it does become available. He said that they would wait and see what happens as we clean/clear out the existing spaces and in the meantime he would check with his insurance agent to make sure the Town’s equipment would be covered at his home. Richard does understand the lack of storage but wants to make sure that the needs of the Public Ceremonies Committee are known and not overlooked in future planning. In a previous storage reassignment Public Ceremonies “lost” what had been adequate space. While I was unable to solve his problem I did assure Rich that Public Ceremonies would be included in any future storage plans.

### **NICHOLS: 1988 TOWN MEETING PARCEL SWAP**

Please see attached information on a request to transfer land to the Nichols to complete a 1988 Town Meeting action. More information will follow prior to Board consideration.

**Senchyshyn, John**

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**From:** Tom Gibson <tgibson@middlesexretirement.org>  
**Sent:** Tuesday, August 02, 2016 7:47 PM  
**To:** Senchyshyn, John; Pierce, Zoe  
**Subject:** Required Payroll Information

Hello John and Zoe-

Our Chief Administrative Officer, Lisa Maloney, reported to the Board on July 20<sup>th</sup> that the Town of Wayland has not submitted payroll files for calendar year 2016. Despite our staff's efforts to work with your payroll officer over the phone and in person, no progress has been made with this issue. Ms. Maloney indicated that you escalated the issue and were working with the appropriate parties to resolve the matter. However, the Board still has not received any files. Wayland is the only member unit that has not done so.

As you may know, the treasurer or other disbursing officer in charge of payroll has a statutory obligation to provide payroll information to the retirement system by the 10<sup>th</sup> of every month. Wayland is now 7 months in arrears. The Town's failure to comply with its lawful obligations is putting an undue burden on our staff and negatively affects benefit processing for your employees. For every Wayland employee that requests a benefit, our staff has to create manually months of payroll data in order to ensure the timely payment of benefits.

Unfortunately, we must place the Town on notice under G.L. c. 32, s. 18(1A) that if Wayland's outstanding payroll files are not received within the next 30 days, the Board will be obligated to proceed under the law to compel compliance. The Board does not want this issue to rise to that level, and respectfully requests that this matter be attended to forthwith.

Thank you for your anticipated cooperation in this regard.

Thomas F. Gibson, Chairman  
Middlesex County Retirement Board  
P.O. Box 160  
25 Linnell Circle  
Billerica, MA 01865  
TEL: 978-439-3000  
FAX: 978-439-3051  
E: [tgibson@middlesexretirement.org](mailto:tgibson@middlesexretirement.org)

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## Balmer, Nan

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**From:** Keveny, Brian  
**Sent:** Friday, August 05, 2016 11:32 AM  
**To:** tgibson@middlesexretirement.org  
**Cc:** Balmer, Nan; Senchyshyn, John  
**Subject:** Town of Wayland

Hello Tom,

Per Asst. Town Administrator John Senchyshyn's email to you of August 3<sup>rd</sup>, I am responding to you regarding problems Wayland is having in transmitting data to Middlesex. In that payroll is a function of Wayland's Finance Office, I am the "disbursing officer in charge of payroll".

As John stated, we are taking the problem of transmitting data to Middlesex very seriously. We have asked our IT Director to review the problem from a technology standpoint. I have been working with my staff to correct several problems in our data. We have identified 2 "crosswalks" that need to be completed. In order to ensure that the "crosswalks" are built correctly, we have contacted MUNIS and requested that they come to Wayland to work with us to complete the task. I have informed MUNIS this project is a high priority and asked them to be on-site as soon as possible. I am hopeful that they will be in Wayland next week. We want MUNIS to confirm that our set-up will be consistent with their patches and compatible with your new software.

I also would like to respond to a couple of your points. You stated that, "Wayland is now 7 months in arrears. The Town's failure to comply with its lawful obligations is putting an undue burden on our staff and negatively affects benefit processing for your employees." I do not believe your statement is totally accurate. Wayland followed Middlesex's guidance in submitting bi-weekly files which contained errors and warning messages. We continued submitting files as instructed through June 9th. While the files may not be translating properly with your new software, we have not ignored our responsibility to submit information.

You also indicated "...the Board still has not received any files. Wayland is the only member unit that has not done so." I contacted four other communities who are members of Middlesex. They relate varying degrees of problems with errors and warning messages in transmitting their files. Like Wayland, they are very frustrated in transitioning to the new software and are experiencing the difficulties that we are. At least one indicated that they have stopped transmitting data. However, none of the communities I contacted have received a G.L. c. 32, s. 18(1A) notice.

Nan Balmer, Town Administrator and John Senchyshyn, Asst. Town Administrator asked me to relay their desire to continue discussing this topic with you. They would be pleased to meet with you or to set-up a phone conference if you would like to do so. Meanwhile, I will continue to work towards resolving the problems with the new software.

Regards,

Brian Keveny  
Finance Director

**Balmer, Nan**

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**Subject:** FW: Town of Wayland

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**From:** Tom Gibson [<mailto:tgibson@middlesexretirement.org>]  
**Sent:** Friday, August 05, 2016 6:56 PM  
**To:** Keveny, Brian  
**Cc:** Balmer, Nan; Senchyshyn, John  
**Subject:** RE: Town of Wayland

Thank you Brian -

We appreciate the Town's efforts with MUNIS. This should not be new territory to them, as PTG Pension Pro is the pension software now utilized by over 75 municipal and county retirement systems in Massachusetts, many of whose governmental units' payrolls are serviced by MUNIS. The format is modeled closely after the concurrent reporting method our system's units, and all other municipalities, use to report to MTRS.

With reference to the information which has been submitted by the Town thus far, the data, unfortunately, has been continuously submitted incorrectly, and cannot be utilized by the system to assist in calculating benefits or refunds. This has been made known to the Town and necessitated a site visit on June 30<sup>th</sup>.

As far as other units' experiencing issues, it is true that when the PTG Pension Pro system was initially rolled out last October, payroll personnel in some units faced difficulties adapting to the new method of reporting, while for payroll personnel in other units the transition was relatively seamless. With additional communication and instruction, however, issues have been corrected, so that as of June, 97% of our member units had reported complete and correct payroll files through March. We are not aware of any member unit that has stopped transmitting data, as you have asserted, and certainly if that were the case, the Board would take action.

We appreciate the offer to meet and/or confer further with Nan Balmer and John Senchyshyn. The fact that this has now been made a high priority will hopefully produce beneficial results. Thanks again.

Tom

Thomas F. Gibson, Chairman  
Middlesex County Retirement Board  
P.O. Box 160  
25 Linnell Circle  
Billerica, MA 01865  
TEL: 978-439-3000  
FAX: 978-439-3051  
E: [tgibson@middlesexretirement.org](mailto:tgibson@middlesexretirement.org)

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CHERRY SHEETS

Massachusetts Department of Revenue  
Division of Local Services  
Municipal Databank/Local Aid Section  
Cherry Sheet: Municipalities, Final Budget

WAYLAND  
C RECEIPTS

1. Where present, uncheck NULL boxes and enter values (no commas) to set min and max data ranges.
2. Report will always include all data, but will display only communities within set ranges.
3. Click "View Report" and scroll down to check report status.
4. To view or sort data, export to Excel.

Close

Municipality	Year
wayland	2017
<p>1 of 27 Find   Next</p> <p><b>C.S. 1-ER Commonwealth of Massachusetts Department of Revenue FY2017</b>  <b>NOTICE TO ASSESSORS OF ESTIMATED RECEIPTS</b>  <b>General Laws, Chapter 58, Section 25A</b>  <b>Wayland</b></p>	
<b>A. EDUCATION:</b>	
<b>Distributions and Reimbursements:</b>	
Chapter 70	4,042,462
School Transportation	0
Charter Tuition Reimbursement	0
Smart Growth	0
<b>Offset Items - Reserve for Direct Expenditure:</b>	
School Choice Receiving Tuition	0
<b>Sub-Total, All Education Items:</b>	<b>4,042,462</b>
<b>B. GENERAL GOVERNMENT:</b>	
<b>Distributions and Reimbursements:</b>	
Unrestricted General Government Aid	869,138
Local Share of Racing Taxes	0
Regional Public Libraries	0
Urban Revitalization	0
Veterans Benefits	4,943
Exemp: VBS and Elderly	34,382
State Owned Land	61,024
<b>Offset Item - Reserve for Direct Expenditure:</b>	
Public Libraries	17,145
<b>Sub-Total, All General Government:</b>	<b>986,632</b>
<b>C. TOTAL ESTIMATED RECEIPTS:</b>	<b>5,029,094</b>



CHERRY SHEETS  
WAYLAND  
(CHARGES)

Massachusetts Department of Revenue  
Division of Local Services  
Municipal Databank/Local Aid Section  
Cherry Sheet: Municipalities, Final Budget

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4. To view or sort data, export to Excel.

Close

Municipality	Year
wayland	2017
<p>2 of 2</p> <p>Find   Next</p>	
<p><b>C.S. 1-EC Commonwealth of Massachusetts Department of Revenue FY2017</b>  <b>NOTICE TO ASSESSORS OF ESTIMATED CHARGES</b>  <b>General Laws, Chapter 59, Section 21</b>  <b>Wayland</b></p>	
<b>A. COUNTY ASSESSMENTS:</b>	
County Tax	0
Suffolk County Retirement	0
Essex County Reg Comm Center	0
<b>Sub-Total, County Assessments:</b>	<b>0</b>
<b>B. STATE ASSESSMENTS AND CHARGES:</b>	
Retired Employees Health Insurance	0
Retired Teachers Health Insurance	0
Mosquito Control Projects	0
Air Pollution	5,750
Metropolitan Area Planning Council	6,818
Old Colony Planning Council	0
RMV Non-Renewal Surcharge	4,700
<b>Sub-Total, State Assessments:</b>	<b>17,268</b>
<b>C. TRANSPORTATION AUTHORITIES:</b>	
MBTA	56,443
Boston Metro. Transit District	0
Regional Transit	32,232
<b>Sub-Total, Transportation Assessments:</b>	<b>88,675</b>
<b>D. ANNUAL CHARGES AGAINST RECEIPTS:</b>	
Special Education	0
STRAP Repayments	0
Multi-Year Repayment	0
<b>Sub-Total, Annual Charges Against Receipts:</b>	<b>0</b>
<b>E. TUITION ASSESSMENTS:</b>	
School Choice Sending Tuition	75,579
Charter School Sending Tuition	0
<b>Sub-Total, Tuition Assessments:</b>	<b>75,579</b>
<b>F. TOTAL ESTIMATED CHARGES:</b>	<b>181,522</b>

Massachusetts Department of Revenue  
 Division of Local Services  
 Municipal Databank/Local Aid Section  
 Cherry Sheet: Municipalities, Final Budget

CHERRY SHEETS  
 STATEWIDE  
 (RECEIPTS)

1. Where present, uncheck NULL boxes and enter values (no commas) to set min and max data ranges.
2. Report will always include all data, but will display only communities within set ranges.
3. Click "View Report" and scroll down to check report status.
4. To view or sort data, export to Excel.

[Close](#)

Municipality	All Municipal	Year	2017
<p>1 of 2</p> <p>Find   Next</p>			
<p><b>C.S. 1-ER Commonwealth of Massachusetts Department of Revenue FY2017</b></p> <p><b>NOTICE TO ASSESSORS OF ESTIMATED RECEIPTS</b></p> <p><b>General Laws, Chapter 58, Section 25A</b></p> <p><b>All Municipal</b></p>			
<b>A. EDUCATION:</b>			
<b>Distributions and Reimbursements:</b>			
Chapter 70		3,935,841,755	
School Transportation		163,419	
Charter Tuition Reimbursement		77,072,433	
Smart Growth		250,000	
<b>Offset Items – Reserve for Direct Expenditure:</b>			
School Choice Receiving Tuition		50,107,273	
<b>Sub-Total, All Education Items:</b>		<b>4,063,434,880</b>	
<b>B. GENERAL GOVERNMENT:</b>			
<b>Distributions and Reimbursements:</b>			
Unrestricted General Government Aid		1,021,928,272	
Local Share of Racing Taxes		660,450	
Regional Public Libraries		2,601,883	
Urban Revitalization		1,168,306	
Veterans Benefits		51,516,168	
Exemp: VBS and Elderly		24,273,994	
State Owned Land		26,770,000	
<b>Offset Item - Reserve for Direct Expenditure:</b>			
Public Libraries		8,897,000	
<b>Sub-Total, All General Government:</b>		<b>1,137,816,073</b>	
<b>C. TOTAL ESTIMATED RECEIPTS:</b>		<b>5,201,250,953</b>	

Massachusetts Department of Revenue  
 Division of Local Services  
 Municipal Databank/Local Aid Section  
 Cherry Sheet: Municipalities, Final Budget

CHERRY SHEETS  
 STATEWIDE  
 CHARGES

1. Where present, uncheck NULL boxes and enter values (no commas) to set min and max data ranges.
2. Report will always include all data, but will display only communities within set ranges.
3. Click "View Report" and scroll down to check report status.
4. To view or sort data, export to Excel.

Close

Municipality	All Municipal	Year	2017
<p>2 of 2   Find   Next</p>			
<p><b>C.S. 1-EC Commonwealth of Massachusetts Department of Revenue FY2017</b>  <b>NOTICE TO ASSESSORS OF ESTIMATED CHARGES</b>            General Laws, Chapter 59, Section 21  <b>All Municipal</b></p>			
<b>A. COUNTY ASSESSMENTS:</b>			
County Tax			20,679,050
Suffolk County Retirement			3,874,532
Essex County Reg Comm Center			668,579
<b>Sub-Total, County Assessments:</b>			<b>25,222,161</b>
<b>B. STATE ASSESSMENTS AND CHARGES:</b>			
Retired Employees Health Insurance			157,922
Retired Teachers Health Insurance			35,496,372
Mosquito Control Projects			11,736,513
Air Pollution			2,187,390
Metropolitan Area Planning Council			1,650,302
Old Colony Planning Council			131,821
RMV Non-Renewal Surcharge			12,816,640
<b>Sub-Total, State Assessments:</b>			<b>64,176,960</b>
<b>C. TRANSPORTATION AUTHORITIES:</b>			
MBTA			163,998,025
Boston Metro. Transit District			25,001
Regional Transit			35,412,632
<b>Sub-Total, Transportation Assessments:</b>			<b>199,435,658</b>
<b>D. ANNUAL CHARGES AGAINST RECEIPTS:</b>			
Special Education			3,748,395
STRAP Repayments			134,793
Multi-Year Repayment			529,992
<b>Sub-Total, Annual Charges Against Receipts:</b>			<b>4,413,180</b>
<b>E. TUITION ASSESSMENTS:</b>			
School Choice Sending Tuition			71,348,028
Charter School Sending Tuition			515,575,343
<b>Sub-Total, Tuition Assessments:</b>			<b>586,923,371</b>
<b>F. TOTAL ESTIMATED CHARGES:</b>			
			<b>880,171,330</b>

DRAFT LETTER  
TO MA HIGHWAY

August 8, 2016

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

Dear Director Gulliver:

Last year in your August 25<sup>th</sup>, 2016 letter to the Board of Selectmen you indicated that you anticipated full resurfacing work on Route #20 in Wayland could be done in the Spring of 2016 provided that funds are available. To date no work has been done and we have received no indication of when the project is scheduled to begin.

The Board of Selectmen, as Traffic Authority for the town, remain very concerned about the deteriorating condition of significant portions of Route #20 and we request that this project be completed as soon as possible.

Board of Selectmen

SPECIAL MUNICIPAL  
EMPLOYEES



TOWN OF WAYLAND  
Town Clerk's Office

38 COCHITUATE ROAD  
WAYLAND, MASS.

OFFICERS OF THE TOWN OF WAYLAND  
1963

Office and Name	Address	Term Expires
<b>MODERATOR:</b>		
Roger P. Stokey	28 Concord Road	1964
<b>TOWN CLERK</b>		
Leila Sears (Miss)	187 Pelham Island Road	1965
<b>SELECTMEN</b>		
Thomas Francis Linnehan	10 Millbrook Road	1964
George K. Lewis	182 Concord Road	1965
Frank S. Tarr	205 W. Plain St., Cochituate	1966
<b>TREASURER</b>		
Dorothy Small Damon (Mrs.)	25 Concord Road	1966
<del>Cell</del> COLLECTOR		
Walter A. Cheslak	10 Doran Road, Cochituate	1964
<b>TOWN ACCOUNTANT</b>		
EXECUTIVE SECRETARY (Appointed)		
Norman E. Taylor	150 Concord Road	1966
BOARD OF PUBLIC WELFARE		
Dominic L. Bartholomew	27 Sherman Bridge Road	1964
Theodore R. Magoun	8 Eden Road, Cochituate	1965
Ronald H. Wood	74 East Plain St., Cochituate	1966
<b>SCHOOL COMMITTEE</b>		
John W. Arnold	164 West Plain St., Cochituate	1964
John B. Gregory	19 Concord Road	1964
Jesse F. Scott, M.D.	14 Country Corners Rd.	1965
Bruce F. Kingsbury	7 Goodman Lane	1966
John B. Wilson	213 Old Conn. Path	1966
▲ <b>ASSESSORS</b>		
Fern A. Taylor	73 Edgewood Rd., Cochituate	1964
William S. Lewis	42 Three Ponds Rd.	1965
Willis B. Ryder	17 Hazelbrook Lane	1966
<b>WATER COMMISSIONER</b>		
Lawrence K. Cook	5 Sylvan Way	1964
Fern A. Taylor	73 <del>W</del> Edgewood Rd., Cochituate	1965
Alfred C. Damon	(Resigned) <i>Replacement not yet appointed</i> 18 Shawmut Ave., Cochituate	1966

*Deceased - Aug 22 '63.*

## TRUSTEES OF THE PUBLIC LIBRARY

George C. Bogfen	145 West Plain St., Cochituate	1964
Doris M. Philbrook	10 Sylvan Way	1964
Helen C. Morgan (Resigned)	114 Cochituate Rd.	1965
Betty B. Holmes	11 Draper Road (Appointed to fill vacancy)	
Harry L. Barrett, Jr.	145 Plain Rd.	1965
Hugh F. Colliton, Jr.	5 Brackett Rd.	1966
Robert H. Scotland	73 West Plain St., Cochituate	1966

## CEMETERY COMMISSIONERS

Walter A. Cheslak	10 Doran Road, Cochituate	1964
Willis B. Ryder	17 Hazelbrook Rd.	1965
<del>Hudge</del>		
Gustaf M. Blomgren	279 Main St., Cochituate	1966

## TREE WARDEN and CEMETERY SUPT.

John E. Nelson	19 Fuller Rd., Cochituate	1964
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## HIGHWAY SUPERINTENDENT

Albert E. Potvin	36 Sunset Rd., Cochituate (New title, Assist. Highway Supt.)	1963
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## BOARD OF HEALTH

John Gordon Freymann, M.D.	18 Country Corners Rd.	1964
Alexander S. Macmillan, Jr. M.D.	83 Lincoln Rd.	1965
Frederick H. Perry	18 Pleasant St., Cochituate	1966

## PARK COMMISSIONERS

Joseph P. Horvath	242 Concord Rd.	1964
Thomas F. Murray	20 Shawmut Ave., Cochituate	1965
Nathaniel Hamlen	83 Old Conn. Path	1966

## ROAD COMMISSIONERS

Robert M. Carson	10 Hayward Rd.	1964
Charles H. Peters	26 Highgate Rd.	1965
	(Resigning as of Aug. 19th, no replacement has been appointed, as yet.)	
Horace Megathlin, Jr.	29 Rice Spring Lane	1966

## PLANNING BOARD

L. William Bertelsen	67 Claypit Hill Rd.	1964
Katharine Hodges	181 Cochituate Road	1964
Robert H. Charnock	18 Orchard Lane	1965
George F. Bowers, Jr.	23 Plain Rd.	1966
Edward F. Thorburn	8 Valley View Road, Cochituate	1967
Allen H. Morgan	114 Cochituate Rd.	1968

**COMMISSIONERS OF TRUST FUNDS**

John G. Harder	153 Old Conn. Path	1964
Thomas B. Gannett	85 Old Conn. Path	1965
Allan R. Finlay	69 Lincoln Road	1966

**REDEVELOPMENT AUTHORITY**

A. William Rowe (State Appointee)	110 Cochituate Rd.	1966
John R. McEnroy	20 Cottage Rd., Cochituate	1965
George V. Deverell	163 School St.	1966
Laurence S. Fordham	48 Sedgemoadow Rd.	1967
Harvey C. Newton	22 Pemberton Rd., Cochituate	<del>1966</del> 1968

**CITIZEN'S COMMITTEE -- Urban Renewal**

Jean F. Caul	38 Lake Shore Drive, Cochituate
John T. Karman	211 Lake Shore Drive, Cochituate
Rev. Robert K. Jones, Jr.	53 East Plain St., Cochituate
John W. Rooney	22 Hawthorne Rd., Cochituate
H.	
Lewis S. Russell, Jr.	105 Pelham Island Road, Wayland

**CONSTABLES (All until 1964)**

John W. Brady	39 Peck Ave.	Edward J. Burke, 35 Maiden Lane, Cochituate
George J. Butler, <del>22</del>	11 Emerson Rd. Cochituate	John P. Butler, 64 Sycamore Rd., Cochituate
John Chrissicas, 81 Riverview Circle, Ernest H. Damon, (Mail: Saxonville) 14 Harrison St., Cochituate		
Frederick Perry, 28 Stonebridge Road, Cochituate		

**TRUSTEES OF THE ALLEN FUND (All until 1964)**

John C. Bryant	419 Old Conn. Path, Cochituate
Benjamin W. Johnson, III.,	178 Commonwealth Rd., (East) Cochituate
George W. Shepard	6 Plain Rd.

**INSPECTOR OF ANIMALS AND OF SLAUGHTERING**

Warren F. Lawrence	149 School Street
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**FIRE CHIEF (G.L.Ch.48, Sections 42-44, Incl.)  
FOREST FIRE WARDEN and OILBURNER INSPECTION**

Francis J. Hartin	238 Main Street	(Permanent)
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**FINANCE COMMITTEE**

Francis A. Fisher	78 Claypit Hill Rd.	1963 (No new appointment on these, yet)
William A. Loker	33 Loker St., Cochituate	1963
Henry J. Muller	20 Black Oak Rd.	1963
Charles B. Thomas, Jr.	4 Snake Brook Rd., Cochituate	1964
James D. Wells	80 Woodridge Road	1965
Robert M. Morgan	79 Old Sudbury Rd.	1965
Roger E. Ela	57 Shaw Drive	1965





## State Ethics Commission

### **Special Municipal Employees**

The conflict of interest law, G.L. c. 268A, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, town council or city council. Several specific municipal positions are automatically designated as "special" under the law. Your position is eligible to be designated as a "special municipal employee" position provided that:

- you are not paid; or
- you hold a part-time position which allows you to work at another job during normal working hours; or
- you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees." For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen, board of aldermen, town council or city council at any time. Votes should be taken individually for each board or position being designated, expressly naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission.

Under no circumstances may a mayor, city councilor, town councilor, alderman, or selectman in a town with a population of more than 10,000 be designated as a "special." However, in towns of 10,000 or less, selectmen are automatically considered "special" employees. Other municipal positions in towns with a population of less than 10,000 must still be designated as "special municipal employee" positions by the selectmen.

The Legislature may also designate certain positions to have "special municipal employee" status. For example, board members and part-time employees of local housing and redevelopment authorities are defined by law as "special municipal employees" and do not need to have local authorities approve their designation as "specials." (See G.L. c. 121B, section 7.)

### **THE CONFLICT LAW IS LESS RESTRICTIVE FOR "SPECIALS"**

Only two sections of the conflict of interest law apply less restrictively to "specials", §§ 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way. See the Summary of the Conflict Law for Municipal Managers or the Practical Guide to the Conflict Law for Municipal Employees for information on your responsibilities under the law (these publications are available from the State Ethics Commission). Remember that even if you serve on an unpaid part-time board or commission, you are still considered a regular municipal employee, unless your position has been expressly designated as having "special municipal employee" status.

- hold any number of elected positions, whether paid or unpaid, because you serve in those positions by virtue of your election, rather than because of an appointment or employment contract (however, if you hold even one paid appointed position, you must look for other exemptions); and
- in some instances, you may hold more than one paid appointed position, provided that the jobs are in separate departments (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. However, your board of selectmen, board of aldermen, town council or city council must vote to exempt you from section 20, and there are also other requirements you must meet. For more information, see Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.
- If you serve in a town with a population of less than 3,500, you may hold more than one position with the town if the board of selectmen formally approves the additional appointments.

If you are a "special municipal employee", you may also:

- hold any number of other "special municipal employee" positions, provided that the positions are with totally independent departments and you file a disclosure of your financial interest in all the positions with the city or town clerk;
- hold any number of other "special municipal employee" positions, even if the departments' jurisdictions overlap, provided that you file a disclosure of your financial interest in all the positions with the city or town clerk, and the board of selectmen, board of aldermen, town council or city council vote to exempt you from section 20.

**Example:** As a Cemetery Commissioner, you are a "special municipal employee."

- You may also hold "special municipal employee" positions on the Board of Library Trustees and on the Waterways Commission, because the three positions are completely independent of each other. However, you must file a disclosure of your financial interest (e.g., stipends, per diem payments, salary) in the positions with the Town Clerk.

If you wish to hold a "special municipal employee" position with the Department of Public Works (which maintains buildings on the cemetery grounds) or as the town's Tree Warden (who cares for the trees on the cemetery grounds), you must file a disclosure of your financial interest in the positions with the Town Clerk, and the Board of Selectmen must vote to exempt you from section 20.

For more information about holding more than one municipal position, request Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

\* \* \*

The definition of "special municipal employee" can be found in section 1(n) of the conflict of interest law (G.L. c. 268A). Note that town councils are empowered by G.L. c. 39, section 1 to exercise all duties and powers of boards of aldermen.

Commission Fact Sheets are prepared and issued by the Public Education Division of the State Ethics Commission. They are intended to provide guidance to public officials and employees concerning practical applications of the conflict law. For further information, contact your town counsel or city solicitor, or the Legal Division of the State Ethics Commission.

ISSUED: May 1987; REVISED: March 1990; REVISED: January 1991; REVISED: August 1992 © 2016 Commonwealth of Massachusetts.

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## DRAFT DEPARTMENT HEAD FY 18 BUDGET SCHEDULE AND PROCESS

8/3/16

DATE	RESPONSIBLE PARTY	RESPONSIBILITY	SUBMIT TO
AUGUST 3	FINANCE DIRECTOR, ASSISTANT TOWN ADMINISTRATOR	PROVIDE BUDGET SCHEDULE, PROCESS AND FORMS TO DEPARTMENT HEADS	DEPARTMENT HEADS
AUGUST 29	FINANCE DIRECTOR TOWN ADMINISTRATOR	PRESENT FIVE YEAR BUDGET PLAN AND RECOMMEND DRAFT BUDGET GUIDELINES	FINANCE COMMITTEE
BY SEPTEMBER 2	ALL DEPARTMENT HEADS	SUBMIT CAPITAL PLANS AND REQUESTS FOR NEW PERSONNEL AND OPERATING BUDGETS	FINANCE DIRECTOR (CAPITAL) ASSISTANT TOWN ADMINISTRATOR (PERSONNEL)
September 12	FINANCE COMMITTEE	ADOPT FINAL OPERATING BUDGET GUIDELINES	DEPARTMENT HEADS, BOARDS AND COMMITTEES
SEPTEMBER 6- SEPTEMBER 12	TOWN ADMINISTRATOR	REVIEW OF 1) CAPITAL PLANS, 2) REQUESTS FOR NEW PERSONNEL 3) OVERVIEW OF SIGNIFICANT OPERATING BUDGET INCREASES. 4) DEPARTMENTS THAT ARE READY MAY PRESENT FY 18 OPERATING BUDGET	WITH DEPARTMENT HEADS AND FC LIAISONS, FIN DIR, HR
SEPTEMBER 6, 12, 26	TOWN ADMINISTRATOR	MAKES RECOMMENDATIONS ON ALL CAPITAL PLANS	BOARD OF SELECTMEN
SEPTEMBER 26	BOARD OF SELECTMEN	VOTES RECOMMENDATIONS ON CAPITAL PLANS UNDER ITS JURISDICTION TO FINANCE COMMITTEE WITH ANY COMMENTS	FINANCE COMMITTEE
BY SEPTEMBER 30 (FINAL DATE)	ALL DEPARTMENT HEADS	GET APPROVAL OF CAPITAL PROJECTS AND NEW PERSONNEL AND OPERATING BUDGETS	INDEPENDENT GOVERNING BODIES
OCTOBER 3	FINANCE DIRECTOR	SUBMITS CAPITAL PLANS WITH RECOMMENDATIONS OF BOARD OF SELECTMEN, GOVERNING BODIES, TOWN ADMINISTRATOR	FINANCE COMMITTEE
OCTOBER 3	ASSISTANT TOWN ADMINISTRATOR	SUBMITS PERSONNEL REQUESTS FOR REVIEW AND RECOMMENDATION	PERSONNEL BOARD
OCTOBER 3 – NOVEMBER 21	FINANCE COMMITTEE	MAKE RECOMMENDATIONS ON ALL CAPITAL PLANS	BOARD OF SELECTMEN GOVERNING BODIES
OCTOBER 17 – OCTOBER 28	TOWN ADMINISTRATOR	REVIEW OF OPERATING BUDGETS*	WITH DEPARTMENT HEADS AND FC LIAISONS, FIN DIR, HR
NOVEMBER 7	TOWN ADMINISTRATOR	MAKE RECOMMENDATIONS ON ALL OPERATING BUDGETS, EXCEPT SCHOOLS	BOARD OF SELECTMEN
BY DECEMBER 5	FINANCE COMMITTEE	ADOPTS DRAFT FIVE YEAR CAPITAL PLAN	FINANCE COMMITTEE
DECEMBER 12	PERSONNEL BOARD	MAKES RECOMMENDATIONS ON PERSONNEL REQUESTS	FINANCE COMMITTEE GOVERNING BODIES
DECEMBER 12	BOARD OF SELECTMEN	VOTE RECOMMENDATION ON OPERATING BUDGETS UNDER ITS JURISDICTION	FINANCE COMMITTEE
DECEMBER 12	SCHOOL SUPERINTENDENT	SUBMIT SUPERINTENDENT'S SCHOOL BUDGET	SCHOOL COMMITTEE / FINANCE COMMITTEE: JOINT MEETING
DECEMBER 20	FINANCE DIRECTOR	SUBMIT DRAFT OPERATING BUDGET TO FINANCE COMMITTEE	FINANCE COMMITTEE
BY JANUARY 31	FINANCE DIRECTOR	ADOPT PRELIMINARY OMNIBUS BUDGET	FINANCE COMMITTEE
FEBRUARY 13, 2017	FINANCE COMMITTEE	ADOPT DRAFT FY 18 OMNIBUS BUDGET	FINANCE COMMITTEE

Dates of interest to BOS highlighted.

NICHOLS PARCEL  
SWAP

# Memorandum

**To:** Board of Selectmen, NanBalmer  
**CC:** John Senchysyn, Mark Lanza  
**From:** Alf Berry, Town Surveyor  
**Date:** 8/10/2016  
**Re:** 1988 Town Meeting parcel swap

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Board of Selectmen,

In 1988 the town voted to transfer a parcel of land, Assessor's parcel #47A-037, to Richard J. and Carol L. B. Nichols in exchange for a portion of their property for roadway purposes to make improvements to Crest Road. In 1994 the town followed through on the taking of a portion of Crest Road as was authorized by article 16 of the 1988 Annual Town Meeting; see book 24832, page 2.

Since that time there have been several attempts to complete the transfer of parcel 47A-037 to The Nichols' as authorized by article 17B of the 1988 Annual Town Meeting.

I have attached copies of the various supporting Town Meeting votes, deeds and plans. At this stage, all that remains to be completed is a signing of the deed by the Board of Selectmen.

I can make myself available for discussion if necessary.

Respectfully submitted,

Alf Berry  
Town Surveyor

Attachments:  
Town Meeting minutes  
GIS map  
Land Court plan #14025A  
1929 Plan of Dudley Lake Shores  
Deed Book 24832, Page 2





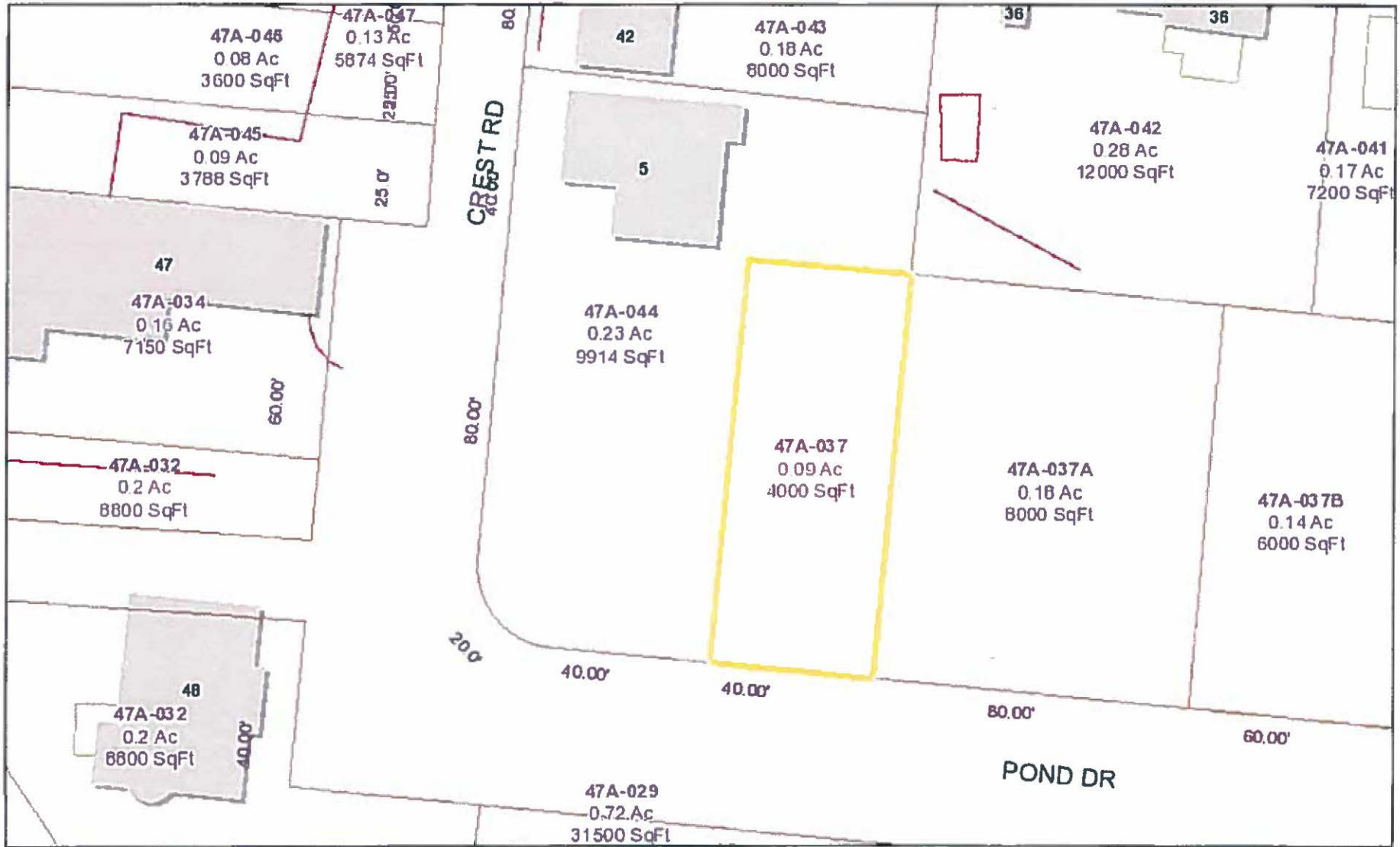
Wayland, MA



August 4, 2016

1 inch = 33 Feet

www.cai-tech.com



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

## QUITCLAIM DEED

The Town of Wayland, a Massachusetts municipal corporation, having a principal office at 41 Cochituate Road, Wayland, Massachusetts 01778, for consideration paid of one and 00/100 dollar (\$1.00), grants to Carol L.B. Nichols of 5 Crest Road, Wayland, Massachusetts 01778, with **quitclaim covenants**,

the parcels of land on Pond Drive, Wayland, Massachusetts containing, in the aggregate, 4,000 square feet, more or less, being Lots 172 and 173 (Sheet 3), the boundaries of which are determined by the Land Court to be located as shown on a plan, as modified and approved by the Land Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 207, Page 161, with Certificate 31406 (Plan No. 14025<sup>A</sup>); excepting and excluding therefrom the fee in the street abutting said lots to the middle line thereof. There is appurtenant to said lots the right to use the whole of the ways shown on said plan in common with others entitled.

For title, see Certificate of Title No. 145894 registered in the Land Registration Office at said Registry of Deeds in Registration Book 860, Page 34.

The grantee herein has fully complied with the provisions of M.G.L. c. 44, § 63A.

This deed is exempt from documentary stamp excise taxes pursuant to M.G.L. c. 64D, §1.

The Town of Wayland reserves to itself a restriction prohibiting the merger or combination of said Lot 172 and said Lot 173 with other land to create an additional building lot or to increase the number of dwelling units on such land. By accepting and recording this deed, the grantee covenants for herself and her heirs, successors and assigns that this restriction shall be a restriction held by any governmental body within the meaning of

M.G.L. c. 184, §26 and a gift for public purposes within the meaning of M.G.L. c. 184, §23.

This conveyance was authorized by vote of the 1988 Annual Town Meeting of the Town of Wayland held on April 27, 1988. An attested copy of said vote is registered herewith.

In Witness Whereof the said the Town of Wayland has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its duly authorized Board of Selectmen this 15<sup>th</sup> day of August, 2016.

TOWN OF WAYLAND, by:

\_\_\_\_\_  
Cherry C. Karlson, Chair

\_\_\_\_\_  
Lea Anderson

\_\_\_\_\_  
Mary M. Antes

\_\_\_\_\_  
Louis M. Jurist

\_\_\_\_\_  
Joseph F. Nolan

its Board of Selectmen

Approved as to form.

\_\_\_\_\_  
Mark J. Lanza, Town Counsel



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 15th day of August, 2016, before me, the undersigned notary public, personally appeared Cherry C. Karlson, Lea Anderson, Mary M. Antes, Louis M. Jurist and Joseph F. Nolan, proved to me through satisfactory evidence of identification, which was personal recognition, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as Selectmen of the Town of Wayland,

\_\_\_\_\_  
, Notary Public  
My Commission Expires:

**ANNUAL TOWN MEETING MAY 2, 1988**

**AT THE WAYLAND HIGH SCHOOL FIELD HOUSE**

**C. PETER R. GOSSELS, MODERATOR:**

The Moderator called the Meeting to order at 7:50 P.M., declared a quorum to be present, and the meeting proceeded to transact the following business:

**MOTION**

Lucile "Cile" Hicks, Representative to the General Court, moved and was duly seconded that the Meeting return to Article 1. in order to present Resolutions from the General Court to former Selectmen, Thomas Linden and Catherine Seiler.

**VOTED: UNANIMOUS CONSENT OF MEETING TO RETURN TO ARTICLE 1.**

Mrs. Hicks offered a Resolution from Senator Paul Celluci on behalf of the Massachusetts Senate (An Official Citation) and presented to Mrs. Seiler the following:

**RESOLUTION FROM REPRESENTATIVE LUCILE "CILE" HICKS AS A MEMBER OF THE GREAT AND GENERAL COURT REGARDING CATHERINE SEILER**

**WHEREAS:** Catherine Seiler, the first woman ever to be elected a Wayland Selectmen, recently announced that she would not be running for re-election; and

**WHEREAS:** Catherine Seiler has served three consecutive terms since 1979; and

**WHEREAS:** She has distinguished herself during her service, ever conscious of her obligations to her position and has won the respect and admiration of everyone with whom she came in contact because of her friendly, courteous manner, integrity and keen sense of duty; and

**WHEREAS:** Catherine Seiler, a woman of upright character and deep interest in public service has endeared herself to all and she has given generously of her time and talents to many civic and community efforts;

**WHEREAS:** The actions of Catherine Seiler have reflected the highest principles of humanity, charity and love of one's fellow man; and be it

**RESOLVED:** That the Massachusetts House of Representatives joins with the friends of Catherine Seiler and extends its congratulations on her retirement and best wishes for good health and many years of happiness in her future life."

as Thurlow or other lands adjacent to said parcel, on a plan entitled "Plan of Dudley Lake Shores Wayland Mass. developed by The Irving Realty Co., Inc." dated March 1929 by Rosenblatt Bros. Civil Engineers recorded in book 5347 page end in the South Middlesex Registry of Deeds containing 4,000 square feet; or take any action relative thereto.

#### MOTION

Christopher Lynch moved and was duly seconded that the Town hereby authorizes the Board of Selectmen to convey an easement to Debbie & David Dean for septic system purposes over a portion of a parcel of land on Pond Drive, containing 4,000 square feet, more or less, shown on a plan entitled "PLAN OF DUDLEY LAKE SHORES WAYLAND, MA. DEVELOPED BY THE IRVING REALTY CO., INC. DATED MARCH 1929 BY ROSENBLATT BROS. CIVIL ENGINEERS" and recorded in book 5347, page end in the South Middlesex Registry of Deeds.

#### AMENDMENT TO MOTION

Jack Peters moved and was duly seconded that the Town of Wayland shall retain the right to grant an easement over a part or all of this parcel for a septic system serving two or more dwellings. In this eventuality, the Dean septic requirements could be served by the multi-user septic system.

VOTED ON AMENDMENT: MOTION NOT CARRY

VOTED ON MAIN MOTION: UNANIMOUSLY IN FAVOR

#### **ARTICLE 16. ACQUIRE LAND FROM NICHOLS FOR ROADWAY** **Proposed by: Board of Selectmen**

Article 16. To see if the Town will authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for roadway purposes, to be held in the care and custody of the Road Commissioners, the fee or any lesser interest in a parcel of land with the trees thereon on Pond Drive standing in the name of Richard J. and Carol L.B. Nichols containing 2,000 sq. ft. and shown as Parcel "A" on a plan entitled "Plan of Land in Wayland, Mass. Owned by Mary R. Goodnoh" dated February 25, 1965 by MacCarthy Engineering Service, Inc.; or take any action relative thereto.

#### MOTION

Robert West moved and was duly seconded that the Town hereby authorizes the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise for roadway purposes, the fee or any lesser interest in a parcel of land with the trees hereon on Pond Drive standing in the name of Richard J. and Carol L. B. Nichols containing 2,000 square feet, more or less, and shown as Parcel "A" on a plan entitled "PLAN OF LAND IN WAYLAND, MASS. OWNED BY MARY R. GOODNOH" dated February 25, 1965 by MacCarthy Engineering Service, Inc.; and that the care, custody, management and control of said land be placed in the charge of the

Board of Road Commissioners.

George Mead moved to terminate debate.

VOTE TO TERMINATE DEBATE: UNANIMOUSLY IN FAVOR

1ST VOICE VOTE ON MOTION: SCATTERING OF NOES

2ND VOICE VOTE ON MOTION: SCATTERING OF NOES

STANDING COUNTED VOTE: OPPOSED: NONE

3RD VOICE VOTE ON MOTION: UNANIMOUSLY IN FAVOR

ARTICLE 17.

**ARTICLE 17A. TRANSFER LAND FROM PARK AND RECREATION COMMISSION TO SELECTMEN**

Proposed by: Board of Selectmen

Article 17A. To see if the Town will vote to instruct the Park and Recreation Commission, with the approval of Town Counsel as to form, to convey, abandon, release or otherwise dispose of to the Board of Selectmen an interest in Lots 172 and 173 as shown on a plan entitled "Plan of Land in Wayland, Rosenblatt Bros., Civil Engineers, January 1930, recorded in Book 207, page 161, at the South Middlesex Registry of Deeds, containing 4,000 sq. ft.; or take any action relative thereto.

MOTION

Robert West moved and was duly seconded that the Park and Recreation Commission, with the approval of Town Counsel as to form, transfer the care, custody, management and control of Lots 172 and 173, containing 4,000 square feet, more or less, as shown on a plan entitled "PLAN OF LAND IN WAYLAND, ROSENBLATT BROS., CIVIL ENGINEERS, JANUARY 1930" and recorded in Book 207, page 161, at the South Middlesex Registry of Deeds to the Board of Selectmen.

VOTED: UNANIMOUSLY IN FAVOR

John McEnroy moved to adjourn the Meeting.

VOTE ON MOTION TO ADJOURN: MOTION NOT CARRY

**ARTICLE 17B. CONVEY LAND TO NICHOLS**

Proposed by: Board of Selectmen

Article 17B. To see if the Town will authorize the Selectmen to convey to Richard J. and Carol L. B. Nichols, Lots 172 and 173 as shown on a plan entitled "Plan of Land in Wayland, Rosenblatt Bros., Civil Engineers, January 1930", recorded in Book 207 Page 161 South Middlesex Registry of Deeds, containing 4,000 sq. ft.; or take any action relative thereto.

MOTION

Robert West moved and was duly seconded that the Town hereby authorizes the Board of Selectmen to convey to Richard J. and Carol L. B. Nichols, Lots 172 and 173, containing 4,000 square feet, more or less, as shown on a plan entitled "PLAN OF LAND IN WAYLAND, ROSENBLATT BROS., CIVIL ENGINEERS, JANUARY 1930" and recorded in Book 207, page 161 at the South Middlesex Registry of Deeds.

VOTED: UNANIMOUSLY IN FAVOR

#### ARTICLE 18. TRANSFER AND SELL TAX TITLE AND SURPLUS LAND

Proposed by: Board of Selectmen

Article 18. To see if the Town will authorize the Selectmen to sell and convey at public auction after setting up set bid prices, the following parcels of land which have been acquired by the tax title procedure for non-payment of taxes or otherwise:

Parcel #1

#4 Sycamore Road, containing 4,900 square feet, being a part of Lot 99 as shown on a plan entitled "Plan of Castle Gate North Section Wayland, Mass." dated May 11, 1918 by E. Worthington Engineer and recorded as Plan 17 in Plan Book 268 at the Middlesex Registry of Deeds, South District, Cambridge, Mass.

Parcel #2

#8 Sycamore Road, containing 5,975 square feet, being a part of Lot 99 as shown on (See title above)

Parcel #3

#70 Hawthorne Road, containing 3,725 square feet, being a part of Lot 90 as shown on (See title above)

Parcel #4

#11 Woodland Road, containing 2,950 square feet, being Lot 682 and part of Lot 683 as shown on plan entitled "Plan of Woodland Park, Wayland, Mass." dated Sept. 3, 1914 by E.



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, August 15, 2016  
Wayland Town Building  
Selectmen's Meeting Room**

### REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Town Counsel Mark J. Lanza for Services through July 31, 2016: \$9,977.00
3. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through July 28, 2016, Invoice 180, Account 5673-01M: \$1,758.00
4. Vote the Question of Approving the Appointment of Joanne Barnett to the Housing Partnership as the Representative of the Conservation Commission for a Term to Expire on June 30, 2019
5. Vote the Question of Approving the Application to Sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Stoneybrook Cider, LLC, Michael Lamontagne, Manager, on Wednesday, August 17, 2016, and Wednesday, September 21, 2016, from 12:00 p.m. to 5:00 p.m.
6. Vote the Question of Approving the Membership Agreement with MIIA Property and Casualty Group Inc.
7. Vote the Question of Approving the Authorization for Town Counsel to Sign the Agreement with the Massachusetts Attorney General Kevin Manganaro in Settlement of Open Meeting Law Case #2016-98
8. Vote the Question of Approving the Authorization for the Town Administrator to Sign a Letter of Engagement with Kopelman & Paige Law PC to Appoint Barbara St. André, Esq., Special Counsel to Assist Planning Board with Respect to Special Town Meeting Zoning Bylaws at a Cost Not to Exceed \$5,000 at an Hourly Rate of \$200
9. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Wayland Children and Parents Association Annual Beach Party at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street, from September 4-10, 2016

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

INVOICE - TOWN OF WAYLAND - 7/31/2016

SUMMARY

FEE CALCULATION: 57.7 HOURS X \$160.00 PER HOUR = \$ 9,232.00  
DISBURSEMENTS (See below for detail) 745.00  
TOTAL 7/31/16 INVOICE.....\$9,977.00  
AMOUNT PAYABLE FROM GENERAL FUND LEGAL BUDGET.....\$ 9,977.00  
AMOUNT PAYABLE FROM GENERAL FUND ECONOMIC  
DEVELOPMENT COMM. PROFESSIONAL SERVICES ACC'T .....0.00

DISBURSEMENTS

7/2016	Postage	47.46
7/2016	FAXing (978) 369-9916 & (978) 261-5034	0.00
7/2016	Copying	34.50
6/23/16	Courier Fees - Crown Path Case	118.80
7/9/16	Trial Trans. Fee - Crown Path Case	373.10
7/14/16	UPS Charges - Glezen Lane Case	79.58
7/14/16	Mileage: 44 @ \$.50 =	22.00
7/14/16	Parking	28.00
7/14/16	Tolls	5.00
7/28/16	Mileage: 36 @ \$.50 =	18.00
7/30/16	UPS Charges - 2 <sup>nd</sup> Nelson v. Cons. Comm. Case.	18.56
	Total Disbursements	<u>\$745.00</u>

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

RECEIVED

AUG 11 2016

Board of Selectmen  
Town of Wayland

\*\*\*\*\*  
INVOICE FOR LEGAL SERVICES  
\*\*\*\*\*

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

Page 1  
08/08/2016  
Account No. 5673-01M  
Invoice No. 180

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	1,758.00
BALANCE DUE	<u>\$1,758.00</u>



## DiNapoli, MaryAnn

---

**From:** Balmer, Nan  
**Sent:** Thursday, August 11, 2016 12:51 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: Housing Partnership representative

-----Original Message-----

**From:** Sherre [<mailto:sherregreenbaum@gmail.com>]  
**Sent:** Thursday, August 11, 2016 12:42 PM  
**To:** Balmer, Nan  
**Cc:** Monahan, Brian  
**Subject:** Housing Partnership representative

Nan-

At the last ConCom meeting the members voted to appoint Joanne Barnett as their Housing Partnership representative to fill the vacancy left by Betty Salzberg's resignation. It's unclear whether that vote is sufficient or whether it has to go before the BOS for a vote.

Would you please clarify? Thanks.

Sherre

Sent from my iPhone

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

MATTHEW A. BEATON  
Secretary

JOHN LEBEAUX  
Commissioner

August 3, 2016

Stoneybrook Cider, LLC  
Michael Lamontagne  
284 Morgan St.  
Wayland, MA 01075

Re: Certification of Agricultural Event Pursuant to M.G.L. c. 138, Section 15F

Dear Mr. Lamontagne:

Please be advised that your application for certification of the Wayland Summer Farmers' Market, on Wednesdays from June 29<sup>th</sup> 2016 to October 12<sup>th</sup> 2016, from 12:00 pm to 5:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

Please remember that, upon certification of an agricultural event by MDAR, the farm-winery must submit a copy of the approved application to the local licensing authority along with the application for obtaining a special license from the city or town in which the event will be held. Upon issuance of a special license, the winery should confirm that a copy of the special license was sent by the local licensing authority to the Alcoholic Beverages Control Commission (ABCC) at least seven (7) days prior to the event.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Lebeaux', written in a cursive style.

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/egr



Application for Certification of an Agricultural Event for the Sale of Wine  
Pursuant to M.G.L. c. 138, Section 15F  
\*To be completed by the licensed farm-winery and returned to:  
By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114  
By Email: [Rebecca.Davidson@State.ma.us](mailto:Rebecca.Davidson@State.ma.us) with the subject line "Agricultural Event Certification"  
(A separate application must be completed for each event)

- In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.
- Signed and dated application with farm-winery license number
  - List of vendors with brief descriptions of products for current year/season
  - Event operational guidelines or rules for current year/season
  - Resume of event manager or description of experience
  - Plan depicting the premises and specific location where the license will be exercised. See Template 1.
  - Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

Name of Licensed Farm-Winery						Stoneybrook Cider, LLC.							
Farm-Winery License Number				FW-111		State of Issue		MA					
Contact Person						Michael D. Lamontagne							
Address						284 Morgan Street							
City			South Hadley			State		MA		Zip		01075	
Phone Number			413-896-9474			Email		StoneybrookCider@gmail.com					
Correspondence preference						<input type="checkbox"/> Regular Mail			<input checked="" type="checkbox"/> Email				
<i>Note: Approval/denial letters will be sent regular mail.</i> Do you intend to sell, sample, or both? Check all that apply.													
<input checked="" type="checkbox"/> Sell				<input checked="" type="checkbox"/> Sample									

Name of Agricultural Event						Wayland Summer Farmers' Market							
Type of Event		<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)			<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)			<input type="checkbox"/> Other Agricultural Event					
If you selected "Other Agricultural Event", how does this event promote local agriculture?													
Event Address						397 Boston Post Road							
City			Wayland			State		MA		Zip		01778	
Event Phone Number			508-358-2283 ext.338			Event Website		<a href="http://www.massagardencenter.com/summerfarmersmarket.html">www.massagardencenter.com/summerfarmersmarket.html</a>					

<b>3. Event Details</b>			
What are the date(s) and time(s) of the event?			
Start date	6 / 29 / 16	End date	10 / 12 / 16 Time 12 to 5 PM
<small>Month Day Year</small>		<small>Month Day Year</small>	
If this is a weekly event, on what day of the week does the event occur? <i>Wednesdays</i>			
If the event is an agricultural fair, does the event include competitive agriculture?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
	If yes, identify:		
<b>Name of Event Manager</b> Peg Mallett			
<b>Email Address</b>	mallettpeg@gmail.com	<b>Phone Number</b>	508-358-2283 ext.336
Is this person the on-site manager?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, identify on-site manager (include contact information):			
If there are multiple managers, list them and include contact information:			
<p>Attach on-site manager(s) resume(s) or list any credentials or training of the on-site manager(s):  <i>Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.</i></p> <p>Peg Mallett has been the market manager since the first year of the Wayland Winter Farmers' Market (2005) and the first year of the Wayland Winter Farmers' Market (2010).</p>			

Attach or provide in the space below a plan depicting the premises and the specific location where the license will be exercised. See template for necessary elements to include.

attached

Michael Lamontagne

Signature of Applicant

7-19-16

Date

Michael Lamontagne

Name (please print)

MANAGER/owner

Title (please print)

FW-11

Farm-Winery License Number

MASS.

State

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C130, Sec. 15F.

[Signature]  
Signature

8/3/2016

Date

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Agreement to Participate in the 2015 Wayland Summer Farmers' Market**

I have read the rules for the 2015 Wayland Summer Farmers Market. My employees and I will follow these rules, and agree to pay a weekly fee of \$20 (if 10' X 10') for each market day we attend.

Vendor signature: M. Lamontano Date: 7-19-16

Farm/ Business name: Stoney Brook Cider, LLC

Please return the application by email: malletpeg@gmail.com OR

By mail: Peg Mallett, Russell's Garden Center, 397 Boston Post Road, Wayland, MA 01778

The Wayland Summer Farmers' Market approves and accepts this application for the inventory items included with this application.

Market Manager signature: \_\_\_\_\_ Date: \_\_\_\_\_

A copy of this approval will be emailed to you. Applications are due May 15<sup>th</sup>.

**Circle the dates you would like to attend:**

June 24

August 19 17

July 1

August 26

July 8

September 2

July 15

September 9

July 22

September 16

July 29

September 23 21

August 5

September 30

August 12

October 7



**Wayland Summer Farmers' Market  
Peg Mallett  
397 Boston Post Road  
Wayland, MA 01778**

**July 15, 2016**

**Dear Stoneybrook Cider,**

**Stoneybrook Cider has been accepted as a vendor for the 2016 Wayland Summer Farmers' Market season, pending all necessary special licenses and/or permits. The Market takes place on Wednesdays (12 to 5 PM) from June 29 through October 12 at Russell's Garden Center in Wayland.**

**Sincerely,**

**Peg Mallett, Market Manager**

**Phone: 508-358-2283 ext.336**

**Email: [mallettpeg@gmail.com](mailto:mallettpeg@gmail.com)**



**DATE:** August 15, 2016  
**TO:** Board of Selectmen  
**FROM:** John Senchyshyn, Asst. Town Administrator/HR Director  
**RE:** **MIIA Membership Agreement**

**REQUESTED MOTION:**

**CONSENT CALENDAR.**

**BACKGROUND:**

MIIA, the Town's insurer for property, liability and Workers' Compensation insurance, notified Wayland that there is not a signed Membership Agreement on file for the Town. A copy of the Agreement is attached.

Town Counsel has reviewed the Agreement and has not identified any issues of concern. Counsel further advises that the Chair of the Board may sign if so authorized by a vote of the Board. Otherwise, at least 3 members of the Board must sign the Agreement.

MIIA Member:

---



One Winthrop Square, Boston, MA 02110  
(617) 426-7272 or 800 882-1498  
FAX: (617) 426-9546

**MIIA PROPERTY AND CASUALTY GROUP, INC.  
MEMBERSHIP AGREEMENT**

Membership Agreement (the "Agreement") entered into this first day of July 20\_\_ by and between MIIA Property and Casualty Group, Inc., a non-profit corporation duly incorporated under the laws of the Commonwealth of Massachusetts and operating as a public employer self-insurance group in accordance with Massachusetts General Laws Chapter 40M (the "Group") and the undersigned public entity located in the Commonwealth of Massachusetts (the "Member").

WHEREAS, the Group maintains a self-insurance program for the coverage of property, workers' compensation, and other casualty losses and provides risk management services to those public entities that meet the Group's membership criteria and are accepted by the Group as members (the "Group Members");

WHEREAS, the Member is a member in good standing of the Massachusetts Interlocal Insurance Association, Inc. ("MIIA") and desires to become a Group Member;

WHEREAS, the Group is willing to accept the Member as a Group Member;

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein the parties hereto agree as follows:

1. **Coverage.** During the term of this Agreement, the Group agrees to provide Member with risk management services as described in Section 3(b) and financial protection as described in the Group's annual certificate of coverage, as amended by the Group from time-to-time and incorporated herein by reference. Financial protection is provided by risk pooling and insurance. Member agrees to pay all contributions and assessments for the services and protection that are and were provided under this Agreement or other agreements with the Group relating to prior certificates of coverage.
2. **Member Responsibilities.**
  - (a) **Cooperation.** As a condition of membership, Member agrees that it will cooperate with the Group and its designated agents to manage risk and minimize any adverse financial impact of its membership upon itself and the Group.
  - (b) **By-laws, Rules and Regulations of the Group.** Member agrees to abide by and be bound by the rules, regulations and by-laws of the Group.
  - (c) **Loss Prevention.** Member agrees to work with the Group to reduce, modify and eliminate conditions and practices that may cause loss or injury. Member agrees that it will cooperate in implementing any and all safety and loss prevention measures and risk management programs recommended by the Group. Safety to personnel and the public shall have the highest priority. Each Member shall designate a supervisor who shall be responsible for monitoring the compliance of the Member with federal, state, and municipal safety standards, as well as those established from time to time by the Group, and implementing a corrective plan in all cases of noncompliance.

- (d) **Reporting of Claims or Losses.** All injuries, liability claims and accidents or occurrences with the potential of producing claims against the Group, no matter how insignificant they may appear, and all property losses with the potential of being reimbursed or paid by the Group, shall be reported through appropriate channels to the Group or its designated agent. Member shall cooperate by supplying any information needed or that would be helpful in defending any such claims or losses.

Claims and loss reports shall be filed in accordance with the procedures established from time to time by the Group or its agent.

- (e) **Payroll Classification.** If a Member obtains workers' compensation coverage from the Group, Member will furnish an estimated annual payroll by job classification at least thirty (30) days before coverage commences. Member agrees to permit the Group or its agent to audit the Member's payroll records and to pay any additional contribution that is due for any Initial Term or Renewal Term, as those phrases are defined in Section 5(a), based on Member's actual payroll for such period.

### 3. **Group Responsibilities.**

- (a) **Claims.** The Group agrees to (a) administer, service, settle, and pay all of the claims and such other liabilities as are defined in the certificate of coverage issued to Member, after notice of loss or liability has been given and proof of loss or liability has been established; (b) prepare all required forms; and (c) provide a defense if required. The Group shall carry on all negotiations with any claimant or the claimant's attorney and negotiate settlements. The Group shall, at its expense, retain and supervise legal counsel necessary for the prosecution or defense of any litigation arising out of such claims. The Group shall periodically provide Member with reports regarding the status of Member's claims.
- (b) **Risk Management.** The Group will evaluate Member's risk management practices and assist Member in developing a risk management program to eliminate or minimize exposures or conditions that could contribute to financial or economic loss to a Member. The risk management program may include one or more of the following services:
- (i) Identifying and analyzing exposures to loss;
  - (ii) Establishing and maintaining loss prevention and safety programs to minimize or avoid risk of loss, liability and employee injury, and correlating the programs with the claims experience of Member and other Group Members;
  - (iii) Planning proper assumption or self insurance of loss within financial capacity of Member;
  - (iv) Risk pooling to share with other Group Members the financial impact of losses that cannot reasonably be assumed individually;
  - (v) Transferring risks from catastrophes, to the extent feasible, by purchase of insurance by the Group over and above that portion pooled by the Group Members; and
  - (vi) Transferring risks through mechanisms other than insurance, such as contracts.
- (c) **Excess Insurance.** The Group shall maintain excess insurance coverage if so directed by its Board of Trustees or required by the Commissioner of Insurance.

### 4. **Contributions.**

- (a) Member agrees to pay contributions computed in accordance with a rating plan, as amended from time to time.
- (b) Member agrees that the contribution, if any, for the Initial Term and the Renewal Term, as those phrases are defined in Section 5(a), shall be payable in full on or before the first day of such term.

If the Member becomes a Group Member on some date other than July 1, it agrees that the contribution for the initial coverage period commencing on such other date and ending on the following June 30, is payable in full on or before the first day of such period.

- (c) The Group may offer Group Members one or more contribution payment plans (the "Contribution Payment Plan"). A copy of the current Contribution Payment Plan is included in Schedule 1 and incorporated herein by reference. Member understands that the Contribution Payment Plan may be amended from time-to-time, and any such amended Contribution Payment Plan shall be added to Schedule 1 and be effective as of the indicated effective date.
- (d) Member understands that there may be rate adjustments at the beginning of a new Contract Year, which is defined as the period running from July 1 of a calendar year to June 30 of the next calendar year, and agrees to pay additional contributions that could result therefrom.
- (e) Member agrees to execute necessary authorization forms permitting the Group to obtain information and data required to determine the experience or other rating modification of Member and authorizes the Group to file with the appropriate authorities loss and exposure data to be used to develop Member's experience or other rating modification.

5. Term and Termination.

(a) Term.

- (i) The initial term of this Agreement shall commence on July 1 of the year first written above unless another date is specified and shall continue in full force and effect from said date until June 30 of the next calendar year (the "Initial Term"). This Agreement shall be automatically renewed for additional twelve-month periods (each such twelve-month period a "Renewal Term") unless the Member provides the Group with written notice of its intention to not renew at least thirty (30) days before the beginning of the next Renewal Term, or unless the Agreement is terminated pursuant to Section 5(b).
- (ii) The parties may enter into a multi-year contribution agreement which shall specify the agreed upon term, applicable contributions and termination provisions.

(b) Termination.

- (i) In the event Member fails or refuses to make payments as provided for herein, the Group may terminate Member as a Group Member after giving Member thirty (30) days' written notice. Upon such termination, all coverage that Member obtains hereunder shall cease and Member agrees to pay any and all contributions that are owed, pro rata, for the period preceding termination of this Agreement and membership in the Group. It is understood and agreed that any Member whose membership is terminated hereunder shall not be entitled to any part of surplus refund or credit which has not been declared prior to the date of termination.
- (ii) Member may terminate its membership or a portion of its coverage, at any time after the Initial Term, by giving the Group at least thirty (30) days' prior written notice of its intention to terminate or not renew, in which event the Member shall be entitled to a return of a part of the unearned contribution as required by the Group's Rating Plan or by law. In no event shall a Member that is not a Group Member at the close of any Contract Year be entitled to any surplus refund or credit for such Contract Year.
- (iii) If the Member fails to comply with the terms of this Agreement, including failure to provide notice required under Sections 5(a)(i) or 5(b)(ii), or the rules, regulations, or by-laws of the Group (the "Breach") and the Member fails to correct such Breach to the satisfaction of the Group within sixty (60) days of the Group's giving written notice to the Member of the Breach, the Group may terminate Member's membership or a portion of

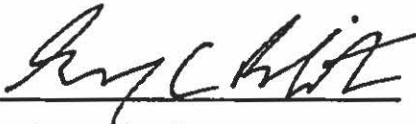
its coverage immediately. A Member that is terminated pursuant to this Section 5(b)(iii) shall forfeit its right to receive future payment of any distribution of surplus declared by the Group.

- (iv) Except as provided in sections (i) through (iii) above, this Agreement will not terminate until all coverages provided hereunder terminate. Additions or deletions of one or more types of coverage provided under this Agreement do not by themselves constitute a termination of this Agreement.
  - (v) Notwithstanding anything to the contrary, Section 1, 4, 5, 6, 7 and 9 shall survive the nonrenewal or termination of this Agreement.
6. **Deficiencies.** In the event of a deficiency, which is defined as insufficient assets to enable the Group to discharge its legal liabilities and other obligations and to maintain the required statutory reserves or as ordered by the Commissioner of Insurance, the Group may assess its members as required by M.G.L. Chapter 40M. Member agrees to pay any such assessment for each Contract Year in which it received coverage from the Group
7. **Surplus Refund Plan.** Any surplus of the Group resulting from overall loss experience shall be available for refund or credit to future contributions or as a reserve in accordance with a Surplus Refund Plan, as amended from time to time. A copy of the current Surplus Refund Plan is attached for information purposes as Schedule 2. If termination occurs for any reason, the Member shall forfeit its right to receive future payment of any distribution of surplus declared by the Group.
8. **Suspension of Boiler and Machinery Coverage.** Upon the discovery of a dangerous condition with respect to any boiler and machinery object ("Object") for which the Group offers explosion or breakdown coverage, the Group may immediately suspend such coverage with respect to any accident to such Object by mailing or delivering written notice of suspension to the Member at the address of the Member or at the location of the Object. Coverage so suspended may be reinstated by the Group but only by a writing signed by a representative of the Group, its administrator or agent. The Member shall be allowed the unearned portion of the contribution paid for such suspended coverage, pro rata, for the period of suspension.
9. **Miscellaneous.**
- (a) **Governing Law.** This Agreement shall be governed and interpreted in accordance with the laws of the Commonwealth of Massachusetts.
  - (b) **Severability.** If any provision of this Agreement shall be declared invalid or illegal for any reason whatsoever, then notwithstanding such invalidity or illegality, the remaining terms and provisions of this Agreement shall remain in full force and effect in the same manner as if the invalid or illegal provision had not been contained herein.
  - (c) **Amendment.** With the exception of the annual certificate of coverage, the Contribution Payment Plan and the Surplus Refund Plan, no alteration or modification of this Agreement shall be valid unless made in writing and executed by each of the parties hereto.
  - (d) **Counterparts.** This Agreement may be executed in one or more counterparts and each executed counterpart shall be considered an original.
  - (e) **Assignment.** Member may not assign this Agreement. The Group may assign any of its responsibilities under this Agreement to an administrator and/or other agent of its choice. The Group shall notify Member of the identity and responsibilities of such administrator or agent.
  - (f) **Notices.** Any notice or other communication by one party to another, including notice of a change in address, shall be in writing and shall be given, and deemed to have been given, if either hand delivered or mailed, postage prepaid, certified mail (return receipt requested), addressed to the Group at One Winthrop Square, Boston, Massachusetts 02110 and addressed to Member at the address specified on the signature page of this Agreement.

- (g) Limitation of Liability. No member, officer, trustee, employee or agent of the Group shall be liable for any claim against the Group. The Member agrees that it shall look only to the assets and property of the Group for the payment of any claim against the Group or the performance of any obligation of the Group hereunder. No Group Member shall have any liability to the Group, or other Group Members, or to any claimant against the Group itself or another Group Member except for the payment of approved or required contributions and/or assessments under this Agreement.

IN WITNESS WHEREOF, each of the parties has duly executed this Agreement as of the date first written above.

**MIA PROPERTY & CASUALTY GROUP, INC.**

By:   
Title: *President*

\_\_\_\_\_  
**MEMBER**

By: \_\_\_\_\_

Title:  
Address:

Schedule 1

MIA PROPERTY AND CASUALTY GROUP, INC.

CONTRIBUTION PAYMENT PLAN

The Group may offer different contribution payment plans depending on the type of coverage that a Member obtains from the Group.

Contribution Payment Plan

A Member which obtains coverage from the Group may be offered the following Contribution Payment Plan (the "Plan")<sup>1</sup>,

35% of the estimated total annual contribution on or before the commencement of the coverage period,

25% of the estimated total annual contribution on or before October 1,

25% of the estimated total annual contribution on or before January 1, and

15% of the estimated total annual contribution on or before April 1.

If a Member makes its first or second installment payment sixty (60) days or more days after the due date, the Member shall not be eligible to participate in the Plan for that Contract Year and the balance of the total estimated contribution shall be immediately due and payable. ("Contract Year" is defined as a twelve-month period starting on July 1 of one calendar year and ending on June 30 of the following calendar year.) If the Member is sixty (60) days or more late in making its third or fourth annual installment payment, the Member shall not be eligible to participate in the Plan for the balance of that Contract Year and for the next Contract Year. The balance of the Contract Year's contribution shall be immediately due and payable, and 100% of the following Contract Year's estimated contribution shall be due and payable on or before the commencement of that Contract Year.

Charges or credit during the Contract Year for changes in estimated contribution or for endorsements during the Contract Year shall be payable within thirty (30) days of the date of the invoice or credited against future installments or invoices.

If a Member voluntarily pays the full invoiced amount due for a Contract Year within thirty (30) days of the date of the invoice, Member may be eligible for a discount of up to 1.5% of the invoiced amount.

Special Contribution Payment Plan

A Member obtaining special coverage from the Group may be offered a Special Contribution Payment Plan.

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<sup>1</sup> For a Member whose initial coverage period commences after July 1<sup>st</sup>, the percentages of the contribution and the payment dates for the initial coverage period shall be adjusted accordingly.

Schedule 2

MIA PROPERTY AND CASUALTY GROUP, INC.

SURPLUS REFUND PLAN FOR JULY 1 – JUNE 30

The Board of Trustees of MIA Property and Casualty Group, Inc. (the "Group") will determine, after the end of each Contract Year, the total surplus of Group Members available for distribution, after setting aside any reserves necessary for outstanding claims, for incurred but not reported claims, for the preservation of financial soundness of the Group or for stabilization of contributions. ("Contract Year" is defined as a twelve-month period starting on July 1 of one calendar year and ending on June 30 of the following calendar year.)

If the Board of Trustees decides to declare a distribution of surplus for a specific coverage, it shall allocate said surplus among the Group Members in accordance with applicable rules or formulas as the Board of Trustees may decide. In order to be eligible for the distribution of surplus, a Group Member must have had the applicable coverage in effect at the end of the Contract Year and must have Incurred Losses<sup>2</sup> attributable to the Contract Year of less than sixty percent (60%) of its net earned contribution for said Contract Year. Former members that no longer belong to the Group may receive their distribution only after all claims for a particular Contract Year have been settled and closed. For Contract Years commencing on or after July 1, 1998, such distributions from surplus, if any, will be paid to only those Group Members that have the applicable coverage in effect at the time of distribution. Distributions from surplus, if any, will occur no earlier than two (2) years after the end of the relevant Contract Year.

The surplus will be allocated to the Member on the basis of each Member's net earned contribution for the Contract Year and each Member's loss experience for the Contract Year, pursuant to the following formula or such other formula as the Board of Trustees may approve:

1. For each Member, 60% of net earned contribution minus Incurred Losses equals Eligible Amount.
2. Total of Eligible Amounts of Group Members having Incurred Losses less than 60% of their net earned contribution is the Total Eligible Amount.
3. Percentage Participation of Group equals amount of surplus declared available for distribution divided by Total Eligible Amount.
4. Eligible Amount of Member multiplied by Percentage Participation of Group equals Refund to be returned to Group Member or Credit to be applied to future contributions.

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<sup>2</sup> Note: "Incurred Losses" means paid losses and loss reserves.



## SETTLEMENT AGREEMENT

### I. INTRODUCTION

The Commonwealth of Massachusetts, by and through its Attorney General Maura Healey (“Attorney General”), and the Wayland Board of Selectmen (the “Board”) hereby enter into this Agreement (“Agreement”) pursuant to G. L. c. 30A, § 23(a), to resolve all allegations arising out of conduct by the Board that the Attorney General has determined violated the Open Meeting Law. Specifically, the Attorney General concluded that the Board failed to create and approve meeting minutes in a timely manner. The Attorney General found this violation to be an intentional violation. In her determination, the Attorney General recommended the imposition of a \$1,000 civil penalty and referred the matter for a hearing pursuant to 940 CMR 29.07(3). In order to resolve this matter without the necessity of such a hearing, the Attorney General and the Board have entered into this Agreement.

### II. BACKGROUND

The Attorney General received two related complaints from George Harris, alleging that the Board violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The first complaint was filed with the Board on March 10, and the Board responded by letter dated March 24. This complaint was then filed with the Attorney General’s office on May 31. The second complaint was filed with the Board on April 8, and the Board responded by letter dated April 27. The second complaint was then filed with the Attorney General’s office on June 6. In his complaints, Mr. Harris alleges that the Board has failed to create and approve meeting minutes in a timely manner.

Following an investigation, the Attorney General issued a determination letter on July 22, 2016. See OML 2016-98. In that letter, the Attorney General concluded that the Board had violated the Open Meeting Law as alleged. Because the Board had previously been advised by the Attorney General’s Officer of its obligation to create and approve minutes promptly, the Attorney General found the Board’s violation to be intentional. See 940 CMR 29.02; OML 2015-79.

### III. TERMS

1. The Attorney General has found that the Board violated the Open Meeting Law by failing to create and approve meeting minutes in a timely manner. The Attorney General has concluded that this violation meets the definition of an intentional violation, pursuant to 940 CMR 29.02.
2. The Board admits that it failed to promptly create and approve meeting minutes. The Board did so despite having received clear warning from the Attorney General’s Office that the failure to create and approve meeting minutes in a timely manner violates the Open Meeting Law. See OML 2015-79.

3. This Agreement does not constitute an admission that the Board acted with the intent to specifically violate the Open Meeting Law.
4. The Attorney General and the Board have agreed to enter into this Agreement to avoid the need for a hearing pursuant to G.L. c. 30A, § 23(c).
5. The Board agrees to pay a civil penalty of \$1,000 to the General Fund of the Commonwealth, pursuant to G.L. c. 30A, § 23(h). Payment must be received no later than thirty (30) days after the execution of this Agreement. Payment should be sent to the Division of Open Government, 1 Ashburton Place, Boston MA, 02108.
6. The Board agrees to comply with all applicable sections of the Open Meeting Law, G.L. c. 30A, §§ 18-25, and the Attorney General's regulations, 940 CMR 29.00, in the future.
7. The Board and the Attorney General both waive their rights to a hearing pursuant to G.L. c. 30A, § 23(c). The Board additionally waives its right of appeal pursuant to G.L. c. 30A, § 23(d).
8. In consideration of this Agreement, the Attorney General concludes her investigation into the complaint and will consider the matter resolved.
9. The Attorney General acknowledges the full cooperation of the Board in resolving this matter.
10. This Agreement is a public record.

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Mark Lanza, Town Counsel  
Town of Wayland  
For the Wayland Board of Selectmen

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Kevin W. Manganaro  
Assistant Attorney General  
For the Attorney General of the  
Commonwealth of Massachusetts

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Date

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Date

August 9, 2016

**Lauren F. Goldberg**  
lgoldberg@k-plaw.com

Ms. Nan Balmer  
Town Administrator  
Wayland Town Hall  
41 Cochituate Road  
Wayland, MA 01778

Re: Terms of Engagement- Warrant Articles Proposing Amendments to the Zoning Bylaw

Dear Ms. Balmer:

As we discussed, I am writing as President of KP Law, P.C. to submit a proposal for legal services in connection with amendments to the Town's Zoning Bylaw. With over 98% of our work for public sector clients, we fully understand the importance of providing the highest quality, responsive, and reasonably priced legal assistance, and look forward to working closely with the Town on the this engagement.

#### Scope of Services

The Town seeks legal assistance with respect to warrant articles proposing to amend the Town's Zoning Bylaw, including review of such bylaws as to form and one or more rounds of revisions to the proposed amendments as may be appropriate, review of their consistency with the existing Zoning Bylaw, identifying and/or drafting any related revisions to the existing Zoning Bylaw that may be necessary or appropriate in relation thereto, as well as review and drafting of the warrant articles and motions in connection therewith. As well, the engagement may include assisting the Town Planner and Planning Board with preparing the public hearing notice in connection with the proposed amendments, representing the Planning Board at the public hearing, advising the Town as to the process for seeking review and approval of the Zoning Bylaw amendments, and the posting or publishing thereof, as well as any other work related to such proposed bylaws as may be requested.

Attorney Barbara J. Saint André will be the lead attorney for purposes of this engagement, and she may seek assistance from other land use attorneys at the firm, and her resume is enclosed herewith. Attorney Saint André has extensive experience in all areas of municipal law, representing numerous towns as town counsel for more than 30 years. She is recognized as one of the leading municipal land use attorneys in the state, personally handling matters in all areas of land use law, such as zoning, subdivision control law, housing and comprehensive permits, historic districts, board of health, wetlands, scenic roads, by-law drafting and enforcement, and litigation. During her career, Attorney Saint André has been actively involved in advising town officials and boards with the drafting, adoption, and amendment of zoning bylaws and subdivision control regulations, including recodification projects. She has also assisted local land use boards in all aspects of action under such

Ms. Nan Balmer  
Town Administrator  
August 9, 2016  
Page 2

local laws and regulations, and in the comprehensive permit process, providing advice and guidance during the hearing process and then assisting with the drafting of careful decisions.

Be further informed that Ms. Saint André is a past Chair of the Massachusetts Bar Association's Public Law Section Council. She has served as a speaker on both land use and general municipal topics at forums sponsored by Massachusetts Continuing Legal Education, Massachusetts Bar Association, Massachusetts Municipal Law Association, Massachusetts Health Officers Association, Massachusetts Association of Planning Directors, Massachusetts Chapter of The National Association of Housing & Redevelopment Officials, American Planners Association Southern New England Chapter and regional planning agencies. She has taught a number of land use courses for the Massachusetts Citizen Planner Training Collaborative on zoning, comprehensive permits, and subdivision issues. She is a member of the Real Estate Bar Association and the Abstract Club. She was an elected Town Meeting Member in Braintree for 20 years, a member of the Housing Authority for nine years, and served on other town committees. She currently serves as Chairman of her town's Finance Committee.

#### Fees and Costs

We propose to provide the professional services outlined herein on an hourly basis at the Municipal Special Counsel rate of \$200.00, billed in increments of one-tenth of an hour. Except for work performed by paralegals at one-half the attorney rate, we do not charge for work completed by clerical or other non-attorney staff. We bill our time and disbursements on a monthly basis and bills are due and payable within thirty (30) days. Payments made by the Town in connection with legal services provided under this engagement will be applied against actual legal services performed, disbursements made, and other costs and expenses incurred. We bill at cost for out-of-pocket disbursements incurred on behalf of the Town, including, but not limited to: filing fees; travel expenses; courier charges; charges for photocopies; land line and long distance telephone charges; and other incidental expenses. For work undertaken outside the office we also charge for mileage on a portal-to-portal basis at the rate set by the Internal Revenue Code. We will obtain your permission prior to expending any funds towards any single cost or expense in excess of \$500.00. If applicable, we may require the Town to make direct payment to any third party for expenses incurred on your behalf.

The terms set forth herein are binding on both the Town and the firm unless modified in writing by mutual agreement, although, of course, the Town has the right at any time, to terminate our services. Any such termination would not, as you know, relieve the Town of the obligation to pay any amounts to the firm outstanding at the time of termination. In the event that a dispute arises between the parties to this agreement, then Massachusetts law and Massachusetts venue shall control.

Ms. Nan Balmer  
Town Administrator  
August 9, 2016  
Page 3

We will at all times act on the Town's behalf to the best of our ability. Of course, any expressions on our part concerning the outcome of the Town's legal matters as assigned to us are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed.

We know from experience that our ability to work efficiently on the Town's behalf will be greatly enhanced by effective communication throughout the course of our relationship. We will consult with you, the Planning Board and the Town Planner, as requested, concerning the status of the work to be undertaken hereunder, and encourage you to contact us at any time with questions.

If you and the Board of Selectmen are in agreement with the terms of this engagement as set forth herein, please return the signed copy of this letter by e-mail and/or regular mail. Upon receipt thereof, we would be pleased to commence work contemplated herein. Of course, until such time as we have received such letter, we are under no obligation to perform any legal work on your behalf.

If you need additional information about the firm or have any questions concerning the terms of the proposed engagement, please do not hesitate to contact me. I can be reached on my direct line at 617-654-1759 or by cell phone at 617-548-7622.

Respectfully submitted,

KP Law, P.C.

By:



Lauren F. Goldberg, Esq.  
President

The undersigned has received a copy of this Agreement as of the date set forth above and agrees to the terms of representation as set forth herein.

Town of Wayland

\_\_\_\_\_ Date: \_\_\_\_\_

**BARBARA J. SAINT ANDRÉ****Shareholder****E-mail:** [bsaintandre@k-plaw.com](mailto:bsaintandre@k-plaw.com)**Phone:** 617.654.1728**Practice Areas:** Municipal, Land Use, Real Estate, Litigation**Experience**

Attorney Saint André assists the firm's clients in all facets of municipal, land use, real estate and related litigation. She has more than thirty years of experience counseling clients on general municipal law, zoning, real estate, subdivision control law, chapter 40B comprehensive permits, chapter 40R, wetlands, board of health, town meetings, historic districts, municipal finance, licensing, enforcement and litigation. She is a frequent speaker on both land use and general municipal law topics, including programs sponsored by CPTC, Massachusetts Continuing Legal Education, Mass. Association of Planning Directors, Massachusetts Municipal Lawyers Association, and the Massachusetts Municipal Association.

Attorney Saint André has represented clients in a broad range of cases, including zoning enforcement and appeals, comprehensive permits, the Telecommunications Act, the Subdivision Control Law, Board of Health, wetlands, licensing, and general municipal litigation before all levels of the Massachusetts trial courts, the United States District Court, the Massachusetts Appeals Court and Supreme Judicial Court, as well as administrative agencies including the Housing Appeals Committee, Alcoholic Beverages Control Commission, and Department of Environmental Protection.

**Professional Memberships**

- Massachusetts Bar Association
- Real Estate Bar Association
- The Abstract Club
- Massachusetts Municipal Lawyers Association
- Massachusetts Association of Planning Directors
- Massachusetts Association of Conservation Commissions
- Association of Town Finance Committees

**Representative Matters**

- Cumberland Farms, Inc. v. Walpole Zoning Board of Appeals, 61 Mass. App. Ct. 124 (2004) Successfully defended Board of Appeals denial of special permits to alter and extend the nonconforming use of the property.
- Fanta v. Board of Health of Braintree - Rule 1:28 (2006) Successfully defended Board of Health against challenge to tobacco sale regulations.
- Marinelli v. Board of Appeals of Stoughton, 65 Mass. App. Ct. 902 (2005) Plaintiff unsuccessfully argued that the Stoughton Zoning By-law should be interpreted to allow grandfathered lot protection more generous than state law.
- Wyman v. Grafton, 47 Mass. App. Ct. 635 (1999) Successfully defended the Town against civil rights claims arising out of the grant of a variance with conditions.

**Prior Experience****Petrini & Associates, P.C., Framingham, Massachusetts***Principal, 2006 to 2015*

Concentrated in municipal practice with emphasis on general municipal law, land use, comprehensive permits, and litigation. Represent cities and towns as counsel and special counsel in all areas of municipal law, including zoning, permitting, litigation, Subdivision Control Law, wetlands, affordable housing, board of health, enforcement, town meetings, contract, licensing, and Open Meeting Law. Tried cases before the Land Court, Superior Court, Housing Appeals Committee, Alcoholic Beverages Control Commission, and other courts and state agencies.

**Kopelman and Paige, P.C., Boston, Massachusetts***Principal, 1985 to 2006*

Concentrate in municipal and land use law and litigation. Advise officials and represent municipalities and housing authorities in administrative and state and federal court litigation in all areas of municipal law, including: zoning and land use, Board of Health, comprehensive permits, housing, Civil Service, Wetlands Protection Act, Subdivision Control Law and licensing and employment issues. Tried numerous cases before the Superior Court and Land Court, and represented towns in dozens of appeals before the Housing Appeals Committee. Conduct seminars for client municipalities in a broad range of issues, including comprehensive permits, land use, licensing and open meeting law. Argued cases before the Appeals Court and Supreme Judicial Court.

**Murphy, Lamere and Murphy, Braintree, Massachusetts***Associate, 1982 to 1985*

In this general practice law firm, concentrated in litigation, municipal and labor law. Represented numerous municipalities in labor issues, including strike petitions, Labor Relations Commission, Civil Service, and arbitration, and extensive court appearances.

**Massachusetts Superior Court, Boston, Massachusetts***Law Clerk, 1981 to 1982*

Law clerk to justices of the Superior Court in the Superior Court of Suffolk and other counties. Researched and drafted memoranda in all types of civil and criminal litigation. Worked closely with a number of Superior Court Justices in both trial and motion sessions.



### **Bar & Court Admissions**

- Massachusetts Bar
- U.S. District Court (Mass.)
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, D.C. Circuit
- U.S. Supreme Court

### **Education**

#### **Suffolk Law School**

Juris Doctor, 1981, cum laude

#### **Suffolk University**

Bachelor of Science, 1979, summa cum laude



## DiNapoli, MaryAnn

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**From:** Samantha Richter <samantha.d.richter@gmail.com>  
**Sent:** Thursday, August 11, 2016 4:56 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Re: WCPA Sandwich Boards

Hi MaryAnn,

Thanks so much for your email. We would like to like to place the boards in all 4 locations from Sept 4-10. Please let me know if you need anything further from me.

Thanks!!  
Samantha

**From:** Samantha Richter [mailto:[samantha.d.richter@gmail.com](mailto:samantha.d.richter@gmail.com)]  
**Sent:** Thursday, August 11, 2016 7:21 AM  
**To:** DiNapoli, MaryAnn  
**Subject:** WCPA Sandwich Boards

Hello MaryAnn,

My name is Samantha Richter and I'm the president of the Wayland Children and Parents Association for the 2016-2017 year. I understand that the board of Selectmen need to give approval so that we can place our advertising/sandwich boards around town for our events. Is there a form that we need to complete or what is the process?

We have our first big event - the annual beach party on Saturday, September 10th and we'd like to put the boards out for that event.

Thank you in advance for your help with this.

Best,

Samantha Richter



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

**LIST OF PUBLIC DOCUMENTS PROVIDED TO  
THE BOARD OF SELECTMEN FROM AUGUST 2,  
2016, THROUGH AND INCLUDING AUGUST 11,  
2016, OTHERWISE NOT LISTED AND INCLUDED  
IN THE CORRESPONDENCE PACKET FOR  
AUGUST 15, 2016**

### **Items Distributed To the Board of Selectmen – August 2-11, 2016**

1. Email of 8/9/16 from Rachel Bratt, Housing Partnership, to Board of Selectmen, re: Concerns Related to Role of Wayland Housing Partnership
2. Email of 8/3/16 from Mike Lowery, Board of Public Works, to Board of Selectmen, re: Comments on Board and Committee Handbook/Volunteer Training and Relations

### **Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 3, 2016**

1. Memorandum of 8/3/16 from Ben Keefe, Public Buildings Director, to Nan Balmer, Town Administrator, re: Town Building Solar Panel Installation
2. Memorandum of 8/1/16 from Elizabeth Doucette, Financial Research/Analyst, to Nan Balmer, Town Administrator, re: Massachusetts General Laws 30B Compliance of Firewall Procurement
3. Invitation to Grand Opening of 110 Grill, 171 Commonwealth Road, on Saturday, August 13, 2016, at 7:00 p.m.
4. Draft Press Release from Board of Selectmen re: Committee Appointees

### **Items Included as Part of Agenda Packet for Discussion During the August 15, 2016 Board of Selectmen's Meeting**

1. Memorandum of 8/15/16 from Board of Selectmen to all Boards, Committees, Commissions, Departments and Staff re: Special Town Meeting, November 15, 2016
2. Public Notice, Petitioner's Workshop on August 15, 2016, for Special Town Meeting on November 15, 2016
3. Draft Articles for Special Town Meeting
4. Memorandum of 8/15/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: New Public Records Law
5. Memorandum of 8/15/16 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Executive Assistant to Town Administrator Job Duties
6. Town Administrator Evaluation: Background Information and Process, September 2015-August 2016, prepared by Chair Cherry Karlson, August 10, 2016
7. Draft Minutes of August 3, 2016
8. Report of the Town Administrator for the Week Ending August 12, 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, August 15, 2016**  
**Wayland Town Building**  
**Selectmen's Meeting Room**

## CORRESPONDENCE

### Selectmen

1. Public Comment, Firewall Purchase
2. Public Comment, Open Meeting Law – New Idea
3. Memorandum of 8/2/16 to Board of Selectmen re: Annual Town Report 2016
4. Disclosure of Appearance of Conflict of Interest, received 7/29/16, from William Sterling, River's Edge Advisory Committee
5. Disclosure of Appearance of Conflict of Interest, received 8/2/16, from Rebecca Stanizzi, River's Edge Advisory Committee
6. Email of 8/3/16 from Mike Lowery, Board of Public Works, to Board of Selectmen, re: Comments on Board and Committee Handbook/Volunteer Training and Relations
7. Quarterly Franchise Fee payment from Comcast, April to June 2016
8. Memorandum of 8/8/16 from Beth R. Klein, Town Clerk, to Board of Library Trustees re: Resignation of Betty Salzberg from Library Planning Committee
9. Email of 8/8/16 from Massachusetts Interlocal Insurance Association (MIIA) re: MIIA Rewards Thank You
10. Letter of 8/9/16 from Rachel Bratt, Housing Partnership, to Board of Selectmen, re: Concerns Related to Role of Wayland Housing Partnership
11. Public Notice, Petitioner's Workshop for Special Town Meeting, August 15, 2016
12. Monthly Report, Animal Control, July 2016
13. Monthly Report, Police Department, July 2016

### Conservation Commission

14. Determination of Applicability, Wetlands Protection Act (WPA), and Chapter 194 Permit, 8/2/16, from Brian Monahan, Conservation Administrator, re: 55 Knollwood Lane
15. Determination of Applicability, Wetlands Protection Act (WPA), and Chapter 194 Permit, 8/3/16, from Brian Monahan, Conservation Administrator, re: 68 Lakeshore Drive
16. Determination of Applicability, Wetlands Protection Act (WPA), and Chapter 194 Permit, 8/4/16, from Brian Monahan, Conservation Administrator, re: 7 York Road

### Minutes

17. Finance Committee, January 28, 2016, February 18, 2016, July 18, 2016
18. Library Planning Committee, July 7, 2016
19. Board of Public Works, July 26, 2016

### State

20. Letter of 7/30/2016 from Linda Segal to Supervisor of Records, Public Records Division, re: Public Records Requests SPR 16/314 and SPR 16/459
21. Letter of 8/1/16 from Town Counsel Mark J. Lanza to Supervisor of Records, Public Records Division, re: Public Records Requests SPR 16/314 and SPR 16/459
22. Letter of 8/5/16 from Board of Selectmen to Office of the Attorney General, re: Open Meeting Law Complaints of George Harris dated March 10, 24, 2016
23. Letter of 8/7/2016 from Linda Segal to Supervisor of Records, Public Records Division, re: Response to 8/1/16 Letter from Town Counsel regarding Public Records Requests SPR 16/314 and SPR 16/459

**DiNapoli, MaryAnn**

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**From:** Balmer, Nan  
**Sent:** Tuesday, August 02, 2016 12:33 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** FW: Firewall purchase: compliance with MA procurement regulations  
**Attachments:** WCPI - Letter to BoS re firewall purchasing process - 7.30.2016.pdf; Hays Public Records Request 7 24 16.pdf; MA Operational Services Division statewide contract guide - 6.24.2016.pdf

correspondence

**From:** Mark Hays [<mailto:markallenhays@gmail.com>]  
**Sent:** Saturday, July 30, 2016 6:08 PM  
**To:** Karlson, Cherry; Jurist, Louis; [Lea@Anderson.name](mailto:Lea@Anderson.name); Nolan, Joseph F.; Antes, Mary  
**Cc:** Balmer, Nan; Senchyshyn, John; Doucette, Elizabeth; WCPI  
**Subject:** Firewall purchase: compliance with MA procurement regulations

**Dear members of the Board of Selectmen:**

I am sure you do not need more regulatory problems, following the Open Meeting Law issues. Unfortunately, here is another one; please see the attached letter.

Related documents are also attached for your review.

Please let me know if you have any questions.

Mark Hays



**To: Members of the Wayland Board of Selectmen**

**From: Mark Hays**

Wayland Computer Privacy Initiative

Cell: 508.661 9733

Email: WaylandCPI@Verizon.net (best bet)

**RE: Firewall purchasing process – apparent MA regulatory violation**

Date: 30 July, 2016

**Dear members of the Wayland Board of Selectmen:**

I am sure the members of the Board of Selectmen do not need more regulatory issues following the Open Meeting Law violations. Unfortunately, here is another one:

- Nan Balmer and Jorge Pazos placed an order for two new firewalls on 27 June. This much needed upgrade is definitely good news. I requested a copy of the PO and related documents from Nan Balmer; a copy is attached.
- Only two competitive price quotes were attached, however, so I asked Ms. Balmer about compliance with the MA Uniform Procurement Act, M.G.L. c. 30(b) regulations. Jorege Pazos replied, "The hardware and services for the firewall were procured through the Massachusetts Statewide Contract for IT Hardware and Services in accordance with Chapter 30B."
- On review, the purchase order and two attached quotes are not compliant with MA Operational Services Division rules for the Statewide Contract process, while led to a violation of 30(b):

**(1) No reference to ITC47 on the PO:** Nan Balmer's office used the standard Wayland PO form, rather than the MA Standard Contract form -- and did not include any reference to the ITC47 Standard Contract, as required. See page 4 of the OSD guide:

"Ordering: All orders placed under this contract must include language to make it clear that the order is being placed under ITC47. If you are not using OSD's standard order form or other form with a place to reference the Statewide Contract number, include the following statement on your purchase order: "This order is placed

under Statewide Contract ITC47." Otherwise, the order will not be considered "use of a Statewide Contract" for procurement purposes. In addition it is recommended that the following language be included: "All of the terms and conditions of the Statewide Contract ITC47 are incorporated herein and made a part hereof. Conflicting or additional terms, conditions or agreements included in or attached to this form shall be considered to be superseded and void."

As noted above, this Purchase Order cannot "...be considered 'use of a Statewide Contract' for procurement purposes" because it did not comply with OSD requirements. As a result, this purchase is subject to MA 30(b) purchasing regulations. For purchases above \$35,000, an Invitation to Bid or RFP process is required, with at least three written quotes.

**(2) At least 3 written quotes:** Only two quotes were provided by Nan Balmer's office. This is not compliant with 30(b) regulations or standard procurement best practices.

- ▶ 30(b) regulations require at least three written quotes for purchases above \$35,000.
- ▶ The Massachusetts Operational Services Division that runs the Statewide Contract system also recommends at least 3 quotes. See page 11 of the OSD Contract User Guide:

"It is recommended that quotes be requested from at least three Vendors for orders of \$50,000 or more."
- ▶ This is echoed in the "Municipal Procurement 101" guide posted on the Wayland Town website, which references 30(b) and notes:

Contracts of \$35,000 or More  
Conduct a formal competition by issuing an Invitation for Bid (IFB) or a Request for Proposals (RFP)

The COMMBUYS system provided by MA OSD for Standard Contracts automates the process of requesting quotes from multiple vendors on Statewide Contract ITC47. So it would have been easy to obtain 4 or 5 quotes in only a few days.

The standard response for a violation like this is to relaunch the procurement process. In a spirit of compliance and transparency, it would be wise to ask the Town's legal counsel to contact the MA Inspector General's office and OSD office for their advice. The prices provided by ePlus are competitive, so perhaps the IG and OSD will permit an exception with amendments to the existing procurement documentation, e.g.

- Add two competitive price quotes from other vendors on the ITC47 Standard Contract
- Submit an amended PO to the vendor, with the required ITC47 contract language

If the IG and OSD permit an exception, this would eliminate more delays in the implementation of the new firewalls – a critical security upgrade.

Going forward, Nan Balmer's office and Jorge Pazos need to ensure compliance with 30(b) and OSD Standard Contract purchasing requirements. We sent a copy of the OSD's ITC47 Contract User Guide to both of them. A copy is attached for your review.

Mark Hays

DATE: AUGUST 1, 2016  
TO: NAN BALMER  
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST, MCPPO  
RE: MGL 30B COMPLIANCE OF FIREWALL PROCUREMENT

**BOARD ACTION REQUESTED:**

**NONE AT THIS TIME - PURPOSE IS TO RE-CONFIRM MGL 30B COMPLIANCE OF FIREWALL PROCUREMENT**

**BACKGROUND:**

The 2015 IT Master Plan recommended implementation of next generation firewalls to increase security of the IT systems.

**MASSACHUSETTS PROCUREMENT LAW:**

Massachusetts procurement law requirements are complex and cannot be interpreted by reading any one guide. For the purpose of this memo I will summarize key points:

- A formal process is required for procurement of supplies and services \$35,000 and over. In lieu of conducting its own process, the Town has the option to use a state contract, when one is available.
- Each Massachusetts state contract includes a guide that defines the requirements. These contracts and guides are available to a wide range of users and have general language that may not be applicable to all users.

**MGL 30B COMPLIANCE:**

The Town procured new firewalls using Massachusetts State Contract ITC47. I conducted a thorough review of all documentation related to this procurement, including Massachusetts General Laws and Operational Services Division (OSD) Guides and re-confirmed that the firewall procurement was conducted in full compliance with Massachusetts procurement laws.

To further confirm the Town's compliance, I contacted the Operational Services Division (OSD) and Inspector General's Office and reviewed all procurement requirements.

**SPECIFIC RESPONSES:**

1. OSD confirmed that there is NO requirement for local government to use the Massachusetts State Purchase Order or COMMBUYS systems.
2. OSD confirmed that there is NO requirement for local government to print all data fields, including contract number, on purchase orders. Wayland, as do many local governments, prints purchase orders through its own general ledger system and follows the practice of documenting the contract number in the space intended for this purpose, as well as attaching relevant files.
3. There IS a requirement to document and ensure that we receive the state contract price and terms. I confirmed that this was done.
4. The State Contract ITC47 RECOMMENDS that three price quotes are REQUESTED. This is a recommendation only and the price quotes need only be requested, not received.

While not required, three price quotes were requested AND received for the firewall procurement. One price quote was inadvertently omitted from the previous correspondence .



Correspondence

**From:** Gary Slep [mailto:vgsslep@comcast.net]  
**Sent:** Monday, August 01, 2016 5:08 PM  
**To:** [mmshort1@comcast.net](mailto:mmshort1@comcast.net)  
**Cc:** Balmer, Nan  
**Subject:** OML -- new idea

Mike,

I have read your latest Wayland Voters Network letter about the most recent violations of the Open Meeting Law, and find the issue distressing. Ultimately, we taxpayers pay for these errors and oversights. These failed public practices are wasteful of taxpayer dollars but are correctable and avoidable. However, the Open Meeting Law series of violations in Wayland will continue unless a NEW approach is taken. As I understand this issue, training has been provided to most if not all Wayland boards and committee members by the state. The problem seems to be repetitive with only two boards/committees, both having been found by the AGO to have violated the law several times over the past six or so years. In many of these cases there are mitigating circumstances, but there remains a pattern of disobedience that cannot be ignored by the public at large.

Obviously this wrongdoing must stop. Apparently the offending boards are not going to make this happen on their own. Therefore, I think it is worth thinking about for the Town itself to take action through Town Meeting (Annual or Special). One such action could be a warrant article that in essence states that:

*Any fines directed against a Town board or committee that has incurred one or more prior OML violations IAW a finding(s) by the AGO in the past four years and which has/have not been successfully overturned by a state court on appeal must be paid 50% by the Town or Town Department governed by such board or committee and 50% by the members of said board or committee not to exceed \$300 per member. Furthermore, any legal fees incurred are to be shared between the Town and the members on a 50% Town, 50% board or committee basis, not to exceed \$300 per member. The payment of any fines or legal costs in excess of the \$300 per person limit on fines and \$300 limit for legal defenses will be negotiated between the parties involved, and if not resolved through negotiation, shall be determined by the Town Administrator, subject to appeal to the courts of the Commonwealth.*

This may seem harsh, but unless people are held accountable, this problem will probably continue indefinitely. Maybe you, your editorial board, or others in town have a better idea, but something needs to be done, and soon.

Respectfully submitted for your editorial board to consider,

Gary Slep  
40 Jeffrey Road  
Wayland

# Memo

## Town of Wayland Board of Selectmen

**To:** Board of Selectmen  
**From:** MaryAnn DiNapoli  
**Date:** August 2, 2016  
**Re:** Annual Town Report 2016

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We are preparing to publish Wayland's Annual Reports for the year July 1, 2015 to June 30, 2016. We need your cooperation so that the reports can be published within the time allotted according to Town Code. As per §53-1, a written report must be submitted no later than September 30, 2016.

For reference, attached is your department, board or committee's report as printed in the 2015 Town Reports. Please note that your report may have been edited. If you would like to have a copy sent to you electronically, please let me know.

**Prepare a final report for 2016, preferably one page only, by Friday, September 30, 2016.**

You may include graphics such as pictures, clipart, charts and/or graphs, and we will make every attempt to include them if possible. Please **email your report** to [mdinapoli@wayland.ma.us](mailto:mdinapoli@wayland.ma.us).

Any report not received by September 30, 2016, will NOT be included in the Town Reports, and the delinquent board will have to make its own arrangements to comply with such statutes, by-laws (§53-3 Failure to Report), and public relations as may be applicable.

If you have additional questions, please contact me. Thank you.

## BOARD OF SELECTMEN

FY 15 began as a year of transition. Robert Mercier was serving as Interim Town Administrator and John Senchyshyn was serving as Acting Town Administrator. Following one unsuccessful search for a new Town Administrator, the Search Committee brought forward two finalists to the Board of Selectmen. On July 21, 2014 the Selectmen named Nanette Balmer to become Wayland's next Town Administrator. Ms. Balmer began work on September 8, 2014. Following the February 2015 retirement of Fire Chief Vincent Smith after 38 years of service to Wayland, David Houghton was sworn in as Wayland's Fire Chief. The Town welcomed a new Town Clerk, a new Treasurer/Collector and a new Recreation Director as well.

Throughout the year, the Selectmen worked with and appointed citizens to numerous permanent and temporary committees. In keeping with Wayland's rich history of citizen involvement in Town government appointees to boards and committees bring a wide-variety of professional experience to issues impacting the Town. A case in point was the excellent work of the Permanent Municipal Building Committee and the Board of Public Works. On June 20, 2015 the long awaited DPW Facility opened its doors to the public.

Traffic flow and enforcement continues to be a relevant topic as the Selectmen discussed with the Board of Public Works and the Police Chief how to monitor and/or mitigate traffic in the Damon Farms neighborhood, on Stonebridge Road, Thompson Road, Glezen Lane and Pelham Island Road as well as at the intersections of East Plain St./School St./Commonwealth Road and West Plain St./Old Connecticut Path.

In January 2015, the Town was the victim of a cyber attack. Fortunately, no financial loss occurred, and the Town has used this opportunity to review its Information Technology policies, procedures, controls and staffing with the assistance of outside experts.

Town Meeting has been generous in its financial support to develop stronger controls and prevent this from happening again.

In February, the Wastewater Management District Commission and the Selectmen announced a settlement to the adverse judgment from the lawsuit

with Twenty Wayland. The judgment was reduced significantly and gift funds were used to contribute to the construction of the Wastewater Treatment Facility. There was no tax impact to residents as a result of this settlement.

At the April 2015 Town Election, citizens elected Lea Anderson and Mary Antes to serve on the Board of Selectmen for a three-year terms. The Board of Selectmen held their organizational meeting shortly after Annual Town Meeting, electing Cherry Karlson as Chair and Mary Antes as Vice Chair, as well as continuing the Board's practice of selecting liaisons to various departments and committees.

The Board continues its efforts to make its meetings and actions transparent to the public. All meetings are taped by WayCam for rebroadcast, starting in October 2014 the entire packet has been available online in advance of the meetings, and regular and executive session minutes are produced, reviewed and posted online in a timely manner. In addition, the Selectmen worked with the School Committee and Town Clerk to co-host another Open Meeting Law Forum in May 2015.

The Selectmen participated in many other and varied activities throughout the year:

- Wayland became a Purple Heart Community and received a proclamation at a ceremony in June
- Wayland's new Town flag was created as part of the 375<sup>th</sup> Anniversary celebration and was presented to the Town at the 2015 Annual Town Meeting and in June to our state legislatures for display in the Hall of Flags.
- Wayland continued its commitment to conservation with two significant additions:
  - A conservation restriction on over 10 acres of land near Hazelbrook Lane generously donated by the Beard family
  - Town Meeting approved the purchase of 246 Stonebridge Road to expand access to the Sudbury River
- The Board continues to support the efforts to construct the Rail Trail and assigned \$250,000 in gift funds to the project to supplement the town meeting appropriation.

- The Municipal Affordable Housing Trust was funded through Town Meeting, Community Preservation Funds and Selectmen's gift funds from the sale of each residential unit in the new town center River Trail development.
- The Energy Initiatives Advisory Committee oversaw the start of the ESCO energy saving projects throughout town and school buildings and successfully gathered Town Meeting support for the Town's first solar projects.
- The River's Edge Advisory Committee was created to shepherd the bid process for the residential rental development at site of the previous Septage facility. A request for proposals is anticipated in early FY2016.
- The new Minuteman Regional High School building project was met with skepticism. Town Meeting was not supportive of the projected financial impact on the Town and voted to withdraw from the District.
- Wayland Cares became part of Youth and Family Services and its budget continues to be supported with a combination of Town and grant funds.

In closing, the Board wishes to acknowledge and thank the many citizens of Wayland who volunteer countless hours of community service as members of appointed boards and commissions.



**OPENING CEREMONY FOR THE NEW DPW FACILITY AT 66 RIVER ROAD  
JUNE 20, 2015**

*From left to right, Chris Brown (Chair, Board of Public Works), Doug Goddard (Chair, Permanent Municipal Building Committee), Stephen Kadlik (Director of Public Works), and Cherry Karlson (Chair, Board of Selectmen)*

- Sterling
- Associates
- Incorporated
- Architects and Interior Designers

July 26, 2016

Nan Balmer,  
Wayland Town Administrator  
41 Cochituate Rd.  
Wayland, MA 01778

Re: REAC proposal applicants vs. conflict of interest

Dear Nan,

This letter is in response to Elizabeth Doucette's request for our REAC committee members to report on any potential conflicts of interest.

I have had business dealings with one of the engineering consultants on one of the teams of qualified developers ( Baystone Development) for the REAC property at River's Edge. Wozny /Barbar & Associates, MEP & FP engineers have been engineering consultants for Sterling Associates, Inc. over the last several years, the most recent being the Newburyport Senior Community Center that was completed last fall. Despite that fact, neither do I, nor my corporation, stand to gain any financial benefit of any sort in my position as a voting committee member of the REAC. Therefore, I believe that there is no conflict of interest in my participation in the developer selection process.

Please let me know if you believe that I should recuse myself. Do not hesitate to call me with any questions or concerns you may have regarding this matter.

Sincerely,





William Sterling, AIA  
President  
Sterling Associates, Inc. Architects

Cc: Elizabeth Doucette, Town of Wayland Purchasing  
Jerry Heller, Chair REAC

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	WILLIAM A. STERLING
Title or Position:	MEMBER
Agency/Department:	RIVER'S EDGE ADVISORY COMMITTEE (REAC) AN APPOINTED COMMITTEE OF VOLUNTEERS WHO ARE NOT COMPENSATED FOR OUR SERVICE.
Agency address:	WAYLAND TOWN HALL 41 COCHITUATE RD WAYLAND, MA.
Office Phone:	N/A
Office E-mail:	N/A
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for action or decision.	A CONSULTANT TO ONE OF THE DEVELOPERS WHO APPLIED TO ACQUIRE PROPERTY FROM THE TOWN HAS BEEN A CONSULTANT TO ME IN PAST YEARS.
What responsibility do you have for taking action or making a decision?	I AM A VOTING MEMBER OF REAC AND AM EXPECTED TO VOTE ON THE SELECTION OF WHICH DEVELOPER TO RECOMMEND TO THE SELECTMEN.
Explain your relationship or affiliation to the person or organization.	THE ATTACHED LETTER EXPLAINS THAT MY ARCHITECTURAL FIRM HAS EMPLOYED THE SERVICES OF WORMY/BARBAR & ASSOCIATES IN THE PAST, BUT DO NOT HAVE ANY CURRENT CONTRACT WITH THEM.
How do your official actions or decision matter to the person or organization?	IF OUR COMMITTEE VOTES IN FAVOR OF THEIR PROJECT, THEY MAY BE HIRED TO PROVIDE ENGINEERING SERVICES ON THE PROJECT, BY THE SELECTED DEVELOPER.

RECEIVED  
TOWN CLERK  
2016 JUL 29 AM 11:52  
TOWN OF WAYLAND

Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	I DO NOT ANTICIPATE HAVING ANY FINANCIAL DEALINGS WITH THIS FIRM IN THE FUTURE. WE ARE NOT UNDER ANY CURRENT CONTRACTUAL OBLIGATION.
If you cannot confirm this statement, you should recuse yourself.	WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	7.28.2016 

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN  
MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

August 26, 2014

William A. Sterling  
14 Morse Road  
Wayland MA 01778

Dear Bill:

At its regular meeting on August 25, 2014, the Board of Selectmen voted to appoint you to the River's Edge Advisory Committee as the designee of the Council on Aging for a term to expire upon the final disposition of said land by sale, lease or otherwise.

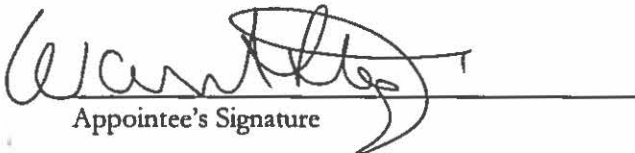
Please note that all appointed members of all boards, commissions, committees and every appointed Town official must be sworn to the faithful performance of the duties of the office to which they are appointed. No official is qualified to take any action until after the oath of office has been taken.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


Sincerely,

  
Joseph F. Nolan  
Chair

The above named personally appeared before me and took the following oath on Sept 12, 2014

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

  
Appointee's Signature

  
Town Clerk/Assistant Town Clerk



**Doucette, Elizabeth**

---

**From:** Becky Stanizzi <rstanizzi@comcast.net>  
**Sent:** Tuesday, July 19, 2016 10:48 PM  
**To:** Doucette, Elizabeth; Jerry Heller  
**Subject:** Notice of connections/conflicts

Hi Elizabeth,

For the record, I have not worked with either Wood Partners or MacDowell in the past but given the small Boston market I've worked with several of their sub consultants currently and before:

- The Architectural Team (not surprising since EDC brought them in to help us with the master plan and visuals, which they did for free - I work with TAT on current and on past projects)
- Veitas & Veitas (structural Eng - current project, but never used before current project, so they are relatively new to me)
- Wozny Barber (MEP Eng - current project, but never used before current, so again, relatively new)
- Haley & Aldrich (Geotechnical/environmental - current and past projects, many times)
- Copley Wolff (Landscape architect - past project long ago)
- Bryan Connolly, DLA Piper (current project - we may need to ask McDowell to use different atty - if so I have not worked with their Holland & Knight atty)

None appear to be insurmountable on either bid, since they are using same architect I'm not conflicted between them. Only tight point is atty and there appears easy solution.

Any questions give a call.

Thanks,

Becky

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, §(2)(b)(3)**

RIVER'S EDGE  
WAYLAND  
TOWN CLERK

<b>PUBLIC EMPLOYEE INFORMATION</b>	
Name of public employee:	Rebecca Mattson Stanizzi <span style="float: right;">2016 AUG -2 AM 11:37</span>
Title or Position:	Vice Chair, River's Edge Advisory Committee (REAC)
Agency/Department:	Volunteer Committee established by Board of Selectmen
Agency address:	41 Cochituate Road Wayland, MA 01778
Office Phone:	Cell (617) 922-3409
Office E-mail:	Home email <a href="mailto:rstanizzi@comcast.net">rstanizzi@comcast.net</a>
	<p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>	
Describe the issue that is coming before you for action or decision.	Review and selection of bids for River's Edge Wayland, an RFP for disposition of town-owned property for rental housing and affordable rental housing purposes
What responsibility do you have for taking action or making a decision?	Voting member on River's Edge Advisory Committee (1 of 9)
Explain your relationship or affiliation to the person or organization.	<p>In my professional career, I have worked in real estate development in Boston for over 25 years. In this capacity, I have not worked with either of the two entities/developers who submitted bids on River's Edge.</p> <p>I have, however, worked with several of each of their proposed project team members over the years, which is not surprising in the city of Boston:</p> <ul style="list-style-type: none"> <li>- The Architectural Team (TAT), the proposed architect for both bidders, worked with the Town to help in initial site planning for the RFP while I was Chair of the Economic Development Committee, and I am working currently with TAT, and have in the past, on residential projects.</li> <li>- I currently work with Haley &amp; Aldrich on a project, and have worked with them on other projects in the past</li> <li>- I am currently working with Bryan Connolly of DLA Piper (attorney) on a large downtown project.</li> <li>- I currently have Wozny Barber and Veitas and Veitas as engineers on a small project, although the project is early in construction and I have not worked</li> </ul>

	<p>with them previously, so do not have a lengthy track record with them.</p> <ul style="list-style-type: none"> <li>- I have worked with Copley Wolff as landscape architects on a prior project 10+ years ago</li> </ul>
How do your official actions or decision matter to the person or organization?	<p>Given that I have no prior working relationship with the bidders themselves, my participation in REAC's selection process should not be affected. My working relationship with some of their project team members has been on a professional third-party service-provider basis only. Most engineers, designers and lawyers listed here are ancillary to the bidder's process, and the RFP asked for detail primarily to check comprehensiveness of approach. The only service provider (architect) that may rise to the surface as substantive, since one of the criteria we are judging on is quality of design, is TAT – however they are the architect for both bidders so the bidders are on equal footing.</p> <p><i>[If Bryan Connolly at DLA Piper is designated as bidder's counsel and if I am involved in some future capacity beyond bid selection, I would recommend the bidder use its alternative counsel listed in its RFP; however, counsel will likely not be involved in REAC's bid review process, so it should be moot for this bid selection phase]</i></p>
Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	
If you cannot confirm this statement, you should recuse yourself.	<p><b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b></p> <p><input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
Employee signature:	<i>Rebecca Gatto Stanizzi</i>
Date:	8/1/16

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

August 26, 2014

Rebecca Stanizzi  
14 Winthrop Road  
Wayland MA 01778

Dear Rebecca:

At its regular meeting on August 25, 2014, the Board of Selectmen voted to appoint you to the River's Edge Advisory Committee as the designee of the Economic Development Committee for a term to expire upon the final disposition of said land by sale, lease or otherwise.

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

Sincerely,

  
Joseph F. Nolan  
Chair

The above named personally appeared before me and took the following oath on Sept 9, 2014

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

  
Appointee's Signature

  
Town Clerk/Assistant Town Clerk

6

**OBrien, Katelyn**

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**From:** Balmer, Nan  
**Sent:** Thursday, August 04, 2016 12:57 PM  
**To:** DiNapoli, MaryAnn; OBrien, Katelyn  
**Subject:** FW: Comments on 8/3/2016 memo in BoS packet "Board and Committee Handbook / Volunteer Training and Relations"

Correspondence

**From:** Mike Lowery [mailto:lowery.mike@gmail.com]  
**Sent:** Wednesday, August 03, 2016 4:31 PM  
**To:** Balmer, Nan; Selectmen  
**Subject:** Comments on 8/3/2016 memo in BoS packet "Board and Committee Handbook / Volunteer Training and Relations"

My comments are by section:

**Background** The Town Administrator and Selectmen might ask the volunteers themselves if such a handbook and program to 'manage' BoS-appointed volunteers is necessary or useful. This is especially true because such a handbook or management program would not apply to all town volunteers - just those under BoS dominion. Programs have an ongoing labor cost. Some programs are more important than others - such as the timely filing of minutes. A new program to 'manage' volunteers might be a further risk to other more important duties.

The 'Background' section suggests that staff resources be re-organized to develop and manage a program. This presumes that there are other less important tasks for staff, or that more staff will be required. This is an expansion of administration onto a groups of volunteers who has thus far been able to manage themselves. First the BoS should determine that this is an important need. In my view it is perhaps useful, but not important because so much of it is already governed by law and regulation.

Some boards have 'associate' non-voting members - it is not clear whether these volunteers are part of the cohort to be 'managed'.

**Section 2.0 Authority and Purpose of these Guidelines** -- The authority to create such guidelines comes from the BoS for itself and for its appointed boards, committees and commissions which are then defined as "public bodies". This is a somewhat misleading definition since the term is used in law with a different meaning.

The guideline may have been drafted with the intent of using it for all volunteers including other elected bodies and their appointed groups. The document is a useful compendium of state and town regulations applicable to BoS-appointed and other town bodies. Thus it might be useful to have state and town regulations summarized as a

separate compendium for all, and have a separate document for the policies which the BoS uses to manage the volunteers it appoints.

**7.1 Email** Volunteers may receive communications from the public in reference to their role on a board or committee. There is no suggestion that these be archived by forwarding them to the archive email address. Should this be included?

Volunteers may serve on multiple public bodies - there is no scheme proposed to identify which role is involved. It would be better (and easier for responding to complaints/requests) if the town had an archive per board. For example in my case: [HC\\_archive@wayland.ma.us](mailto:HC_archive@wayland.ma.us) [if associates count], [SWOC\\_archive@wayland.ma.us](mailto:SWOC_archive@wayland.ma.us), and [BOPW\\_archive@wayland.ma.us](mailto:BOPW_archive@wayland.ma.us) [if elected boards were included in 7.1].

**7.3 BoS Guideline on E-mail** The suggestion to use email exclusively for scheduling and distribution can hobble a chair and vice-chair conversations, or communication among two members tasked to develop or study something for full board consideration. It would make volunteers less efficient and drive volunteers who are trying to get the job done into furtive text messages, chat sessions, and phone calls.

**8.2 Standard of Conduct** - regarding 'bullying' - This is a *very* slippery slope, and one on which two parties might reasonably disagree what would constitute 'bullying'. Since a contemplated action is removal by BoS vote for running afoul of its guidelines - The guidelines should use very explicit, no-judgement-involved standards. The terms 'hostile environment' 'reasonable fear' 'orderly process of government' lack an agreed definition. The guideline would be better to say that a volunteer serves at the pleasure of the BoS and that if it finds that a volunteer's continued presence on a public body is not benefiting the town, the volunteer may be removed by a majority vote of the BoS. Don't try to define 'bullying' in relation to volunteers; its a quagmire.

**8.3 Absences:** Awkward: 'may serve to vacate the office' - better stated: 'may indicate the to BoS that you are unable or unwilling to serve'

**8.4 Members are bound by Applicable Personnel Policies and Law** - if removal from office is an option, then this guideline should explicitly state where these 'town policies' can be found.

**8.5 Litigation against Town by a Member of an Appointed Public Body** - This section does not to apply to the Board of Selectmen themselves. I trust this was not intentional. There are perfectly reasonable reasons for citizen volunteers to sue the town for a redress of legitimate grievances. This section is prior restraint, and could and would be challenged. It may seem like a good idea, but it its in fact a snare for yet

more litigation. This section should be removed, or at minimum apply to the BoS as well as the volunteers.

It is certainly the province of the Selectmen to set out policies for itself and the boards it appoints. BoH, BoPW, Recreation, School may agree and adopt similar or identical guidelines. Speaking as one of those volunteers appointed by the BoS, I'd rather be working on getting the job done than reading policy handbooks, going to orientation meetings, or being 'managed' by staff. In the words of my father, this guideline 'fills a much-needed void'.

Regards,  
Mike Lowery - personal comments.

120 Lakeshore Drive  
Cochituate, MA 01778  
508-397-8828

7



System Name: Comcast of Massachusetts I, Inc.  
 Email: Patrick\_Moore@cable.comcast.com  
 Phone: 610-665-2575

Vendor ID:	190983
Contract Name:	Wayland MA
Statement Period:	Apr - Jun, 2016
Payment Amount:	\$37,076.70
Statement Number:	326134
CUID:	MA0267
System ID:	8773-1000-2210

WAYLAND COMMUNITY ACCESS & MEDIA INC  
 268 OLD CONNECTICUT PATH  
  
 WAYLAND, MA, 01778

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$259,924.05
Limited Basic Video Service	\$107,488.67
Digital Video Service	\$179,513.26
Pay	\$96,784.93
PPV / VOD	\$33,162.34
Digital Video Equipment	\$41,808.69
Video Installation / Activation	\$2,703.73
Franchise Fees	\$38,121.74
PEG Fees	\$4,366.96
State Assessment	\$1,373.82
Guide	\$125.12
Other	\$3,381.91
Late Fees	\$900.24
Write-offs / Recoveries	(\$594.98)
Ad Sales	\$34,039.84
Home Shopping Commissions	\$2,914.78
<b>Total</b>	<b>\$806,015.11</b>
Franchise Fee %	4.60 %
Franchise Fee	\$37,076.70

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

*CM*  
 \_\_\_\_\_  
 Chad Mackey  
 Sr. Analyst





# TOWN OF WAYLAND

MASSACHUSETTS  
01778

8

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

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

TOWN BUILDING  
41 COCHITUATE ROAD

TEL: 508-358-3630  
508-358-3631  
FAX: 508-358-1683  
[www.wayland.ma.us](http://www.wayland.ma.us)

Date: August 8, 2016  
To: Board of Library Trustees  
From: Beth R. Klein, Town Clerk  
RE: Resignation of Appointed Official

Please be informed that the attached letter of resignation was received in the Town Clerk's Office on August 8, 2016 effective August 8, 2016:

Betty Salzberg  
Term Expires:

Library Planning Committee  
December 31, 2016

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 ✓  
Aida A. Gennis, Chair Bd. of Library Trustees ✓  
Betty Saltzberg

August 8, 2016

To the town clerk

I resign from the Library  
Planning Committee.

Betty Salzberg

BETTY SALZBERG

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2016 AUG -8 PM 2:14

**OBrien, Katelyn**

---

**From:** Balmer, Nan  
**Sent:** Monday, August 08, 2016 9:06 PM  
**To:** DiNapoli, MaryAnn; OBrien, Katelyn  
**Subject:** Fwd: MIIA Rewards Thank You- Wayland

Correspondence

Sent from my iPhone

Begin forwarded message:

**From:** Mary Ann Marino <[mmarino@mma.org](mailto:mmarino@mma.org)>  
**Date:** August 8, 2016 at 7:41:10 PM EDT  
**To:** <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>, <[kobrien@wayland.ma.us](mailto:kobrien@wayland.ma.us)>  
**Cc:** Richard Afrikian <[richard.afrikian@cabotrisk.com](mailto:richard.afrikian@cabotrisk.com)>, Patricia Sullivan <[psullivan@mma.org](mailto:psullivan@mma.org)>  
**Subject:** MIIA Rewards Thank You- Wayland

Dear MIIA Member,

Thank you for your exceptional efforts that led to the Town of Wayland receiving \$16,201.00 in FY2016 MIIA Rewards Credits. We appreciate your cooperation in working with MIIA staff and your coordination of your municipal interdepartmental Rewards submission. Your feedback helps us to streamline the Rewards program each year.

As you know, MIIA Rewards is not only an incentive program that provides premium credit for each line of insurance coverage but it is also a tool that allows your municipality to enhance its in-house risk management knowledge and practices. Ultimately this program helps to decrease your municipal insurance premiums by reducing claims and indirect costs as well. Your support of risk management efforts that benefit your municipal constituencies is laudable.

We look forward to working with you in the coming year.

Lin Chabra  
MIIA Membership Training Coordinator  
[lchabra@mma.org](mailto:lchabra@mma.org)  
(617) 426 7272 x250

—  
Mary Ann Marino  
Administrative Assistant  
MIIA Loss Control  
One Winthrop Square  
Boston, MA 02110  
617-426-7272 x 262  
cell- 781-223-1870  
[www.emiia.org](http://www.emiia.org)

August 9, 2016

To the Board of Selectman and Nan Balmer,

I was disturbed to read (Town Crier, Aug. 4) that the selectmen sent a letter to the developer of the Mahoney's site, Steven Zieff, concerning his 40B proposal without consulting the Housing Partnership. As you know, our committee was created by the selectmen to work with the community and to lead and support efforts to meet the affordable housing needs of the Town. In particular, we are charged with making recommendations on the pros and cons of particular housing proposals. While several members of the Housing Partnership met with Mr. Zieff in late March to discuss his proposal, our views were not solicited by the selectmen before they sent their letter, reported in the Town Crier.

On a substantive note, and apart from the specifics of Mr. Zieff's proposal or the suitability of the site, I would have strongly recommended that you not start your letter by indicating how close the Town will be if River's Edge development comes to fruition. The state's 10% affordable housing goal is not the maximum to which cities and towns should aspire, it is the minimum. Moreover, other than the Town's public housing, we have not been successful in providing housing that is affordable to households with incomes lower than 80% of area median income, which is the River's Edge target as well. I believe the new housing production plan will note that this is a major need. Offering the possibility that at some point in the future we will be close to the 10% goal as a reason why you oppose the plan undermines other arguments, which may have more validity.

I understand and appreciate Nan's desire to "get a handle on" the Town's various boards and committees whose work relates to housing and has hired an outside consultant to help her do so. But, in the meantime, the Housing Partnership has a charge that we should be fulfilling and your lack of respect for us and our role in issues such as the one discussed above is undermining at best and inappropriate at worst. Unless I am reassured fairly soon that you will seek our opinions on this type of proposal, I will not choose to stay on the Wayland Housing Partnership.

Thank you,

Rachel G. Bratt  
26 Charena Road and Chair, Wayland Housing Partnership  
(however, this letter is from me, alone, not from the Housing Partnership)

P.S. I am also attaching, with this letter, the background notes that I had written in preparation for the first meeting of the various Town boards and Committees that deal with housing, (January 2015). This document provides specific information about the roles of each committee and on some of the Town's accomplishments and challenges related to affordable housing.

# Housing—Wayland, MA (slightly revised, 1/23/15)

January 20, 2015

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**GOAL:** Discuss housing needs and goals; key boards' responsibilities; and plan future agenda.

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- |  |             |
|--|-------------|
| 1) Introductions   | 8:00 - 8:10 |
| 2) Accomplishments in producing affordable housing/ongoing challenges  | 8:10 – 8:30 |
| 3) Role of each of the committees directly involved with housing       | 8:30 – 8:50 |
| 4) Town's goals for affordable housing                                 | 8:50 - 9:10 |
| 5) Monitoring and maintaining affordable units (Brian)                 | 9:10 – 9:30 |
| 6) Policy changes to advance the Town's affordable housing goals       | 9:30 - 9:45 |
| 7) Next steps & educating the community about affordable housing goals | 9:45 –10:00 |
- 

## Invited Participants (\*attended meeting)

### Town employees

- \*Sarkis Sarkisian, Town Planner
- \*Nan Balmer, Town Administrator
- \*Brian Boggia, Executive Director, Wayland Housing Authority

### Wayland Planning Board

- \*Kevin Murphy
- \*Ira Montague
- Kent Greenawalt
- \*Colleen Sheehan, Chair
- \*Daniel C. Hill
- \*Andrew Reck, Vice Chair

### Wayland Housing Authority

- Kevin Goodwin, Chair
- \*Susan Weinstein, Vice Chair
- Russell Ashton
- \*Mary Antes
- \*Jackie Ducharme

### Municipal Affordable Housing Trust Board

- \*Jackie Ducharme, Clerk
- \*Stephen A. Greenbaum, Vice Chair
- \*Brian O'Herlihy, Treasurer
- \*Kevin Murphy
- \*Armine Roat
- \*Susan Weinstein
- \*Mary M. Antes, Chair

### Wayland Housing Partnership

- \*Armine Roat
- Martin S. Nichols
- \*Kathleen Boundy
- \*Rachel G. Bratt, Chair
- \*Mary M. Antes
- \*Christine DiBona
- \*Fred Moser
- Patricia Mottla Harlan
- Betty Salzberg

- \*Becky Stanizzi, Economic Development Committee

**Background Information for January 20, 2015 Wayland, MA Meeting on Housing**  
**Compiled by Rachel G. Bratt, Chair, Wayland Housing Partnership**  
 (with input and assistance from: Mary Antes, Brian Boggia, Sarkis Sarkissian, Gretchen Schuler, Colleen Sheehan, Susan Weinstein)

**Accomplishments and Challenges**

**Accomplishments:**

- **Affordable housing production**
  - 200 units of affordable housing have been produced;
  - this is 4% toward state-mandated 10% goal; [however, most of these units (111) are in two development (Bent Park and Cochituate Village) that were built in 1974 and 1983, respectively;
  - A major achievement for the town was the development of 16 units at former Nike site, including 11 affordable and 5 affordable to moderate-income households;
  - the Town’s first group home for intellectually disabled residents was developed with 5 units –all these units count toward the 10% goal;
  - Construction underway for Habitat for Humanity project; 4 affordable homeownership units under construction
- **Passage of Inclusionary Zoning by-law**
  - Inclusionary zoning by-law, adopted May 3, 2005; for every 6 units built in a single development, an additional 1 must be set aside as affordable. There is currently 1 unit in Wayland (Sage Hill) built as a result of the Inclusionary Zoning statute, with at least 3 additional units anticipated (1 at Michael Road and 2 at Covered Bridge).
- **Passage of Community Preservation Act**
  - The Community Preservation Act (CPA) is a tool to help communities preserve open space, historic sites, create affordable housing and recreational facilities. Wayland voted to adopt the CPA tax in 2002.<sup>1</sup> State matching funds have also been provided; amounts have varied each year. At least 10% of each year’s tax and matching funds must help produce or maintain housing affordable to low and moderate income households. About \$1.5 million was allocated to various tasks related to the Nike site development. An additional \$250,000 has been appropriated for other housing-related projects.
  - Of the total CPA funds expended or earmarked (\$5, 998,930), housing has received a total of \$1,751,108 or 29% of this amount, as follows:

Open space and recreation	= \$3,118,911	52%
Historic preservation	= \$1,068,911	18%
Housing	= \$1,751,108	29%
Admin. (appraisals, etc.)	= \$ 60,000	1%
<b>TOTAL</b>	<b>= \$5,998,930</b>	<b>100%</b>

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<sup>1</sup> The CPA surcharge is added to each Real Estate Tax bill. The tax is calculated as follows:

- Reduce the assessed value by \$100,000
- Multiply the reduced value by the current tax rate
- Multiply the recalculated tax by 1.5%

- The CPA has raised a total of \$12,800,721 (with 59% coming from the Town and the remainder in state matching funds— 35%; and interest—6%)
  - \$6,801,791 (53%) of the total amount of CPA funds that have been collected are not yet allocated/expended.
- **Passage of Municipal Affordable Housing Trust Fund article, 2014**
    - The details of how the Trust will operate are being developed. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing. Initial funds are being donated by the developer of Wayland Center, as part of their regulatory agreement.
- **Pre-production projects**
    - Approval of River's Edge development, 2014. Although the final plan has not been completed, it is possible that this will add up to 190 affordable units to our inventory.
    - Kathryn Barton site had been approved for 52 affordable rental units, but with new ownership of the parcel, it is not clear whether or how much of this will get built.
- **Advocacy efforts for affordable housing**
    - The WHA and WHP were united in their support for the adoption of the Municipal Affordable Housing Trust, in articulating their support for housing on the town-owned parcel at Dudley Pond, and in advocating for the housing at the Covered Bridge development to be located on-site.
- **Membership in HOME Consortium**
    - Wayland is a new member of the West Metro HOME Consortium, having joined in July 2011. Consortium participation allows Wayland to receive an annual allocation of federal HOME Investment Partnership Program funds that can be used for a wide range of affordable housing activities.
    - Since 1992, the Consortium, through Newton as the lead member, has received and distributed over \$27 million in HOME funds to its members. The Consortium has provided grants and loans of HOME funds to for-and non-profit developers and directly to low-income households to create over 550 units of affordable housing. The developers have used these HOME funds to leverage over \$12.5 million in other funds to produce this housing.  
[http://www.newtonma.gov/gov/planning/hcd/westmetro\\_home\\_consortium\\_.asp](http://www.newtonma.gov/gov/planning/hcd/westmetro_home_consortium_.asp)
    - Wayland is slated to receive its first payment of \$8,000 this year.
    - As recipients of HOME funds, the Town understands that it is obligated to affirmatively further fair housing, which entails: 1) having a current Analysis of Impediments to Fair Housing Choice; 2) taking appropriate actions to overcome the effects of any impediments identified through the analysis; and 3) maintaining records reflecting the analysis and actions taken to improve fair housing choice in the community.

## **Challenges:**

**Wayland's Affordable Housing Inventory: Wayland is not in compliance with the state-mandated 10% affordable housing goal. Most other neighboring towns have better records.**

- Lincoln and Lexington exceed 10%; Westwood is very close;
- Until the Town achieves the 10% goal, it is vulnerable to development plans that may not be viewed as being in the Town's best interests;
- So-called "friendly 40B" projects, through the state's Local Initiatives Program, allow the Town to work out a plan for a 40B project that is viewed as desirable.

(See Appendix I for tables on Wayland's affordable housing production.)

**Housing Production Report, August 2010 (excerpts from Executive Summary); Summary of Housing Objectives and Development Challenges** "Despite significant progress, it will be a great challenge for Wayland to create enough affordable housing to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of current constraints to new development that include certain zoning regulations, natural resources that limit development (wetlands, floodplains, sensitive habitats and ecosystems, etc.), limited availability of open space and publicly-owned property, and infrastructure limitations such as the lack of Town sewer service."

The Town has no zoning for multifamily housing or duplexes. These types of units are therefore not buildable "by right." Under current zoning, to achieve higher density and to build multifamily housing, either the Chapter 40B comprehensive permit process must be used or the Town has to create conservation clusters or overlay districts.

How to maintain all of the existing affordable units, particularly homeownership units, is another challenge (see section on Monitoring and Maintaining Affordable Units).

## **Lack of consensus on affordable housing preferences:**

- Need for rental vs. homeownership?
- Preference for 1, 2, or 3BR units?
- Preference for volume of units vs. number of bedrooms vs. rental vs. ADA compliant?
- Preference for housing in town centers vs. diversification of locations?
- For inclusionary units:
  - how much money would be needed to make off-site housing a desirable option?
  - clarification of what constitutes "exceptional circumstances" for allowing off-site housing in lieu of on-site housing in compliance with Inclusionary Bylaw.
  - Preference for building on-site vs. building Trust Fund?
- Assess whether the Planning Board's Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) needs to be clarified.
- Promote affordable housing for households with incomes 100-120% of Area Median Income?



## **Role of Each of the Committees Directly Involved with Housing**

**Wayland Housing Authority:** The WHA is an elected body comprised of five commissioners, four are elected and one is appointed by the Governor. Its authority comes from the U. S. Housing Act of 1937, and state enabling statutes. Since its incorporation in 1970, the WHA has provided, maintained, administered, and advocated for housing for low- and moderate-income people in Wayland. The WHA, as a public authority constituted under Massachusetts General Laws Chapter 121B, administers several housing programs for the Town, including: Bent Park Elderly And Disabled Housing; Cochituate Village Apartments Elderly And Disabled Housing; Family Scattered Site Public Housing, 25 units; and Section 8 Voucher Rental Assistance Programs, a federal program that pays rent to private landlords for qualified low-income tenant (officially the Housing Choice Voucher Program). Section 8 units do not count in the state's Subsidized Housing Inventory, since these are not deed-restricted units. None of the WHA's units are under state subsidy programs; they fall under federal jurisdiction.

**Wayland Housing Partnership:** The Wayland Housing Partnership was created by the Board of Selectmen to study the need for affordable housing and to recommend procedures for the implementation of Wayland Affordable Housing policy. The partnership acts as the Town's initial contact with developers of proposed affordable residential housing projects that are site-specific and for which the developer has indicated an intention to request an increase in allowed density or other variances in return for said provision of affordable housing. In this context, the partnership serves as a preliminary negotiating agency. The partnership may also initiate action intended to create affordable residential, consistent with Town policy.

The WHP works with the community to lead and support efforts to meet the affordable housing needs of the Town of Wayland. Specifically, the Housing Partnership works with the town to develop affordable housing action plans based on housing needs studies; establish criteria to evaluate affordable housing proposals; make recommendations on the pros and cons of affordable housing proposals; identify local, state and federal housing resources to further development; locate available land suitable for development; review land use regulations and zoning bylaws; work with developers of affordable housing; increase public awareness through forums and other events.

**Wayland Municipal Affordable Housing Trust Fund Board:** The Trust Fund was created by the Town in 2014. Its purpose is to provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low and moderate income households. The Trust is governed by a Board consisting of seven trustees appointed by the Board of Selectmen. The Trust will be able to accept funds from various sources, such as private donations, developer payments, and Community Preservation Funds, to be utilized for affordable housing.

**Wayland Planning Board:** The Planning Board is the permitting body for housing (and other) development. It provides approvals for subdivisions and plans that conform to zoning. It works to protect, and where possible, enhance our natural resources and preserve the quality of life for the citizens of Wayland. The state directs planning boards to develop master plans that, among a variety of components, should include a housing element, which "identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens."

- In recent discussions regarding Covered Bridge offsite affordable housing, the Planning Board’s Rules and Regulations for Affordable Housing Special Permits (February 8, 2012) proved not to provide the clarity necessary for an effective decision making process.
- Considerations proposed in the Master Plan Housing section:
  - Mixed use zoning for 1-2-3-4 family conservation cluster developments
  - Planned Development Districts
  - Senior and Family Housing Overlay Districts
  - Permit housing on the upper floors of buildings in the Business A / B Districts.
  - Accessory Dwelling Units in single family neighborhoods

**Zoning Board of Appeals:** The ZBA gives permits for a substitution, or an extension or alteration to, an existing building, whether conforming or non-conforming. It also considers and grants special permits, including comprehensive permits under Chapter 40B.

**Community Preservation Committee:** Administers the Town’s funds raised through the Community Preservation Act. At least 10 percent of each year’s funds must be used for “community housing” – housing affordable to low and moderate income households.

## **Town Affordable Housing Goals and Needs**

In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town. One element of that goal was the preparation of a housing plan based on the housing component of the Master Plan. On January 4, 2005 the Town completed its first Comprehensive Housing Plan for submittal to the state Department of Housing and Community Development (DHCD) and subsequently received approval. It also submitted the Plan to the U.S. Department of Housing and Urban Development (HUD) in order for the Town of Wayland to become eligible to participate in the WestMetro HOME Consortium (see above). The Wayland Comprehensive Housing Plan was also designed to establish a framework for implementing the Town’s Master Plan and reasserts Wayland’s commitment to encouraging diversity among its residents in terms of age, education, employment, and racial, ethnic, and economic backgrounds. The Town’s Housing Production Plan was completed in 2010 and submitted to the DHCD; this plan is currently being revised and will be submitted to the state in 2015.

The Town of Wayland, through various official documents, including the Master Plan Advisory Committee Report and the Housing Production Report, has repeatedly stated that a key goal is to provide a diverse array of housing opportunities.

Many family members of current Town residents and Town employees cannot afford market-priced homes in Wayland. Some existing residents are struggling to maintain their homes and may be in need of more affordable options.

There are particularly serious problems facing residents with disabilities and households wanting to rent, rather than buy, particularly at affordable costs. Senior housing needs represent a growing concern. According to Brian Boggia: “Rental remains the most equitable way to effectively provide and preserve affordable housing. Unlike homeowners, renters are required to certify their income and eligibility on an annual basis. Affordable two and three-bedroom rentals remain the greatest need in Wayland.”

(For more information, see Appendix II)

Despite the apparent needs, there have been some difficulties finding suitable buyers and tenants for affordable units that have been available. After two years of marketing, one homeownership condominium unit remains unsold at Post Road Village. Also, concerning the slow pace of rentals in the Town Center development, the location (above stores) and the fact that they were just 1-BR might have dampened the demand for these units.

Probably the key constraint is related to the narrow band of income eligibility required by federal guidelines. Further inquiries on this issue would be important. Brian Boggia has offered this summation of the problem:

As in all Chapter 40B communities across the state, affordable units are increasingly difficult to rent and sell. The state has been losing affordable units from its inventory. There are many factors that contribute to this. Renters and buyers need sufficient income such that no more than 40% of income goes toward housing, yet income can't be higher than 80% AMI. This leads to a narrow income window of opportunity that makes qualification difficult. Another contributing factor is that banks and mortgage lenders have tightened credit making it more difficult to obtain a mortgage. DHCD needs to reassess its affordable housing program guidelines to meet actual housing need and to keep-up with changes in affordable and market trends.

## **Monitoring and Maintaining Affordable Units**

Affordable housing units that are built and managed through the Wayland Housing Authority automatically maintain their affordability in perpetuity. However, for units built by private developers, continuing affordability must be monitored by a third party. Due to various constraints in the programs described below, in a few cases "affordable homeownership units" have not been able to be re-sold to income-eligible households (those earning 80% or less of area median income (AMI)).

The following is a list of various problems related to the monitoring of affordable units; compiled by Brian Boggia:

- Three affordable units were recently resold at Trout Brook (Nike). Two units were sold to ineligible homebuyers at 120% of the area median income (AMI). One 100% AMI unit was sold to an eligible buyer.
- Two affordable units at Willowbrook continue to be rented at the market price. Even so, the units remain in the Town's affordable housing inventory. These units are now assessed at the market value rather than the deed restricted value. Wayland Town Counsel has initiated actions to further correct this.
- The older deed restrictions at Willowbrook and Green Way are based on a discounted percentage of the appraised market value at resale. Units based on this formula are at risk of coming out of the affordable housing inventory at future re-sales. Future resale prices will place these units above affordable levels making it almost impossible for 80% AMI applicants to purchase.
- Despite annual reminders and certifications some homeowners have refinanced their mortgages without DHCD and Town permission. Some have refinanced above the appraisal price.

- Wayland Commons and Post Road Village have named entities from the South Shore and Cape Cod to serve as Monitoring Agents. This arrangement is not providing adequate compliance monitoring. We also wonder whether their efforts in marketing Post Road Village have been sufficiently vigorous, given the distant geographic location. Future comprehensive permits should name the Town of Wayland or its designee to serve as the Monitoring Agent.

Another problem related to the existing stock of affordable homeownership units relates to condominium fees. Although affordable homeowners pay lower condominium fees (based on their percentage beneficial interest), they are having trouble keeping up with payments. Several affordable homeowners are in arrears. In addition, market owners are complaining about having to pay higher condominium fees to what appears to them as effectively subsidizing the affordable homeowners.

## **Policy Changes and Options to Advance the Town's Affordable Housing Goals**

**The following are some strategies that should be discussed and prioritized:**

- a) Locate and develop vacant land.** If not owned by the Town, the land could be purchased. If land is owned by the Town, permission could be granted to transfer or sell to private developer, either for-profit or nonprofit (e.g., Habitat for Humanity). Development could then proceed, likely using 40B process.
- b) Purchase existing low cost homes and sell to low-income households.** There are very few houses for sale under \$300K; many homes in lower price ranges need significant repairs, thereby boosting total cost considerably. Town would have to provide at least \$100K, from CPA funds/home to make the units affordable to household earning < 80% AMI.
- c) Purchase existing low cost homes, with management by the Town of Wayland or a nonprofit organization; rent to very low-income households.** However, under such an arrangement the rental units would need to be self-supporting, since no state or federal subsidies to cover operating expenses would be available.

## Appendix I: Statewide Housing Goal

Chapter 40B, Section 20, of the General Laws of Massachusetts was enacted in 1969 as a mechanism to address zoning barriers that made it difficult or impossible to build subsidized housing in many communities. At the time of its enactment, much of the subsidized housing in Massachusetts was concentrated in 15 older, poorer cities. In an effort to counter exclusionary zoning practices in cities and towns, Chapter 40B mandates a simple formula: each municipality is directed to have 10% of its year-round housing stock earmarked as affordable housing.

### Chapter 40B

Under Chapter 40B, a developer can propose a development that may not conform to existing zoning, as long as a certain number of units are set aside as affordable and subsidized through one of several local, state, or federal programs or initiatives. If a local zoning board of appeals denies a builder a comprehensive permit, the state-created Housing Appeals Committee may override the local zoning and permit the development at higher densities, or in other ways that do not conform to the local zoning act. The statute has been credited with stimulating the production of over 58,000 units of housing.

The extent to which municipalities are attaining the 10% goal is noted in the state’s Subsidized Housing Inventory (SHI), which is maintained by the Massachusetts Department of Housing and Community Development. The affordable units in each city and town are self-reported, with DHCD monitoring compliance. The SHI also lists the total number of year-round housing units as of the most recent census for which data was available; these numbers are then used as the basis for determining the extent to which the 10% goal is being achieved. All rental units built through the Chapter 40B process, whether they are actually affordable or market-rate, are included in the SHI. In homeownership developments, only those units that are actually affordable are so counted.

All developments built through the 40B process must be in compliance with environmental, health, and safety regulations and requirements.

***Wayland is not in compliance with 10% goal. Except for Weston, all other neighboring towns have better records.***

**Table 1: Wayland’s Affordable Housing Inventory Compared with Neighboring Towns**

	2100 Census Year Round Housing Units	Subsidized units	%
<b>Wayland</b>	<b>4,957</b>	<b>200</b>	<b>4.0%</b>
Concord	6,852	710	10.4%
Lexington	11,946	1,329	11.1%
Lincoln	2,153	238	11.2%
Sudbury	5,921	354	6.0%
Wellesley	9,090	561	6.2%
Weston	3,952	142	3.6%
Westwood	5,389	493	9.1%

Source: Department of Housing and Community Development: December 5, 2014

Chapter 40B Subsidized Housing Inventory (SHI)

<http://www.mass.gov/hed/docs/dhcd/hd/shi/shiinventory.pdf>

**Table 2: Existing Units Counted Toward 10% Goal**

	<b>Public Housing</b>	<b>Units</b>	<b>Year</b>	<b>Program</b>
Bent Park Bent Ave.	Elderly/disabled rental	56	1974	Public housing (elderly/disabled)
Cochituate Village/Schoolyard 105 Main Street	Elderly/disabled rental	55	1983	Public housing (elderly/disabled)
Scattered site 36 Mitchell and other sites	Family rental	25	1980-81	HUD grant
	<b>Private developments/ publicly subsidized</b>			
Millbrook	Homeownership	2	1995	40B
Willow Brook	Homeownership	6	1997	Overlay zoning district
Paine Estate/Greenways	Homeownership	4	2000	Overlay zoning district
Plain Road	Homeownership	1	2002	40B
89 Oxbow/Nike*	Homeownership	11	2009	40B
Wayland Gardens	Homeownership	3	2009	40B
Wayland Commons	Homeownership	11	2011	40B
Sage Hill	Homeownership	1	2012	Inclusionary zoning
Group Home (for Retarded Citizens)	Rental	5	2012	Zoning as of right
Post Road Village 137 Boston Post Road	Rental	4	2013	40B
Town Center	Rental	12	2013	Overlay zoning district
Stonebridge Road (Habitat)	Homeownership	4	2015 (not yet completed)	40B
<b>TOTAL</b>		<b>200</b>		

\*There were a total of 16 units, but 5 were not affordable to households below the 80% of AMI threshold. Unlike the other non-affordable units produced through various programs, these were affordable to households at somewhat higher (moderate) income limits, not market-rate.

200/4,957 (no. year-round housing units in Wayland as of 2010 census) = 4.03%

10% of 4,957= 496 units. To attain the 10% goal, we need an additional 296 units; there are only 5 certain additional units in the production pipeline.

**Table 3: Wayland Units Not Counted in the Subsidized Housing Inventory (all private) (being developed/planned/possibilities but not guaranteed)**

		No. possible units	No. definite units
Michael Road	Homeownership	1	1
Craftsman Village (formerly called Tripolis)	Homeownership	2	2
Commonwealth Residences (Kathryn Barton site)	Rental	A comprehensive permit for 52 rental units was issued under Chapter 40B. At least 25% of the units would have to be affordable. As rental units, however, all would could toward the 10% goal. The original owner did not proceed with this plan. Property recently sold to new owner; not clear whether any or how many units will be built.	??
Hamlen/Covered Bridge	Homeownership or rental??	2 on-site	2
River's Edge	Rental	Up to 190 units have been approved by Town Meeting; 25% of the units would be affordable. However, since this is a rental development all units would count toward the 10% goal.	??
<b>TOTAL</b>			5 + Commonwealth Residences (?) and River's Edge (?)

## APPENDIX II: Housing Needs

### Master Plan Advisory Committee, August 2010

"The most pressing task is to address the housing needs of its seniors and low and moderate-income households."

### Housing Production Report, August 2010

p.1 (of full report): "In 2003, the Board of Selectmen identified the development of affordable housing as a top priority for the Town.

### Housing Production Report, August 2010 (excerpts from Executive Summary)

#### Summary of Housing Objectives and Development Challenges (emphasis in original)

p. 1: "Housing choice" ... means variety in housing types, a range of prices and access to ownership and rental opportunities, including special needs housing, so that people have meaningful choices about where they will live and will not be spending too much to do so. Wayland embraced the central principles of housing choice when the Town adopted its Master Plan in 2001, followed by the Comprehensive Housing Plan in 2005 that articulated the following major housing objectives:

- Meet local housing needs along the full range of incomes that promotes diversity and stability of individuals and families.
- Leverage public and private resources to the greatest extent possible.
- Ensure the creation of new housing that is compatible with the existing community and helps promote open space.
- Make steady progress toward the state standard for affordable housing of 10%.
- Produce affordable housing that equals  $\frac{1}{2}$  of 1% of the town's housing stock in order to be housing certified under MGL Chapter 40B 760 CMR 56.00, which is 24 units per year based on the 2000 US Census for year-round housing units in the Town of Wayland."<sup>2</sup>

### Housing Production Report, August 2010 (excerpts from Executive Summary)

#### Summary of Housing Objectives and Development Challenges

p. 3: "The 2000 census indicates that there were 1,289 individuals living in Wayland who claimed a disability suggesting that some accommodation for individuals with special needs should be integrated into the housing stock through handicapped accessibility and/or supportive services.

- Despite considerable wealth, there remains a highly vulnerable part of the community with limited financial means. For example, 383 or 8.3% of all households had incomes of less than \$25,000 in 2000.
- In 2000, there were 77 families and 322 individuals who were living below the poverty level, which was \$10,850 for an individual and \$18,310 for a three-person household, as of 2009. While there are no updated figures available, given economic circumstances since 2000, it is likely that the financial situations of these residents may not have improved substantially and some may have been forced to relocate."

...

p. 3: "There is a severe shortage of rental housing in Wayland and neighboring communities, and very few housing units that are accessible to persons with disabilities....

---

<sup>2</sup> Based on the 2010 Census, there are 4,957 year-round housing units in Wayland.

[Note: The annual statewide production goal is 0.50% of its year-round units; translating into 25 affordable units per year]



- Wait lists and unit turnover rates for Wayland Housing Authority units suggest waits of at least two (2) years for Bent Park and three (3) to five (5) years for Cochituate Village and scattered family units.”

...

p. 3: “...affordable family housing, housing for senior citizens and ‘empty nesters,’ and small housing units suitable for smaller households, including special needs housing, are the greatest housing needs in Wayland. Such housing must include rental housing targeted to the most financially vulnerable residents in the community.”

...

#### **Additional details from Section 6: Summary of Housing Needs**

p. 34: “[There will be a] much greater demand for senior housing, including independent living, assisted living, and nursing homes...the demand for large single-family homes will decrease while the need for smaller starter homes and apartments will grow.”

#### **p. 35: Affordable and Subsidized Housing**

“The Town needs to provide additional affordable housing so that it can meet the housing needs of young families, including those who grew up in the area or who have a Wayland connection, those who work in Wayland or the MetroWest area, in addition to making progress toward meeting its 10% affordable housing requirement...”

#### **Senior Housing and Special Needs Housing**

“To address the needs of [elderly residents], the Town should allow the development of a variety of senior housing opportunities, including more affordable independent and assisted living. In addition, the Town should explore housing in all price ranges for people of all ages with physical and mental disabilities and for persons with debilitating illnesses.”

#### **Town Employee Housing Needs**

“The place of residence of all Town employees, including the schools, was also compiled and 75.4% of all Town employees (513 out of 680) reside outside of the Town of Wayland...there is a need for employee housing within the Town and steps should be taken to construct a broad range of housing so that employees such as teachers and policemen can reside in the Town in which they work.”



TOWN OF WAYLAND  
ANIMAL CONTROL SUMMARY REPORT  
JULY 2016

12

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**TOTAL NUMBER CALLS HANDLED 58**

---

# Complaint Calls	2
# Lost Dog Calls	7
# Lost Cat Calls	
# Other Cat related calls	1
# Animal / Wildlife Calls	6
# Miscellaneous Calls	36

**TOTAL # ANIMALS PICKED UP**

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

**TOTAL # HUMAN BITE CALLS**

**TOTAL # ANIMAL -> ANIMAL BITE**

10 Day Quarantine Order -Human Bite	Issued 0 / Released 0
10 Day Quarantine Order -Animal Bite	Issued 0 / Released 0
45 Day/6 Month Quarantine Orders	<b>Issued 5 / Released 1</b>

**TOTAL # CITATIONS ISSUED**

**NONE**

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

Submitted by:  
Jennifer Condon  
Animal Control Inspector/Officer



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Monthly Update

### July 2016

On July 21<sup>st</sup>, police officers and firefighters responded to the Wayland Town Beach after a report of a possible missing swimmer. It was learned that a woman, described as middle-age, wearing a one piece bright blue with floral print swim suit, had been swimming laps near the outer buoys at the beach. A lifeguard observed the woman and a very short time later saw that the woman was no longer there. Unsure whether the woman had left the water unnoticed or had gone under, emergency services were called.

Lifeguards immediately began a systematic search of the area and were soon joined by Fire Rescue and Police. The Wayland Fire Department put a boat in the water and police summoned a helicopter from the Massachusetts State Police Air Wing to conduct a search from the air.

Nearby streets, parking areas and residences were checked and the beach was cleared to make sure no personal belongings were left behind that may indicate a person was still in the water. After searching the area for more than an hour, nothing was found.

Two people were arrested for Operating Under the Influence of Alcohol during the month. On July 10<sup>th</sup>, a Marlborough woman was stopped for speeding and failing to stay in marked lanes on Boston Post Road. After field sobriety tests, the woman was determined to be intoxicated and was placed under arrest. On July 8<sup>th</sup>, a Dorchester man was charged with O.U.I., Marked Lanes Violation and Open Container in a Motor Vehicle. A patrol officer observed erratic operation on Boston Post Road and determined the operator was intoxicated after stopping the vehicle.

Five people were arrested during the month for outstanding warrants or Operating a Vehicle After Suspension. Four of the individuals were brought to Framingham District Court and one was released on bail.

A new police recruit has been selected to replace Officer Brian Healey who left the department earlier this year. Kenneth Davis of Clinton was selected through the Civil Service process and has been scheduled to attend the Reading Municipal Police Training Academy commencing on September 12<sup>th</sup>. The hiring

of Mr. Davis will bring the department back up to its full authorized strength of 23 sworn officers.



Robert Irving  
Chief of Police

**Wayland Police Department Detective Division Report of July 2016**

**INVESTIGATIONS**

Larceny over \$250 – Hillside Drive  
Larceny over \$250 – Wayland Town Beach  
Larceny over \$250 – Draper Road  
Larceny over \$250/Forgery – Wallace Road  
Suspicious activity – DHS  
Missing juvenile – Commonwealth Road

**MEETINGS/TRAININGS**

Use of Force training  
Acton Detective Meeting

**MISCELLANEOUS**

Council on Aging – Drug take back luncheon  
Patrol/Detective vehicles cleaned



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



## Memorandum

ROBERT IRVING  
CHIEF OF POLICE

7/28/2016

**To: Officer Chris Custodie, Officer Tyler Castagno, Officer Colin Fitzpatrick, Officer Justen Kazan, Dispatcher Crystal Cosgrove, Dispatcher Rich Freni**

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

**Subject: No Sick Leave Bonus**

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A review of attendance records reveals that you did not use any sick days from January 1<sup>st</sup>, through July 31<sup>st</sup>, 2016. In accordance with Article 18, Section 5 of the Police Collective Bargaining Agreement, Officer Custodie will receive an incentive of 2 days' pay. Officer Castagno and Officer Fitzpatrick will receive an incentive of 1 days' pay. Officer Justen Kazan will receive an incentive of ½ days' pay. In accordance with Section 19-11 of the Dispatcher's Collective Bargaining Agreement, Dispatcher Cosgrove and Dispatcher Freni will receive an incentive of ½ days' pay.

Your excellent record of attendance is commendable and an example of the dedication that you have each demonstrated towards your job with the Wayland Police Department and Joint Communications Center.

I wish you continued good health in the remainder of 2016.

cc: Lisa Dana  
Personnel Files



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

To The Editor,

July 25, 2016


It has been a tough couple of months for police officers across the country. Here in Massachusetts, Auburn Officer, Ronald Tarentino Jr., a 42 year old father of three, was murdered during a routine motor vehicle stop. More recently, the ambush and murders of eight police officers in Dallas and Baton Rouge have left police officers feeling targeted and alienated from the communities they serve.

That is not the case here in Wayland. Over the past couple of weeks the department has received numerous messages of support from many residents in our town. These come in the form of e-mails, cards, letters and refreshments being dropped off at the Public Safety Building. So many gestures of good will and support have been received, that I don't have time to respond to each individually. To all of you, please accept my sincere thanks on behalf of the men and women of the Wayland Police Department.

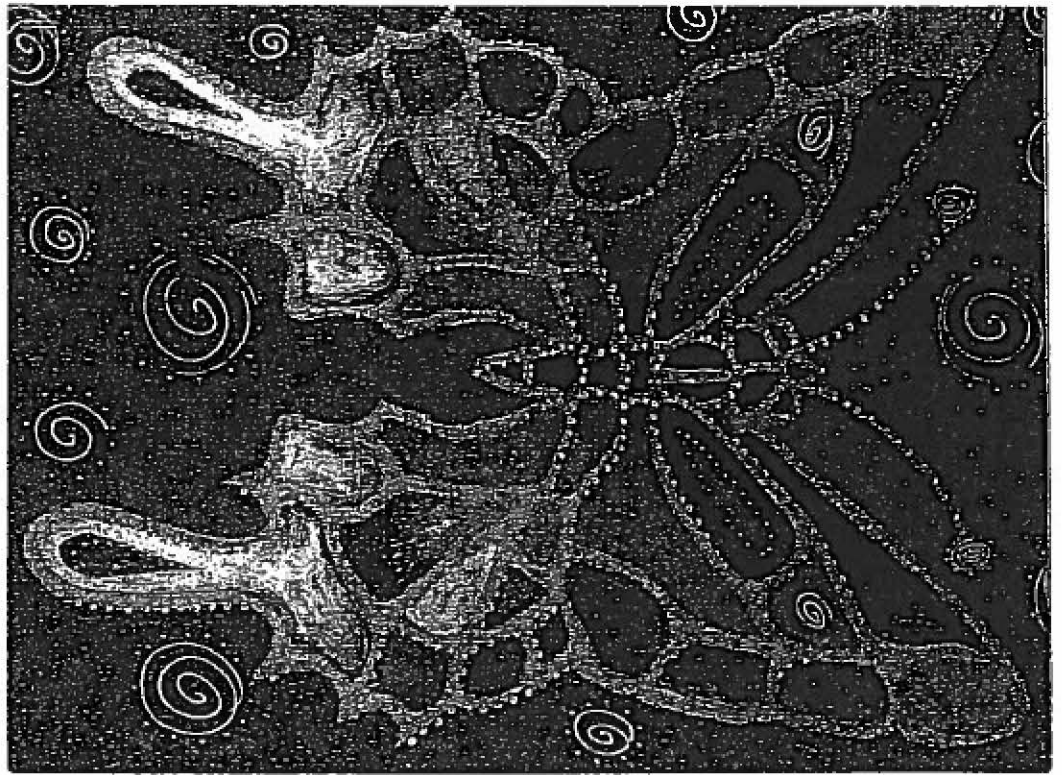
Policing in America today is a collaboration between the officers and the communities they serve. Support is needed on both sides of that equation. Our officers have pledged their support to protect and serve this town and I know they do this to the best of their ability each and every day. We also appreciate the support that our residents have shown this department in so many ways.

This fall we will be conducting another Citizen's Police Academy. Residents are invited to attend eight classes that cover a variety of subjects related to law enforcement and public safety. These classes are taught by various officers on our department. Attendees also will have the opportunity to do a ride-along with an officer and participate in a firearms demonstration. This is an excellent opportunity for residents to get to know some of the 23 officers on our department and to learn about the services we provide the community.

Respectfully,

  
Robert Irving  
Chief of Police





7/9/16

We want you to know how grateful & appreciative we are of your presence, hard work, & support.

Miriam Rosenberg  
Diane Krakover

[Redacted]

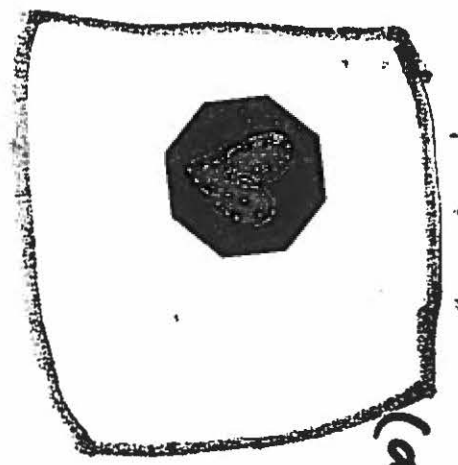
Thank

You

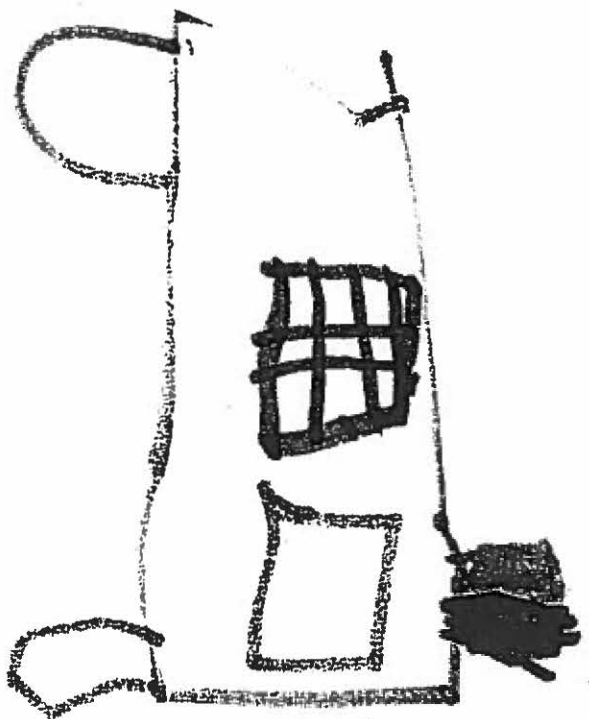
Wayland  
Police

OFFICERS

PERNIE



(page 6)



Dear Officers, 1/11/10

On such a sad & tragic day please know that this

family appreciates

that you put your

lives on the line each

day/night you work.

Thank you for serving

our community, keeping

officers across the country in our thoughts.

A. The Paxton-

Wraeson Family

**Irving, Robert**

---

**From:** Jean Fleming [REDACTED]  
**Sent:** Friday, July 08, 2016 6:11 PM  
**To:** Irving, Robert  
**Subject:** Thank You

Dear Chief Irving,

On behalf of my husband and myself, we want to thank you and all the members of the Police and Fire Depts in Wayland for your dedicated service to the members of the Wayland community.

The killings of police officers in Dallas, Texas yesterday sickened us as I know they do all of our law abiding citizens who realize how important the police are in every community of this country each and every day. You put your own safety on the line as you protect us and respond to our fears and concerns.

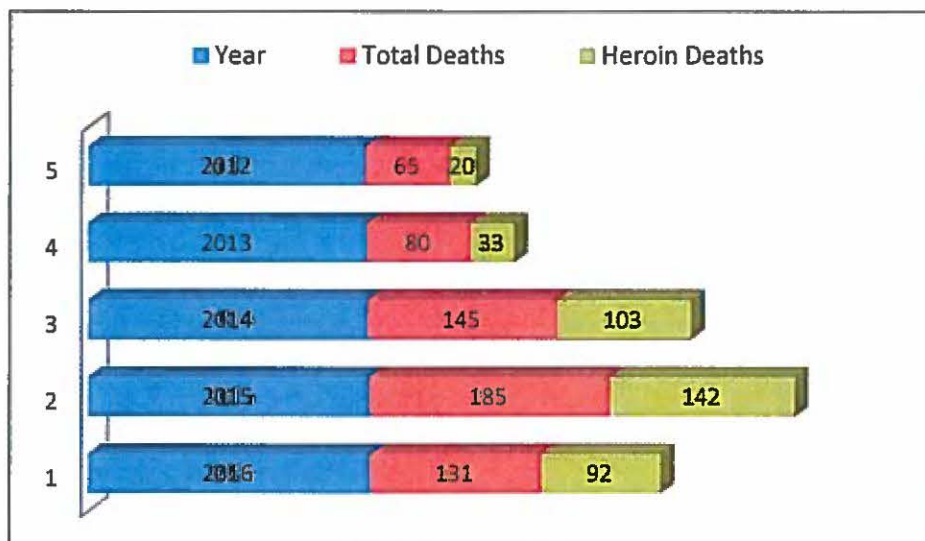
We don't take this for granted, even though we don't take the time to say Thank You very often. We are saying it now.

Most sincerely,  
Jean Fleming ( and Arthur Posey)  
[REDACTED]  
Wayland, MA



## Middlesex County Fatal Overdose Statistics

- As of July 10, 2016 there have been 131 deaths in Middlesex County to which State Police Detectives have responded. Of that, 92 have been attributed to heroin.
- In 2015, there were 185 deaths; 142 of those were from heroin.
- In 2014, there were 145 deaths; 103 of those were from heroin.



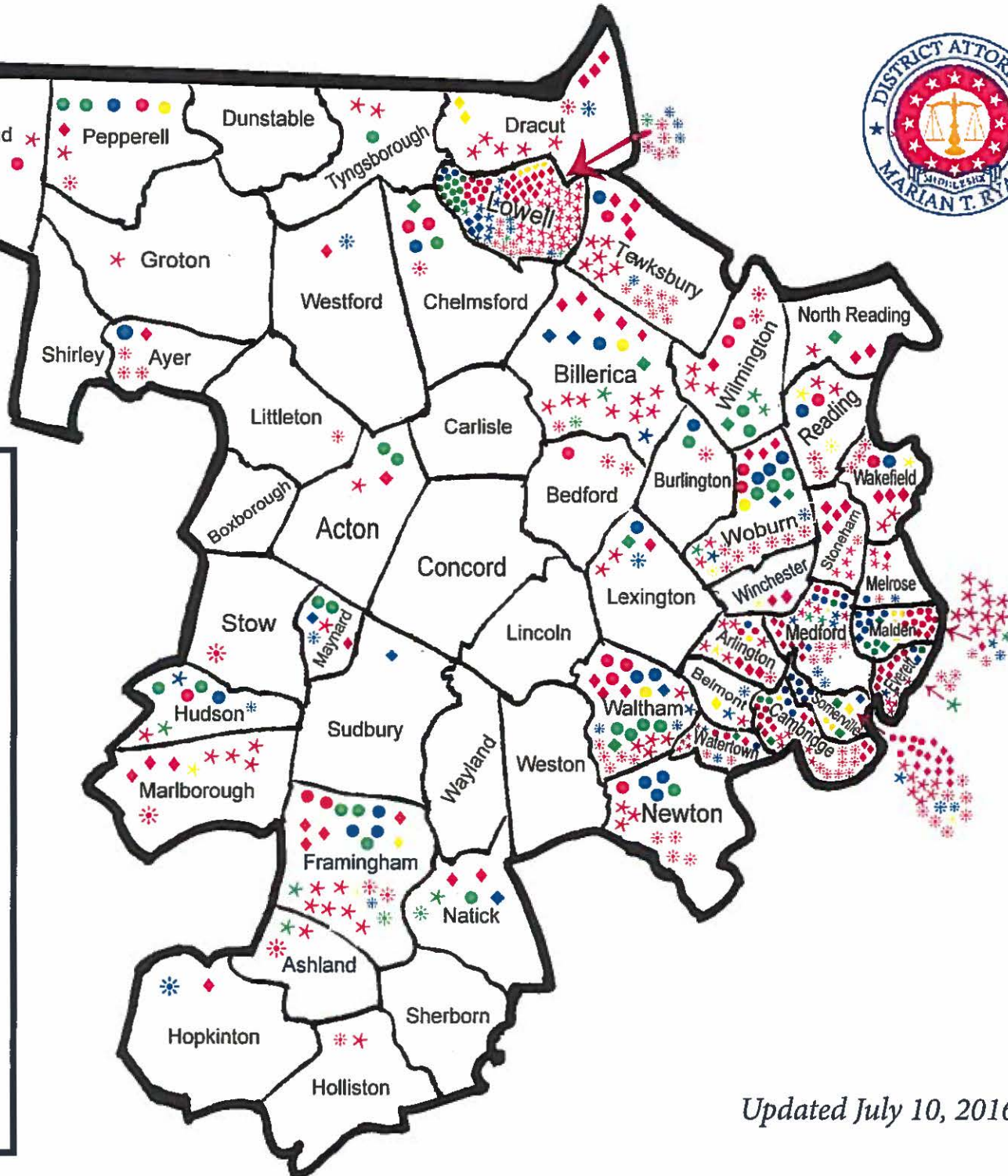


## Middlesex County

### Drug-Related Deaths 2012-2016

- HEROIN
- OPIATES/  
PRESCRIPTION DRUGS
- COCAINE
- OTHER/PENDING
- ◇ 2014 ANY COLOR
- \* 2015 ANY COLOR
- \* 2016 ANY COLOR

2012 - 65 deaths; 20 from Heroin  
 2013 - 80 deaths; 33 from Heroin  
 2014 - 145 deaths; 103 from Heroin  
 2015 - 185 deaths; 142 from Heroin  
 2016 - 131 deaths (as of 7.10.16)



Updated July 10, 2016

# **Wayland Police Department**

## **Press Release**

**August 2, 2016**

Chief Robert Irving is pleased to announce that the Wayland Police Department will conduct a Citizen Police Academy beginning on September 20, 2016. This eight-week program is designed to teach interested Wayland residents about the various tasks that are performed by Wayland police officers in the community.

In addition to a tour of the Public Safety Building, participants will be exposed to topics such as; powers of arrest, O.U.I. enforcement, motor vehicle law, domestic violence, the court process, detective services and patrol procedures. There will also be a presentation on the history of the Wayland Police Department. As part of the course each student will "ride-along" for part of a shift with a Wayland police officer. The course is designed to give interested citizens a better understanding of police operations in Wayland and the value of the investment made for public safety.

Space is limited for this course; applications are available at the Wayland Police Department or by calling the Citizen Police Academy director, Detective Sergeant Jamie D. Berger, at 508-358-1722 or by email at [jberger@wayland.ma.us](mailto:jberger@wayland.ma.us)

I encourage any interested citizen of Wayland, age 18 and over, to consider attending the Wayland Citizen Police Academy. Classes will be held in the training room at the Public Safety Building from 7-9pm.



## Wayland Police Department Citizens Police Academy

**Tuesday's, September 20—  
November 15, 2016 7-9pm  
(No Class Nov 8th)**

The Wayland Police Citizens Academy will offer an eight-week program with information and instructing designed to provide the public with knowledge and understanding of the police department's personnel, policies, and practices. The program is comprehensive, covering different areas of the departments services each week. Officers and supervisors conduct each informational session. Anyone interested is encouraged to contact Detective Sergeant Jamie D. Berger, 508-358-1722 or [jberger@wayland.ma.us](mailto:jberger@wayland.ma.us)

### Topic Areas

- General Introduction
- Dispatch Responsibilities
- Patrol Procedures
- Constitutional Law
- Motor Vehicle Law
- Domestic Violence
- Criminal Investigations
- Youth Services
- Domestic Violence
- Firearms Safety
- Ride Along Program



### Requirements to Apply

**Age:** 18 Years of Age.

**Residence:** Wayland Residents, tax payers and business owners may apply.

**Qualifications:** Have not been convicted of a felony.

### WAYLAND POLICE DEPARTMENT

For information and application,  
please contact Detective  
Sergeant Jamie D. Berger, 508-  
358-1722 or  
[jberger@waylandma.us](mailto:jberger@waylandma.us)

Phone: 508-358-4721

Fax: 508-358-4730



14



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

August 2, 2016

Timothy Dreher  
55 Knollwood Lane  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-878] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 55 Knollwood Lane, Wayland

Dear Mr. Dreher:

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 project to move a section of stairs leading to Dudley Pond at 55 Knollwood Lane 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

Enclosure

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

**RECEIVED**

**AUG -2 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

August 3, 2016

Larissa Khouw  
68 Lakeshore Drive  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-881 - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 68 Lakeshore Drive, Wayland

Dear Ms. Khouw:

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 deck replacement project at 68 Lakeshore Drive 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

Enclosure

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

**RECEIVED**

**AUG - 3 2016**

Board of Selectmen  
Town of Wayland

16



TOWN OF WAYLAND  
MASSACHUSETTS  
01778  
**CONSERVATION COMMISSION**

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

August 4, 2016

Sami Fam  
7 York Road  
Wayland, MA 01778

Re: DETERMINATION OF APPLICABILITY [D-879] - WETLANDS PROTECTION ACT (WPA)  
and Chapter 194 Permit – 7 York Road, Wayland

Dear Mr. Fam:

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 deck construction project at 7 York Road 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

Enclosure

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

January 28, 2016

Finance Committee Meeting Minutes

PRESENT: Funkhouser, Martin, Steinberg, Abdella, Cliff, Watkins via telephone due to geographical distance (entered at approximately 8:52 pm).

The meeting was called to order at 7 pm in the Senior Center of the Town Building. No public comment, no response to public comment. Chairman indicated meeting was recorded.

Capital Budget:

DPW reported on wireless meters. Chris Brown indicated that the initial \$180k and later \$800k request has been modified to \$200k for the installation of meters in order to finish out the ongoing meter replacement work. There was ensuing discussion around the water infrastructure projects, including the water main maintenance/repair program, road work, and tank cleaning. There was discussion about manpower needs and the cost of hiring an engineer to offset costs in the capital budget for engineering and oversight.

Operating Budget: Town Clerk request for budget increase

Beth Klein requested funds for a part time position to support four elections versus the regular two elections in a cycle. There was a discussion regarding the need for funds temporarily or as a permanent budget line item going forward and Beth indicated that she is short-staffed. It was suggested that we table this request until a point in the future when specific needs become clearer.

Budget Discussion

There was a discussion about the creation of a 53 E ½ fund for beach and field user fees (recreation) and contributions and how they would be used. Nan Balmer provided information about her understanding of such a setup. Unclear whether it will be included as part of ATM articles. Will be determined by BOS. There was a lengthy discussion about three different spending components of Rec. department including beach, general programs, and field user fees and related expenses and how they may be budgeted. G. Cliff moved that field user fees be budgeted as a Local Receipt in the General Fund, B. Steinberg seconded the motion and the vote was 5-0 in favor. It should be noted this vote was in accordance with both B. Keveny's and N. Balmer's recommendations as well.

B. Keveny shared latest budget adjustments, lowering salary reserve from \$374K to \$130K, IT for a total of \$531K with personnel expense for a total \$79.9 million General Fund budget. There was discussion about salary savings in Recreation and from Kadlik's former position as well as an overlay update confirming a \$600K release and it was noted that the reserve fund budget is \$250K. D. Watkins joined the meeting at this point (8:52 pm) via telephone.

The Committee discussed Ben Keefe's memo in which he requested an Owner's Project Manager for capital projects and where the funding would come from. Discussion ensued and it was agreed that we would consider this in the future but it was too soon to agree on for now. Other updates and discussion followed regarding free cash projection, Ins. Line 32B, the impact of IT spending, and bond issuance costs, cost of hiring a financial analyst for borrowing and debt matters, COLAs in the school contracts and budget, among other items.

There was a discussion and summary of the decisions we have made regarding the capital budget, including adding \$600K for a total \$936K for Happy Hollow road, a lower than budgeted Cochituate apartments expense of \$415K and water spending reductions from \$1,100K to \$200K. Further discussion clarified the capital budget plan totaling \$8,974K of which \$6,313K is from General Fund, \$2,661K from water capital. B. Steinberg moved acceptance of this budget, G.Cliff seconded the motion and there was a roll call vote as follows:

Funkhouser YES, Martin YES, Steinberg YES, Abdella YES, Cliff YES, Watkins YES.

At 10:15 G.Cliff moved to adjourn, C. Martin seconded the motion and a roll call vote was in favor as follows:

Funkhouser YES, Martin YES, Steinberg YES, Abdella YES, Cliff YES, Watkins YES.

Respectfully submitted,

Nancy Funkhouser



# Town of Wayland Massachusetts

## Finance Committee

- Tom Abdella
- Carol Martin
- Gil Wolin
- Nancy Funkhouser, Chair
- Bill Steinberg
- David Watkins
- Gordon Cliff

### Meeting Minutes

Monday, February 18, 2016, 7:00 pm  
Town Building

*Note: Items may not be discussed in the order listed or at the specific time estimated. The meeting may be broadcast and videotaped for later broadcast by WayCAM and may be recorded by others.*

**7:00 Call to Order**

Ms. Funkhouser called the meeting to order at 7:06.

**7:01 Public Comment**

Ms. Molly Upton requested that the committee to cut \$500k to bring the budget to 2.5%.

Ms. Annette Lewis asked about salaries, and made comments about non union year over year increases of 1.5%.

**7:02 Committee's response to Public Comment**

Mr. Steinberg and Mr. Cliff commented on budget drivers, major expenses and salaries. Mr. Watkins and Mr. Cliff discussed the challenge resulting from not getting detailed information in accordance with the 2012 article. Ms. Funkhouser and Mr. Cliff indicated that we would review the details about the headcount and adjustments at a future meeting.

**7:04 Finance Director's Update**

Mr. Keveny communicated the state of affairs and the most probable outcome as a result of the current operating budget. He indicated that we might be in a position to take money out of health insurance and employment and reduce it under 3%. Ms. Funkhouser indicated she would amend the 2/22/16 agenda to accommodate the changes in the operating budget.

**7:05 Review, Discuss & Vote ATM Articles**

Ms. Funkhouser indicated she would go through the articles alphabetically.

**B. Pay Previous Fiscal Year Unpaid Bills:** Ms. Funkhouser communicated the description of the article. Mr. Keveny indicated that this would be funded out of free cash. Mr. Cliff indicated this was over 10 (2004 through 2014) years and Mr. Keveny indicated that this was the final true-up payment. Mr. Keveny said that there were no additional unpaid bills are anticipated. Ms. Funkhouser indicated that more explanation was needed and would investigate accordingly. Ms. Funkhouser made a motion to recommend approval of Article 2 and Mr. Steinberg seconded. The motion passed 3-0-1

**C. Current Year Transfers:** Mr. Keveny clarified the purpose of the current year transfer. He indicated it was a catch up of historical differences and would not be ongoing (2015). Mr. Cliff said that the article was different from previous years. He indicated that the amount in article 3 is related to article 2. Ms. Funkhouser indicated she would do more investigation.

D. OPEB Funding: Ms. Funkhouser communicated that the difference between this article and prior years was that it was updated. Mr. Cliff indicated that he was not convinced that the arguments in favor reflected fair compensation. Mr. Steinberg indicated that the arguments could be started with "some would say". Mr. Cliff agreed. Ms. Funkhouser made a motion to recommend approval of the article, Mr. Steinberg seconded. The motion passed 4-0-0.

G. Accept Law Increasing Real Estate Tax Exemption Amounts: Ms. Funkhouser communicated that background of the article and discussed the purpose of the exemption. She indicated that the article would be permanent and would not require an annual vote. Ms. Funkhouser indicated that the Assessors did not submit the article last year. Mr. Cliff indicated that it was spikes in taxes may have affected citizen's eligibility to participate. Ms. Funkhouser indicated she would do further analysis.

L. Rescind Authorized but Unissued Debt: Ms. Funkhouser described the article. Mr. Keveny indicated that he supported the article and that it was a housecleaning article. Ms. Funkhouser made a motion to recommend approval of the article and Mr. Steinberg seconded. Motion passed 4-0-0

D. Mr. Cliff discussed OPEB funding article. Committee member made comments regarding the content and the votes of the various committees including the School Committee and the Board of Selectman. Mr. Cliff answered various questions. Ms. Lewis indicated that we needed to vote to appropriate. Mr. Steinberg requested that we ask the Board of Selectman for clarification. Mr. Cliff indicated he would make changes. Mr. Cliff made a motion to recommend approval of the article and Mr. Steinberg seconded. Motion passed 4-0-0.

Y. Transfer 202 Old Connecticut Path to Library Trustees for Library Use: Mr. Cliff provided a description of the Article and indicated that this was a fairly administrative article that authorized the town to transfer the property. Ms. Funkhouser indicated that it would be necessary for Town to approve and building prior to using the land. Mr. Cliff indicated that he needed to add paragraph from the wrap committee and he that there were additional edits that he had yet to incorporate. Ms. Funkhouser asked for clarifications about various content because the words were confusing and Mr. Cliff agreed to provide additional color. Mr. Cliff made a motion to recommend approval of the article and Mr. Steinberg agreed. Motion passed 4-0-0.

Z. Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town Library or Other Town Building: Mr. Cliff helped committee members to understand the details regarding the article. He indicated that there was wastewater capacity and that the Library could purchase capacity from the Wastewater management district. He indicated that there was a one-time fee to buy the capacity. He also said that there might be challenges passing the article due to the Wastewater capacity problems related to Town Center. Mr. Steinberg indicated that if the article was approved that they would have to go through DEP so the capacity was made available. Mr. Cliff said that the authorities were questioned and asked to get back to the Town. He also indicated that there was a potential for a bad outcome and that it was too early to vote because we do not have the Wastewater management process resolved. Ms. Funkhouser indicated that further clarification should be added that we have not heard from authorities. Ms. Lewis indicated that there was a capacity charge each year and money would be allocated. Mr. Cliff made a motion to recommend approval of the article, Mr. Steinberg seconded the motion passed 4-0-0.

UU. Amend Chapter 36 of the Town Bylaws Relative to Time for Debate at Town Meetings: Mr. Cliff clarified that the article was attempting to reduce the length of Town meeting. He indicated that the articles requested changes to the bylaw. He said that the petitioners were frustrated that their requests had not been incorporated by the moderator. Ms. Funkhouser indicated that the argument opposed should be changed. Mr. Steinberg clarified for the extension of debate. Mr. Cliff made a motion to recommend approval of the article, Mr. Steinberg seconded. The motion passed 4-0-0.

VV. The objective of this article was to remove the time taken for town meeting by limiting the time for remarks. Mr. Cliff indicated that the Moderator did not agree and that he would want more time. Mr. Steinberg and Ms. Funkhouser provided comments and Mr. Keveny requested clarification as to how

many times one can speak at ATM. Mr. Cliff made a motion to recommend approval of the article. Mr. Steinberg approved. Vote was 2-2.

WW. Clarify Petitioner Access to Town Counsel: Mr. Cliff described the article and indicated that the article puts Town counselor in a difficult position. He indicated that he did not want to force people to work with him. He said you cannot know is how many petitioners you would use him estimated. Mr. Watkins discussed cost and conflicts of interest. Mr. Cliff made a motion to recommend approval of the article, Mr. Steinberg seconded. The vote was 0-4-0.

XX. Amend Chapter 36 of Current Bylaws: Mr. Cliff commented that this was an article that we debated before and he needed additional information. Mr. Cliff made a motion to recommend approval of the article. Ms. Funkhouser seconded and the vote was 0-4-0.

P. Fund Glezen Lane Traffic Control Measures: Mr. Steinberg provided a background and indicated that an island would be created at the entrance to Glezen Lane. He indicated that the police department and the fire department had issues with it. The traffic consultant did not recommend changes to the intersection. He communicated the background of the statements in favor and opposed. Mr. Cliff indicated at some point the Town would be in trouble if they did not comply and that they did not comply. Ms. Lewis indicated that we would need to pay the plaintiff's cost if that were the case. Mr. Steinberg indicated he would follow up with additional information.

II. Home Occupation: Mr. Steinberg indicated that the petitioner wanted to make it clearer why you cannot have a business in your home. Ms. Funkhouser indicated that the article's language was confusing. Mr. Steinberg indicated that the standard is 10 and if a person has 15 more, Ms. Funkhouser disagreed. Mr. Cliff indicated that he did not appreciate the criteria being used. The article was not complete and Mr. Steinberg said he would obtain additional information.

JJ. Assisted/Independent Living and Nursing Home: Mr. Steinberg indicated that a person could use a portion of their house for independent living in their home. He indicated that the article would prohibit the ability for people to use their home for assistant independent living and nursing homes to be located in residential districts. Mr. Steinberg indicated he would get clarification of independent living and nursing home.

KK. Landscaping in Parking Areas Zoning Bylaw: Mr. Steinberg indicated that for new applicants coming to the planning board for approval they would need 10 feet for landscaping. Mr. Steinberg made a motion to recommend approval of this article, Ms. Funkhouser seconded. Vote was 1-4-0.

LL. Building Height: Mr. Steinberg provided the background on the article. Mr. Watkins and Mr. Steinberg had an animated deliberation. Mr. Steinberg made a motion to recommend approval, Ms. Funkhouser seconded. Vote was 3-1-0.

Mr. Steinberg indicated he was concerned that having money articles in the fall was our policy. He requested that the committee provide feedback regarding moving money articles in the fall. The Committee was mixed.

W. Preservation of Historically Significant Buildings Through Demolition Delay: Mr. Watkins described the Article. He indicated that surrounding Towns had similar policies. Ms. Funkhouser requested clarity around the reason for the delay and requested that comments be expanded accordingly. Mr. Steinberg requested that the various votes be added to the Article.

U. Confirmatory Taking of Newbury Conservation Land: Mr. Watkins reviewed Confirmatory Taking of Newbury Conservation Land description. The committee requested clarification around potential costs. Ms. Funkhouser requested that the votes be included and the cost added. Mr. Steinberg asked for clarification on the definition of bounds. Ms. Funkhouser also requested to include the value of the land. Mr. Watkins made a motion to recommend approval. Ms. Funkhouser seconded. Vote was 4-0-0.



RR. Appropriate Funds to Restore Cochituate Town Clock: Mr. Watkins discussed the Article to Appropriate Funds to Restore Cochituate Town Clock. He indicated that there did not appear to be a maintenance plan for the clock. Mr. Steinberg asked whether the Town was using CPA funds for the project. Mr. Watkins indicated that he would get clarification. Ms. Funkhouser indicated that the Article should incorporate information from Article 23 in 2014.

QQ. Appropriate Funds to Restore Monuments at North Cemetery: Mr. Watkins discussed the article to Appropriate Funds to Restore Monuments at North Cemetery. Mr. Steinberg and Mr. Cliff requested the source of funds be included. Mr. Cliff requested clarity about the difference between a tombstone and a monument? Ms. Funkhouser asked whether the amount of money was appropriate. Ms. Funkhouser requested that additional information be collected about the relevance of the area and why now. Mr. Cliff, indicated that it would only be appropriate if funding came from CPC.

PP. Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund: Mr. Watkins described the Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund. Mr. Cliff and Ms. Funkhouser said to eliminate the "seed" money. Mr. Watkins made a motion to recommend approval. Mr. Steinberg seconded. Vote was 4-0-0.

OO. Set Aside Community Preservation Funds for Later Spending: Mr. reviewed the Set Aside Community Preservation Funds for Later Spending. Mr. Cliff requested clarity around the administrative expense. Ms. Funkhouser and Mr. Steinberg indicated that there is zero cost. Ms. Funkhouser requested that additional information was available in past warrants to provide additional clarity. Mr. Watkins made a motion to recommend approval. Mr. Steinberg seconded. Vote was 4-0-0.

TT. Appropriate Funds to Purchase Conservation Restriction on Mainstone: Because the committee did not have a quorum, the article was not discussed.

#### 10:15 Liaison & Members' Reports, Concerns, and Topics

Mr. Watkins discussed the Mr. Keveny was doing on behalf of Mainstone. He discussed the various options being investigated. He requested that committee members weigh in on whether they thought it was better to use CPA and General Fund Borrowing or just CPA borrowing. The committee was unanimous in their opinion that the 4.5% interest rate was too high and that the Town was more sympathetic if the full amount was borrowed by the CPA. Mr. Steinberg asked for more detailed information regarding the various fund balances and the associated State Fund receipts.

10:20 Chair's Update & Items the chair did not reasonably anticipate would be discussed at the meeting FY2017 Operating Budget Update/Modifications, if any

Ms. Funkhouser indicated that she would revisit the budget on Monday and revote it. Beginning next Thursday, she indicated that FinCom will have the budget write up for people to review. She also said that in previous years, FinCom has written an article for the Town Crier that described changes to the budget. Mr. Steinberg indicated that we should write the article. Mr. Keveny indicated that \$10k was identified by base requiring the committee to revote the capital budget.

10:25 Meeting Minutes Review, Discussion and Approval. 1/25 (BS), 1/28 (NF). 2/1 (CM). 2/11, 2/16 Not discussed.

#### 10:30 Adjourn

Ms. Funkhouser made a motion to adjourn. Mr. Steinberg seconded. Vote was 4-0-0.

#### Attachments:

- B. Pay Previous Fiscal Year Unpaid Bills
- C. Current Year Transfers
- D. OPEB Funding

- G. Accept Law Increasing Real Estate Tax Exemption Amounts
- L. Rescind Authorized but Unissued Debt
- P. Fund Glezen Lane Traffic Control Measures
- U. Confirmatory Taking of Newbury Conservation Land
- W. Preservation of Historically Significant Buildings Through Demolition Delay
- Y. Transfer 202 Old Connecticut Path to Library Trustees for Library Use
- Z. Fund Payment in Lieu of Sewer Betterment Assessment for Sewer Capacity for Town Library or Other Town Building
- II. Home Occupation
- JJ. Assisted/Independent Living and Nursing Home
- KK. Landscaping in Parking Areas Zoning Bylaw
- LL. Building Height
- OO. Set Aside Community Preservation Funds for Later Spending
- PP. Transfer Community Housing Funds to Wayland Municipal Affordable Housing Trust Fund
- QQ. Appropriate Funds to Restore Monuments at North Cemetery
- RR. Appropriate Funds to Restore Cochituate Town Clock
- TT. Appropriate Funds to Purchase Conservation Restriction on Mainstone
- UU. Amend Chapter 36 of the Town Bylaws Relative to Time for Debate at Town Meetings
- WW. Clarify Petitioner Access to Town Counsel
- XX. Amend Chapter 36 of Current Bylaws



# Town of Wayland Massachusetts

## **Finance Committee**

G. Cliff  
N. Funkhouser  
J. Gorke  
C. Martin (Vice Chair)  
K. Shigley  
G. Uveges  
D. Watkins (Chair)

## **Finance Committee Meeting Minutes July 18, 2016**

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

### **1. Call to Order**

The meeting was called to order at 7:00 PM in the Selectman's Meeting Room. D. Watkins announced that the meeting was being taped and briefly gave a preview of meeting agenda.

D. Watkins introduced three new members (Uveges, Gorke and Shigley) and each spoke briefly about their backgrounds. D. Watkins indicated the committee's appreciation for Mr. Wolin's participation on the Committee.

### **2. Public Comment**

Linda Segal, Aqueduct Road welcomed the new members, indicated she was impressed with tonight's agenda, and asked for several website changes as follows;

- Moody's Bond Rating memo link to be made available
- Please post new member contact information
- Peer Town information link is missing and should be added
- Latest 2016 debt schedule is posted to the treasurer's website – perhaps should be linked to Fincomm's.

### **3. Committee Process and Role**

Carol Martin inquired and it was confirmed that all new members have been sworn in.

D. Watkins handed out a Mission Statement and Draft Responsibilities list for discussion and review. Members made suggestions to the handout and Dave will provide redlined versions for our future review and agreement.

D. Watkins also handed out a visual representation of the process and anticipated timeframes for this year's work. Committee members will review and provide comment.

### **4. Report from Finance Director, Brian Keveny:**

B. Keveny indicated that he is in the process of working to close the FY16 ledger. The auditors are scheduled to come in on August 15, 2016. Brian expects to complete a test close of the books later

this week and send the files to Melanson and Heath by August 5 or so. End goal is to have the final financial statements to the audit committee and BOS by early December 2016. Brian also indicated that the town received national recognition for compliance for its FY15 CAFA.

**Review of Outstanding Capital Projects – CM**

This matter was tabled to a future meeting.

**5. Budget Process Discussion**

D. Watkins handed out a draft memo regarding the capital planning and capital project process for the committee to review. G. Cliff indicated his concern that given the agenda timing for tonight there may not be enough time to fully vet the memo before it is released. Discussion about the purpose of the memo, the process that would be followed, changes in process, and related comments ensued. Carol Martin moved to approve release of the memo as amended and the vote was 6-1 in favor.

**6. Special Assignment Discussion**

**Website Review:** G. Cliff handed out a document which provides a draft of what our web page might contain. Discussion about the handout and intentions ensued. The Committee agreed to review and provide comments and suggestions in the future.

**7. Debt Management:** This discussion was tabled to a later date.

**Liaison Assignment:** Liaisons were assigned as indicated in the attached handout. Mentors were also assigned to new members.

**8. Annual Schedule & Milestone, Meeting Note Schedule Review**

D. Watkins provided the committee with a calendar and activity timeline for this fiscal year.

**9. Members Reports**

C. Martin offered to attend the department head staff meeting on 8/3 where the CIP memo will be discussed and the committee was in favor.

**10. Chair's Update**

D. Watkins indicated that committee bylaws provide for a Committee Clerk who would be the receiver of information on behalf of the Committee and inquired whether the committee would like to assign one. There was discussion about the role of such a person and G. Cliff indicated that last year we had discussed this possibility and it was decided that Brian Keveny would act in that role. Committee agreed to retain that setup going forward.

**12. Minutes Review**

Minutes review was tabled for a future meeting.

G. Uveges put forth a motion to adjourn the meeting at 9:15 pm. The motion was seconded and the vote was 7-0 in favor. The meeting was adjourned at 9:15 pm.

Respectfully submitted,

N. Funkhouser

**Handouts:**

**Proposed Liaison Assignments - draft**

**Proposed Meeting Minute Assignments - draft**

**Proposed Schedule and Milestones – draft**

**Draft Prep and Submission of FY18 Budget memo – dated July 15, 2016**

**Draft Goals and Objectives 2017-2018**

**Draft Mission Statement**

**Financial Planning and Establish Budget Process Visual Chart**

**Sample website - Gordon Cliff**

**Wayland Free Public Library**  
**Library Planning Committee**  
**Minutes of Meeting on July 7, 2016**  
**Raytheon Room, Wayland Public Library**

**Present:** Maureen Cavanaugh, Christine Cipriani, Aida Gennis, Neil Gordon, Anne Heller, Sarah Hubbell, Mark Hughes, Ann Knight, Vicki LaFarge, Daryl Mark, Tim Marsters, Sandy Raymond, Thom White, Suzanne Woodruff.

**Committee members attending via phone:** Lynne Cavanaugh, Tom Fay, Jen Gorke, Lynne Lipcon

**Members of the public attending:** Nan Jahnke, Steven Klitgord, Judy Ling, Molly Upton

**Call to Order** at 7:15 p.m. by Vicki LaFarge, acting chair of the Library Planning Committee

**Public comment:** Mr. Klitgord voiced concern about moving out of an existing, viable building into a new one and having to determine how to re-purpose the existing one. Ms. Ling expressed many thanks to the committee for their time and efforts.

**Minutes of Previous Meeting**

Before voting, there was a call to use consistent nomenclature for the three distinct sites: 5 Concord Road; 195 Main Street (as a shortcut for stating 207-195 Main Street); 202 Old Conn Path. After that, the minutes of the meeting of June 28, 2016 were approved unanimously.

**Discussion of Site Selection Matrix**

Chris Blessen of Tappé reviewed the site selection matrix and explained the scores in each category. While much description and explanation accompanied each criteria, greater discussion -- and revised scores -- ensued on the criteria listed below:

- Criteria 3: 1 question concerning architecturally significant context.
- Criteria 4: All 5 questions concerning infrastructure
- Criteria 5: All 5 questions concerning environmental impacts
- Criteria 6: 1 question concerning hazardous materials
- Criteria 7: 2 questions concerning costs and zone II compliance

The question in Criteria 1 concerning “prominent visual impact” generated the most discussion. Scores were not as anticipated because there was not a consistent interpretation of this term with all present. The MBLC does include ‘prominence’ as a criterion. The question should possibly be re-worked to make it less a value question and more objective. The decision was made to eliminate the question altogether. Members asked Tappe whether they could give more information to assist the completion of the matrix questions that were primarily factual instead of opinion. Those factors

concerned environmental impacts at each site, permitting and other regulatory relief, and costs of construction and site development. Tappe explained what each of these factors meant with respect to each site.

Mr. Blessen re-calibrated the matrix with the new scores and the elimination of one question and presented the numerical values for each site. (See attachment for specific criteria and new scoring.)

Of a possible 107 total points:

- 5 Concord Road = 47.49
- 195 Main Street = 78.26
- 202 Old Conn Path = 67.42

Discussion ensued about which 2 sites to pursue. At Town Meeting, it was stressed that we would study the existing library site and one other. However, numbers state pretty clearly that the existing site is the least workable. Could we pursue all 3 options? Answer was no; PMBC and MBLC only want 2 and may throw out one not of our choosing.

Input from Tappé for consideration: Old Conn Path site has much greater site development costs (which are NOT reimbursable with grant money), making it less desirable. Additionally, Old Conn Path site would likely be less favorable to MBLC since any building there would occupy less prominent spot. Discussion ensued whether Tappe can nevertheless be asked to develop concept drawings of all three sites and initial costs for each. Since the contract with Tappe is for the study of 2 sites with concept drawings and initial costs estimates for those two sites, they do not now have the in-office staffing to add a third site (their staff is on other projects) and would need to hire a team for this request. Also, this request may not permit their work to be completed in time for us to consider whether or not to file a grant application. The result is that they were not asked to explore whether they could hire a team and the PMBC will not be asked to consider enlarging the scope of the contract with Tappe.

Much discussion continued and members of the public in attendance were invited to speak before the discussion concluded.

A consensus was reached among the LPC and Trustees to present 5 Concord Road and 195 Main Street to the Permanent Municipal Building Committee as the 2 sites to study for the purposes of the Library Planning and Design Study

### **Update on Library Long Range Planning process**

Discussion of the Plan was postponed, given the late hour. However, members were encouraged to review the Long Range Plan and submit comments to Ann Knight by July 22<sup>nd</sup>. If no comments were submitted by that time, it is assumed the Plan is fine as written and will not be included on the next meeting's agenda.

Meeting adjourned at 10:00 p.m.

Respectfully submitted by Sarah Hubbell.

Documents distributed:

Agenda

Also, document(s) involving the matrix are available at the library and may be attached to library trustee minutes concerning the same meeting  
Site Selection Matrix



**WAYLAND BOARD OF PUBLIC WORKS**

Wayland Town Building

July 26, 2016

6:30 PM

**MEETING MINUTES**

Present: C. Brown, (Chair), M. Lowery (Vice Chair), W. Baston, J. Mishara, M. Lindeman (Acting DPW Director), D. Millette (DPW Water Superintendent)

Meeting opened at 6:30 PM

Brown noted that the meeting is being recorded.

Brown opened the meeting with a review of the agenda.

**Executive Session to Discuss the Potential Purchase of Baldwin Pond Area Property For Sale, and Review and Approve the Executive Session Minutes of the 7/12/16 Meeting**

Brown made a motion that the Board of Public Works enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss the potential purchase of Baldwin Pond area property for sale, and review and approve the executive session minutes of the 7/12/16 Meeting.

Baston 2<sup>nd</sup>.

Roll Call Vote: Baston – aye, Brown – aye, Lowery – aye, Mishara – aye

Brown invited attendance by DPW employees Mike Lindeman, Don Millette, and Dan Cabral as well as Tata & Howard employee Amanda Cavaliere.

Brown noted that the Board will reconvene in open session in approximately fifteen minutes to continue the meeting.

The Board entered into executive session at 6:33PM.

The Board reconvened in open session at 6:58 PM

Brown asked for public comment.

**Public Comment**

Lowery, speaking on his own behalf, expressed his thanks to the DPW for their assistance in removing 7 abandoned oil drums located on conservation land.

**Water Abatement Request – 14 Wildwood Road**

Brown made a motion to abate the 11/25/15 water bill of 14 Wildwood Road down to 14,200 units, waiving all interest and fees.

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

*Items Included as Part of Agenda Packet for Discussion  
- 14 Wildwood Road Request for Abatement*

**Water Abatement Request – 1 Joel’s Way**

Brown made a motion to abate the 5/25/16 water bill of 1 Joel’s Way down to 2600 units, waiving all interest and fees.

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

*Items Included as Part of Agenda Packet for Discussion  
- 1 Joel’s Way Request for Abatement*

**Update and Discussion of Status of Water Rate Study (Woodcock & Associates in Attendance)**

Christopher Woodcock of Woodcock & Associates and David Fox of Raftelis Financial appeared before the Board to discuss the current status of the water rate study.

Brown asked Woodcock if he feels the water rates need to be raised.

Fox replied that water rates eventually do need to be increased, but how an increase is structured and implemented is ultimately to be determined by the Board.

Mishara asked if any comparison between water rates in Wayland and similar towns has been done.

Woodcock cautioned against such comparisons due to the many variables that exist between towns.

Baston asked how other Towns address the issue of lost income due to water bans.

Woodcock replied that Towns often establish reserve funds to compensate for lost income.

Lowery noted that he ranks pricing analysis and rate study among the highest priority for Woodcock’s report.

The Board discussed the timeline by which Woodcock would complete tasks outlined in his proposal.

Woodcock discussed questions he has for the Board regarding the Water Enterprise Fund, and noted that he will supply a hard-copy of his questions to Board members within the week.

Brown asked Millette for an update on the status of investigating remote-read meter systems.

Millette noted that it has been narrowed down to two systems for further investigation.

Lowery noted he would like to see separate radio read meters on systems with the potential for a large amount of loss that are capable of being read daily.

**Discussion on Irrigation Systems for Municipal Playing Fields and Potential Town meeting Article to Modify Irrigation Bylaw**

Brown noted he had a meeting with Lindeman and Recreation Director Jessica Brodie to discuss a potential bylaw amendment to allow for the irrigation of Town playing fields over 15,000 square feet.

Lindeman described the nature of the draft bylaw amendment.

Lowery noted that he is fully in favor of the amendment and only edited the draft to clarify its intent.

Mishara suggested changing the final sentence to 'The Board of Public Works or its designee has the authority to apply this bylaw and State regulations established by DEP.'

Brown noted that the intent is that the bylaw amendment would be sponsored jointly by the Recreation Commission and the Board of Public Works.

Lowery made a motion that a draft of the potential bylaw change be prepared for review and approval by the Recreation Commission, changing the nomenclature of the title, striking the first phrase, and changing the final sentence; subject to vote at the 8/8/2016 Board of Public Works Meeting.

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

Mishara suggested the bylaw amendment be numbered 191-6c.

Brown noted that the Recreation Commission sought the Board's approval of a temporary irrigation system for the Town Building Soccer Field.

Brown added that the intent was to rehabilitate the field using traditional above-ground irrigation methods, followed by the installation of a drip irrigation system once the field is established.

Lowery noted he would like more information on the field and the proposed irrigation system.

Lowery made a motion that the Board of Public Works grants a one-time exemption authorizing the irrigation of the Town Building Soccer Field, provided that there is a turf management plan that meets the requirements of the Water Division.

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

***Items Distributed for Discussion***

*- Ch. 191-12 Municipal Field Waiver Draft*

*- Ch. 191-12 Municipal Field Waiver Draft (with Mike Lowery's comments)*

**Meet With Finance Committee Liaison**

Gordon Cliff, DPW Liaison to the Finance Committee, appeared before the Board to introduce himself and describe his role as Finance Committee Liaison.

Cliff described the capital approval process, and changes to how the Finance Committee will approach capital planning in the future.

The Board discussed long-term capital planning challenges with Cliff.

**Update on Status of Potential DPW Lay-Down Area**

Brown noted he has met with the Permanent Municipal Building Committee, and noted that several potential issues were raised that may have to be addressed prior to the DPW using the proposed lay-down area.

Brown added that the PMBC will not cover the cost of removing the material from the potential lay-down area.

Brown requested that staff work with Town Administrator Nan Balmer to determine the status of the potential lay-down area and if it is appropriately zoned.

**Discussion of Potential Town Meeting Article for Sign Bylaw Change**

Lowery described the recent meetings he has had with Town Planner Sarkis Sarkisian and Selectmen Mary Antes regarding sign bylaw issues.

Lowery added that public education of existing laws and regulations may preclude the need for a bylaw.

Lowery noted that before a new bylaw is sought, he would like the Building Department to help educate contractors on existing regulations, and for the Board of Selectmen to host a public hearing on current sign bylaws.

**Library Drainage Project Update**

[Baston recused himself from the Board at 8:41 PM]

Baston, speaking on his own behalf and not as a Board member, described a recent meeting concerning the recommendations of Eggleston Environmental to Tighe & Bond.

Lowery noted he intends to go to the next Conservation Commission meeting on 8/4/16, where a vote is anticipated.

[Baston returned to his seat on the Board at 8:46PM]

### **Review of River's Edge Proposals with Regards to Water & Sewer**

Lowery noted that the RFPs are posted on the Procurement Department website, and that it wasn't clear to him who is responsible for the water connection and the looping.

Lowery urged that formal communication occur that the expectation is that the cost will be borne by the project, and not the water rate payers.

Mishara suggested that Wegerbauer be asked if this has been discussed at any River's Edge meetings.

### **DPW Director's Financial Report**

The Board reviewed the DPW Director's Financial Report.

*Items Included as Part of Agenda Packet for Discussion  
- 7/22/2016 DPW Financial Report*

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

Mishara asked for an update on the status of the intersection projects in Town.

Lindeman noted that the Villa intersection is underway and on schedule and the Five Paths Intersection is scheduled to begin in early August.

Lindeman added that the water main replacement project for Main Street is scheduled to begin mid-August.

Lowery described a letter received by the Board of Public Works from a resident concerned about the effect of private wells on the aquifers.

Lowery suggested that the Board consider drafting a bylaw allowing for the regulation of private wells.

Baston described a meeting with Millette and Lindeman to analyze historical water pumping data, noting that the data indicates that between 2001 and 2015, water consumption has dropped by 198 million gallons.

Brown noted that there is a large log leaning on an MWRA Fence near the Five Paths intersection, and asked that the DPW remove it if possible.

Brown noted the next two Board meetings will be Monday 8/8/16 and Tuesday 8/23/16.

**Review and Approve the Minutes of the 7/12/16 Meeting**

Brown noted an addition on page two, noting that water deposited on Town land may run onto private property.

Baston noted a typographical correction on page two.

Baston clarified that his public comment on page three was in reference to the Verizon Property as well as his own.

Brown made a motion to accept the minutes of the 7/12/16 meeting as amended.

Baston 2<sup>nd</sup>.

Lowery, Brown, Baston in favor; Mishara abstain.

*Items Included as Part of Agenda Packet for Discussion  
- 7/12/2016 Meeting Minutes Draft*

Mishara made a motion to adjourn.

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

Meeting adjourned at 9:04 PM.

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RECEIVED

AUG - 1 2016

Board of Selectmen  
Town of Wayland

Linda L. Segal  
9 Aqueduct Rd.  
Wayland, MA 01778-4605  
(508) 655-0724 [lmlsegal@comcast.net](mailto:lmlsegal@comcast.net)

Supervisor of Public Records  
Office of State Secretary  
One Ashburton Place, Room 1719  
Boston, MA 02108

July 30, 2016

RE: **SPR16/314 and SPR16/459**

Appeal of Denial of Access to Public Records and Failure to Comply as Ordered  
Request for Enforcement

Dear Mr. Williams:

I am in receipt of your July 14, 2016 letter (**SPR16/459**), which is the second "order" your office has issued to Wayland town officials concerning my original April 1, 2016 public records request. Thank you very much for your efforts to assist with the public's right to access town counsel's invoices as requested.

In both your May 24, 2016 and July 14, 2016 letters to Wayland officials, you have made clear their burden to provide specificity to justify holding town attorney invoices as privileged material, particularly since I have stated that I seek no access to what is truly privileged under the law.

I write to report that I (and presumably you) have not received any additional written correspondence since July 14 from either record custodian representing the Town or the Schools regarding case **SPR16/459**. Their failure to respond and comply as ordered is disappointing and unsatisfactory.

I therefore respectfully request your office's enforcement of your letters and orders for cases **SPR16/314 and SPR16/459**.

Both record custodians have failed to substantiate their claim to attorney-client privilege. Therefore they have forfeited their claim to such privilege, and the requested town attorney invoices should now be produced without redactions.

FYI - July 2016 background

Attached please find my July 1 email attempting to resolve my **SPR16/314** appeal directly with the Town's record custodian, Assistant Town Administrator John Senchychyn. He replied to me on July 9 via email, upon returning from vacation and before returning to the office. He offered to provide access to redacted invoices for a fee but without including the specificity to justify redactions as instructed in your May 24, 2016 letter.

When I called your office on July 13, I was advised to wait for the assigned staff attorney to return from vacation on July 18, which is when I learned that the July 14 letter and order under a new case number **SPR/459** had been issued.

The Wayland Board of Selectmen has the responsibility by local bylaw to oversee town counsel. Your July 8 and 14, 2016 letters appeared at the end of their agenda packet for their July 25, 2016 Board meeting. However, the selectmen did not discuss your letters, the second order or the records request outstanding since April 1.  
[http://www.wayland.ma.us/pages/WaylandMA\\_SelectmenAg/Board%20of%20Selectmen%20Agendas%202016/20160725Pkt.pdf](http://www.wayland.ma.us/pages/WaylandMA_SelectmenAg/Board%20of%20Selectmen%20Agendas%202016/20160725Pkt.pdf)

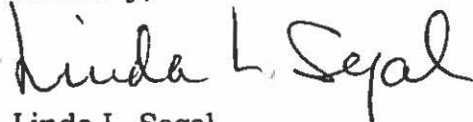
The Wayland School Committee's July 20 and July 25 meeting agendas included discussion of an Open Meeting Law complaint, but your July 14 letter addressed to their record custodian, Dr. Stein, was not mentioned in either agenda or included in the documents posted on line for the public.  
[http://wayland.sharpschool.net/school\\_committee/school\\_committee\\_agendas\\_minutes/2016\\_-\\_2017\\_school\\_year/](http://wayland.sharpschool.net/school_committee/school_committee_agendas_minutes/2016_-_2017_school_year/)

Having heard nothing from the Town or the schools since your July 14 letter and after their meetings this week, I write to seek enforcement.

Taxpayer dollars pay town counsel's bills. The public has a right to know how our tax dollars are spent.

Thank you again for your assistance with this matter.

Sincerely,



Linda L. Segal

cc: Wayland School Superintendent Paul Stein  
Wayland Town Administrator Nan Balmer  
Wayland Assistant Town Administrator John Senchyshyn  
Wayland Board of Selectmen



**From:** Sullivan, Kellie (SEC) [mailto:kellie.sullivan@state.ma.us]  
**Sent:** Wednesday, July 13, 2016 3:58 PM  
**To:** Linda Segal  
**Subject:** RE: SPR16/314

Good afternoon,

Thank you, received and acknowledged.

Kellie Sullivan  
Office of the Secretary of the Commonwealth  
Public Records Division  
One Ashburton Place, Room 1719  
Boston, MA 02108  
617-727-2832

**From:** Linda Segal [mailto:lmlsegal@comcast.net]  
**Sent:** Wednesday, July 13, 2016 1:25 PM  
**To:** SEC-DL-PREWEB  
**Cc:** Linda L. Segal  
**Subject:** SPR16/314

**SPR16/314**

Shawn Williams, Supervisor of Public Records  
Attorney Stephen Shorey

Good afternoon,

I received the email you see below on Saturday. I waited a few days to see if the Assistant Town Administrator might have more to say once he got back to the office after vacation. I have heard nothing further.

The last twelve pages of the Selectmen's June 27, 2016 agenda packet posted on the town website by office staff included all **SPR16/314** correspondence at the time, including your May 24 letter and order to the school superintendent, particularly about redactions. Here is the link (large file, but it opens eventually):  
[http://www.wayland.ma.us/pages/WaylandMA\\_SelectmenAg/Board%20of%20Selectmen%20Agendas%202016/20160627Pkt.pdf](http://www.wayland.ma.us/pages/WaylandMA_SelectmenAg/Board%20of%20Selectmen%20Agendas%202016/20160627Pkt.pdf)

I will try to call your office this afternoon because as much as I tried to encourage a practical resolution to this public records request, the response below seems silent on your detailed May 24 guidance on redactions.

Thank you.

Linda Segal

**From:** Senchyshyn, John [<mailto:JSenchyshyn@wayland.ma.us>]  
**Sent:** Saturday, July 09, 2016 8:16 AM  
**To:** Linda Segal  
**Cc:** Balmer, Nan  
**Subject:** RE: Response to Email Request Dated 7/1/16

Hello Linda,

I have not been in the office this week, and I do not currently have access to your original requests or copies of Town Counsel's invoices. As such, I am responding to your email based upon my recollection of past events.

I believe there are 8 invoices which reference Mr. Cass. To provide you with copies of Town Counsel's invoices, those invoices would need to be redacted. Counsel's monthly invoices generally have 10-12 pages. To redact 8 complete invoices, I estimate approximately 4 hours of work.

To provide you with only the pages from each invoice that reference Mr. Cass, I estimate approximately 45 minutes of work to redact the pages.

The hourly rate to redact the documents is \$67.16/hour.

Please let me know how you would like to proceed.

John

John Senchyshyn  
Asst Town Administrator/HR Director  
Town of Wayland  
[jsenchyshyn@wayland.ma.us](mailto:jsenchyshyn@wayland.ma.us)  
508-358-3623

**From:** Linda Segal [<mailto:lmlsegal@comcast.net>]  
**Sent:** Friday, July 01, 2016 11:41 AM  
**To:** Senchyshyn, John  
**Cc:** [lmlsegal@comcast.net](mailto:lmlsegal@comcast.net)  
**Subject:** email response to your June 27 letter

John Senchyshyn  
Assistant Town Administrator  
Wayland Town Building  
41 Cochituate Road  
Wayland, MA 01778

July 1, 2016

Re: **SPR16/314**  
Appeal of Denial of Access to Public Records

Hi, John,

Thank you for your June 27, 2016 letter regarding my public records request and appeals.

Why not simply send me electronically the requested town counsel invoices that include and cover all the legal expenses, from May 1, 2015 to the present, related to the alleged theft of a MacBook computer owned by the Wayland Public Schools, including the invoices described in your June 27 letter that mention Mr. Cass by name?

Thank you.

Sincerely,

Linda L. Segal

cc: Shawn Williams, Supervisor of Public Records

**MARK J. LANZA**

*Attorney At Law*

9 Damonmill Square, Suite 4A4

Concord, MA 01742

(978) 369-9100

Fax (978) 369-9916

mjlanza@comcast.net

Sudbury Office:

11 Meadow Drive

Sudbury, MA 01776

(978) 440-8007

Fax (978) 261-5034

August 1, 2016

Shawn A. Williams  
Supervisor of Records  
Public Records Division  
One Ashburton Place - Room 1719  
Boston, MA 02108

RE: SPR16/314 and SPR16/459

Dear Mr. Williams:

I am writing you on behalf of the Superintendent of Schools of the Town of Wayland Public Schools and the Town Administration in response to your letter to Mr. Paul Stein, Superintendent of Schools, dated July 14, 2016, which includes an order to the Town relative to the portions of the legal invoices that Ms. Linda Segal has requested. As the attorney who engaged in the attorney-client privileged communications at issue and the person who prepared the invoices, I have a detailed knowledge of them.

In response to your letter to Mr. Stein dated May 24, 2106 about SPR16/314, Mr. Stein responded on June 2, 2016 stating that he cannot provide the detail portions of the invoices received by his office from me since May 1, 2016 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 do, in fact, relate to private communications between members of the School Committee, Mr. Stein and other School Department administrators and me. The communications relate to legal advice provided by me which was sought by School officials. They have not waived the attorney-client privilege as to these communications. Thus, they cannot be disclosed.

Further, the invoices to the School Committee are not kept in a format which lists the general title of the matter, the dates of the legal services performed and the money charged for the services, including out-of-pocket expenses. If the School Committee authorizes me to do so, I will send them to you for an in camera review, subject to a confidentiality agreement.

My invoices to the Town (Board of Selectmen), on the other hand, are kept in a format which lists the general title of the matter, the dates of the legal services performed and the money charged for the services, including out-of-pocket expenses, but only for litigation in which the Town is party. The Town was not a party in the Commonwealth of Massachusetts v. Stephen Cass, criminal case. Any time and expenses charged to the Town relative to the the alleged theft of a MacBook computer owned by the Wayland Public Schools were not summarized by the general title of the matter, the dates of the legal services performed and the money charged for the services, including out-of-pocket expenses.

I any event, on July 9, 2016, the Assistant Town Administrator sent Ms. Segal the enclosed e-mail message in which he offered to produce portions of redacted invoices in response to her request. Ms. Segal has not responded. Thus, the Town has done everything that it could to respond to Ms. Segal's request.

Thank you for your attention to this matter.

Sincerely,



Mark J. Lanza  
Town Counsel

MJL/ms

Enclosure

cc Linda Segal (w/ encl.)

Paul Stein, Supt' of School (w/out encl.)

John Senchyshyn, Ass't Town Admin'r (w/ encl.)

**From:** Senchyshyn, John  
**Sent:** Saturday, July 09, 2016 8:16 AM  
**To:** 'Linda Segal'  
**Cc:** Balmer, Nan  
**Subject:** RE: Response to Email Request Dated 7/1/16

Hello Linda,

I have not been in the office this week, and I do not currently have access to your original requests or copies of Town Counsel's invoices. As such, I am responding to your email based upon my recollection of past events.

I believe there are 8 invoices which reference Mr. Cass. To provide you with copies of Town Counsel's invoices, those invoices would need to be redacted. Counsel's monthly invoices generally have 10-12 pages. To redact 8 complete invoices, I estimate approximately 4 hours of work.

To provide you with only the pages from each invoice that reference Mr. Cass, I estimate approximately 45 minutes of work to redact the pages.

The hourly rate to redact the documents is \$67.16/hour.

Please let me know how you would like to proceed.

John

John Senchyshyn  
Asst Town Administrator/HR Director  
Town of Wayland  
[jsenchyshyn@wayland.ma.us](mailto:jsenchyshyn@wayland.ma.us)

508-358-3623

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**From:** Linda Segal [mailto:lmisegal@comcast.net]  
**Sent:** Friday, July 01, 2016 11:41 AM  
**To:** Senchyshyn, John  
**Cc:** lmisegal@comcast.net  
**Subject:** email response to your June 27 letter

John Senchyshyn  
Assistant Town Administrator  
Wayland Town Building  
41 Cochituate Road  
Wayland, MA 01778

July 1, 2016

**Re: SPR16/314**  
Appeal of Denial of Access to Public Records

Hi, John,

Thank you for your June 27, 2016 letter regarding my public records request and appeals.

Why not simply send me electronically the requested town counsel invoices that include and cover all the legal expenses, from May 1, 2015 to the present, related to the alleged theft of a MacBook computer owned by the Wayland Public Schools, including the invoices described in your June 27 letter that mention Mr. Cass by name?

Thank you.

Sincerely,

Linda L. Segal

cc: Shawn Williams, Supervisor of Public Records

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# 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

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

August 5, 2016

Kevin W. Managanaro  
Assistant Attorney General  
Division of Open Government  
Office of Attorney General  
One Ashburton Place, 20th Floor  
Boston, MA 02108

RE: Open Meeting Law Complaints of George H. Harris  
dated March 10 and 24, 2016 - Wayland Board of Selectmen;  
OML 2016-98

Dear Mr. Manganaro:

I am writing you in response to your letter to me dated July 22, 2016 relative to the above-referenced matter in which the Office of the Attorney General determined that the Board of Selectmen intentionally violated the Open Meeting Law by failing to create and maintain minutes of its meetings in a timely manner. Although the Board respectfully disagrees with the Attorney General's determination that the Board's failure to prepare its meeting minutes in a timely manner was intentional, the Board will not contest or appeal the determination. The Board waives its right to the hearing to which this matter was referred pursuant to 940 CMR 29.07(3). The Board will pay the \$1,000.00 fine imposed by the Attorney General within 30 days of the date of this letter. Please confirm that these terms of the resolution of this matter are acceptable to the Attorney General.

Thank you for your attention to this matter.

Very truly yours,

Cherry Karlson, Chair

cc George H. Harris



23

Linda L. Segal  
9 Aqueduct Rd.  
Wayland, MA 01778-4605  
(508) 655-0724 [lmlsegal@comcast.net](mailto:lmlsegal@comcast.net)

RECEIVED  
AUG - 8 2016  
Board of Selectmen  
Town of Wayland

Supervisor of Public Records  
Office of State Secretary  
One Ashburton Place, Room 1719  
Boston, MA 02108

August 7, 2016

RE: **SPR16/314 and SPR16/459**  
Appeal of Denial of Access to Public Records  
Request for Enforcement  
Response to Aug. 1, 2016 letter from Wayland Town Counsel Mark Lanza

Dear Mr. Williams:

I write to acknowledge receipt of Wayland Town Counsel Mark Lanza's August 1, 2016 letter responding to my July 29, 2016 request for enforcement under cases **SPR16/314 and SPR16/459**.

I agree with and support Town Counsel's offer to facilitate an "in camera" review of his invoices to the Schools by the Supervisor of Public Records to determine if those documents contain privileged communications as defined by the public records law.

I respectfully request that the offer be expanded to include ALL invoices Town Counsel submitted to both the Town and the Schools regarding the subject matter of my original April 1 public records request: "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".

I take particular exception to Mr. Lanza's claims that his invoices are privileged because they "relate to private communications" and "relate to legal advice provided by me....." Mr. Lanza does not state with clarity that the requested public documents that he and the record custodians have been withholding actually contain privileged communications. I have been seeking access to town counsel billing invoices that itemize the subject matter, time spent and legal charges.

The provisions and requirements under the public records law regarding attorney-client privilege were explained to Wayland officials in the Supervisor's detailed May 24 and July 14 letters.

The Supervisor's July 14 letter and second order, under case number **SPR16/459**, informed Wayland officials of the finding that "...the Schools and the Town have failed to rebut the presumption that the responsive portions of the legal invoices are public records."

Neither record custodian for the Schools or the Town has provided the required specificity to justify redacting or withholding the requested invoices.

After four months time, an "in camera" review by the Supervisor of Public Records of all town counsel invoices responsive to my original April 1 public records request would be a welcomed and logical next step.

Thank you again for your assistance with this appeal.

Sincerely,

A handwritten signature in cursive script that reads "Linda L. Segal".

Linda L. Segal

cc: Wayland School Superintendent Paul Stein  
Wayland Town Administrator Nan Balmer  
Wayland Assistant Town Administrator John Senchyshyn  
Wayland Board of Selectmen