

**PACKET**

**JAN 30**

**2017**



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, January 30, 2017**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**41 Cochituate Road Wayland**

In the event of inclement weather and this meeting is canceled, the meeting will be held on January 31, 2017, at 7:00 p.m. See separate posting.

Cancellations will be announced by 4:00 p.m. on the date of the meeting on the Town's website.

### Proposed Agenda

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

- 6:30 pm 1.) Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees; and
- Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes: Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to Health Insurance Negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association; and a Discussion of Strategy with Respect Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, Relative to Property and Development Located Off 400-440 Boston Post Road:
- APPROVE FOR RELEASE WITH REDACTIONS: December 19, 2016  
APPROVE AND HOLD: January 9, 2017
- 7:00 pm 2.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) Interviews and Potential Vote to Appoint to Boards and Committees
1. Historic District Commission
    - Seema Mysore
  2. Historical Commission
    - Amanda Ciaccio



## **BOARD OF SELECTMEN**

**Monday, January 30, 2017  
Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road Wayland**

### **Proposed Agenda Page Two**

- 7:25 pm 5.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the River's Edge Project at 484-490 Boston Post Road because a Public Discussion of This Matter will have a Detrimental Effect on the Bargaining or Negotiating Position of the Town
- 7:55 pm 6.) Vote to Issue Notice of Award to Developer for the River's Edge Project
- 8:25 pm 7.) Discuss and Vote Positions on Annual Town Meeting Articles
- A. Recognize Citizens and Employees for Particular Service to the Town
  - B. Pay Previous Fiscal Year Unpaid Bills
  - E. Personnel Bylaws and Wage & Classification Plan
  - F. Compensation for Town Clerk
  - H. Rescind Authorized but Unissued Debt
    - I. Accept Gifts of Land
    - J. Hear Reports
  - K. Choose Town Officers
  - L. Sell or Trade Vehicles and Equipment
  - M. Town Clerk to Be Appointed Rather Than Elected
  - S. Preservation of Historically Significant Buildings Through Demolition Delay
  - U. Appropriate Funds for Alternative Use of Town Building Library
  - V. Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application
- 9:05 pm 8.) Review and Vote Changes to FY18 Budget for Departments under the Jurisdiction of the Board of Selectmen
- 9:35 pm 9.) Minutes: Review and Vote to Approve Minutes of January 17, 2017
- 9:40 pm 10.) Consent Calendar: Review and Vote to Approve (See Separate Sheet)
- 9:45 pm 11.) Review Correspondence (See Separate Index Sheet)
- 9:55 pm 12.) Report of the Town Administrator
- 10:05 pm 13.) Selectmen's Reports and Concerns
- 10:15 pm 14.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:20 pm 15.) Adjourn

# (4) APPOINTMENTS

**DATE:           JANUARY 27, 2017**

**TO:             BOARD OF SELECTMEN**

**RE:             APPOINTMENT TO HISTORIC DISTRICT COMMISSION**  
**APPOINTMENT TO HISTORICAL COMMISSION**

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Seema Mysore has expressed an interest in serving on the Historic District Commission as a full member for the term to expire on June 30, 2019. Her letter of interest and résumé is attached.

Amanda Ciaccio has expressed an interest in serving on the Historical Commission as a full member for the term to expire on June 30, 2017. Her letter of interest and résumé is attached.

**VOTE: TO APPOINT SEEMA MYSORE TO THE HISTORIC DISTRICT COMMISSION, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2019.**

**VOTE: TO APPOINT AMANDA CIACCIO TO THE HISTORICAL COMMISSION, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2017.**



December 12<sup>th</sup>, 2016

Board of Selectmen  
Wayland, MA 01778

Dear Sir or Madam:

I would like you to consider me for the open volunteer position on the Historic District commission in Wayland MA.

I have a degree in Architecture which gives me a great appreciation for the architecture and preservations of historical buildings and would consider it great honor to volunteer my time on the committee.

Thank you for your time in considering my qualifications.

Sincerely,

*Seema Mysore*

22 Garden Path,  
Wayland MA - 01778

# Seema Mysore

## *Project Manager*

Email: [seemamysore@yahoo.com](mailto:seemamysore@yahoo.com)

Phone: (508)-241-2295

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### **Qualification Highlights**

Talented Project Manager with 10 years' experience managing projects for companies such as Iron Mountain, Nuance, Blue Cross Blue Shield and Intralinks

### **Area of expertise**

Directing IT and Customer Integration projects successfully

### **Work Experience**

#### ***Title: Professional Services Project Manager - (01/2012 – Present)***

Intralinks, Inc., Waltham, MA

- Managing Large Scale Customer Integration projects for Customers namely Federal Reserve Bank, JPMC, Bain Capital
- Maintaining Resource allocation and Project Budget
- Introducing product features with the Pre Sales teams to Customers

#### ***Title: Project Manager - (10/2008 – 11/2011)***

Nuance Communications, Inc., Burlington, MA

- Managed Radiology Healthcare projects
  - Spearheaded projects to completion adopting Waterfall and Iterative life cycle methodologies
  - Interacted with internal cross functional teams on integration of functionality
  - Measured project performance and progress using a Key Performance Index dashboard
- Project characteristics:
  - Project durations 12 months – 24 months, team size 25+
  - Project schedule maintained to a time-boxed release date with a variance of 3-4 weeks.
  - Project scope controlled using a Requirements traceability matrix and a strict change control process

***Title: Project Manager - (06/2008 – 10/2008)***

Blue Cross Blue Shield of RI, Providence, RI

- Managed Concurrent IT Projects
  - Implemented projects using the Waterfall life cycle methodology
  - Collaborated with Internal teams and External IT vendors
- Project types
  - Identity Management for managing Users access
  - Departmental IT Software Upgrades

***Title: IT Project Manager - (02/2008 – 06/2008)***

XIUS-bcgi (Contractor), Bedford, MA

- Managed Customer Implementation projects
  - Achieved a 100% customer satisfaction rating

***Title: Project Manager - (11/2006 – 02/2008)***

Iron Mountain Digital, Southborough, MA

- Managed Customer Onboarding and Internal workflow projects
  - Applied Six Sigma evaluation metrics
  - Following SDLC established by a PMO
  - Coordinated with vendors on purchasing and service contracts
- Project characteristics
  - Project budget of 75K+

***Title: Project Manager - (3/2005 – 10/2006)***

TrueAdvantage, Southborough, MA

- Managed Customer Customization and Inside Sales team projects
  - Prepared Statement of Work (SOW) for customer projects
  - Supervised a 7 member outsourced implementation team based in India
  - Reviewed test strategy documents
  - Performed code reviews during the development stage

***Title: Project Manager/Development Leader - (1/2000 – 3/2005)***

State Street Research & Management/MetLife Inc., Boston, MA

- Administered and monitored the daily progress of the development project team
- Designed, developed and managed internal application projects for business units
  - Adopted a Project life cycle D6 methodology - Decide, Define, Design, Develop, Debug, Deploy
- Managed a 3 member application support team
- Provided technical and organizational leadership to development team members
- Acted as a consultant within departments



*Accomplishments:* Credited for managing the design and implementation of new CRM systems, Salespage for the Retail department and Siebel for the Institutional department

- Worked on the initial business requirements
- Contributed to the vendor selection process
- Coordinated the integration and historical data transfers from legacy systems
- Configured, customized and supported the upgraded systems

*Achievements:*

- Salespage's CRM System Implementation Team award
- Team Mentoring Program Task Force member award
- SSRM Portal Document Repository Task force member.

### **Professional Knowledge**

Technically adept at Client/Server Side Technology and Vendor Applications

*Managerial:*

Frontline Leadership and Management Development Certificate

### **Education**

Pace University, White Plains NY

**Masters in Computer Science**, May 1995

BMS College of engineering, Bangalore, India

**Bachelors in Architecture**, August 1991

### **Certifications**

Harvard University Extension School, MA – In Progress

Master of Liberal Arts, General Management

### **Other Interests**

Volunteer

Member of the Wayland Town Cultural Council and Town Design Works Groups Committee

January 16, 2017

RECEIVED

JAN 17 2017

Board of Selectmen  
Town of Wayland

Amanda Ciaccio  
221 Boston Post Road  
Wayland, Massachusetts 01778

Board of Selectman  
c/o Mary Ann Dinapoli  
41 Cochituate Road  
Wayland, Massachusetts

Re: seat on the Historic Commission

Dear Ms. Dinapoli,

This letter serves to express my interest in the open seat on the Wayland Historical Commission. I have lived in Wayland for 3 years and I am excited about the opportunity to contribute to my community in an impactful way. I have dedicated much of my career to preserving history through archaeological excavation and teaching, so the Historical Commission is a good fit. My CV is attached.

It would be fulfilling for me to work with a committee on projects in my own town preserving valuable cultural remains. Please consider me for this position. If you have any questions, I can be reached at 267-307-4490.

Sincerely,

Amanda Ciaccio

## Education

Master of Education, September 1996  
Boston University, School of Education, Boston, Massachusetts

Master of Arts in Archaeology, September 1990  
*Concentration in Roman Archaeology*  
University of London, University College, London, England

Advanced Bachelor of Arts, 1989  
*Major: Art History and Visual Arts*  
Occidental College, Los Angeles, California

Archaeological Excavation Team, Square Leader, 1988  
U.C. Berkeley Field Work, Tel Dor, Israel

## Most Recent Experience

Education Committee Member, Shelter Island Historical Society, 2013-present

- Designed curriculum and ran an archaeological excavation at the summer camp.
- Facilitated an educational game called "Where in the World" and ran a scavenger hunt.

Docent, Lecturer & Educator, 2004-2013  
Special Projects & Program Coordinator, 2004-2008  
University of Pennsylvania Museum of Archaeology and Anthropology,  
Philadelphia, PA *Penn Museum's Education Department is now referred to as the Academic Engagement Department*

- Led tours as qualified Docent of the Etruscan, Greek, and Roman galleries.
- Taught basic archaeology courses to Elementary through High School aged students for the Museum's Education Department and the International Classroom.
- Lectured on Roman subjects at the museum and in support of the Distance Learning Program, via videoconference.
- Obtained resources to lead demonstrations, performances, and hands-on activities.
- Organized collaborative forums with other university departments and curatorial staff.
- Interviewed and trained presenters for the International Classroom and presented for the International Classroom in addition to the Museum's education department.
- Assisted with the Blind Touch Tour series in the Egyptian galleries.
- Managed Museum-on-the Go, a community outreach program.
- Coordinated the annual summer arts series of performers.
- Developed educational programming, children's workshops, and summer camp curriculum.



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**Amanda Ciaccio**  
221 Boston Post Road, Wayland MA 01778  
267-307-4490; [aciaccio@hotmail.com](mailto:aciaccio@hotmail.com)

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### **Related Archaeology Experience**

Excavator, Charlestown Commons, Fall 2013  
Excavator, Sylvester Manor, 1998  
Excavator, Balch House, 1998  
Field Archaeologist, Museum Lauriacum, Enns, Austria, 1990  
Intern, Southwest Museum, Highland Park, California, 1988

### **Additional Work**

Financial Advisor, Boston University, Boston, MA, 1994-1997  
Graduate Admissions Officer, Boston University (Overseas) Seckenheim, Germany, 1990-1993  
Adjunct Lecturer, City Colleges of Chicago, Schwetzingen, Germany, 1992-1993  
Art History Lecturer, Schiller International University, Heidelberg Germany, 1993

### **Community Involvement**

Licensed Real Estate Salesperson, Commonwealth of MA, 2016  
Occidental College AIA State Chair, 2012-present  
Claypit Hill School's Bookfair Co-Chair, 2016-2017  
Claypit Hill School's Testing/Vision and Hearing Chair, 2015-2016  
Council Member, Marblehead Arts Association, 1995-1998  
Junior Great Books Instructor, 1999-2003

### **Personal**

Traveling, sailing, biking, hiking, gardening and reading

# (7) ATM ARTICLES

## ARTICLE LIST FOR 2017 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

| Article | 2017 Article Name                                                   | Sponsor            | Assignee Selectmen | Assignee FinCom         | Position Selectmen | Position FinCom |
|---------|---------------------------------------------------------------------|--------------------|--------------------|-------------------------|--------------------|-----------------|
| A       | Recognize Citizens and Employees for Particular Service to the Town | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| B       | Pay Previous Fiscal Year Unpaid Bills                               | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| C       | Current Year Transfers                                              | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| D       | OPEB Funding                                                        | Finance Committee  | C. Karlson         | K. Shigley              |                    |                 |
| E       | Personnel Bylaws and Wage & Classification Plan                     | Personnel Board    | C. Karlson         | D. Watkins              |                    |                 |
| F       | Compensation for Town Clerk                                         | Board of Selectmen | C. Karlson         | C. Martin               |                    |                 |
| G       | FY 2018 Omnibus Budget                                              | Finance Committee  | C. Karlson         | D. Watkins<br>C. Martin |                    |                 |
| H       | Rescind Authorized but Unissued Debt                                | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| I       | Accept Gifts of Land                                                | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| J       | Hear Reports                                                        | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| K       | Choose Town Officers                                                | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |
| L       | Sell or Trade Vehicles and Equipment                                | Board of Selectmen | C. Karlson         | D. Watkins              |                    |                 |

## ARTICLE LIST FOR 2017 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

| Article | 2017 Article Name                                                                                         | Sponsor                   | Assignee Selectmen | Assignee FinCom | Position Selectmen | Position FinCom |
|---------|-----------------------------------------------------------------------------------------------------------|---------------------------|--------------------|-----------------|--------------------|-----------------|
| M       | Town Clerk to Be Appointed Rather Than Elected                                                            | Board of Selectmen        | L. Anderson        | G. Cliff        |                    |                 |
| N       | Revolving Fund Bylaw                                                                                      | Board of Selectmen        | L. Jurist          | C. Martin       |                    |                 |
| O       | Licenses and Permits of Delinquent Taxpayers (Good Standing)                                              | Board of Selectmen        | L. Anderson        | N. Funkhouser   |                    |                 |
| P       | Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland                           | Board of Selectmen        | M. Antes           | N. Funkhouser   |                    |                 |
| Q       | Limited Site Plan Review – Exempt Uses                                                                    | Planning Board            | L. Anderson        | K. Shigley      |                    |                 |
| R       | Street Acceptance                                                                                         | Planning Board            | L. Anderson        | K. Shigley      |                    |                 |
| S       | Preservation of Historically Significant Buildings Through Demolition Delay                               | Historical Commission     | M. Antes           | G. Uveges       |                    |                 |
| T       | Non-Medical/Recreational Marijuana Moratorium – Zoning Bylaw Amendment                                    | Youth Advisory Committee  | L. Jurist          | G. Uveges       |                    |                 |
| U       | Appropriate Funds for Alternative Use of Town Building Library                                            | Council on Aging          | C. Karlson         | G. Uveges       |                    |                 |
| V       | Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application | Board of Library Trustees | J. Nolan           | C. Martin       |                    |                 |



## ARTICLE LIST FOR 2017 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

| Article | 2017 Article Name                                                                                     | Sponsor                          | Assignee Selectmen | Assignee FinCom | Position Selectmen | Position FinCom |
|---------|-------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|-----------------|--------------------|-----------------|
| W       | Authorize Acquisition of an Access and Utility Easement at 89 Stonebridge Road                        | Board of Public Works            | J. Nolan           | G. Cliff        |                    |                 |
| X       | Transfer Station Access Road Improvements                                                             | Board of Public Works            | J. Nolan           | G. Cliff        |                    |                 |
| Y       | Community Preservation Fund General Budget – Set Asides and Transfers                                 | Community Preservation Committee | M. Antes           | J. Gorke        |                    |                 |
| Z       | Appropriate Funds to Restore Mellen Law Office and Cochituate Town Clock                              | Community Preservation Committee | M. Antes           | J. Gorke        |                    |                 |
| AA      | Appropriate Funds to Hire a Housing Consultant                                                        | Community Preservation Committee | M. Antes           | J. Gorke        |                    |                 |
| BB      | Appropriate Funds to Construct Athletic Field at Oxbow Meadows                                        | Community Preservation Committee | L. Jurist          | G. Cliff        |                    |                 |
| CC      | Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods                                   | Community Preservation Committee | L. Jurist          | G. Cliff        |                    |                 |
| DD      | Appropriate Funds to Restore/Replace Windows of First Wayland High School, Now Known as Bradford Hall | Community Preservation Committee | M. Antes           | N. Funkhouser   |                    |                 |
| EE      | Plastic Bag Reduction Bylaw                                                                           | Petitioners                      | C. Karlson         | J. Gorke        |                    |                 |
| FF      | Polystyrene Food Container Bylaw                                                                      | Petitioners                      | J. Nolan           | J. Gorke        |                    |                 |



## ARTICLES SUBMITTED FOR ADMISSION TO WARRANT FOR ANNUAL TOWN MEETING

April 2, 2017

The following articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

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

*Sponsored by: Board of Selectmen*

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. To recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. To recognize employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2017, subject to a minimum of 20 years of service; and
3. To request Town Meeting observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2016 Annual Town Meeting.

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### **ARTICLE B: PAY PREVIOUS FISCAL YEAR UNPAID BILLS**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

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### **ARTICLE C: CURRENT YEAR TRANSFERS**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

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**ARTICLE D: OPEB FUNDING**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to:

a) authorize the transfer of funds from the following enterprise and revolving funds to the General Fund:

- 1) Food Service \$
- 2) Children’s Way \$

b) appropriate an aggregate amount of funds to be deposited in the Town’s Other Post-Employment Benefits Trust Fund which amount shall be provided by transferring the following sums of money from the enterprise and revolving funds:

- 1) Food Service \$
- 2) BASE \$
- 3) Children’s Way \$
- 4) Full Day Kindergarten \$
- 5) Water \$
- 6) Transfer Station \$
- 7) Recreation \$
- 8) Pegasus \$
- 9) Building Use \$
- 10) Enrichment \$ ; and

c) appropriate funds to be deposited in the Town’s Other Post-Employment Benefits Trust Fund; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose or otherwise.

**ARTICLE E: PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN**

*Sponsored by: Personnel Board*

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix TBD), previously adopted by the Town.

**ARTICLE F: COMPENSATION FOR TOWN CLERK**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk, pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2017, which salary and compensation is printed below.

**SALARY SCHEDULE – TOWN CLERK**

|            |                |                |
|------------|----------------|----------------|
|            | <u>FY 2017</u> | <u>FY 2018</u> |
| Town Clerk | \$ 70,504      | TBD            |

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

**ARTICLE G: FY 2018 OMNIBUS BUDGET**

*Proposed by: Board of Selectmen*

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

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

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to rescind the borrowings, authorized at the corresponding Town Meetings, that are deemed no longer necessary because the projects funded by the borrowings have been completed.

**ARTICLE I: ACCEPT GIFTS OF LAND**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

**ARTICLE J: HEAR REPORTS**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

- Board of Assessors
- Community Preservation Committee
- Energy Initiatives Advisory Committee
- Youth Advisory Committee

**ARTICLE K: CHOOSE TOWN OFFICERS**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot

Trustees of the Allen Fund  
 Fence Viewers  
 Field Drivers  
 Measurers of Wood and Bark  
 Surveyors of Lumber

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

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

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

**ARTICLE M:     TOWN CLERK TO BE APPOINTED RATHER THAN ELECTED**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote pursuant to G.L. c. 41, §1B to change the position of elected Town Clerk to an appointed Town Clerk; provided however, that before such a change will take effect, it must be approved by the voters at the 201--- Annual Town Election, or take any other action related thereto.

**ARTICLE N:     REVOLVING FUND BYLAW**

*Proposed by: Board of Selectmen*

Revolving Funds (Part One)

To determine whether the Town will vote to amend Chapter 19 of the Town Code by inserting a new Section 10 entitled Revolving Funds, pursuant to the provisions of G.L. c.44, §53E½ as most recently amended by §86 of Chapter 218 of the Acts of 2016, establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows, or take any other action related thereto:

**§\_\_\_.     Revolving Funds.**

§\_\_\_. Pursuant to G.L. c. 44, §53E ½, as amended by Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called), there are hereby established the following Revolving Funds for the departments listed below which shall be credited with the receipts collected in connection with the stated programs and activities and which shall be expended by the authorized Town board, department or officer for the purposes of such programs and activities listed below:

|   | REVOLVING FUND   | AUTHORITY TO SPEND FUND                | REVENUE SOURCES                                                                                        | USE OF FUNDS                                                                                                                                                                                         |
|---|------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Transfer Station | DPW Director and Board of Public Works | Transfer Station fees for stickers, recycling, Pay as You Throw bags and miscellaneous related revenue | Personnel costs, hauling and tipping fees, equipment repairs and replacement, supplies, uniforms, fuel, indirect costs and miscellaneous related expenses for the operation of the Transfer Station. |

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.



|    |                                              |                                                |                                                                                                                                    |                                                                                                                                                                                       |
|----|----------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2  | Recreation: Programs                         | Recreation Director and Commission             | Recreation program and event user fees, sponsorships and miscellaneous related revenue (excluding beach and field / gym user fees) | Personnel costs, vendor payments, supplies, transportation, indirect costs and miscellaneous related expenses for recreation programs (excluding expenses for beach and fields / gym) |
| 3. | Recreation: Fields and Gym                   | Recreation Director and Commission             | Fees paid for the use of natural and turf fields and for use of the gym in Town Building                                           | Expenses for the maintenance and improvement of natural and turf fields and Town Building gym, indirect costs.                                                                        |
| 4. | Recreation: Beach                            | Recreation Director and Commission             | Fees paid for the use of natural and turf fields and for use of the gym in Town Building.                                          | Expenses for the maintenance and improvement of the Town Beach, indirect costs.                                                                                                       |
| 5. | Council on Aging                             | Council on Aging Director and Council on Aging | Council on Aging program user fees, and miscellaneous related revenue                                                              | Vendor payments, supplies, transportation, indirect costs and miscellaneous related expenses for Council on Aging programs                                                            |
| 6  | School Department – Professional Development | School Business Manager and School Committee   | Teachers’ user fees for training programs and miscellaneous related revenue                                                        | Training program costs, instructional fees and materials                                                                                                                              |
| 7. | School Department – Curriculum               | School Business Manager and School Committee   | Departmental receipts from parents for materials                                                                                   | Instructional materials                                                                                                                                                               |

§\_\_\_\_. All Revolving Funds are subject to the annual limitations on expenditure and established by Town Meeting.

**Revolving Funds (Part 2)**

To determine whether the Town will vote pursuant to G.L. c. 44, §53E ½, as amended by Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called), to set the following annual limitations on expenditures for revolving accounts authorized by bylaw for Fiscal Year 2018, or take any other action related thereto:

1. Transfer Station - \$-----
2. Recreation: Programs - \$-----
3. Recreation: Fields and Gym

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4. Recreation: Beach
5. Council on Aging - \$-----
6. School Department/Professional Development -----
7. School Department/Curriculum -----

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**ARTICLE O: LICENSES AND PERMITS OF DELINQUENT TAXPAYERS (GOOD STANDING)**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to accept the provisions of G.L. Chapter 40, Section 57, as amended by Sections 37 and 38 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called), and amend Chapter \_\_\_\_, of the Town Code, by adding a new Section \_\_\_\_ entitled Licenses and Permits of Delinquent Taxpayers, as follows, or take any other action related thereto:

**§ \_\_\_\_ . Licenses and Permits of Delinquent Taxpayers.**

**§ \_\_\_\_ . List of delinquent taxpayers.** The Treasurer/Collector or other municipal official responsible for the records of all Town of Wayland taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Treasurer/Collector, shall annually, and may periodically, furnish to each department, board, committee, commission or division, hereinafter referred to as the licensing authority, which issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

**§ \_\_\_\_ . Denial, Revocation or Suspension of License.** The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector; provided, however, that written notice is given to the party and the Treasurer/Collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Treasurer/Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town of Wayland as of the date of issuance of said certificate.

**§ \_\_\_\_ . Payment agreements.** Any party shall be given an opportunity to enter into a payment

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agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ \_\_\_\_\_. **Waiver of denial.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property. This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes; section thirty-three of chapter one hundred and one; children work permits; section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses; section twenty-one E of chapter one hundred forty; dog licenses; section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping licenses; section twelve of chapter one hundred and thirty-one; marriage licenses; section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits; section one hundred and eighty-one of chapter one hundred and forty.

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**ARTICLE P: AUTHORIZE LOCAL VOTING RIGHTS FOR PERMANENT RESIDENT ALIENS RESIDING IN WAYLAND**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register of qualified permanent resident alien voters and may thereafter vote in any election for local offices, local ballot questions, and at Town Meeting.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

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## **ARTICLE Q: LIMITED SITE PLAN REVIEW – EXEMPT USES**

*Sponsored by: Planning Board*

To determine whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

### **SECTION ONE**

Strike Section 603.3 and replace it with the following:

#### *603.3*

Notwithstanding Section 601.2, *supra*, all proposed uses of land protected under G.L. c. 40A, §3 (i.e., agricultural, educational, religious, or child care uses) ("Section 3 Uses") shall be subject to site plan review under Article 6, which shall be limited consistent with those statutory provisions. The purpose of this Section is to ensure that all such uses and facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage.

#### *603.3.1*

In reviewing the site plan submittal for a Section 3 Use, the following issues shall be considered:

- (a) relationship of the bulk, height of structures, and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area, and compliance with other requirements of this Bylaw, which includes but is not limited to lot coverage, yard sizes, lot areas and setbacks.
- (b) physical layout of the structures, driveways, utilities and other infrastructure as it relates to the convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets, and when necessary, compliance with other requirements for the disabled, minors or the elderly;
- (c) adequacy of the arrangement of parking and loading areas in relation to the proposed use of the site; and
- (d) physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts on neighboring properties and excessive light pollution.

#### *603.3.2*

Site plan review of a Section 3 Use site plan review shall be by the Planning Board ("Board"). In considering a site plan for a Section 3 Use, the Board shall consider whether the proposed uses are in harmony with the uses permitted in the underlying zoning district. Subject to the limitations of G.L. c. 40A, §3, the Board shall impose any such conditions, limitations, and safeguards as it deems

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appropriate to protect the interests of, and consistent with, the planning objectives for the underlying zoning district. The Board shall file its written decision with the Town Clerk within ninety (90) days of receipt of an application, unless such time is extended by agreement of the applicant.

**SECTION TWO**

In Section 802, Table of Permitted Uses, change the designation for Line 16, "Agriculture," under the column "Site Plan Review," to "R" with a footnote to read as follows: "Site plan review of principal agricultural uses shall be limited as set forth under Section 198-603.3 of this Zoning Bylaw."

**SECTION THREE**

In Section 802, Table of Permitted Uses, amend footnote "1" to read as follows: "Site plan review shall be limited as set forth under Section 198-603.3 of this Zoning Bylaw."

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**ARTICLE R: STREET ACCEPTANCE**

*Sponsored by: Planning Board*

To determine whether the Town will vote to accept as town ways the following streets laid out by the Board of Road Commissioners, Department of Public Works, Board of Selectmen:

- Summer Lane
- Dylan Circle
- Spencer Circle

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**ARTICLE S: PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS THROUGH DEMOLITION DELAY**

*Sponsored by: Historical Commission*

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

**PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS THROUGH DEMOLITION DELAY**

**SECTION 1 INTENT AND PURPOSE**

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

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permit applications. The issuance of demolition permits is regulated as provided by this bylaw. This bylaw applies only to the exteriors of buildings and structures.

## **SECTION 2 DEFINITIONS**

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

**APPLICATION**-An application for the demolition of a building.

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

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

**COMMISSION** – The Wayland Historical Commission or its designee.

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

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

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

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

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

## **SECTION 3 PROCEDURE**

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

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

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

The Building Commissioner shall within seven days forward a copy of the application to the

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Commission. The Commission shall within twenty-one days after receipt of the application, make a written determination of whether the building is significant.

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

Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within twenty-one days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

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

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

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

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

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

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

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preserved building within the twelve months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.

Following the twelve month delay period, the Building Commissioner may issue the demolition permit.

#### **SECTION 4 ADMINISTRATION**

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

#### **SECTION 5 EMERGENCY DEMOLITION**

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

#### **SECTION 6 ENFORCEMENT AND REMEDIES**

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

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

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

#### **SECTION 7 SEVERABILITY**

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

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**ARTICLE T: NON-MEDICAL/RECREATIONAL MARIJUANA MORATORIUM – ZONING BYLAW AMENDMENT**

*Sponsored by: Youth Advisory Committee*

To determine whether the Town will vote to amend Chapter 198 of the Town Code, the Town’s Zoning Bylaw, (I ADDED THIS BASED ON THE SAMPLE WE WERE GIVEN) by making the following revision by adding a new Section\_\_\_\_\_, entitled Temporary Moratorium On Non-Medical/ Recreational Marijuana Establishments and further to amend the Table of Contents to add Section \_\_\_\_, “Temporary Moratorium on Non-Medical/Recreational Marijuana Establishments” as follows, or take any other action related thereto:

**Section One Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, begins to take effect on December 15, 2016 and as amended on December 30, 2016 via Chapter 351 of the Acts of 2016, requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently, a Non-Medical or Recreational Marijuana Establishment (hereafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 940, §I, is not specifically addressed in the Town’s Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical/Recreational Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

**Section \_\_\_\_. Definition**

“Non-Medical/Recreational Marijuana establishment” shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

**Section \_\_\_\_\_.Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Non-Medical/Recreational Marijuana Establishment and other uses related to non-medical/recreational marijuana The moratorium shall be in effect through January 1, 2019 or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later. During the moratorium period, the Town shall undertake a planning process

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to address the potential impacts of non-medical/recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

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**ARTICLE U: APPROPRIATE FUNDS FOR ALTERNATIVE USE OF TOWN BUILDING LIBRARY**

*Sponsored by: Council on Aging*

*Estimated Cost: \$95,000*

To determine whether the Town will vote to appropriate a sum not to exceed \$95,000 to study the feasibility of adapting the library building to serve as an alternative municipal occupant, contingent on the Wayland library's receipt of a **Massachusetts Public Library Construction Program (MPLCP)** grant to build a new library at another site, or being placed on a waiting list for such designation in future rounds. Said sum shall be expended under the direction of the Board of Selectmen for the purpose of studying the potential cost of altering the existing library building and parking lot for reuse as another municipal use. To meet this appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow \$95,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$95,000 in principal amount and that the Town Administrator with the approval by the voters of the Town of Wayland is authorized to take any action necessary to carry out this program.

The design scope shall include a study of various alternative renovations to the existing building and expansion as needed, as well as related site development including the potential acquisition of adjacent property. The design will determine the maximum capacity of building area for that site, with engineering confirmation that wastewater capacity is available and sufficient for that size building and for proposed alternative uses. The current library building is approximately 14,025 sq. ft. The results of this study will allow citizens to make a more informed comparison of potential benefits and related costs that this site would offer should the Town decide to keep the building for municipal use.

No funds allocated under this Article shall be expended until Massachusetts Public Library Construction Program (MPLCP) announces the results of the current grant application process. An announcement is expected in July 2017. However, the Board of Selectmen may choose to explore alternatives for improving the building if the library is to remain at that location, using these funds.

In addition, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing in compliance with Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and to authorize the Town Administrator with the approval by the voters of the Town of Wayland to take any action necessary to carry out this program.

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**ARTICLE V: ACCEPTANCE OF DESIGN FOR NEW LIBRARY AND APPROVAL AND AUTHORIZATION OF LIBRARY BUILDING GRANT APPLICATION**

*Sponsored by: Board of Library Trustees*

To determine whether the Town will vote to:

- a.) accept the preliminary design for the construction of a new library at 195 Main Street as recommended by the Board of Library Trustees, the Library Planning Committee, and the Permanent Municipal Building Committee; and
- b.) authorize the Board of Selectmen and/or the Board of Library Trustees to apply for, accept, and expend, without further appropriation, but with the approval of the Permanent Municipal Building Committee, any state funds that may be available to defray all or part of the cost of the design, construction, and equipping of the new library building, including, but not limited to, a public library construction grant from the Massachusetts Board of Library Commissioners.

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**ARTICLE W: AUTHORIZE ACQUISITION OF ACCESS AND UTILITY EASEMENT AT 89 STONEBRIDGE ROAD**

*Sponsored by: Board of Public Works*

To determine whether the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen deems appropriate, an access and utility easement on property commonly known as 89 Stonebridge Road, identified as Tax Map 37, Lot 32A, described in a deed recorded with the Middlesex South District Registry of Deeds in Book 62732, Page 282, said easement shown on a plan entitled "Plan of Land in Wayland, Massachusetts 89 Stonebridge Road Habitat for Humanity," dated December 5, 2016, on file with the Town Clerk, and further to authorize the Board of Selectmen to execute any and all documents as may be necessary or convenient in relation thereto.

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**ARTICLE X: TRANSFER STATION ACCESS ROAD IMPROVEMENTS**

*Sponsored by: Board of Public Works*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Public Works to rehabilitate access way connecting Route 20 to the existing Solid Waste Transfer Station; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise, provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitation on taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 and 1/2, so called).

This project will resurface the existing roadway and make environmental improvements to increase the

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site's ability to hold flood waters, create wetland resource areas, improve habitat by creating wildlife crossings, and restore the Sandy Hill Area of the site.

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**ARTICLE Y: COMMUNITY PRESERVATION FUND GENERAL BUDGET –  
SET ASIDES AND TRANSFERS**

*Sponsored by: Community Preservation Committee*

To determine:

- a.) whether the Town will vote to set aside from the Community Preservation Fund's Uncommitted Fund for later spending:
  - i.) \$89,019 for open space, but not including land for recreational use, \$89,019 for historic resources, and \$89,019 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6 for FY 2016; and
  - ii.) \$10,000 for administrative expenses; and
  - iii.) \$411,111 for FY' 18 debt service obligations from prior town meeting approval for the purchase of conservation restriction on Mainstone Farm.
  
- b.) whether the Town will vote to transfer funds in the amount of \$89,019 from the Community Housing Fund of the Community Preservation Fund to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF).

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**ARTICLE Z: APPROPRIATE FUNDS TO RESTORE MELLEN LAW OFFICE  
AND COCHITUATE TOWN CLOCK**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a) appropriate a sum of money:
  - i) up to \$30,000 to be expended to restore/preserve the Mellen Law Office, a town-owned building at 35 Cochituate Road in Wayland Center; and
  - ii) up to \$30,200 to be expended to restore faces of the Cochituate Town Clock at 80 Main Street.
  
- b) determine whether said appropriations shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than:
  - i) \$30,000 of the funds so appropriated for the Mellen Law Office shall be transferred from the Community Preservation Fund's Historic Preservation Fund; and
  - ii) \$30,200 of the funds so appropriated for the Cochituate Town Clock shall be transferred from the Community Preservation Fund's Historic Preservation Fund.

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**ARTICLE AA: APPROPRIATE FUNDS TO HIRE A HOUSING CONSULTANT**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a.) appropriate a sum of money up to \$20,000 to be expended by the Town of Wayland to hire a Housing Consultant to assist with affordable housing issues; and
- b.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$20,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund for Community Housing use.

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**ARTICLE BB: APPROPRIATE FUNDS TO CONSTRUCT ATHLETIC FIELD AT OXBOW MEADOWS**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a) appropriate a sum of money up to \$300,000 to be expended by the Wayland Recreation Commission to construct one full size athletic field with parking at Oxbow Meadows, Oxbow Road; and
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$300,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund for Recreational use.

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**ARTICLE CC: APPROPRIATE FUNDS TO CONSTRUCT ADA TRAILS AND SIGNS AT DUDLEY WOODS**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a) appropriate a sum of money up to \$50,000 to be expended to construct ADA accessible trails at Dudley Woods a 7-acre parcel near Dudley Pond; and
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$50,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund for Recreational use.

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**ARTICLE DD: APPROPRIATE FUNDS TO RESTORE/REPLACE WINDOWS OF FIRST WAYLAND HIGH SCHOOL, NOW KNOWN AS BRADFORD HALL**

*Sponsored by: Community Preservation Committee*

To determine whether the Town will vote to:

- a) appropriate a sum of money up to \$80,000 to be expended to preserve restore/replace the windows of the first Wayland High School, now known as Bradford Hall, 53 Cochituate Road; and
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$50,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Historic Preservation Fund and \$30,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund.

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**ARTICLE EE: PLASTIC BAG REDUCTION BYLAW**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the elimination of single use plastic checkout bags, as follows:

**Section 1. Purpose and Intent**

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single-use plastic checkout bags that are distributed in the Town of Wayland and to promote the use of reusable bags.

**Section 2. Definitions**

2.1 *Checkout bag* means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 *Grocery Store* means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.3 *Retail Store* means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

2.4 *Reusable checkout bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 Mills in thickness.

2.5 *Thin-film single-use plastic bags* are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

2.6 *Recyclable paper bag* means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

2.7 This bylaw shall be known as the *Plastic Bag Reduction Bylaw*.

### **Section 3. Use Regulations**

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Wayland.

3.2 If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.

3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

### **Section 4. Effective Date**

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later. Upon application of the owner or the owner’s representative, the Board of Public Works may exempt a retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Public Works that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.

### **Section 5. Enforcement**

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Public Works. The Board of Public Works shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, incorporating the process into other town duties as appropriate.

5.2 Any retail or grocery store distributing plastic checkout bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Section 2-2 of the bylaws, Noncriminal disposition of violations; enforcement. Any such fines shall be paid to the Town of Wayland.

5.3 Section 2-2 is amended to add a new section as follows:

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.



Violation of the Plastic Bag Reduction Bylaw

- (1) Penalty: 1<sup>st</sup> offense – Warning;  
2<sup>nd</sup> offense - \$50 per day; 3<sup>rd</sup> and each subsequent offense - \$100 per day.
- (2) Enforcing persons: Board of Public Works

**Section 6. Severability**

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

**ARTICLE FF: POLYSTYRENE FOOD CONTAINER BYLAW**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the reduction of polystyrene use, as follows:

**Section 1. Purpose and Intent**

Polystyrene contains dangerous substances which when heated release toxic chemicals that may be carcinogenic. Eliminating polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Wayland. Expanded polystyrene food containers form a significant portion of the solid waste going into our landfills. Polystyrene is not biodegradable; once buried in a landfill it will remain there for centuries.

**Section 2. Definitions**

1. *“Disposable Food Service Container”* means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition includes single-use disposable items such as straws, cup lids, or utensils.
2. *“Food Establishment”* means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishment shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere. School cafeterias are included in this ordinance.
3. *“Polystyrene”* means and includes blown polystyrene and expanded and extruded foams (sometimes called “Styrofoam,” a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this bylaw is referenced as “Foam Polystyrene.” Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. The term also means and includes clear or solid polystyrene which is also known as “oriented,” and referenced in this bylaw as “Rigid

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

Polystyrene.” “Rigid Polystyrene” is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.

4. “*Prepared Food*” means any food or beverage prepared on the Food Establishment’s premises for consumption on the premises or elsewhere, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.
5. This bylaw shall be known as the *Polystyrene Food Container Bylaw*.

### **Section 3. Use Regulations**

Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service Containers made from Polystyrene.

### **Section 4. Effective Date**

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later. Upon application of the owner or the owner’s representative, the Board of Health may exempt a food establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that (1) the requirements of this section would cause undue hardship; or (2) a food establishment requires additional time in order to draw down an existing inventory of polystyrene disposable food service containers.

### **Section 5. Enforcement**

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health. The Board of Health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and/or incorporating inspections into existing food establishment inspections.

5.2 Any food establishment in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Section 2-2 of the bylaws, Noncriminal disposition of violations; enforcement. Any such fines shall be paid to the Town of Wayland.

5.3 Section 2-2 is amended to add a new section as follows:

Violation of the Polystyrene Food Container Bylaw.

- (1) Penalty: 1<sup>st</sup> offense – Warning;  
2<sup>nd</sup> offense - \$50 per day; 3<sup>rd</sup> and each subsequent offense - \$100 per day.
- (2) Enforcing persons: Board of Health

### **Section 6. Severability**

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

These articles were submitted for consideration for inclusion in the Warrant for the Annual Town Meeting to begin on Sunday, April 2, 2017. Please note these articles are not in their final order, and are subject to nonsubstantive revisions between now and the time the Warrant is finalized.

First Draft not reviewed by FinCom**ARTICLE \_\_\_\_: APPROPRIATE FUNDS FOR FEASIBILITY STUDY OF ALTERNATIVE USE OF TOWN LIBRARY BUILDING***Sponsored by: Council on Aging Estimated Cost: \$95,000*

To determine whether the Town will vote to appropriate a sum not to exceed \$95,000 to study the feasibility of adapting the library building to serve as an alternative municipal occupant, contingent on the Wayland library's receipt of a **Massachusetts Public Library Construction Program (MPLCP)** grant to build a new library at another site, or being placed on a waiting list for such designation in future rounds. Said sum shall be expended under the direction of the Board of Selectmen for the purpose of studying the potential cost of altering the existing library building and parking lot for reuse as another municipal use. To meet this appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow \$95,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefor aggregating not more than \$95,000 in principal amount and that the Town Administrator with the approval by the voters of the Town of Wayland is authorized to take any action necessary to carry out this program.

The design scope shall include a study of various alternative renovations to the existing building and expansion as needed, as well as related site development including the potential acquisition of adjacent property. The design will determine the maximum capacity of building area for that site, with engineering confirmation that wastewater capacity is available and sufficient for that size building and for proposed alternative uses. The current library building is approximately 14,025 sq. ft. The results of this study will allow citizens to make a more informed comparison of potential benefits and related costs that this site would offer should the Town decide to keep the building for municipal use.

No funds allocated under this Article shall be expended until Massachusetts Public Library Construction Program (MPLCP) announces the results of the current grant application process. An announcement is expected in July 2017. However, the BoS may choose to explore alternatives for improving the building if the library is to remain at that location, using these funds.

In addition, to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing in compliance with Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and to authorize the Town Administrator with the approval by the voters of the Town of Wayland to take any action necessary to carry out this program.

**FINANCE COMMITTEE COMMENTS:**

This article is part of a process to determine both: what costs the Town might expect to incur to renovate the current Library building for any town use as office and/or gathering space; and what costs the Town might expect to incur if the building were re-designed to serve any municipal function, including School Board offices or a micro library with a combined Council on Aging and Recreation/Community Center facility.

The use of the requested funds shall be as follows:

|                                             |          |
|---------------------------------------------|----------|
| Architectural Design fee:                   | \$20,000 |
| Code Analysis:                              | 3,000    |
| Construction & Operating Cost Consultant:   | 3,000    |
| Structural, MEP, FP Engineering Consultant: | 15,000   |

## First Draft not reviewed by FinCom

|                                           |               |
|-------------------------------------------|---------------|
| Civil Eng., Wetlands, Parking Consultant: | 15,000        |
| Traffic Consultant:                       | 0             |
| Contingency:                              | <u>39,000</u> |
| Total                                     | \$95,000      |

Although this property has been the subject of other studies by the Library Trustees, their focus was on meeting the state grant program requirements of over 30,000 SF of building area and 95 parking spaces. This study would be to determine what maximum capacity the site actually does have for both building area and related parking.

At the Annual Town meeting in April 2015 ( Article 26) the Town authorized funding for a feasibility study for construction of an Aging/Community Center Building on the so-called "Municipal Pad" at the Town Center. Of the \$150,000 funding authorization, \$ were spent and \$ remain. The remaining funds have not been released back to the Town to partially fund this request.

At the Annual Town Meeting of April 2016, the Board of Selectmen and the Council on Aging sponsored Article 21 to appropriate \$425,000 for the design, construction documents and bidding for a proposed council on aging / community center at Wayland Town Center. This article was defeated at the meeting.

### **VOTES:**

The Council on Aging voted **x to x** on February ,2017 to support this article.

The Board of Selectmen voted **X to X to support this article.**

### **ARGUMENTS IN FAVOR**

- If the Library moves to a new building, the iconic original building should be preserved for the benefit of the community, not stand empty or be sold. The costs of renovating and using the building should be studied and understood for planning purposes.
- In the GMI audit report, the School Board offices were shown to fit into the building with room to spare for meeting space. However, many of the decorative interior spaces would have to be gutted to do so. An updated cost estimate of this option is needed.
- Many residents in Wayland have actively pursued a Community Center in Wayland and have held events to demonstrate such support for a facility that is available in many of Wayland's peer towns. For example, new indoor recreation space will create play space for young children sought by the Wayland Parent and Children's Association. This facility can be designed as flexible space that will serve citizens of all ages by managing program schedules. Close coordination of shared space and resources, so that the rooms and spaces are used to their full potential, can be coordinated between the COA and the Recreation Department, thereby creating operating efficiencies for the Town.
- There are several other municipal departments who need to expand and could make good use of the library building.
- If the library does not move forward with the new building, this study will serve as a useful road map for them to improve their facility in place.



## **First Draft not reviewed by FinCom**

- It would be beneficial to the Town to understand the potential uses of the existing library and the cost to transform the space for other municipal purposes prior to voting on funding the new library building.

### **ARGUMENTS OPPOSED**

- The timing of spending additional funds to study potential uses of the building is premature as the earliest date for the Town to consider funding the library is 2018 and, if approved it will be 5 to 7 years after that before the existing library building would be available. Any cost projections would be out of date by that time and the extent of work required could be significantly different.
- There are significant legal questions as to allowable potential uses of the respective property based on deed restrictions from the original gift of the land to the Town.
- The Town should not authorize additional funds for any study until unspent funds from previously authorized studies are released back to the Town.
- There is no assurance that the Town will be given the State grant for the library and that the Town will decide that it can afford its portion of the cost of the new library building.
- The Town cannot afford to spend money on a significant facility renovation in addition to the borrowing required for the library at a time when our debt service would be significantly over the Finance Committee's recommended maximum debt service level (10% of Total Spending).
- If such a study is done, it should be done independently of any board or committee who has an interest in the property so an unbiased assessment is obtained.
- Traffic at this site is already congested. Increasing the trip count for any new use at this location will create new traffic problems for the town.

**RECOMMENDATION:** The Finance Committee

**QUANTUM OF VOTE:**

# (8) FY18 BUDGETS

TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: FINANCE COMMITTEE'S REQUEST TO REDUCE FY 18 BUDGET GAP  
DATE: JANUARY 30, 2017

## **REQUESTED ACTION:**

**VOTE TO APPROVE RECOMMENDED CHANGES TO FY 18 BUDGETS FOR DEPARTMENTS UNDER THE BOARD OF SELECTMEN**

## **BACKGROUND:**

The Finance Committee requests the Superintendent and the Town Administrator find sources of revenue increases and expense decreases to reduce the proposed FY 18 Operating Budget by \$1.2 to \$1.5 million. (See attached correspondence of 1/24/17.) The Chairman of the Finance Committee clarified the request saying that the dollar amount of the gap can be closed with projected increased revenues and transfers from other funds as well as with expense cuts. To the extent that the gap is closed with revenue increases and transfers from other funds, the Finance Committee's guideline to increase expenses by a maximum of 2.5% may not be met, even though the effect on taxation of transfer and revenue increases will affect taxation by reducing it in the same positive way as expense cuts.

The Town Administrator is fully aware of Wayland's FY 18 fiscal challenges and advised the Board and Finance Committee of these issues in public meetings in August and November of 2016. The Town Administrator has already recommended, and the Board of Selectmen has already approved, significant cuts from what the departments under the Board's jurisdiction requested for FY 18:

- **NEW PERSONNEL:** Of the \$530,039 in requests for new positions, the Town Administrator recommended and the Board of Selectmen reluctantly agreed, to recommend only \$7,221 for an increase in the hours of the Conservation Commission Office Assistant.
- **OTHER BUDGET CUTS:** The Financial Analyst conducted a thorough review of all departmental budgets. After adding funds for errors and omissions in departmental budgets, a net cut of over \$200,000 was recommended for all departmental budgets. A complete Town Administrator recommended budget package was forwarded to the Finance Committee as well as a recommendation from the Board of Selectmen supporting cuts for departmental budgets under the Board's jurisdiction.

## **TOWN ADMINISTRATOR'S REVISED RECOMMENDATION:**

The Town Administrator is not only responsible for budgets under the jurisdiction of the Board of Selectmen but also, working with Department Heads and the Finance Director makes recommendations on the budgets of all departments, and on revenue sources and long term budget strategies. The recommendations below are made by the Town Administrator and Finance Director jointly prior to considering any reductions in town personnel. Recommendations included below, affecting departments under other elected bodies will be sent to those bodies for consideration.



**ADDITIONAL REVENUE:**

Recommended changes to FY 18 budgets for departments under the Board of Selectmen are marked below:

1. Local Aid: \$200,000  
*Cherry Sheets were issued on January 25, 2017 projecting increased local aid for Wayland. These are preliminary numbers showing a \$227,000 increase in net revenue to the Town. The numbers are subject to some change.*
  
2. Ambulance Fund: \$100,000  
*The ambulance fund collects \$750,000 in fees annually to offset the costs for ambulance services. The Finance Director and Fire Chief, after review of a 7 year model recommend that indirect costs to the town for ambulance service can be increased to \$500,000 annually with the balance retained for new vehicle purchases.*
  
- Total New Revenue: \$300,000

**TRANSFERS FROM OTHER FUNDS TO OFFSET GENERAL FUND EXPENSE / TAXATION:**

1. Water Enterprise Fund for administrative personnel \$ 63,000  
*The costs for 20% of new personnel can be expensed from the Water Enterprise Fund or charged back through indirect costs.*
2. Transfer Station Revolving Fund for administrative personnel \$ 42,000  
*The costs for 10% of new personnel can be expensed from the Transfer Station Revolving Fund or charged back through indirect costs.*
3. Recreation Revolving Fund for ballfield \$ 50,000  
*Costs for playing field improvements can be charged to the Revolving Fund. Additional work will be necessary to develop a financial model all revolving funds.*
4. Recreation Revolving Fund for field equipment \$ 75,000  
*Costs for playing field equipment can be charged to the Revolving Fund. Additional work will be necessary to develop a financial model. This cost is currently recommended in the DPW budget to replace a capital account formerly assigned to the Recreation Commission.*
  
- Total Transfers from Other Funds: \$230,000

**EXPENSE REDUCTIONS AND RE-PROGRAMMING OF SURPLUS CAPITAL / INCREASES:**

Recommended changes to FY 18 budgets for departments under the Board of Selectmen are marked below:

1. Board of Selectmen \$ 15,000  
*The Selectmen requested funds to develop and implement a communications strategy. This is non-essential.*
2. Finance – Reserve Fund \$ 75,000  
*The Finance Committee budgeted for \$275,000 in its Reserve Fund, which is rarely used. Given the tightness of the proposed budgets it is recommended the fund not be reduced below \$200,000.*
3. Surveyor - Robotic Survey Equipment / Offset by additional repair costs \$ 28,000  
*The Surveyor requested high productivity field equipment to replace older technology. It is recommended this request be reconsidered next year. This is a \$30,000 capital expense funded by cash which will need to be offset by an increase in the Surveyor's operating budget of \$2,000 for potential increase in repair costs.*
4. Board of Public Works – Roads \$100,000

*Although maintaining the town's roads is essential to the Town, in this budget year it is requested that the road program be reduced by \$100,000. An adequate 20 year road maintenance program for Wayland required \$1 million annually. The funding for the program is from state Chapter 90 funds \$300,000 and general fund \$700,000.*

5. Fire \$ 13,500+  
*The recommended budget for Fire did not include a \$6,000 specialist stipend and \$7,500 for increased training, services and supplies.*

6. IT \$ 75,000  
*\$150,000 was appropriated for IT projects including document management of which \$112,000 remains. The IT Director reviewed the need for these funds and determined that \$75,000 can be released. The system is in active use by the schools but needs upgrades to remain supported and additional licenses which will also allow use by the Veteran's Agent and land use departments.*

NET CHANGE \$279,500

NET DECREASE RECOMMENDED IN GENERAL FUND COMMITMENTS: \$809,500

OTHER CONSIDERATIONS:

Please also be advised that additional, and as yet unquantified, expenses may still need to be included in the FY 18 budget for OPEB, health insurance, school bus parking and for the access road to the new laydown area. In particular funding for health insurance must be maintained at a level that accommodates changes in personnel during the year. Health insurance estimates will be known by mid-February.

The Board may also wish to communicate its position to the Finance Committee on other matters such as addressing the deferred maintenance at Town Building and accommodating the needs of departments in order to make way for the Rivers Edge project. The Board of Public Works requested a \$250,000 truck. The truck is recommended as it can be funded through Chapter 90 funds and will be necessary to haul larger roads a longer distance, saving personnel and fuel costs as DPW transitions to its new laydown area.

Attached also is my request to the Chair of the Board of Assessors, that the Assessors re-consider whether the Board can prudently reduce the \$600,000 overlay for FY 18.

CC: Department Heads

## Balmer, Nan

---

**Subject:** FW: Good Morning

**From:** Dave Watkins <[dwatkins@pavonix.com](mailto:dwatkins@pavonix.com)>

**Date:** January 24, 2017 at 7:45:51 AM EST

**To:** "Stein, Paul" <[paul\\_stein@wayland.k12.ma.us](mailto:paul_stein@wayland.k12.ma.us)>, "Balmer, Nan" <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>

**Cc:** Carol Martin <[carolbmartin@verizon.net](mailto:carolbmartin@verizon.net)>, George Uveges <[uvegesg@comcast.net](mailto:uvegesg@comcast.net)>, Gordon Cliff <[gordoncliff59@gmail.com](mailto:gordoncliff59@gmail.com)>, "jen.gorke ([jen.gorke@gmail.com](mailto:jen.gorke@gmail.com))" <[jen.gorke@gmail.com](mailto:jen.gorke@gmail.com)>, "Keveny, Brian" <[bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us)>, "kshigley ([kshigley@verizon.net](mailto:kshigley@verizon.net))" <[kshigley@verizon.net](mailto:kshigley@verizon.net)>, Nancy Funkhouser <[nancyfunkhouser@verizon.net](mailto:nancyfunkhouser@verizon.net)>

**Subject:** Good Morning

Dear Nan and Paul,

Yesterday evening The Finance Committee voted to request that the Town and School identify alternatives funding other than taxation for \$1.2m to \$1.5m in 2018. After analyzing the current budget, we concluded that expenses had increased more than 5.3% over last year resulting in an unsustainable increase on the average tax bill of 6.88%.

Our proposed guideline for budget growth of 2.5% was based on avoiding future overrides as well as ensuring our levels of taxation increased the average tax bill approximately 3.5% year over year. By finding alternative means of funding the Town and School's proposed expenses, we expect the average tax bill to increase between 4.19% and 4.67%.

I am requesting that you provide us feedback after your next public meetings with the Board of Selectman and School Committee. In the spirit of collaboration, we have identified several areas that we believe will support your efforts including:

- \* Open Not Filled Positions
- \* Surplus Projects
- \* Salary Reserve
- \* Town & School Expense Reduction
- \* Capital Projects
- \* Town Administrator Proposed Changes
- \* Overlay Adjustment
- \* Turn backs
- \* Recreation Maintenance Fee Assignment

Please let me know if you have any additional questions. I can be reached at 508-416-6021.

Very truly yours,

Dave Watkins



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## BOARD OF SELECTMEN

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

January 27, 2017

Ms. Susan Rufo, Chair  
Wayland Board of Assessors  
41 Cochituate Road  
Wayland MA 01778

Dear Ms. Rufo,

As you may know, Town volunteers and staff are working hard this year to implement long term financial planning and financial policies to stabilize the tax rate for taxpayers and demonstrate good financial management to our bond rating agency to protect the Town's AAA rating. Beginning with the FY 18 budget, the changes include more accurate revenue and expense projections, reduction of the use of free cash to fill operating budget deficits, and improved debt management. Although these improvements to fiscal management are much needed by the Town, the changes cause FY 18 to be a transition year with new budget constraints.

Attached is a letter from Finance Committee Chairman David Watkins asking the Superintendent and Town Administrator for additional help balancing the FY 18 budget. In light of our joint efforts to improve the financial outlook for the Town and better manage the taxpayer's burden, I am respectfully asking that the Board of Assessors consider whether new overlay can be less than \$600,000 in the FY 18 budget. We are hopeful that the relief provided by the Municipal Modernization Act may make it easier for the Assessors to make this decision.

I fully respect the Board of Assessors has its own requirements and authority. I want you to be aware of the financial planning work that is underway and provide the Board of Assessors the opportunity to assist in the FY 18 transition as the Board of Assessors deems appropriate.

Thank you for considering my request.

Respectfully,

Nan Balmer  
Town Administrator

cc: Finance Committee  
Board of Selectmen  
Ellen Brideau, Director of Assessing





# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

**Board of Selectmen  
Meeting Minutes  
January 17, 2017  
Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road, Wayland**

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

**A1. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

L. Anderson announced that the Police Department will host another "Coffee with Cops" on Jan. 31 at Panera Bread. M. Antes stated that the hearing on the proposed demolition delay bylaw is scheduled for Thursday.

**A2. Public Comment** G. Dresens, 155 Main St, discussed her email included in the Board's packet. She said she is not trying to stop CVS from being built; she just wants the site plan to comply with Wayland's bylaws. She stated that the Board has the power to fix this problem.

C. Karlson stated that the Board has scheduled Town Counsel to come in next week to talk about that subject.

G. Schuler, Old Connecticut Path, discussed River's Edge and the difficulty of relocating the buses and the DPW laydown site.

Sheila Carel, 18 Joyce Road, asked the Board to delay River's Edge until there are solutions for the buses and DPW site. She also cited health concerns regarding diesel exhaust from the buses.

Molly Upton, 23b Bayfield Road, stated she was glad the new Town Counsel, KP Law, will weigh in on the 150 Main Street issue. She also discussed the document she provided to the Board

J. Nolan stated that both parties have a responsibility to only state facts. He said he hopes everyone will treat each other with respect.

**A3. Interviews and Potential Vote to Appoint to Boards and Committees** Seema Mysore was not able to attend the meeting and will be re-scheduled at a later date. The Board was joined by Susan Green to interview for appointment to the Community Preservation Committee. S. Green reviewed her background and interest in serving on the committee. She was asked several questions by the Board. L. Anderson moved, seconded by J. Nolan, to appoint Susan Green to the Community Preservation Committee, effective immediately, for a term to expire on June 30, 2019. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.



**A4. Collins Center Report: Review Report and Discuss Next Projects Under Community Compact Grant** Michael Ward, Director of Municipal Services, and Fred Kingsley from the Collins Center discussed the work the Collins Center does. F. Kingsley noted the town's strong bond rating and discussed the positive steps the town has made in order to move the finance department in the right direction. He listed some of the major issues like the question of who ultimately is in charge of the town's financial management. Other issues included Wayland's flat organizational structure, IT software, and lack of written procedures. He made recommendations including more MUNIS training and a different payroll period.

M. Antes inquired about the process of seeking a charter change. M. Ward discussed other possible steps taken before considering a charter commission. F. Kingsley said that some options could take a year to three years to implement but this is a good time to start.

M. Ward and F. Kingsley discussed the Community Compact work proposal and said they could provide the town with best practices from other communities as well as provide and prioritize short-term and long-term goals and solutions. N. Balmer said the signing will be on Jan. 26<sup>th</sup>.

**A5. Rivers Edge - Considerations Prior to Issuance of Notice of Award:**

- **DPW Plans for Laydown Area and Budget Impact**
- **School Department Plans for School Bus Parking**
- **Review Economic Impact Analysis**
- **Rents for Comparable Projects**

The Board introduced themselves to the new DPW Director Tom Holder.

T. Holder, M. Lindeman, M. Lowery, and C. Brown came before the Board to discuss DPW's plans for a laydown area and budget impacts. T. Holder stated that the planned parcel is not sustainable and not a long-term solution. M. Lowery questioned if this is a one-time cost. M. Lindeman said the currently proposed laydown area is the most isolated parcel available. C. Karlson said that the Board knew the small triangle parcel of land would not be ideal but that this is the first time the Board is hearing that it's not sustainable.

Town Planner S. Sarkisian discussed area market rate rents. He stated that Wood Partners should get the higher rents they are proposing.

R. Stanizzi and J. Heller came before the Board. R. Stanizzi said she was surprised by the laydown area information discussed tonight. She noted there might be different possibilities out there if studied, like the Transfer Station area. J. Nolan asked if there are any more thoughts on rent. R. Stanizzi said the higher rents make sense. They also discussed the water main issue, unit mix, and soils. C. Karlson stated the next step would be the notice of award. The Board will work on a list of conditions, and check in with the original counsel so the Board has the right information to make a decision.

S. Bottan and B. Fletcher discussed the sites being considered for the location of the buses. B. Fletcher said 4 sites are being considered, but none of them are great options. She said every meeting they are getting feedback from the community. S. Bottan said the School Committee decided tonight what the next steps are and will come back with pros and cons. S. Bottan said they also got an alternate bid for offsite storage and a place to store buses in the summer.

N. Balmer discussed the economic impact analysis. She listed all of the costs associated with police, fire, DPW, and schools, including one-time expenses. She went over the summary of the findings. She said that

the Fire Chief and Police Chief both said the increased call volume would be manageable. N. Balmer said the report concluded there would be an economic benefit for the town.

J. Nolan and C. Karlson stated that it should be footnoted that the bus relocation is a town issue not a Rivers Edge issue. She noted that the town will have a lot of expenses if the project doesn't go through as well. L. Anderson noted that the report should mention the affordable housing benefit for the town.

**A6. FY18 Budget: Vote Position on New Personnel and Capital Projects for Departments Under the Board of Selectmen**

C. Karlson discussed the recommendations about new personnel from the Personnel Board. N Balmer stated that the model of using ambulance funds was not fully supported for a long-term solution from the Finance Director. L. Jurist stated that if the Board thinks the two positions are necessary then they should be approved. N. Balmer's recommendation is that the town should not have any new positions this year. C Karlson said the Finance Committee is concerned about the tax rate. L. Jurist said it's not going to get easier. C. Karlson reviewed all of the personnel requests under the Board.

The Board agreed not to fund the new police and fire positions in the FY18 budget, but to pass along the Public Safety personnel requests to the Finance Committee so they can be put at the top of the list for next year. She suggested that next year the schools and town look to approach new hires in a consistent way. C. Karlson stated that the Governor signed the civil service legislation, which will have a budget impact.

The Board and N. Balmer discussed B. Keefe's Facilities capital request for FY18. C. Karlson asked if B. Keefe's workload is too much. N. Balmer said she has not asked him. The Board agreed to ask B. Keefe if it would be possible to move the design of the windows back into the FY18 budget.

**Receive Town Administrator's Recommendation on All Town Expense Budgets**

E. Doucette came before the Board to see if they had any questions. The Board thanked her for her work.

**A7. Review and Vote to Assign Annual Town Meeting Articles and Vote to Refer Article on Marijuana Moratorium Back to Sponsoring Board**

The Board discussed assignment of Annual Town Meeting Articles and agreed that

- C. Karlson will handle Articles A through L and EE.
- J. Nolan will handle Articles R, Q, S, U, V, W, X, FF
- L. Anderson will take on Articles M, O, Q, R
- L. Jurist will take on Articles N, T, BB, CC
- M. Antes will handle Articles P, Y, Z, AA, DD

J. Nolan moved, seconded by L. Anderson to vote to refer the article on Marijuana Moratorium back to the Youth Advisory Committee and the Planning Board for recommendation. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A8. Report of the Town Administrator** N. Balmer stated that the Building Commissioner revised the building permit form. She also noted that she has attached her revised goals.

**A9. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Anderson, 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.

**A10. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. M. Antes stated it would be great if someone would be willing to take on beautification. N. Balmer said this has been an ongoing issue for months. She said she will write a letter on behalf of the Board in response to the citizen offering this service. L. Jurist stated that he would like to get definitive answers to the allegations that the town's bylaws were violated at the upcoming meeting with Town Counsel.

**A11. Selectmen's Reports and Concerns** C. Karlson noted that approval of minutes is not listed on the agenda because there are no minutes to review, but in the future they will list approval of minutes on the agenda regardless of whether there are any to approve. M. Antes met with D. Watkins to talk about public relations for the budget. L. Anderson and M. Antes discussed their progress with coordinating the listening sessions.

**A12. 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, L. Jurist moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:43 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 January 17, 2017**

1. Public Comment, Molly Upton, Board of Selectmen Should Act Now to Restore Trust
2. Board of Selectmen Listening Subcommittee Purpose, Revised, January 9, 2017
3. Memorandum of 1/17/17 from Ben Keefe, Public Buildings Director, to Board of Selectmen and Finance Committee re: FY18 Capital Budget
4. Article List, 2017 Annual Town Meeting, with Text of Articles Attached

**Items Included as Part of Agenda Packet for Discussion During the January 17, 2017 Board of Selectmen's Meeting**

1. Memorandum of 1/13/17 to Board of Selectmen re: Appointments with Attached Résumés
2. Memorandum of 1/17/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Collins Center Report/Community Compact Grant
3. Memorandum of 1/17/17 from Nan Balmer, Town Administrator to Board of Selectmen re: FY18 Budget
4. List of 2017 Annual Town Meeting Articles
5. Email of 1/11/17 from Town Counsel Carolyn M. Murray to Nan Balmer, Town Administrator re: Wayland Marijuana Moratorium, Bylaw to Ban and Ballot Question
6. Report of the Town Administrator for the Week Ending January 13, 2017

**TOWN ADMINISTRATOR'S REPORT**

**WEEK ENDING JANUARY 27, 2017**

Most of the week of January 23<sup>rd</sup>, was used responding to the Finance Committee's request to close the FY 18 budget gap. The following additional items are of note:

**BUILDING DEPARTMENT FILES AND RECORDS**

The Building Department uses a sign out sheet for residents and professionals to view requested building and zoning files at the desk adjacent to the Department counter. From late Fall '16 this form has been used to help maintain the specific documents making up the public record. The Department has received positive feedback on this process. Regarding specific requests for the public record the Building Department first requires a written request in order to better facilitate a process for both the party making the request and the Department. MGL 66 §10 controls the rest. The Building Department ow keeps a file of such requests as recommended by Town Counsel, including the response date with cover sheet.

**COMMUNITY COMPACT**

Lt. Governor Polito and Selectmen Karlson signed the Community Compact on Thursday January 26<sup>th</sup>. I will work with the Collins Center to develop a roll-out plan, with probably kick-off date in March.

**RIVERS EDGE**

Attached is the final Rivers Edge Economic Impact Analysis.

# **Fiscal Impact Analysis**

## **River's Edge Apartments Wayland, MA**

**January 12, 2017**

**Prepared By  
Fougere Planning & Development, Inc.**



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**River's Edge Apartments  
Wayland, MA**

**FISCAL IMPACT ANALYSIS  
Comparative Analysis**

**January 12, 2017**

**Introduction**

If an effort to explore opportunities for affordable housing in the community, the Town of Wayland initiated a Request for Proposals (RFP) to redevelop a 7.63 parcel of property located on Boston Post Road presently used by Wayland Department of Public Works (and various other town departments) as an apartment site. This effort has been ongoing for a number of years and has involved a variety of development scenarios. The most recent proposal is for the development of 188 apartment rental units, with 25% of the units being age restricted (+55) and 25% of the units being affordable. Two development groups have responded to the RFP, Baystone Development and WP East. Fougere Planning and Development has been engaged by the Town of Wayland to undertake a Fiscal Impact Analysis to review the fiscal characteristics of these two proposals. This effort will be carry over from the work completed by Connery Associates who provided an analysis of an alternative scenario a fiscal report dated March 15, 2013; similar approaches and methodologies will be used in this report.

Table One outlines the specific apartment breakdown of the two alternative development projects. The Baystone option includes studios, one - three bedroom units and will include 141 non-age restricted (36 affordable) units and 47 age restricted units (11 affordable) units. The WP West proposal provides a mix of one and two bedroom units with a slightly larger age-restricted allocation of 51 units (13 affordable) and 137 non-age restricted units (34 affordable).

**Table One  
Apartment Development Scenarios<sup>1</sup>**

| <b>Baystone</b>   |            |                     |                      |
|-------------------|------------|---------------------|----------------------|
| Market Rate       | # Units    | Non -Age Restricted | Age Restricted Units |
| Studio            | 3          | 1                   | 2                    |
| One Beds          | 72         | 54                  | 18                   |
| Two Beds          | 64         | 48                  | 16                   |
| Three Beds        | 2          | 2                   | 0                    |
| <b>Affordable</b> |            |                     |                      |
| Studio            | 2          | 1                   | 1                    |
| One Beds          | 23         | 18                  | 5                    |
| Two Beds          | 21         | 16                  | 5                    |
| Three Beds        | 1          | 1                   | 0                    |
|                   | <b>188</b> | <b>141</b>          | <b>47</b>            |
| <b>WP East</b>    |            |                     |                      |
| Market Rate       | # Units    | Non -Age Restricted | Age Restricted Units |
| One Beds          | 67         | 52                  | 16                   |
| Two Beds          | 74         | 51                  | 22                   |
| <b>Affordable</b> |            |                     |                      |
| One Beds          | 22         | 17                  | 5                    |
| Two Beds          | 25         | 17                  | 8                    |
|                   | <b>188</b> | <b>137</b>          | <b>51</b>            |

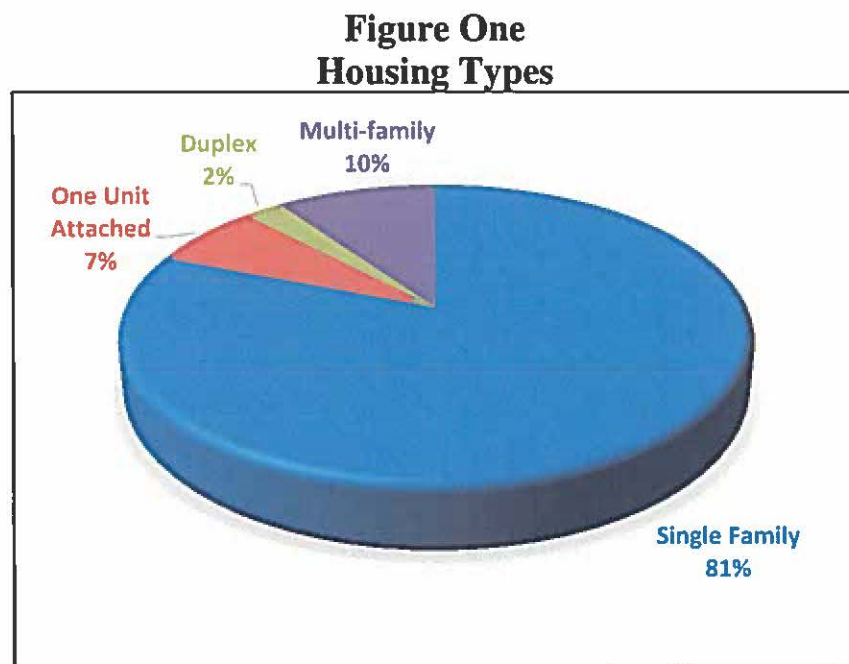
It should be noted that both developments will be operated privately and as such all proposed access ways will be maintained by the owner, along with trash pickup.

<sup>1</sup> Bedroom mix details obtained from the River's Edge Advisory Committee and town's RFP.

## Local Trends

Census figures report that from 2000 to 2010 Wayland’s population decreased from 13,100 to 12,994, showing negative population growth over the 10 year time period. The most recent population estimates from the US Census Bureau<sup>2</sup> report a population of 13,294.

A majority of Wayland’s housing stock consists of single family homes, with 2014 US Census data reporting 4,350 single family homes out of a total housing stock of 5,373 units; Figure One.



### A. Methodology Approach

There are a number of methodologies that are used to estimate fiscal impacts of proposed developments. The Per Capita Multiplier Method is the most often used to determine municipal cost allocation. This method is the classic “average” costing method for projecting the impact of population growth on local spending patterns and is used to

<sup>2</sup> 2010-2014 American Factfinder

establish the costs of existing services for the new development. The basic premise of this method is that current revenue/cost ratios per person and per unit is a potential indicator of future revenue/cost impacts occasioned by growth. The advantage of this approach is its simplicity of implementation; however, the downside of this approach is that the methodology calculates the “average” cost as being the expected cost, which is often not the case, and costs can be exaggerated—in some cases significantly. To account for this, we have also used a Marginal Cost Approach methodology to estimate potential actual costs that may occur in the community. In reviewing exclusively those town departments that may realize a measurable impact from the proposed development a truer picture of anticipated costs impacts can be determined. For most new land uses, many department budgets are not measurably impacted in any long term way.

At the beginning of this project, meetings were held with key town department heads and officials. The purpose of these meetings was to outline the fiscal impact approach, as well as to hear from local officials relative to their concerns about present service capacity and how the proposed development scenarios may impact their department. Specifically, meetings and/or discussions took place with the Town Administrator, School Superintendent, Assessing Officials, Fire and Police Departments. In addition, information was provided from the Board of Public Works outlining the cost ramifications associated with losing the use of the subject site.

## **Local Revenues From Development**

### **A) Property Taxes**

Local property taxes provide the bulk of municipal revenues for Wayland, totaling 85% of revenues to the General Fund<sup>3</sup>. Wayland’s FY 17 tax rate is \$18.14 per \$1,000 valuation. As part of the response to the RFP, each development team submitted a detailed Operating Pro Forma and a Statement of Estimated Tax Revenues. Based on this analysis the Income Approach was used to arrive at an estimated assessed value of the proposed project. Specific details included were projected revenues, operating expenses,

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<sup>3</sup> Fiscal Year 2015, Town Report page 24.

an assumed vacancy rate (5%) and the use of an 8% Cap Rate; Table Two. The estimated tax rate is based upon stabilization of occupancy for the proposed project.

**Table Two  
Estimated Yearly Taxes**

|                                                     | <b>Baystone</b>  | <b>WP East</b>   |
|-----------------------------------------------------|------------------|------------------|
| Gross Revenues                                      | \$5,344,434      | \$6,530,156      |
| Less 5% Vacancy                                     | \$267,722        | \$326,508        |
| Effective Gross Income                              | \$5,077,212      | \$6,603,648      |
| Operating Expenses 30%                              | \$1,523,164      | \$1,861,095      |
| Net Operating Income                                | \$3,554,049      | \$4,342,554      |
| Estimated Property Assessment - 8% CAP <sup>4</sup> | \$44,425,613     | \$54,281,925     |
| Estimated Property Taxes (\$18.14 – FY 17)          | \$805,880        | \$984,674        |
| Community Preservation Act Surcharge <sup>5</sup>   | \$12,088         | \$14,770         |
| <b>Total Yearly Taxes / CPA Surcharge</b>           | <b>\$817,968</b> | <b>\$999,444</b> |

**Note:** The proposals submitted by the two development teams used the old tax rate of \$17.34 to estimate their taxes; based on the old tax rate the Baystone proposal estimated \$770,428 a year in property taxes and WP East \$941,249.

**B) Miscellaneous Yearly Revenues**

**Motor Vehicle Registration**

Another major revenue source for the community is from motor vehicle permit fees. In fiscal year 2016 the Town of Wayland received a total of \$2,541,128<sup>6</sup> from this revenue source, which translated into an average tax of \$186 per registration. Given the proposed apartment use and the affordable housing component, the estimated tax is discounted by 50%. Table Three outlines the projected vehicle registration revenue stream for the proposed project.

**Table Three  
Motor Vehicle Permit Fees**

|                                          |                 |
|------------------------------------------|-----------------|
| <b>\$93 x 253 vehicles<sup>7</sup> =</b> | <b>\$23,529</b> |
|------------------------------------------|-----------------|

<sup>4</sup> The capitalization rate is the rate of return on a real estate investment property based on the income that the property is expected to generate. The capitalization rate is used to estimate the investor's potential return on his or her investment.

<sup>5</sup> 1.5% Annual Surcharge, \$18.14/\$1,000

<sup>6</sup>Town Treasure/tax collector

<sup>7</sup> Projected 1.35 vehicles per home.



C) Community Preservation Surcharge

The Town of Wayland has adopted the Community Preservation Act, allowing the community to impose a 1.5% surcharge on the property tax levy. Based upon the estimated taxes outlined in Table Two, the following CPA surcharge is estimated; Table Four.

**Table Four  
Community Preservation Surcharge**

|                          |                  | <b>% CPA Surcharge</b> | <b>Surcharge</b> |
|--------------------------|------------------|------------------------|------------------|
| Estimated Baystone Taxes | <b>\$805,880</b> | <b>1.5%</b>            | <b>\$12,008</b>  |
| Estimated WP East Taxes  | <b>\$984,674</b> | <b>1.5%</b>            | <b>\$14,770</b>  |

D) Estimated Yearly Project Revenues

The two alternative development options are estimated to generate a range of \$853,766 to \$1,037,964 in yearly tax revenue from both property tax and automotive permit fees; Table Five.

**Table Five  
Estimated Yearly Taxes<sup>8</sup>**

|                                   | <b>Baystone</b>  | <b>WP East</b>     |
|-----------------------------------|------------------|--------------------|
| Estimated Yearly Property Taxes   | <b>\$805,880</b> | <b>\$984,674</b>   |
| Estimated Yearly Car Excise Taxes | <b>\$23,529</b>  | <b>\$23,529</b>    |
| Estimated CPA Surcharge           | <b>\$12,008</b>  | <b>\$14,770</b>    |
| Estimated Yearly Tax Revenue      | <b>\$841,417</b> | <b>\$1,022,973</b> |

Additional one-time payment revenues will also be realized as part of the development, these will be detailed further below.

## **B. Municipal Service Costs**

Given the nature of the proposed development project, as will be seen by the analysis below, measurable impacts will be limited to a few key Town Departments including schools, police and fire, along with DPW. All onsite maintenance will be addressed by the property owner.

<sup>8</sup> These estimates are based on the current tax rate of \$18.14.

It should also be noted that in many instances, existing town residents will move into the new housing project and, given the fact that they already live in the community few new demands for services are created. This group could include recent graduates and those who wish to downsize and not leave the community. They may be replaced by individuals or families with service demands of their own.

## Department Impacts

### Police & Fire

The Police and Fire Departments will experience some increased demand for services from the proposed project. For fiscal year 2016 including benefits, the Police Department budget was \$3,453,879 and the Fire Department budget was \$3,457,737. To assess the degree of impact this project would have on these departments, comparable apartment complexes were analyzed. Three years of call data from both age and non-age restricted housing units was obtained and averaged to determine the annual numbers of calls per project and per unit. These ratios were then totaled to derive a total average call volume for all units, which was then used to generate projected emergency calls for each Department.

Extrapolating from the comparable call data, negligible increases are projected to the Town's Police and Fire Departments. Annual Police calls are projected to increase by 81 calls (.005% increase), annual fire/ambulance calls are projected to increase by 47 calls (.012%), creating minimal operational impacts; Table Six and Seven.

**Table Six  
Projected Police Calls**

| Project               | Town       | Units | Total Police Calls Three Years | Avg. Call Per Year | Avg. Call Per Unit | Projected Yearly Calls | Age Restricted Calls | Total Projected Calls |
|-----------------------|------------|-------|--------------------------------|--------------------|--------------------|------------------------|----------------------|-----------------------|
| The Lodge             | Foxborough | 250   | 222                            | 74.00              | 0.296              |                        |                      |                       |
| Union Place           | Franklin   | 297   | 220                            | 73.33              | 0.247              |                        |                      |                       |
| Fairfield Green       | Mansfield  | 200   | 437                            | 145.67             | 0.728              |                        |                      |                       |
| Pembroke Woods        | Pembroke   | 240   | 277                            | 92.33              | 0.385              |                        |                      |                       |
| Blue Hills            | Randolph   | 274   | 444                            | 148.00             | 0.540              |                        |                      |                       |
| Avalon Oaks           | Wilmington | 201   | 375                            | 125.00             | 0.622              |                        |                      |                       |
| Avalon Oaks Evergreen | Wilmington | 120   | 301                            | 100.33             | 0.836              |                        |                      |                       |
| <b>Totals</b>         |            | 1582  | 2276                           | 758.67             | 0.48               |                        |                      |                       |
| <b>Baystone</b>       |            | 141   |                                |                    |                    | 68                     | 14                   | 81                    |
| <b>Wood Partners</b>  |            | 137   |                                |                    |                    | 66                     | 15                   | 80                    |

**Table Seven  
Projected Fire & Ambulance Calls**

| Project               | Town       | Units | Total Fire Calls Three Years | Avg. Call Per Year | Avg. Call Per Unit | Projected Yearly Calls | Age Restricted Calls | Total Projected Calls |
|-----------------------|------------|-------|------------------------------|--------------------|--------------------|------------------------|----------------------|-----------------------|
| The Lodge             | Foxborough | 250   | 79                           | 26.33              | 0.105              |                        |                      |                       |
| Union Place           | Franklin   | 297   | 56                           | 18.67              | 0.063              |                        |                      |                       |
| Fairfield Green       | Mansfield  | 200   | 128                          | 42.67              | 0.213              |                        |                      |                       |
| Pembroke Woods        | Pembroke   | 240   | 26                           | 8.67               | 0.036              |                        |                      |                       |
| Blue Hills            | Randolph   | 274   | 29                           | 9.67               | 0.035              |                        |                      |                       |
| Avalon Oaks           | Wilmington | 201   | 48                           | 16.00              | 0.080              |                        |                      |                       |
| Avalon Oaks Evergreen | Wilmington | 120   | 19                           | 6.33               | 0.053              |                        |                      |                       |
| <b>Totals</b>         |            | 1582  | 385                          | 128.33             | <b>0.081</b>       |                        |                      |                       |
| <b>Baystone</b>       |            | 141   |                              |                    |                    | <b>11</b>              | <b>3</b>             | <b>15</b>             |
| <b>Wood Partners</b>  |            | 137   |                              |                    |                    | <b>11</b>              | <b>4</b>             | <b>15</b>             |
| Project               | Town       | Units | Total Amb. Calls Three Years | Avg. Call Per Year | Avg. Call Per Unit | Projected Yearly Calls | Age Restricted Calls | Total Projected Calls |
| The Lodge             | Foxborough | 250   | 72                           | 24.00              | 0.096              |                        |                      |                       |
| Union Place           | Franklin   | 297   | 132                          | 44.00              | 0.148              |                        |                      |                       |
| Fairfield Green       | Mansfield  | 200   | 74                           | 24.67              | 0.123              |                        |                      |                       |
| Pembroke Woods        | Pembroke   | 240   | 211                          | 70.33              | 0.293              |                        |                      |                       |
| Blue Hills            | Randolph   | 274   | 83                           | 27.67              | 0.101              |                        |                      |                       |
| Avalon Oaks           | Wilmington | 201   | 87                           | 29.00              | 0.144              |                        |                      |                       |
| Avalon Oaks Evergreen | Wilmington | 120   | 54                           | 18.00              | 0.150              |                        |                      |                       |
| <b>Totals</b>         |            | 1582  | 713                          | 237.67             | <b>0.150</b>       |                        |                      |                       |
| <b>Baystone</b>       |            | 141   |                              |                    |                    | <b>21</b>              | <b>11</b>            | <b>32</b>             |
| <b>Wood Partners</b>  |            | 137   |                              |                    |                    | <b>21</b>              | <b>12</b>            | <b>32</b>             |

A joint meeting was held with the Fire and Police Chiefs to discuss the project and gain an understanding of any concerns that may be present. The projected emergency call data was reviewed and discussed, along with potential budget impacts to the departments.

**Police Department**

The Police Chief was comfortable with the projected calls and did not believe it would lead to the need for additional personnel. However, the Chief did state that the increased call volume would further support the need for another officer position that he has been advocating for. The Chief noted that this project, along with others that have been approved in the community would, over time, lead to a strain on operations. The Chief

also noted that if the subject site is sold, the Department would have to travel out of town for officer target practice. Based on an internal analysis of this potential, they believe an increased annual cost of \$11,200 would occur to the Police Department.

To assign some cost as a result of the increased demand for services, a number of options were reviewed including cost per call and cost per capita. Since calls for service provides a clear measure of impact on the Department, this approach was used and results in an estimated annual impact of \$19,905. With this cost and the new cost associated with traveling out of town for target practice, the total cost impact is estimated to be \$31,105; Table Eight.

**Table Eight  
Police Department Impact**

| <b>Department</b> | <b>FY 2017 Budget<sup>9</sup></b> | <b>Calls<sup>10</sup></b> | <b>Cost/call</b> | <b>Est. Calls</b> | <b>Annual Cost</b> |
|-------------------|-----------------------------------|---------------------------|------------------|-------------------|--------------------|
| Police            | \$3,453,879                       | 14,055                    | \$245.74         | 81                | \$19,905           |
| Practice Range    |                                   |                           |                  |                   | \$11,200           |
| <b>Total Cost</b> |                                   |                           |                  |                   | <b>\$31,105</b>    |

### **Fire Department**

The Fire Chief also supported the projected call estimates and thought they were reasonable. Although the Chief thought that the impact from the project alone would not necessitate the need for additional staff, he did note the same concern as the Police Chief that the accumulation of impacts from new development will lead to department impacts over time.

As with the Police Department, to account for some impact from the proposed development a cost per call ratio was used which provides an estimated annual cost of \$42,654; Table Nine.

**Table Nine**

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<sup>9</sup> Includes benefit costs.

<sup>10</sup> 2015 Town Report call data, Police and Fire Departments.

**Fire Department Impact**

| <b>Department</b> | <b>FY 2017 Budget</b> | <b>Calls Per Year</b> | <b>Cost/call</b> | <b>Est. Calls</b> | <b>Annual Cost</b> |
|-------------------|-----------------------|-----------------------|------------------|-------------------|--------------------|
| Fire              | \$3,457,737           | 3,810                 | \$907.54         | 47                | \$42,654           |

The town does receive yearly income from ambulance calls and in 2015 collected \$616,865. Based upon the ambulance calls received in 2015, the average revenue per call was \$540. Based upon the estimate of 32 EMS calls per year, annual ambulance income is anticipated to be \$17,248; Table 10.

**Table 10  
Estimated Ambulance Revenue**

|                         | <b>2015 Income</b> | <b>EMS Calls</b> | <b>\$/Calls</b> | <b>Est. EMS Calls</b> | <b>Est. EMS Income</b> |
|-------------------------|--------------------|------------------|-----------------|-----------------------|------------------------|
| <b>Ambulance Income</b> | \$616,865          | 1,143            | \$539           | 32                    | <b>\$17,248</b>        |

With this income taken into consideration, the net Fire Department impact will be \$25,406.

**Other Departments/Revenues:**

**Building**

Building Department costs were not included in this analysis because they are not permanent yearly impacts and will be offset by permit fees which will be \$15 per \$1,000 cost of construction. Depending on actual construction costs and any fee waivers granted for affordable units, building permit revenue will be at least \$400,000 for this project.

**Public Works**

All roads within the development will be private and maintained by the apartment complex operator. Solid waste will be handled by a private contractor with no expense occurring to the Town. However, given that the Department of Public Works will be losing a storage (laydown) area and as a result, an annual cost to the Departments will occur. In addition, a onetime cost of \$250,000<sup>11</sup> will occur to construct a new storage

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<sup>11</sup> River's Edge FAQ



area. This onetime cost will be for a 3/4 acre site which will be insufficient for DPW's storage needs.

In a memo dated November 17, 2016 the Board of Public Works estimates that an annual increase in the DPW budget will occur totaling \$161,500 in new operational and capital costs. Approximately \$90,000 will be to haul materials on site that should never have been stored there and are not considered a cost of the Rivers Edge project, but rather institution of a new and better environmental practice.

### **Senior Services**

A portion of this project will be age restricted but it is expected that many of the residents will still be working. It is not anticipated that this population will take advantage of senior service offered by the community, but to be conservative these costs will be estimated. The 2016 budget for the Council of Aging was \$251,276 and based upon recent Census data, approximately 4,593 residents are over the age of 55. This translates into a per capita cost of \$55 and results in an estimated annual cost impact of \$4,015 for the development (73 persons x \$55).

### **Other Departments**

It is not anticipated that measurable impacts will occur to other town departments and therefore no other costs were analyzed.

### **School Department**

The Town of Wayland Public Schools presently has an enrollment of 2,655 students housed in five schools (three elementary, one middle and high). The 2016 Public School budget was \$36,719,239 which is an increase of 4.3% over 2015 expenditures. In addition to reviewing the impacts from estimated new enrollments the School Department will have to find a new location for the storage of school buses that presently use the proposed project site.

## Enrollment History

Overall school enrollment has remained relatively stable over the last five years, declining 2.25% over this time period (-61 students); Table 11. Recent realignment in the elementary school levels explains the changes in enrollment trends at these grade levels. Elementary age children who reside at River's Edge will attend the Claypit Hill School.

**Table 11**  
**Enrollment Trends 2012-2016**

|                         | 2012  | 2013  | 2014  | 2015  | 2016  | % Change |
|-------------------------|-------|-------|-------|-------|-------|----------|
| <b>Claypit Hill</b>     | 575   | 577   | 523   | 521   | 541   | -5.91%   |
| <b>Happy Hollow</b>     | 441   | 437   | 408   | 391   | 387   | -12.24%  |
| <b>Loker</b>            | 200   | 171   | 207   | 263   | 258   | 29.00%   |
| <b>Middle</b>           | 640   | 663   | 670   | 644   | 638   | -0.31%   |
| <b>High</b>             | 860   | 842   | 851   | 838   | 831   | -3.37%   |
| <b>Total Enrollment</b> | 2,716 | 2,690 | 2,659 | 2,657 | 2,655 | -2.25%   |

Future enrollment projections show increased enrollment levels over the next four years, growing 3.6% by the school year 2020-2021 (+97 students).

## Projected School Enrollment Estimates

To gain an understanding of this community's potential school related fiscal impact, the anticipated number of school children that may be generated by the proposed development was analyzed. The two apartment complex options will have a mix of studio, one bedroom, two bedroom and three bedroom units. The studio and one bedroom units do not generate school children and our analysis looks at the impact from the two and three bedroom units. The Baystone project will include 67 two and three bedroom units and WP East will include 68 two bedroom units; Table 12.

**Table 12  
Bedroom Mix Breakdown**

| <b>Baystone</b>    |                |                            |
|--------------------|----------------|----------------------------|
| <b>Market Rate</b> | <b># Units</b> | <b>Non -Age Restricted</b> |
| Studio             | 3              | 1                          |
| One Beds           | 72             | 54                         |
| Two Beds           | 64             | 48                         |
| Three Beds         | 2              | 2                          |
| <b>Affordable</b>  |                |                            |
| Studio             | 2              | 1                          |
| One Beds           | 23             | 18                         |
| Two Beds           | 21             | 16                         |
| Three Beds         | 1              | 1                          |
|                    | <b>188</b>     | <b>141</b>                 |
| <b>WP East</b>     |                |                            |
| <b>Market Rate</b> | <b># Units</b> | <b>Non -Age Restricted</b> |
| One Beds           | 67             | 52                         |
| Two Beds           | 74             | 51                         |
| <b>Affordable</b>  |                |                            |
| One Beds           | 22             | 17                         |
| Two Beds           | 25             | 17                         |
|                    | <b>188</b>     | <b>137</b>                 |

To estimate the number of school age children (SAC) that may live in the proposed apartment complex, the Consultant gathered information from a number of sources. The City of Newton has an extensive database on school children living in apartment complexes that contain affordable units. We believe this data is very conservative and will most likely represent a potential upper estimate of the number of children. Through research of over 1,300 suburban 40B apartment complexes Fougere Planning has gathered school generation data that is more representative for this location. By using both sources, a range of potential students is generated with an estimated school impact ranging from 21 to 31 students: Table 13. Based upon past analysis approximately 50% are generally elementary level students.

**Table 13  
School Enrollment Projections**

|                           |             |
|---------------------------|-------------|
| <b>Newton Schools SAC</b> |             |
| Baystone Proposal         | 31 Students |
| WP West Proposal          | 28 Students |

| <b>FP &amp; D Data</b> | <b>Total Two/Three Bedroom Units</b> | <b>SAC Per Unit</b> | <b>Est. SAC</b> |
|------------------------|--------------------------------------|---------------------|-----------------|
| Baystone               | 67                                   | 0.313               | 21              |
| WP East                | 68                                   | 0.313               | 21              |

To fully understand current school operations, the Consultant arranged a meeting with School Superintendent Paul Stein to discuss the current state of the town's school system and the proposed development project. The enrollment projections were discussed with the Superintendent and he felt comfortable with the methodology and school children estimates. Although school capacity presently is not an issue, the School District would be able more easily accommodated additional middle and high students than additional elementary level students.

Based upon the projected enrollments, the Superintendent was hesitant to estimate the potential impacts on the school system, not knowing with certainty what grade levels would be impacted. The elementary school level has specific grade level upper size limit targets and, if the new students increased the class size enough, another teacher may have to be hired. After further discussions, the Superintendent felt that carrying the cost for three teachers would cover the upper limit of potential costs to the School District. Considering average salary requirements and benefits, these three positions would total \$249,000 in cost.

As noted previously, if the site is sold a new location to store the 21 school buses and administrative office will have to be found. The Rivers Edge site was intended as only a temporary location for school buses. The Rivers Edge project makes it imperative to find a permanent home for the buses. The School Department contracted with an engineering firm and has identified locations that, for a one-time cost, may become the permanent school bus parking location for the town. As an alternative, it would cost an estimated \$240,000 annually to rent space to park the buses.

## FISCAL SUMMARY

Table 14 summarizes the fiscal impact from the two development projects, both of which are positive impact ranging from \$382,740 to \$566,938. With a portion of the apartments age restricted, the size of the positive impact finding is not unusual and will most likely be larger than stated. Aside from the DPW cost estimates for a laydown area and School Department cost to park school buses, the other department costs should be viewed as conservative expenses that may not actually be realized by the individual departments. The Consultant is not suggesting that budgets should be increased to offset the noted costs, but these findings should be viewed as potential costs and future budget increases will be addressed by town officials.

**Table 14  
Estimated Annual Fiscal Impact**

|                                           | Baystone   | WP East      |
|-------------------------------------------|------------|--------------|
| Gross Rev. Taxes, CPA & Car Registrations | +\$841,417 | +\$1,022,973 |
| Estimated Recurring Municipal Costs       |            |              |
| Police                                    | -\$31,105  | -\$31,105    |
| Fire (net)                                | -\$25,406  | -\$25,406    |
| DPW                                       | -\$161,500 | -\$161,500   |
| Senior Services                           | -\$4,015   | -\$4,105     |
| School Costs                              | -\$249,000 | -\$249,000   |
| Total Costs                               | -\$471,026 | -\$471,026   |
| Net Annual Positive Fiscal Impact         | +\$370,391 | +\$551,947   |

Recurring costs for DPW as a result of the loss of the laydown area are primarily for increased costs of road projects due to inability to store materials on-site. Onetime expenses from the sale of the DPW property will occur for the DPW Department, presently estimated to be \$250,000 along with a new school bus parking area; Table 15.

**Table 15  
One Time Expenses Estimates**

|                             |                       |
|-----------------------------|-----------------------|
| New DPW Laydown Area        | \$250,000             |
| Road to Laydown Area        | \$100,000             |
| New School Bus Parking Area | \$140,000 - \$600,000 |



**Table 16  
Comparison of Assumed One Time Revenue to One Time Costs**

|                                                                                                                                            |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Assumed One Time Revenue from sale of Property</b>                                                                                      | <b>+\$1,500,000</b> |
| <b>Assumed Building Permit Fees<br/>\$36,000,000 construction cost / \$1,000 X \$15 fee<br/>@ 75% for market rate housing</b>              | <b>+ \$405,000</b>  |
| <b>TOTAL ASSUMED ONE-TIME REVENUE</b>                                                                                                      | <b>+\$1,905,000</b> |
| <b>Assumed Maximum Cost to Build Permanent School Bus Parking (This cost is not necessarily assumed to be attributable to the project)</b> | <b>-\$600,000</b>   |
| <b>Assumed Cost to Build DPW ¼ acre Laydown Area and Access Road</b>                                                                       | <b>-\$350,000</b>   |
| <b>TOTAL ASSUMED MAXIMUM ONE-TIME COSTS</b>                                                                                                | <b>-\$950,000</b>   |
| <b>ASSUMED MINIMUM ONE-TIME REVENUE NET OF ONE-TIME COSTS</b>                                                                              | <b>\$955,000</b>    |

**Summary of Findings**

- Based on this analysis of recurring municipal revenue and expense for the project, both apartment projects have an annual positive fiscal impact, Baystone is estimated to be +\$370,391 and WP East +\$551,947.
- The minimum net onetime revenue is assumed to be at least \$955,000 million in revenue to the town, but will be unknown until the conclusion of a 90 day due diligence period during which site costs deducted from the purchase price will be identified.
- The DPW will incur a onetime expense of \$250,000 to construct a new ¾ acre laydown area and will incur ongoing increased costs primarily for road construction projects. The laydown area will be insufficient to meet DPW's long term needs and future costs are unknown.
- It is expected there will be a one-time cost of \$140,000 to \$600,000 depending on location and surface to create permanent school bus parking. The schools have used Rivers Edge site as a temporary bus parking location and this cost is not attributable to the Rivers Edge Project. More information will follow after issuance of this report.
- An estimated 21 to 31 school age children are anticipated to reside at River's Edge. The School Superintendent believes adequate facility capacity exists to accommodate these new students. The cost of three teachers is being assumed in this Report.
- A manageable increased emergency call volume will occur to emergency service departments. The Police Department did note that the increased calls will further support their need for an additional officer which has been advocated for in the past.
- Ninety eight of the apartment units will be age restricted (55+) and a minor increase in services may be seen for Senior Services.
- Limited measurable impacts are foreseen to other town departments and therefore increased costs were not forecasted.
- The analysis does not take into account the intangible and actual economic benefits of creating additional affordable and market rate housing.



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

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

## BOARD OF SELECTMEN

**Monday, January 30, 2017**  
**Selectmen's Meeting Room**  
**Wayland Town Building**  
**41 Cochituate Road Wayland**

## CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants





NAN BALMER  
TOWN ADMINISTRATOR  
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www.wayland.ma.us

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**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE  
BOARD OF SELECTMEN FROM JANUARY 20, 2017,  
THROUGH AND INCLUDING JANUARY 26, 2017,  
OTHERWISE NOT LISTED AND INCLUDED IN THE  
CORRESPONDENCE PACKET FOR JANUARY 30, 2017**

**Items Distributed To the Board of Selectmen –January 20-26, 2017**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the  
Meeting of January 23, 2017**

1. Public Comment, 150 Main Street Project
2. Email of 1/20/17 from Susan Bottan, School Business Administrator, to Nan Balmer, Town Administrator, re: Information for Board of Selectmen regarding School Bus Parking Relocation
3. Memorandum of 1/23/17 from Thomas Holder, DPW Director, to Nan Balmer, Town Administrator, re: DPW Materials Management
4. Copy of Commonwealth Community Compact, 1/27/17, between Commonwealth of Massachusetts and Wayland Board of Selectmen, re: Financial Management

**Items Included as Part of Agenda Packet for Discussion During the January 31, 2017  
Board of Selectmen's Meeting**

1. Memorandum of 1/27/17 to Board of Selectmen re: Appointments to Boards and Committees
2. List of 2017 Annual Town Meeting Articles with Attached Text of Articles
3. Draft Board of Selectmen Meeting Minutes, January 17, 2016
4. Report of the Town Administrator for the Week Ending January 27, 2017





NAN BALMER  
TOWN ADMINISTRATOR  
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www.wayland.ma.us

# TOWN OF WAYLAND

41 COCHITUATE ROAD  
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**BOARD OF SELECTMEN**  
**Monday, January 30, 2017**  
**Selectmen's Meeting Room**  
**Wayland Town Building**  
**41 Cochituate Road Wayland**

## CORRESPONDENCE

### Selectmen

1. Public Comment, School Bus Parking
2. Memorandum of 1/23/17 from Nan Balmer, Town Administrator to David Watkins, Chair, Finance Committee, re: Board of Selectmen: New Positions/Capital Requests
3. Memorandum of 1/23/17 from Thomas Holder, DPW Director, to Nan Balmer, Town Administrator, re: DPW Materials Management
4. Notice, 1/24/17, from Beth R. Klein, Town Clerk, to All Board and Committee Members, re: Policy for Noting Severe Weather When Filing Agenda

### Minutes

5. Finance Committee, December 12, 2016, January 17, 2017
6. Historic District Commission, December 15, 2016, December 27, 2016
7. Personnel Board, December 19, 2016
8. Wayland Real Asset Planning (WRAP) Committee, January 10, 2017

### State

9. Letter of 1/19/17 from KP Law to Office of the Attorney General re: Town of Wayland Zoning Board of Appeals – Response to December 29, 2016 Complaint of George Harris

### Federal

10. Letter of 1/26/17 from U.S. Department of Justice to Massachusetts Officials re: The Religious Land Use and Institutionalized Persons Act

Members of BOS, I have gathered the data below using Wayland GIS so that you may understand how many abutters you will be affecting if you choose any one of the sites that are currently proposed. Given the health hazards associated with diesel pollution, I ask that you not dispose of the land where the buses are currently parked before you find a better place to put them than any of those listed below.

Sincerely, Sheila Carel

The data below, gathered using Wayland GIS, detail the number of abutters to the properties selected as possible sites for the school bus parking lots

|                                | 500 feet | 1,000 feet | 2,000 feet |
|--------------------------------|----------|------------|------------|
| <b>Claypit Hill School</b>     | 66       | 137        | 305        |
| <b>Loker Conservation Land</b> | 63       | 140        | 342        |
| <b>Route 30</b>                | 58       | 157        | 420        |
| <b>Wayland Middle School</b>   | 162      | 352        | 792        |

The data below, gathered using Wayland GIS, detail the number of abutters to the existing location

**Institutions serving vulnerable populations within 2,000 feet of The Middle School Grounds (Surveyed by telephone or from WPS documents)**

|                                 |                     |
|---------------------------------|---------------------|
| <b>Wayland Middle School</b>    | (students only) 638 |
| <b>Veritas</b>                  | 130                 |
| <b>Bright Horizons</b>          | 147                 |
| <b>Wayland Montessori</b>       | 50                  |
| <b>Community Nursery School</b> | 83                  |
|                                 |                     |
|                                 |                     |

|                                               |                             |
|-----------------------------------------------|-----------------------------|
| <b>Sunrise Assisted Living</b>                | 71 beds                     |
| <b>Royal Wayland Nursing and Rehab Center</b> | 90*                         |
| <b>Cochituate Apartments</b>                  | 60 tenants<br>(5 employees) |
| <b>Bent Ave Apartments</b>                    | 67 tenants<br>(6 workers)   |
|                                               | 1336                        |

- (teachers and workers, listed separately, are in the building but not included in the count)



**Institutions serving vulnerable populations within 2,000 feet of 357 Commonwealth Grounds (Surveyed by telephone or WPS documents)**

|                              | <b>Number of People</b> |
|------------------------------|-------------------------|
| <b>Wayland Middle School</b> | 638                     |
| <b>Veritas</b>               | 130                     |
| <b>Goddard</b>               | 160                     |
| <b>Bright Horizons</b>       | 147                     |
|                              |                         |
|                              |                         |
|                              |                         |

|                                               |              |
|-----------------------------------------------|--------------|
| <b>Sunrise Assisted Living</b>                | 71 beds      |
| <b>Royal Wayland Nursing and Rehab Center</b> | 90           |
|                                               |              |
|                                               |              |
|                                               | <b>1,236</b> |

**Institutions serving vulnerable populations within 2,000 feet of Loker Conservation Land**

|                |            |
|----------------|------------|
| Loker School   | 263        |
| Goddard School | 160        |
| Veritas        | 130        |
| <b>Total</b>   | <b>553</b> |

**Institutions serving vulnerable populations within 2,000 feet of Claypit**

|                     |            |
|---------------------|------------|
| Claypit Hill School | <b>541</b> |
|---------------------|------------|

**Institutions serving vulnerable populations within 2,000 feet of Existing site of buses, Septage Facility**

|                  |          |
|------------------|----------|
| Septage Facility | <b>0</b> |
|------------------|----------|

January 23, 2017

Wayland School Committee  
Wayland Town Building  
41 Cochituate Road  
Wayland, MA 01778

Dear Committee members,

I am writing regarding your recent discussions about parking space for the storage of school bus at the Middle School. This is the third time alternative use of this school property has been considered since the school was built. While the current matter has a school related context it is a stretch from your basic educational role.

As I understand it, you are considering using the middle school site to store buses overnight and during school vacations. Please understand that if this action is approved I will pursue several legal actions to block such use and/or obtain property tax relief.

First I will try to find the Town and School Department in violation of its basic authority to use a site in a residential zone for educational purposes. I believe under your current arrangement you contract with a private company for student pick-up and delivery services. The contractor is provided bus storage space at no charge. The School Department, in turn, charges students a fee for those bus services. As a result you are, in effect, operating, or subsidizing, a private enterprise. The School Department's only function is as a go-between and you may, in fact be profiting from the fees. If any of these are the case the proposed land use should be considered a for-profit business. That I seriously doubt is approved by your authorities.

Second, as I recall the land portion of my property tax is partially base on Keith Road having a special classification as a scenic lane. That classification does not consider the use of adjacent property for vehicle storage which will generate both noise (in the early hours) and air pollution. As a result, I expect to file with the state land court a request for removal of the extra street assessment as well as a reduction in my basic assessment due to the anticipated loss of property value. Further, I will encourage every other affected owner to do the same.

I understand that because of your own delays in addressing the storage site issue you are under pressure to resolve the matter quickly. I hope and anticipate that any court action I might take will result in at least a stay delaying your proposed use well into the next school year. Assuming that is the case, I urge to reconsider how the storage problem may be resolved.

  
William E. Hearne  
16 Keith Rd.  
Wayland

cc: Board of Selectmen

**RECEIVED**

**JAN 26 2017**

Board of Selectmen  
Town of Wayland

DATE: JANUARY 23, 2017  
 TO: DAVID WATKINS, CHAIR FINANCE COMMITTEE  
 FROM: NAN BALMER, TOWN ADMINISTRATOR  
 RE: BOARD OF SELECTMEN: NEW POSITIONS / CAPITAL REQUESTS

On January 17<sup>th</sup> the Board of Selectmen asked me to inform the Finance Committee of the Selectmen's position on two matters":

1. REQUESTS FOR NEW PERSONNEL:

Given the Town's fiscal picture for FY 18, the Board does not support new positions other than the addition of 6 hours to the office staff position in the Conservation Department. The Board feels it must take this position with regret because the Board believes the positions requested are necessary. The Board requests that the reconsideration of these positions be made a priority for FY 19.

2. CAPITAL REQUESTS: FACILITIES:

The Board requests that the Finance Committee fund the following much needed projects in FY 18:

- 1. Design and Planning for Town Building: Mechanical and Electrical Improvements \$218,000
- 2. Design and Planning for Fire Station 2 Renovations \$ 75,000
- 3. Design and Planning for Town Building Window Replacements \$ 65,000

Although the fiscal challenges for FY 18 are clear, the long term costs of deferred maintenance of the town's physical assets must be addressed for the long term financial health of the Town.

Thank you for your consideration.

CC: Board of Selectmen





**DEPARTMENT OF PUBLIC WORKS**  
**TOWN OF WAYLAND**

3

**Thomas M. Holder**  
Director

**Michael Lindeman**  
Superintendent

**Donald Millett**  
Superintendent

To: Nan Balmer – Town Administrator

From: Thomas Holder – DPW Director

Date: January 23, 2017

Copy: Board of Public Works

**RE: DPW Materials Management**

---

The purpose of this writing is to provide an overview of the DPW position on the impacts resulting from the potential loss of its current laydown area on Boston Post Road. There have been several suggested replacement sites throughout town that have varying degrees of merit. It is understood that consideration of any alternate locations will require thoughtful review pertaining to environmental, operational and abutter siting impacts.

The prominent location currently under consideration is a triangular portion of a DPW controlled parcel adjacent to the Landfill and behind the Transfer Station. This portion of property is known to have a useful area of approximately 0.62 acres.

It is thought that the development cost to properly utilize this Triangle will collectively include the approximate \$250K DPW Facility surplus to permit and prepare the site for laydown use as well as an additional \$100K to extend the Access Road to accommodate a 400 foot roadway segment to reach the Triangle. The \$100K figure is presented as an order-of-magnitude figure to construct a municipal roadway from River Road including the permitting, engineering and construction through wetlands and over an existing gas transmission main. A more refined cost figure can be derived upon the completion of a more detailed concept design.

The Triangle poses operational challenges that will cause an increase in operational costs as well as increased staff efforts to manage spoils and stored materials. As an example, current scenarios call for staff to travel approximately ten minutes to access the current laydown area. Some future conditions caused by limitations at the Triangle will have staff traveling as much as 1 ½ hours to haul spoils and materials to vendor sites located in other towns such as Holliston.

**HIGHWAY - WATER - FLEET - PARKS - CEMETARIES - TRANSFER CENTER**

DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508-358 3672

During many projects conducted in town, times arise whereby unanticipated spoils are created and are in need of a place to dump. The current laydown area had been historically used to accommodate those needs which has helped avert unwanted costs and attention. Triangle limitations will eliminate this attractive option in the future.

As a result of potentially needing to vacate the current laydown area off Boston Post Road in the coming months, it would be the intention of DPW to utilize its property located at 195 Main Street as an interim laydown yard. This will be a short term resolution to allow DPW to operate until it gets the Triangle permitted, designed and prepared for use. These activities could take a year to complete.

In knowing that the Triangle will not provide the full functionality necessary of an adequate laydown area, the coming year would be spent evaluating and vetting the aforementioned suggested site alternatives. This work would be performed by an outside consultant to determine the viability of each. These evaluation results could then be used to select those locations having the best characteristics deemed necessary of a successful laydown site. Evaluation criteria would include size, accessibility, permit compliance, municipal use acceptance by abutters and availability. The intent would be to arrange for the future use of a second laydown site to supplement the use of the Triangle. It should be noted that a scenario exists whereby no alternative site will be identified as being viable and that DPW will be restricted to just the Triangle.

In conclusion, it is the general consensus of DPW that the Triangle area alone will be inadequate to host current and anticipated laydown functions. With the loss of its current sizable location, DPW will experience increased costs and additional staff effort to perform activities typical of its operation. It will take a number of years of reorganized logistics to carry out its role while the Triangle and alternative sites are evaluated and advanced to a point of suitable use. We appreciate the consideration of these issues while the future use of town land assets are deliberated.

HIGHWAY - WATER - FLEET - PARKS - CEMETARIES - TRANSFER CENTER

DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508-358-3672



January 24 2017

To All Board and Committee members;

In case severe weather is anticipated please follow the policy set forth below when filing your Agenda's:

With certain exceptions, if inclement weather is expected, a board can post a separate meeting notice for an alternate date, provided notice of the alternate date is posted 48 hours prior, excluding Saturdays, Sundays and legal holidays. The board cannot simply post a meeting for Monday, Jan. 23 and add "if inclement weather, meeting will be held on another date." Instead, the board should post a meeting for both dates, and with respect to the alternate date, the board can state on the notice: "This is an alternate date to be held only in the event that the meeting of Jan. 23 is canceled due to inclement weather." Similarly, the notice for the primary date could state: "In the event of inclement weather and this meeting is canceled, the meeting will be held on Jan. 25 at 7 pm. See separate posting" This way, the notices cross-reference each other.

With respect to public hearings, which have been advertised and notices mailed to abutters or other interest parties stating that a hearing will be held on Jan. 23. For example, ZBA and Planning Board hearings are required to state the date, time and place of the hearing in the ad and notices to abutters. It may not be known at the time the ad is placed or notices sent whether inclement weather is expected, and so, it is unlikely that an alternate date can be set for the hearing. These hearings, if canceled due to weather, require at least one board member to be present at the scheduled time and place for the purpose of announcing that the meeting will be canceled due to weather and will be held on a specific date (the date must be announced publicly and posted); if no board members can be present for the purpose of continuing the hearing, then the hearing must be re-advertised.

Both the original and alternate notice should state: "Cancellations will be announced by 4 pm the date of the Meeting on the Town's website" by the board or committee.

Please only file a separate meeting notice if there is actually bad weather forecast and notify the Clerk's office that your meeting has been cancelled.

Thank you,

*Beth R. Klein*

Town Clerk, Town of Wayland  
41 Cochituate Road, Wayland, MA 01778  
508-358-3631  
[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)  
[www.wayland.ma.us/pages/waylandma\\_clerk/index](http://www.wayland.ma.us/pages/waylandma_clerk/index)



# Town of Wayland Massachusetts

**Finance Committee**  
David Watkins (Chair)  
Gordon Cliff  
Nancy Funkhouser  
Jen Gorke  
Carol Martin  
Klaus Shigley  
George Uveges

## **Finance Committee Minutes December 12, 2016**

Attendance: D. Watkins, G. Cliff, G. Uveges, C. Martin, K. Shigley and B. Keveny (Finance Director). J. Gorke (7:05pm), N. Funkhouser (7:07pm).

**Call to Order:** The meeting was called to order by Chair David Watkins in the Second Floor small Conference Room at the Town Building at 7:02pm when a quorum was present. Mr. Watkins reviewed the agenda items to be discussed and indicated the meeting was being recorded by WayCam.

**Public Comment:** None

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

**Report from Finance Director:** Finance Director Brian Keveny distributed the Crystal Reports for use in preparation of the FY18 budget. The report details four years of actual expenses, the FY17 budget, % expended through the first six months of FY17 and the FY18 budget request. The Committee thanked him for the reports.

Mr. Keveny stated a 2.5% budget increase is approximately \$1.8M with committed expenses including payroll, retirement, health insurance, minuteman, etc. projected to increase by \$1.4M. Mr. Keveny reported that based on initial FY18 budget submissions, the general fund budget would increase by 3.75%. He added that if the Fincom adds \$225K of capital projects to the general fund, the year-over budget increase would be 4.05%. Mr. Keveny further noted these projected increases include a year-over reduction of free cash applied to the operating budget from \$1.5M to \$400K. He suggested the Town should consider no new hires.

Mr. Keveny indicated the Board of Selectmen have requested his presence at their meeting to attend the outside auditor’s presentation and to review the FY18 budgets that are under their jurisdiction and he left the meeting at 7:14pm.

**School Budget Review:** At 7:15pm, Chair Watkins stated the FinCom would recess from its open session to attend the School Committee meeting in progress in the School Committee Conference Room on the

2nd floor of the Town Building. He added the Committee would return to open session at the conclusion of that meeting which he anticipated would be in approximately 45 minutes.

Upon reconvening, a brief discussion ensued regarding the Superintendent's Recommended Budget presentation. The Committee expressed concern that the budget proposes 15 new hires and 7 additional benefit packages and will seek additional information from the School Committee.

**Draft Operating Budget Review and Strategy:** Chair Watkins suggested the Committee discuss the strategy it wanted to employ in regards to the Operating Budget. Options discussed included speaking to every department as has been done the past, looking at only the larger departments/budgets and reviewing the major cost drivers. In all cases, the Committee felt every budget should be measured against the FY18 budget guideline of a maximum 2.5% townwide increase. Mr. Watkins noted the impact of the FY18 budgets as submitted would use \$2-3M of the Town's excess levy capacity which prompted a discussion of no new Town hires for FY18, reviewing open but not filled positions and following up on outstanding capital projects.

**Discussion Regarding CIP Prioritization and Vote to Close Capital Budget and 5-Year Capital Improvement Program:** The Committee reviewed a draft FY18 capital budget. Ms. Martin pointed out that since the last meeting, three capital requests: the Town Building windows, the Motor Pool and the Data Center Upgrade had been pulled and/or moved to FY19. Mr. Cliff stated that the BoPW had advised him the water analysis study is not a priority for this year. Based on that information, the Committee agree to defer that request as well. When Mr. Cliff asked to revisit the Dudley Woods request, the Committee advised that the Dudley Woods request was being submitted to CPC and if approved would automatically come back before the FinCom for review as a CPC article.

The Committee spent some time reviewing the funding sources for the proposed capital budget, noting that between the \$225K of capital projects being moved to the FY18 operating budget and the proposed cash capital CIP expenditures of \$792K, the FY18 draft capital budget is built on \$1M of cash capital. In FY17, cash capital was \$305K. The Committee discussed the positive impact of approximately additional \$500K in capital closeouts would have and hope more projects would be closed out.

Ms. Martin moved the Committee approve the Draft FY18 Capital Budget and associated funding sources. Ms. Funkhouser seconded. A discussion ensued during which the Committee indicated it would revisit the draft capital budget and proposed funding sources once it completes it's review of the operating budget. The motion passed: 6-1-0 with Mr. Cliff voting in opposition.

Looking at the financial impact of the 5-year Capital Plan,, Mr. Uveges distributed a draft Capital Projects 5-Year Summary for FY18-22. He explained that essentially, the chart is an effort to demonstrate the financial impact of implementing all proposed major projects currently in the 5-year capital plan.

Mr. Uveges stated for years FY19-FY22 his assumptions were the Town's debt service policy would not be greater than 10% of the operating budget and used borrowing schedules of 20 years for building projects such as the CoA building and Library versus a straight 10-year borrowing generally used for routine borrowing.

A discussion ensued regarding impact and process. The Committee noted if the town approves all

currently known large capital projects, the town would run the risk of losing its triple A rating from Moody's and annual tax increases will be steeper. Regarding process, the Committee thanked Mr. Uveges for his work and asked him to refine a number of variables to see what impact, if any, that would make.

**Review Issues & Actions List, Schedule and Milestones:** In reviewing the Action Item list, it was noted that items #13, reviewing the draft strategy and #16- draft capital budgets have been completed. It was suggested that an action be added for capital projects follow-up. There was no discussion regarding schedule and milestones.

**Chair's & Vice Chair's Update:** None.

**Topics Not reasonably anticipated by the Chair 48 hours in advance of meeting:** None

**Members' reports, concerns and topics for future meetings:** Ms. Martin asked if the Committee could review FY18 items to see what could be posted on the web site. Mr. Watkins replied he is currently working on updating that information.

**Meeting Minutes:** The Committee reviewed the Minutes of September 26th. After a brief discussion, Ms. Martin moved that the September 26th Minutes be approved as amended. Mr. Cliff seconded. Motion passed: 7-0.

The Committee reviewed the Minutes of November 5th. After a brief discussion, Ms. Martin moved the November 5th Minutes be approved as amended. Mr. Cliff seconded. Motion passed: 7-0.

**Adjourn:** Mr. Uveges moved to adjourn. Mr. Cliff seconded. Motion passed: 6-0. Meeting adjourned at 10:25pm.

Respectfully Submitted,

Carol Martin

Documents:

Source D. Watkins:

Action List: dated 12/4/16

Source: B. Keveny:

Crystal Report: FY18 Schedule of Appropriation

Source: G. Uveges

Financial Impact /5-Year Capital Summary, dated 12/11/16





# Town of Wayland Massachusetts

## **Finance Committee**

David Watkins (Chair)

Gordon Cliff

Nancy Funkhouser

Jen Gorke

Carol Martin

Klaus Shigley

George Uveges

## **Finance Committee**

### **Final Minutes**

**January 17, 2017**

Attendance: D. Watkins, G. Cliff, N. Funkhouser, J. Gorke, C. Martin, K. Shigley, and G. Uveges.

### **Call To Order:**

The meeting was called to order by D. Watkins in the Small Conference Room at the Town Building at 7:00pm. He thanked everyone for attending. He announced the meeting was being taped by WayCam and reviewed the agenda.

### **Public Comment and Committee Members' Response**

Anette Lewis, Claypit Hill Road, stated three points. First, she suggested that FinCom should not include a large amount in the Reserve for Salary budget line for future collective bargaining agreement settlements; in her opinion that is a bad negotiating tactic. Second, on the school budget she asked that FinCom scrutinize amounts included in the budget for exchange programs – particularly the China exchange program – as to whether they are disclosed appropriately and whether they should be taxpayer-funded. Third, on behalf of the WRAP Committee she asked for information on FinCom's proposed 5-year capital plan so they could consider it in their work.

K. Shigley asked that Ms. Lewis resend two documents produced by the WRAP Committee, and Ms. Lewis agreed to do so. G. Uveges asked for clarification on how contract settlements would be funded. Ms. Lewis suggested that they could be funded by a vote at separate Town Meeting. D. Watkins suggested that he work with Ms. Lewis to get a better understanding of the information the WRAP Committee would like to receive.

Tom Sciacca, Rolling Lane, raised concerns about teacher salaries growing faster than inflation. He urged the Finance Committee to consider that he believes Wayland teacher salaries are already on par with that of other professionals such as engineers and lawyers and further increases are inappropriate.



### **Report from the Finance Director:**

D. Watkins explained that Brian Keveny was unable to attend the meeting for personal reasons. D.

Watkins provided a brief update:

- The Facilities Quarterly Report will be reviewed at a future meeting.
- The Moody's Rating Call is upcoming.
- Moody's has requested that we provide them with our proposed FY18 capital budget and 5 year Capital Improvement Program.
- B. Keveny will be distributing an updated Crystal Report for discussion at a future meeting.
- Analysis on the general insurance budget is continuing, and B. Keveny will provide an update at a future meeting.

### **Review Article Assignments:**

D. Watkins led a discussion on article assignments. Currently there are 32 articles, which is good sign as that is lower than the last several years. He stressed that it is important that we start the process of coordinating with the lead sponsor for the article and with the Selectmen assignee. He noted that our FinCom warrant article workshop (previously called a "hearing") is scheduled for next Monday. He distributed a document that includes preliminary information and text on each of the articles (see Attachments). We should use that material as a starting point for preparing our draft reports.

G. Cliff asked that we have a discussion on article assignments. FinCom members went through the list and agreed on some changes in terms of FinCom Assignee. K. Shigley asked for further information on how the write-up process works. N. Funkhouser provided an overview of how the process generally works. C. Martin provided some additional insights, particularly how petitioners articles are a bit different. K. Shigley asked for an overview of how the workshop is conducted. FinCom members provided perspectives based on workshops held in previous years.

D. Watkins urged us to focus on the quality of our write-ups- in the past there has been criticism that some of our write-ups are not as well-written as they should be. The final deadline is to have a FinCom completed version submitted to MaryAnn by Feb 22<sup>nd</sup>. J. Gorke asked for clarification of how we should use the forms we had received; she suggested that in the future it would be better if we were provided drafts in FinCom write-up format.

### **Review of Operating Budget with School Committee:**

At 7:40, D. Watkins stated that we were moving the FinCom meeting from the Small Conference Room and joining the School Committee in the School Committee Meeting room to discuss their proposed school budget. He estimated that we would be returning to the Small Conference room for the remaining agenda items at approximately 8:40.

For minutes from the joint meeting, see the 1/17 School Committee meeting minutes.

The Finance Committee returned to the Small Committee Conference Room at 8:42 and continued the rest of its meeting.

### **Review of Operating Budget by Department:**

Beth Doucette, Financial Research/Analyst, joined the meeting. D. Watkins recommended we begin with a quick discussion of where we stand in the process and our goals and objectives. D. Watkins observed that we are about a week behind vs. our process last year. He stressed we need to work efficiently to review the budget while at the same time ensuring careful due diligence and review. D. Watkins referred to an exhibit distributed at the 1/10 meeting based on analysis done by B. Keveny (see attachments). That analysis suggests that we need to either decide to exceed our guideline increase of 2.5% or make cuts of approximately \$1 million. G. Cliff stated that he did not believe that FinCom should try to impose cuts of \$1 million because we don't have enough information or knowledge to make good decisions on how to do so. He stated that he would like more information about some of the amounts being requested, but that we should not try to identify a given amount of reductions in order to meet an initial target of 2.5% that was set at the beginning of the process. N. Funkhouser agreed. K. Shigley asked for clarification about when we would incorporate our recommendations about additional personnel. N. Funkhouser pointed out that we need to do our best to work with the considerable amount of information and explanations that we have already received and be careful about introducing delays by asking for additional information. C. Martin noted that we should know the Board of Selectmen's recommendations on personnel increase requests very soon.

Ms. Doucette distributed an exhibit with an updated operating budget by department (see attachments). FinCom members agreed that we should go down the list and discuss the amount proposed for each department and review explanations where significant increases are being proposed. Ms. Doucette handed out some backup and more detailed information for each department (see attachments). Selectmen is up \$10 k to provide for communications specialist support and to allow a higher amount for dues and memberships. Town Office is up \$28 k because of salary increases (e.g., Town Administrator) and some reclassifications of amounts from Selectmen to Town Office. Finance is up primarily because of salaries, reflecting a more thorough analysis of salary (e.g., exact number of weeks and steps) and additional costs related to the audit. Treasurer is up primarily because of a new service for processing receipts and bills. Legal is up \$25 k because of the change in Town Counsel and increased expenses to support Rivers Edge and other major projects. IT is up \$71 k, as was presented in detail at a recent FinCom meeting by the IT Director. N. Funkhouser reminded FinCom members of the detail drivers of the increase in IT. Town Clerk is up \$3 k, primarily because of reclassification of expenses previously shown in Elections. C. Martin asked for clarification of some of the amounts included in the detailed sheets, and Ms. Doucette agreed to provide specific answers to questions that she received. Elections is down \$34 k primarily because of fewer elections. Several departments went down as a result of a detailed review of amounts actually spent in previous years and an estimate of what was likely to be needed (e.g., new employees that came in at lower steps/lanes). Facilities is down \$91 k, primarily because of utilities (e.g., gasoline). Police is up \$109 k, primarily because of the addition of lanes to cover increased salaries assuming officers achieve expected education credentials. Joint Communication is up \$12 k primarily because of steps and lanes. Fire is down \$73 k based on a very careful analysis of actual salary amounts, which might help partly fund the requested 2 additional FTE. Highway and Parks are up in line with the detailed budgets that DPW leadership presented at a recent FinCom meeting. G. Cliff asked that we get a reminder about why \$65 k for the transfer station is included in the general fund rather than being included in the transfer station revolving fund. D. Watkins asked that we get clarification on the Parks increase as it seemed to be different than what they had presented at a prior FinCom meeting. Board of

Health is up \$28 k primarily because of an increased need for substitute nurses for schools. FinCom agreed to discuss other expenses (e.g., debt service) and unclassified at a future meeting when B. Keveny is present.

G. Cliff noted that there may be an opportunity to reduce the Parks department by a substantial amount if we can get the Recreation Commission to agree that the Recreation Revolving Fund should be charged for its fair share of field maintenance expenses, which has been estimated to be in the range of \$160 k. N. Funkhouser agreed that we should pursue it. C. Martin distributed a document that the Town Administrator had prepared last year on this topic estimating the amount that might be charged (see attachments). G. Cliff moved that the Parks budget be reduced by \$160 k to reflect the allocation of field maintenance expenses to the Recreation Revolving Fund. K. Shigley seconded. C. Martin argued that we should wait until more work is done before assuming FinCom needs to take action. G. Cliff stated his concern is that if we wait too long we may end up missing the opportunity to force the issue to be discussed this year. G. Uveges noted that if we remove the amount from the Parks budget and the costs can't be allocated to the RRF, Parks would be short. G. Uveges amended the motion to be that the Chair of FinCom send the Recreation Commission a note that the FinCom recommends that the Recreation Revolving Fund be allocated \$160 k for field maintenance expenses. G. Cliff amended the amended motion so that FinCom's recommendation would also be sent to the Board of Selectmen and the Town Administrator. C. Martin provided some additional background information about how the revolving fund authorization article works and the process by which it is likely to be developed based on the precedent set last year. D. Watkins called for a vote. Motion passed 4-1-2 (Watkins no, Martin and Funkhouser abstained).

Barbara Fletcher of the School Committee joined the meeting briefly to communicate the School Committee's schedule and asked the FinCom to inform them as soon as possible if we had any requests for additional information. D. Watkins asked for thoughts on next steps relative to the School Committee's recommended budget. G. Cliff stated that he was fine with the budget the School Committee recommended. N. Funkhouser asked for a clarification of how the School Committee's recommended budget compared with the Superintendent's budget. G. Cliff stated that he believed the School Committee budget was about \$20 k higher. N. Funkhouser said she was also fine with the School Committee's proposed budget. G. Uveges said he understood the budget that was presented, but that he doesn't know how the town can afford an extra \$1 million. C. Martin said she was concerned about the size of the budget and the fact that 16 new positions would be added and 6-8 new benefit packages. G. Uveges added the concern about the additional costs from a salary increase. N. Funkhouser noted that much of the increase is being driven by special education and that based on a meeting that she recently attended she believes that is being managed very well. She believes that there is "no fluff" in the overall increase. G. Uveges noted that we are headed toward a tax increase in the 6+% range which is too high. N. Funkhouser noted that a big driver of that increase was a reduction in the use of free cash to buy down our tax rate. J. Gorke said she is comfortable with the FTE increase given how much of it is being driven by required increases (e.g., special education, enrollment driven changes), that factors other than schools are a big driver of the overall increase, that having great schools are the main reason why most people move to Wayland, and that she thinks it would be a mistake not to support the budget the School Committee has recommended.

G. Uveges agreed that our schools do a great job, but he wondered that given how large the overall school budget is whether they shouldn't be able to fund the required increases with reductions in other areas. K. Shigley stated that he did not feel that the FinCom has enough information or knowledge to know if the School Committee's recommended budget should be reduced. G. Cliff stated that he didn't think the School Committee could come up with \$1 million of savings without feeling that they were doing significant harm by doing so. D. Watkins stated that he believes the reputation of our schools is an enormous asset, but that he has concerns that we may be starting too many new initiatives given that Superintendent Stein is leaving. He also stated that he thinks that if we were to ask for something like a 1% reduction that the School Committee should be able to accomplish that, and that FinCom should ask that some amount of money be removed from their proposed budget. C. Martin stated that she felt FinCom needed to work harder to try to bring an overall budget to at least closer to the 2.5% guideline. She agreed with D. Watkins that we should ask the School Committee to reduce their proposed budget. G. Uveges said he thought we should ask for a reduction of at least 0.5%. K. Shigley pointed out that the proposed school budget after considering salary increases is over the 2.5% guideline. N. Funkhouser and D. Watkins agreed that was a valid point. N. Funkhouser pointed out that we probably have time to think a bit more about what we should do. N. Funkhouser, G. Cliff, and J. Gorke stated that they probably would not support a motion to ask the School Committee to reduce their proposed budget. N. Funkhouser stated that she feared reducing the school budget could have significant negative consequences. FinCom discussed and agreed that we could consider a motion at next Monday's meeting. G. Cliff requested that D. Watkins provide FinCom with reduction options that we might consider.

FinCom members had a brief conversation about proposed town staff increases. Opinions varied, with several members supporting the new position in police and two in fire, some supporting one or the other, and one supporting neither. C. Martin suggested waiting until we are informed about the recommendation of the Board of Selectmen.

### **Review Issues & Actions list and Review Schedule & Milestones**

G. Cliff stated that he had not received a copy of the issues and actions list. D. Watkins said he would revisit the process to make sure updated versions were distributed for each meeting as an attachment to the draft agenda.

### **Discuss Chair and Vice Chairs Update**

D. Watkins asked that we provide him information on vacation schedules. On members concerns/updates, G. Cliff noted that the BoPW has withdrawn the wireless water meter CIP request as they want to do more work on it and bring it back next year.

K. Shigley asked when we plan to discuss the draft Report of the Finance Committee and FinCom members agreed it would be discussed at a future meeting. He provided a favorable overall reaction and some improvement suggestions on the exhibit explaining how the estimated property taxes is determined that G. Cliff had distributed in a prior meeting.

### **Meeting minutes**

FinCom members reviewed the draft minutes for January 4<sup>th</sup>. C. Martin moved that we approve the minutes of January 4 as amended. N. Funkhouser seconded. Motion passed 7-0. FinCom members

reviewed the draft minutes for January 10<sup>th</sup>. C. Martin moved that we approve the minutes of January 10th as amended. K. Shigley seconded. Motion passed 7-0.

**Adjourn:** At 10:25 PM, C. Marin made a motion to adjourn. Mr. Uveges seconded. Motion passed 7-0.

Respectfully submitted,  
Gordon Cliff

**Attachments:**

Article List for 2017 Annual Town Meeting  
Fiscal 2017 Budget  
Wayland Budget-Draft FY 2018  
Field Maintenance Expenses



6

Wayland Historic District Commission Meeting  
Selectmen's Room, Town Building  
December 15, 2016

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Kate Finlayson, Marji Ford, Desmond McAuley

Public Comment: There was none.

Minutes of November 17 were approved. (5-0-0)

Public Hearing. Frontage of 41 Cochituate Road, Wayland Town Building - installation of a banner sign for Children's Way attached to Town Building sign at driveway entry to Town Building. Children's Way representatives initially talked of an additional banner, but this has changed to become a total change of the sign because of its current height above the ground and also its condition. There was a motion to agree to the concept of a banner sign to go under the Town Building sign; but to also acknowledge the need for an HDC hearing for an entirely new sign. (5-0-0)

Resignation. Kevin Crowley has submitted his resignation from the HDC to take effect immediately. His replacement would need to fulfill his two and a half year term. Kate said she would prefer to remain as an alternate. Gretchen reported that Seema Mysore has applied for a position on the HDC and has a background in architecture and design.

Demolition Delay. The HDC may join forces with the Historical Commission (HC) at the meeting on January 19, at 7:30 pm to support the HC in the endeavor to establish a demolition delay article on the warrant for Town Meeting. If there are HDC applications on January 19, the hearings could be held at 7pm- prior to the meeting with the HC, or at 8:30 pm after the meeting with the HC. HDC members indicated a preference for the earlier time, if possible.

Guidelines. Gretchen distributed printed copies of the most current edition of the guidelines based on review and edits by the Commission in previous meetings. There was a final review page by page, starting with the front

cover. There was consensus to change the front cover photos and agreement to focus on “streetscape.” Desmond who arrived as discussion of the guidelines began, asked if the HDC might call on a graphic designer to look over the guidelines to maximize user-friendly copy. Gretchen explained she had used Word software, but would transfer the guidelines to Publisher software so as to improve lining up photos, etc. Kate will ask a graphic designer she knows if he would look over the Guidelines. Desmond also offered to speak to one of the graphic designers at his office.

Gretchen hopes that links can be established on the Table of Contents page to facilitate use of the guidelines. A map of the Historic Districts will be on the inside back cover page. The “Fun Facts” might be on the other side of that page. We should add a fact related to the Bow Rd district since currently all facts cover Wayland Center. We agreed on the need for more illustrations or photos to make the document more user friendly and informative. Desmond asked for addresses and/or photos of buildings which might be good examples to illustrate aspects covered in the Guidelines.

These would facilitate preparation of illustrations

Under References, we decided to add a list of basic, but interesting reference books on architectural history. Gretchen immediately mentioned Hubka’s *Big House, Little House, Back House, Barn: The Connected Farm Buildings of New England.*

The meeting adjourned at 9:15 pm.

Respectfully submitted,  
Margery Baston

Wayland Historic District Commission Hearing  
Selectmen's Room, Town Building  
December 27, 2016  
8:00 a.m.

Members present: Gretchen Schuler (presiding), Margery Baston, Kate Finlayson, Marji Ford, Desmond McAuley, Kathie Steinberg

Others present: Frank Gorke (9 Bow Road)

Public Comment: There was none.

9 Bow Road - Approve windows and door selected for breezeway between house and garage, concept approved with condition of final approval of windows and door. The panes in the Brosco windows (6 over 6 lites) will match the panes in the door. The windows are double hung, putty glazed, single pane, full wood windows, with muntins at 7/8ths inches or less. There will be a storm window and screen for the front door and the mudroom door. There was a motion to accept the application as submitted. This was followed by a unanimous, favorable vote. (5-0-0) (Kathie arrived just after the vote.)

Frank Gorke happened to mention that he knew of a person who restored old windows -- Dave Bowers of Weare, NH.

Website: [www.oldwindowrestorer.com](http://www.oldwindowrestorer.com).

The next meeting will be on January 19. We will start with a hearing at 7 pm, on the fencing that has been installed for the bike path at the Wayland Depot. We will then meet with the Historical Commission at 7:30 pm relative to a demolition delay article for Town Meeting.

The meeting adjourned at 8:15 am.

Respectfully submitted,

Margery Baston

7

RECEIVED

JAN 25 2017

Board of Selectmen  
Town of Wayland

Personnel Board Meeting  
Wayland Town Building – Selectmen’s Office  
Minutes  
December 19, 2016 7:00 pm

Members Present: D. Cohen (DC); M. Peabody (MP); P. Schneider (PS); M. Jones (MJ); J. Green (JG)

Also Present: J. Senchyshyn (JS)

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

Public Comment

None

Executive Session

DC moved that the Personnel Board go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Custodians, WTA, WESA and Food Service Unions; to Hear a Fire Grievance; to Review and Potentially Approve Executive Session Minutes of 10/19/16.

The Chair declared that a public discussion of these items will have a detrimental effect on the bargaining position of the Town.

The Chair stated that the Personnel Board would be joining the Board of Selectmen, Finance Committee and School Committee in a joint executive session. The Board invites members of the School Committee, members of the Finance Committee, members of the Board of Selectmen, School Superintendent Paul Stein, Asst. School Superintendent Brad Crozier, Finance Director Brian Keveny, Asst. Town Administrator John Senchyshyn and Town Labor Counsel Liz Valerio to join them for the collective bargaining discussion.

The Board will then leave the other boards to conduct the balance of the executive session.

MJ seconded the motion.

DC took a roll call vote:

|                    |     |
|--------------------|-----|
| Member Schneider   | Aye |
| Member Jones       | Aye |
| Member Green       | Aye |
| Vice Chair Peabody | Aye |
| Chair Cohen        | Aye |

The Board will reconvene in open session in approximately 90 minutes.

The Board entered Executive Session at approximately 7:01 pm.

The Board returned to Open Session at approximately 8:50 pm.

#### FY 18 Wage and Classification Warrant Article

JS stated that the warrant for the Spring 2017 ATM was open. He recommended that the Board vote to submit their Wage and Classification Article at this meeting as warrant may close before the next Personnel Board meeting. The Article as drafted did not have an across-the-board increase for non-union personnel. He stated the article could be amended at a future meeting.

MJ moved to approve the FY 18 Wage and Classification Article as presented for submittal. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

DC signed the Article.

#### Position Requests – FY 18 Budget

The Board reviewed departments' staffing requests and presentations from their 11/30/16 meeting. Members discussed the staffing requests and the potential impacts to the FY 18 budget. JS stated that he included the FY 17 recommendations in the packet for reference and had also prepared a draft recommendation for the Board's review. Members discussed the draft recommendations and made several edits.

MJ moved to approve the recommendations as amended for FY 18 staffing requests. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

#### Review of CY 2016 Vacation Carryover Requests

JS reviewed employees' requests for vacation carryover. He noted that requests for carryover from union employees were consistent with the collective bargaining agreements with the exception of 2 Library members, P. McCuen and M. Wright. JS explained the background to their requests. McCuen was short-staffed and her ability to take time was limited. Wright had no specific reason for the request. JS then reviewed the requests from non-union employees. Those requests were consistent with the By-laws with the exception of D. Houghton. Houghton's carryover request was excessive, but was also tied to staffing issues.

MJ moved to approve the carryover request for McCuen, approve the carryover request of D. Houghton with the caveat that there will be no further approvals in excessive carryover, deny the carryover request of Wright, and approve the balance of the carryover requests for CY 2016. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

#### Review Grade of DPW Director Position

JS reviewed the discussion from the previous meeting regarding the grade of the DPW Director. The comparison of pay rates with similar communities was contained in the Board packet. The Board briefly discussed the grade of Wayland's position again.

PS moved to approve changing the grade of the DPW Director from an N12 to an N13. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.



Starting Wage Rate for the DPW Director

JS reviewed the resume of the new DPW Director, Thomas Holder. He asked the Board to approve a starting wage rate of N13, Step 10 in the amount of \$122,239/year based on Holder's experience and current rate of compensation.

MJ moved to approve the starting wage rate for DPW Director, Thomas Holder at N13, Step 10 in the amount of \$122,239/year. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Starting Wage Rate for the Department Asst. - Building

JS reviewed the resume of the new Department Asst. - Building, Cheryl Starek. He asked the Board to approve a starting wage rate of C14, Step 4 in the amount of \$41,963 based on Starek's experience.

MJ moved to approve the starting wage rate for Department Asst. - Building, Cheryl Starek at C14, Step 4 in the amount of \$41,963. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Minutes of 11/30/16

The draft minutes were amended as follows:


... such ~~timing~~ **a change** for ...

... have ~~the amount~~ **as many** volunteers ~~that as~~ used to work ...

JG moved to approve the minutes of 11/30/16 as amended. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

The Board discussed options for the next meeting, but no firm date was set.

PS moved to adjourn at 9:50 pm. MJ seconded the motion. Five members having voted in the affirmative, the motion passed.

  
John Senchyshyn  
ATA/HRD

**Documents From Personnel Board Meeting**

**Regular Session**

**December 19, 2016**

**Document:**

2016-11-30 Draft Minutes

FY 17 Staffing Recommendation Memo

FY 18 Draft Staffing Recommendation Memo

CY 2016 Vacation Carryover Requests

DPW Director Wages and Comparison

Resumes - Starek and Holder

Spring 17 ATM Draft Warrant Article

Wayland Real Asset Planning Committee  
SMALL HEARING ROOM – SECOND FLOOR  
WAYLAND TOWN BUILDING,  
41 COCHITUATE ROAD, WAYLAND MA

January 10, 2017 – 7:30 PM  
APPROVED 1/24/17

Present. Anette Lewis (presiding), Tom Abdella, Nicole Riley and Gretchen Schuler.

Call to Order. The meeting was called to order at 7:32 PM by Anette Lewis who reviewed agenda.

Public Comment. Linda Segal, Aqueduct Road, spoke about the School Committee’s School Bus Parking Report. She stated that she knows that WRAP weighed in and gave recommendations. She noted that the School Committee tasked Susan Botton, School Business Administrator with obtaining a legal opinion of whether or not school buses could be parked at the Loker Conservation and Recreation Area. Ms. Segal finds this disconcerting that materials generated by WRAP are not being considered in such decisions.

Minutes. The minutes of December 12, 2016 were approved as amended by a vote of 4-0-0.

Decision and Site Selection Matrices. Final perusal of the project decision matrix resulted in the addition of a few words and concepts to the “Instructions to Preparer.” Worksheets 1, 2, and 3 have been combined to be considered together when describing a project. The wording at the top describing the Purpose will be changed to note that the purpose for all worksheets is to implement an objective methodology by which to assess projects. Members approved the final wording of the matrices by a 4-0-0 vote.

School Department Consultant’s Report on School Bus Parking Site Evaluation. Ms. Lewis reported that at the School Committee’s Finance Sub-Committee she had asked why the School Committee hired a consultant to find a location for parking school buses. Barb Fletcher, a member of the Sub-Committee responded for herself only by saying that such an important decision needed expert advice. An additional \$4,500 will be spent on preparing lay-outs for parking at the Middle School and at Loker Conservation and Recreation Area and also preparing cost estimates for all sites under consideration. WRAP members discussed each of the sites and determined the following about each site:

- 1) River Road – the area under consideration behind the old salt shed location is beyond the 200’ buffer and is about 1.6 acres of area. The DPW road must be plowed every day and is fairly flat.
- 2) 357 Commonwealth Road is under Parks and may have 200’ river front issues. The Parks ownership issue must be looked into.
- 3) Claypit Hill School site is close to neighbors.
- 4) Pemberton Road site is owned by the Cemetery, used for composting, and is close to neighbors.
- 5) Loker Conservation and Recreation Area was deeded only for conservation and recreation pursuant to multiple Town Meeting votes and probably is not worth spending money on a legal opinion of how to allow such a use.
- 6) Middle School may have an appropriate place in front of and slightly east of the front entrance of the school building that is away from neighbors and is more “unused” than other areas of the site.

Town-Owned Parcels Chart – Possible Recommendations. Members discussed the list of 30 parcels on which work has been done to understand how each parcel was acquired and whether there are restrictions. Notes to add to the charts include:

- 22-001 – Why municipal?
- 42D-115, 116, 117, 118 – four parcels that may be used for septic, play area, or 1 house.
- 42D-070 on Sycamore is across from 4 parcels above.

- 43A-033, 43A-033A – 19 and 21 Garden Path could be used for housing or sold.
- 46B-042 – use for septic field, parking or sell.
- 46B-047, 048 – Sycamore could be used for snow storage, septic or sell.

Tasks for Near Future. Ms. Schuler will work with Brendan Decker on updating the GIS data base. Ms. Riley will work on a write-up of examples of deed language and other restrictions to be provided to Town Counsel. Each WRAP member should reach out to those boards, commissions and committees for which each has been a liaison and ask that each updates the list of projects that may be considered in the future. Mr. Abdella will be working on the demographics section of the report – noting the various sources and discrepancies among them and raising the pitfalls of which source to use for each project. There was a brief discussion of what types of additional information to include in the Final Report such as:

- whether or not to explore the campus aspect - site planning for future use of a large parcel particularly the municipal parcel at Greenways;
- whether to propose a follow-up committee to WRAP and if so what the charge of that committee should be, i.e. a Capital Planning Committee.

Outstanding Legal Issues. There are legal issues about the current and or future uses at Greenways and the parcels at 5 Concord Road (Wayland Public Library) and 41 Cochituate Road (the Town Building and fields).

Next Meetings.

January 24, 2017 – 7:30 PM.

February 8, 2017 – 7:30 PM

February 22, 2017 – 7:30 PM

Handouts.

- 1) Town-Owned Parcel Data Chart (1/10/17 – Gretchen Schuler)
- 2) Site Selection Matrix and Instructions, Project Matrix Instructions (12/13/16, Tom Abdella)
- 3) Pages from School Bus Parking Report – full report available on WRAP site.

The meeting adjourned at 10:28 following a 4-0-0 vote.

Respectfully submitted,

Gretchen G. Schuler

January 19, 2017

Carolyn M. Murray  
cmurray@k-plaw.com

BY HAND AND FIRST CLASS MAIL

RECEIVED

JAN 23 2017

Board of Selectmen  
Town of Wayland

Jonathan Sclarsic, Esq.  
Director, Division of Open Government  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Re: Town of Wayland Zoning Board of Appeals –  
Response to December 29, 2016 Complaint of George Harris

Dear Mr. Sclarsic:

Please be advised that this office serves as Town Counsel to the Town of Wayland. On December 29, 2016, the Town of Wayland Zoning Board of Appeals (“Board”) received an Open Meeting Law complaint from Mr. George Harris (“Complaint”). A copy of the Complaint is enclosed as Exhibit A. The Board listed the Complaint on the meeting notice for its January 12, 2017 meeting, during which members of the board and the public discussed the substance of the Complaint. The Board voted to authorize this response following its deliberation.

The Complaint alleges the Board has failed to approve minutes of its open session meetings in a timely manner pursuant to G.L. c. 30A, §22(c).<sup>1</sup> As set forth in detail herein, the Board respectfully submits that unforeseen staffing losses and continuing shortages beginning in 2015 have precluded the Board from preparing and approving many of its meeting minutes from 2015 and 2016. The Board understands and accepts its obligations under the Open Meeting Law and actively is working with the Building Commissioner and Town Counsel to expedite the preparation and approval of all outstanding meeting minutes.

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<sup>1</sup> The Complaint stems from an October 24, 2016 public records request to the Board (“Request”). A copy of that request is enclosed as Exhibit B. In the October 24, 2016 Request, Mr. Harris seeks within 10 days access to all approved Board meeting minutes for meetings held after June 9, 2015. The Board, through its Building Commissioner, responded to the Request on October 26, 2016 and November 1, 2016. *See* Exhibit C. Mr. Harris did not file a Complaint challenging the sufficiency of the Board’s response within 30 days, as required under 940 CMR 29.05(3). Instead, he sent a second request seeking the same information. *See* Exhibit D. Accordingly, the Board submits that this Complaint is untimely and due to be rejected because it was filed more than 30 days after the date the Board responded to Mr. Harris’s October 24 Request. Should the Division of Open Government find the Complaint was timely, however, the Board submits this response.



Jonathan Sclarsic, Esq.  
Director, Division of Open Government  
January 19, 2017  
Page 2

## Background

By way of background, the Board is comprised of eight Wayland resident volunteers, five full members and three associate members who participate in zoning hearings as needed. The Board has no dedicated support staff and exclusively relies on administrative support from the Building Commissioner/Zoning Enforcement Officer and the two Department Assistants of the Town Building Department. The Board typically meets bimonthly, or more frequently depending on the volume and complexity of the applications filed and statutory timelines for conducting hearings and rendering decisions. Until 2015, Building Department staff consistently had assisted in drafting the minutes of the Board's meetings by listening to audio recordings of the meetings and preparing draft minutes for the Board's review and approval at its subsequent meeting.

At one point in 2015, the Department Assistant primarily responsible for preparing the Board's minutes was out of work for medical reasons; after returning to work, she went out on indefinite medical leave in May 2016. In her absence, the Building Department's other full-time assistant helped prepare some of the Board's minutes before retiring in September 2016. A part-time temporary employee was hired to assist the Building Department with its various duties, including preparing Board minutes, in mid-October 2016. She resigned on December 5, 2016, however. Thereafter, the Building Department hired another temporary part-time employee and hopes to soon hire a second, full-time employee. In the interim, these unexpected staffing changes have strained the Building Department's ability to lend its support to the Board. Moreover, the hiring of multiple temporary employees has exhausted much of the department's available funds for personnel. While Building Department staff have made good faith efforts to keep the minutes of the Board's meetings with the department's diminishing resources, the minutes have not been approved in as timely a manner as may be required under the Open Meeting Law.

Pursuant to G.L. c. 30A, §§ 22(a), (c), a public body must create and approve meeting minutes in a timely manner. The Open Meeting Law does not define "timely manner," but the Attorney General's Office has recommended that meeting minutes be approved at the next meeting "whenever possible." See OML 2015-79. As noted above, due to unanticipated turnover in staffing, the Board has been without support for addressing the backlog of meeting minutes from 2015 through 2016. While the Board at all times has worked to ensure meeting minutes are timely completed,<sup>2</sup> these staffing challenges since 2015 have delayed approval of some meeting minutes. Since receipt of the Complaint, however, the Board has made progress. In addition to minutes that are completed and posted on the Town's website, the following minutes have been drafted and are expected to be approved by the Board at its January 24, 2017 meeting: November 17, 2015,

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<sup>2</sup> To date, the following meeting minutes have been approved and are posted online from 2015 and 2016: January 13, 2015, February 10, 2015, February 24, 2015, March 10, 2015, March 24, 2015, April 14, 2015, May 12, 2015, May 25, 2015, June 9, 2015, June 23, 2015, July 14, 2015, August 11, 2015, August 25, 2015, September 8, 2015, September 29, 2015, October 13, 2015, October 27, 2015, January 12, 2016, and January 26, 2016.

Jonathan Sclarsic, Esq.  
Director, Division of Open Government  
January 19, 2017  
Page 3

November 24, 2015, December 8, 2015, February 9, 2016, September 27, 2016 and October 18, 2016. The audio recording of the Board's November 29, 2016 meeting was sent to a transcription agency, and while a transcript of that meeting has been generated, it must be reviewed and edited to ensure it complies with § 22(a). Further, two of the meetings listed in the Complaint, November 3 and 12, 2015, were site visits. Although both of these site visits were posted as meetings, the Board, through Building Department staff, will review the files to determine whether a quorum of the Board attended or if any deliberations occurred. The Board will prepare any minutes, as required. Finally, the meeting that was scheduled for June 28, 2016 was canceled, and therefore, no minutes are required. *See Exhibit E.*

With respect to the other outstanding minutes, the Board, in coordination and cooperation with the Town Building Commissioner, has taken the following actions upon receipt of the Complaint (despite its untimeliness):

1. Approved meeting minutes for the June 14, 2016, September 27, 2016, and October 18, 2016 meetings, which promptly will be posted on the Town's website;
2. Scheduled a meeting on January 24, 2017 to review and approve meeting minutes for the six meetings listed above;
3. Hired temporary clerical staff to facilitate the preparation and approval of outstanding meeting minutes from 2015 and 2016;
4. Requested that, budget permitting, the Building Commissioner explore the possibility of the hiring of another temporary employee or retain a volunteer for the specific purpose of preparing meeting minutes;
5. With respect to meetings recorded by the Town's local PEG cable access company, WayCAM, the Board's individual members will undertake the preparation of minutes to be presented to the full Board for approval; and
6. To the extent necessary and feasible, the Town will continue to engage a transcription services provider to assist with preparation of meeting minutes for the Board to approve as soon as practicable.

### Conclusion

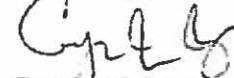
As discussed at its January 12, 2017 meeting, the Board has been and remains committed to full compliance with the Open Meeting Law, including the timely preparation of minutes of its meetings. The Board acknowledges its approval of several sets of meeting minutes has been delayed due to extenuating and mitigating circumstances. The Board respectfully requests the Attorney General's Office permit it to informally take the above-referenced actions to bring its meeting minutes current.

# KP | LAW

Jonathan Sclarsic, Esq.  
Director, Division of Open Government  
January 19, 2017  
Page 4

Please do not hesitate to contact me to discuss in further detail.

Very truly yours,

  
Carolyn M. Murray

CMM/JMA/man

Enc.

cc: Zoning Board of Appeals  
Board of Selectmen ✓  
Mr. George Harris

572849/WAYL/0001



**U.S. Department of Justice**

*William D. Weinreb  
Acting United States Attorney  
District of Massachusetts*

*Main Reception: (617) 748-3100*

*John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210*

January 26, 2017

**Re: The Religious Land Use and Institutionalized Persons Act**

Dear Massachusetts State, County, and Municipal Officials:

I am writing to you today to highlight the obligation of public officials to comply with the various provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), and to inform you about documents previously issued by the Department of Justice (Department) that may be of assistance to you in understanding and applying this important Federal civil rights law.

The freedom to practice religion according to the dictates of one's conscience is among our most fundamental rights, written into our Constitution and protected by our laws. In our increasingly diverse nation, the Department of Justice and the United States Attorney's Office continue to steadfastly defend this basic freedom and ensure that all people may live according to their beliefs, free of discrimination, harassment, or persecution.

Over the years Congress has passed a number of laws that protect the religious liberties of those who live in America, including the landmark Civil Rights Act of 1964 and the 1996 Church Arson Prevention Act. In 2000 Congress, by unanimous consent, and with the support of a broad range of civil rights and religious organizations, enacted the Religious Land Use and Institutionalized Persons Act. 42 U.S.C. § 2000cc, et seq. In enacting RLUIPA, Congress determined that there was a need for Federal legislation to protect religious individuals and institutions from unduly burdensome, unreasonable or discriminatory zoning, landmarking, and other land use regulations.<sup>1</sup> Congress heard testimony that houses of worship, particularly those of minority religions and start-up churches, were disproportionately affected, and in fact often were actively discriminated against, by local land use decisions. Congress also found that, as a whole, religious institutions were treated worse than secular places of assembly like community centers, fraternal organizations, and movie theaters, and that zoning authorities frequently violated the United States Constitution by placing excessive burdens on the ability of congregations to exercise their faiths.

<sup>1</sup> RLUIPA also contains provisions that prohibit regulations that impose a "substantial burden" on the religious exercise of persons residing or confined in an "institution," unless the government can show that the regulation serves a "compelling government interest" and is the least restrictive way for the government to further that interest. 42 U.S.C § 2000cc-1.



RLUIPA includes a private right of action, which allows private individuals to enforce its provisions. Congress also gave the U.S. Attorney General the authority to enforce RLUIPA, and the Department of Justice has been active in enforcing this important civil rights law since its enactment. To date, the Department has opened nearly 100 formal investigations and filed nearly 20 lawsuits related to RLUIPA's land use provisions.<sup>2</sup> Through these efforts, as well as those by private parties, RLUIPA has helped secure the ability of thousands of individuals and institutions to practice their faiths freely and without discrimination.

Yet, sixteen years after RLUIPA's enactment, far too many people and communities remain unaware of the law, or do not fully understand the scope of its provisions. Earlier this year, the Department's Civil Rights Division launched *Combating Religious Discrimination Today*, an initiative bringing together community leaders around the country to discuss challenges regarding religious discrimination, religion-based hate crimes, and religious freedom, and to discuss possible solutions. One of the issues raised repeatedly from participants was that municipal, county, and other state and local officials are insufficiently familiar with the land use provisions of RLUIPA and their obligations under this Federal civil rights law. Participants also reported that houses of worship, particularly those from less familiar religious traditions, often face unlawful barriers in the zoning and building process. Additionally, participants explained that, in their experience, litigation frequently was avoided when the communities informed local officials of their obligations under RLUIPA early in the process. Participants recommended that the Department take proactive measures to ensure that state and local officials are properly educated about RLUIPA's land use provisions.<sup>3</sup>

In light of this, we are sending this letter to you to remind you about the key provisions of RLUIPA. Ensuring that our constitutional protections of religious freedom are protected requires that Federal, state, and local officials work together, and to that end, we encourage you to share this letter with your colleagues. We hope that you will continue to work with the Department of Justice and the United States Attorney's Office for the District of Massachusetts going forward and view us as partners and allies in ensuring that no individuals in this country suffer discrimination or unlawful treatment simply because of their faiths.

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<sup>2</sup> This work is detailed in reports on enforcement issued in September 2010 ( available at [https://www.justice.gov/crt/rluipa\\_report\\_092210.pdf](https://www.justice.gov/crt/rluipa_report_092210.pdf)) and July 2016 (available at <https://www.justice.gov/crt/file/877931/download>).

<sup>3</sup> The Combating Religious Discrimination Today report is available at [https://www.justice.gov/Combating\\_Religious\\_Discrimination](https://www.justice.gov/Combating_Religious_Discrimination).



## 1. RLUIPA provides broad protections for religious individuals and institutions.

RLUIPA's land use provisions provide a number of protections for places of worship, faith-based social service providers and religious schools, and individuals using land for religious purposes. Specifically, RLUIPA provides for:

- *Protection against substantial burdens on religious exercise:* Section 2(a) of RLUIPA prohibits the implementation of any land use regulation that imposes a "substantial burden" on the religious exercise of a person or institution except where justified by a "compelling government interest" that the government pursues using the least restrictive means.<sup>4</sup>
- *Protection against unequal treatment for religious assemblies and institutions:* Section 2(b)(1) of RLUIPA provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.
- *Protection against religious or denominational discrimination:* Section 2(b)(2) of RLUIPA prohibits discrimination "against any assembly or institution on the basis of religion or religious denomination."
- *Protection against total exclusion of religious assemblies:* Section 2(b)(3)(A) of RLUIPA provides that government must not totally exclude religious assemblies from a jurisdiction.
- *Protection against unreasonable limitation of religious assemblies:* Section 2(b)(3)(B) of RLUIPA provides that government must not unreasonably limit "religious assemblies, institutions, or structures within a jurisdiction."

While the majority of RLUIPA cases involve places of worship such as churches, synagogues, mosques, and temples, the law is written broadly to cover a wide range of religious uses. The "substantial burden" provision in Section 2(a) of the statute applies to burdens on "a person, including a religious assembly or institution." The remaining provisions apply to any religious "assembly or institution." Thus, RLUIPA applies widely not only to diverse places of worship, but also to religious schools, religious camps, religious retreat centers, and religious social service facilities such as group homes, homeless shelters, and soup kitchens, as well as to individuals exercising their religion through use of property, such as home prayer gatherings or Bible studies.

To be clear, RLUIPA does not provide a blanket exemption from local zoning or landmarking laws. Rather, it contains a number of safeguards to prevent discriminatory, unreasonable, or unjustifiably burdensome regulations from hindering religious exercise. Ordinarily, before seeking recourse from RLUIPA, those seeking approval for a religious land use will have to apply for permits or zoning relief according to the regular procedures set forth in the applicable ordinances, unless doing so would be futile, or the regular procedures are discriminatory or create an unjustifiable burden. While zoning is primarily a local matter, where

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<sup>4</sup> Section 2 of RLUIPA is codified at 42 U.S.C § 2000cc.

it conflicts with Federal civil rights laws such as the Fair Housing Act or RLUIPA, Federal law takes precedence.

Each of the aforementioned protections in RLUIPA are discussed in greater detail below.<sup>5</sup>

## **2. RLUIPA protects against unjustified burdens on religious exercise.**

Land use regulations frequently can impede the ability of religious institutions to carry out their mission of serving the religious needs of their members. Section 2(a) of RLUIPA bars imposition of land use regulations that create a “substantial burden” on the religious exercise of a person or institution, unless the government can show that it has a “compelling interest” for imposing the regulation and that the regulation is the least restrictive way for the government to further that interest. A mere inconvenience to the person or religious institution is not sufficient, but a burden that is substantial may violate RLUIPA. For example, in a case in which the United States filed a friend-of-the-court brief in support of a Maryland church’s challenge to a rezoning denial, a Federal appeals court ruled that the church had “presented considerable evidence that its current facilities inadequately serve its needs,” and that the “delay, uncertainty and expense” in looking for a different property may create a substantial burden on the church’s religious exercise in violation of RLUIPA.<sup>6</sup> The court relied on facts including that the church had to hold multiple services, turn away worshipers, and curtail a number of important activities at its current location, and that it had a reasonable expectation that it could develop its new property. Similarly, the Department of Justice filed suit in a California Federal district court alleging that a city’s denial of zoning approval for a mosque to take down the aging and inadequate structures in which it had been worshipping and construct a new facility imposed a substantial burden on the congregation.<sup>7</sup> The mosque, which was grandfathered for its current use, consisted of a group of repurposed buildings for its various activities and a large tent for overflow from the prayer hall. However, the city prohibited the mosque from replacing the buildings and tent with a single building. The case was resolved by a consent decree in Federal court.

If imposition of a zoning or landmarking law creates a substantial burden on religious exercise, such imposition is invalid unless it is supported by a compelling governmental interest pursued through the least restrictive means. RLUIPA does not define “compelling interest,” but the U.S. Supreme Court has previously explained that compelling interests are “interests of the highest order.”<sup>8</sup>

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<sup>5</sup> Further information may be found in the *Statement of the Department of Justice on Land Use Provisions of the Religious Land Use and Institutionalized Persons Act* (available at [https://www.justice.gov/crt/rluipa\\_qa\\_9-22-10.pdf](https://www.justice.gov/crt/rluipa_qa_9-22-10.pdf)), and at the Department of Justice Civil Rights Division RLUIPA information page (<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>).

<sup>6</sup> *Bethel World Outreach v. Montgomery Cnty. Council*, 706 F.3d 548, 557-558 (4th Cir. 2013).

<sup>7</sup> *United States v. Lomita*, No. 2:13-CV-00707 (E.D. Cal. filed March 3, 2013).

<sup>8</sup> *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993).

### **3. RLUIPA protects equal access for religious institutions and assemblies.**

Section 2(b)(1) of RLUIPA – known as the “equal terms” provision – mandates that religious assemblies and institutions be treated at least as well as nonreligious assemblies and institutions. For example, a Federal appeals court ruled that zoning restrictions that a city applied to places of worship but not to lodges, union halls, nightclubs, and other assemblies, violated the equal terms provision.<sup>9</sup> This included a requirement that places of worship, but not other assembly uses, obtain the permission of 60% of neighbors in a 1,300-foot radius. The Department of Justice filed a friend-of-the-court brief arguing that the distinction violated RLUIPA. Similarly, the Department brought suit under RLUIPA’s equal terms provision against a town in Illinois that permitted clubs, lodges, meeting halls, and theaters in its business districts, but excluded places of worship.<sup>10</sup> The case was prompted after the town served notice of violation on four small churches operating in locations where these nonreligious assembly uses were permitted. The case was resolved by consent decree.

### **4. RLUIPA protects against religious discrimination in land use.**

Section 2(b)(2) of RLUIPA bars discrimination “against any assembly or institution on the basis of religion or religious denomination.” Thus if an applicant is treated differently in a zoning or landmarking process because of the religion represented (e.g., Christian, Jewish, Muslim), or because of the particular denomination or sect to which the applicant belongs (e.g., Catholic, Orthodox Jewish, or Shia Muslim), then RLUIPA will be violated. The Department of Justice filed suit alleging that a mosque in Georgia was discriminated against in violation of Section 2(b)(2), based on statements by city officials indicating bias, evidence that the city sought to appease citizens who had expressed bias, and evidence that the city had previously approved numerous similarly sized and located places of worship of other faiths.<sup>11</sup> The case was resolved by consent decree. Similarly, the Department filed suit in order to challenge a zoning change enacted by a New York municipality that prevented the construction of a Hasidic Jewish boarding school.<sup>12</sup> The case was resolved by consent decree.

### **5. RLUIPA protects against the total or unreasonable exclusion of religious assemblies from a jurisdiction.**

Under section 2(b)(3) of RLUIPA, a zoning code may not completely, or unreasonably, limit religious assemblies in a jurisdiction. Thus, if there is no place where houses of worship are permitted to locate, or the zoning regulations looked at as a whole deprive religious institutions of reasonable opportunities to build or locate in the jurisdiction, this provision will be violated. For example, a Federal district court in Florida granted summary judgment to a

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<sup>9</sup> *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279 (5th Cir. 2012).

<sup>10</sup> *United States v. Waukegan*, No. 08-C-1013 (N.D. Ill. filed February 19, 2008).

<sup>11</sup> *United States v. City of Lilburn* 1:11-CV-2871 (N.D. Ga. filed August 29, 2011).


<sup>12</sup> *United States v. Village of Airmont*, 05 Civ. 5520 (S.D.N.Y. filed June 10, 2005).

synagogue on its unreasonable limitations claim, holding that RLUIPA was violated where “there was limited availability of property for the location of religious assemblies, religious assemblies were subject to inflated costs in order to locate in the City, and religious assemblies were subject to more stringent requirements than other similar uses.”<sup>13</sup>

\* \* \* \*

The Department of Justice and the United States Attorney’s Office are committed to carrying out Congress’s mandate and ensuring that religious assemblies and institutions do not suffer from discriminatory or unduly burdensome land use regulations. We look forward to working collaboratively with you and all other stakeholders on these important issues. Should you have questions about the contents of this letter, or other issues related to RLUIPA, I encourage you to contact the Chief of the U.S. Attorney’s Office’s Civil Rights Unit, Jennifer A. Serafyn, at (617) 748-3188 or [Jennifer.Serafyn@usdoj.gov](mailto:Jennifer.Serafyn@usdoj.gov).

Sincerely,

  
WILLIAM D. WEINREB  
Acting United States Attorney

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<sup>13</sup> *Chabad of Nova, Inc. v. City of Cooper City*, 575 F. Supp. 2d 1280, 1290 (S.D. Fla. 2008).