

**PACKET**

**FEB 13**

**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, February 13, 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 February 14, 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 30 A, Section 21 (a) (6) to Consider the Purchase, Taking, Lease or Value of Real Property in Regard to the Rivers 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.
- 7:00 pm 2.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) Meet with Domestic Violence Roundtable
- 7:20 pm 5.) Meet with Parker Elmore of Odyssey Advisors to Discuss OPEB Valuation
- 7:35 pm 6.) Annual Town Meeting Articles: Continued Discussion on All Articles Including but not Limited to Abbreviated Presentation Procedures, Order of Articles and Vote Positions, and Meet with Representatives of the Planning Board, Including but not Limited to the Following Articles:
- C. Current Year Transfers
  - D. OPEB Funding
  - E. Personnel Bylaws and Wage & Classification Plan
  - G. FY 2018 Omnibus Budget
  - N. Revolving Fund Bylaw
  - S. Preservation of Historically Significant Buildings Through Demolition Delay
  - T. Non-Medical/Recreational Marijuana Moratorium – Zoning Bylaw Amendment
  - U. Appropriate Funds for Alternative Use of Town Building Library
  - X. Transfer Station Access Road Improvements
  - EE. Plastic Bag Reduction Bylaw
  - FF. Polystyrene Food Container Bylaw

**BOARD OF SELECTMEN**

**Monday, February 13, 2017  
Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road Wayland**

**Agenda Page Two**

- Q. Limited Site Plan Review – Exempt Uses
- R. Street Acceptance
- 8:35 pm 7.) Review FY18 Health Insurance Budget Projection
- 8:50 pm 8.) Vote to Order Articles
- 9:00 pm 9.) Vote to Authorize Town Administrator to Finalize Rivers Edge Notice of Award
- 9:10 pm 10.) Minutes: Review and Vote to Approve Minutes of January 30, 2017
- 9:15 pm 11.) Consent Calendar: Review and Vote to Approve (See Separate Sheet)
- 9:20 pm 12.) Review Correspondence (See Separate Index Sheet)
- 9:25 pm 13.) Report of the Town Administrator
- 9:35 pm 14.) Selectmen's Reports and Concerns
- 9:40 pm 15.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 9:45 pm 16.) Adjourn

(4) DOMESTIC  
VIOLENCE  
ROUNDTABLE

February 8, 2017

Dear Wayland Selectmen,

Thank you for the opportunity to meet with you during your meeting on February 13th. I look forward to updating you on the *Sudbury Wayland and Lincoln Domestic Violence Roundtable* and will be happy to answer any questions. I have included an informational brochure about our group.

During our meeting I will be asking that you help to publicize information about some upcoming initiatives as well as commit to participating in a White Ribbon Day event during the month of March.

1. In Massachusetts there will be state wide initiatives that will kick off with the **10th Annual White Ribbon Day event on Wednesday March 1, 2017 from 1-3 PM at The Great Hall- Faneuil Hall.**

2. The Roundtable will be working with WayCam to produce a short PSA about White Ribbon Day and will be asking adults and young men to participate.

3. In Wayland the Roundtable will host a community event at 3 PM on **March 14th at the Public Safety Building** where people will gather to hear inspiring words by presenter Craig Nordberg-Baum of Jane Doe Inc., relating to visions of manhood that foster respect, safety and equity. Together we will recite the Pledge below:

"I WILL PROMOTE respect, dignity and equality.

I WILL SPEAK OUT against attitudes and behaviors that contribute to sexual assault and domestic violence.

I WILL REMIND myself and others that gender violence is a men's issue that affects all of us, regardless of our backgrounds and identities.

I WILL CONFRONT sexism, homophobia, racism and other forms of oppression.

I WILL FIND OUT how to help when I suspect that someone I know is a victim or offender of sexual assault or domestic violence.

From this day forward, I promise to be part of the solution in ending violence against women."

Finally, we wanted to mention that on February 7th the Roundtable and the Lauren Dunne Astley Memorial Fund worked together to host a training session

in utilizing the video **Escalation**. One Love Foundation is promoting this film nationally. The video portrays realistically the tragedy of an abusive relationship between two college age students and focuses on possibilities for prevention. The Lauren Dunne Astley Memorial Fund is working to bring this video to seniors at both Lincoln Sudbury Regional High School and Wayland High School this spring.

Regards,

Ruth Backman  
508-250-2130

If you have time please check out the following websites for more info.

<http://whiteribbonday.janedoe.org/take-action/action-kit/proclamation-materials/>

[www.domesticviolenceroundtable.org](http://www.domesticviolenceroundtable.org)

[www.laurendunneastleymemorialfund.org](http://www.laurendunneastleymemorialfund.org)

## Warning Signs of Abuse

### Does your partner:

- > Control what you do, whom you see, and where you go?
- > Threaten you or make you feel afraid?
- > Blame you for arguments or problems in the relationship?
- > Isolate you from friends or family?
- > Act jealous, call you names, or humiliate you?
- > Cause problems for you at work or school?
- > Destroy personal property, sentimental items, or harm pets?
- > Hurt you by hitting, choking, pushing or using objects or weapons?
- > Force or pressure you to have sex against your will?
- > Prevent you from using birth control or practicing safe sex?
- > Threaten suicide or harass you after the relationship is over?
- > Constantly call you, email, or text you and keep track of where you are, who you are with, and what you are doing?

*No one deserves to be abused.  
There are options.*

- Advice and Support
- Safety Planning
- Referrals
- Medical and Legal Advocacy
- Shelter or Safe Housing

## Do you or does someone you know need help?

Hotlines: Call Anytime

SafeLink (Massachusetts Statewide Hotline)  
**877-785-2020 and TTY 877-521-2601**

REACH  
**800-899-4000**

Voices Against Violence  
**800-593-1125**

Local Police  
**911**

Domestic Violence Services Network, Inc  
Helpline **888-399-6111**



SUDBURY - WAYLAND - LINCOLN  
DOMESTIC VIOLENCE ROUNDTABLE



P.O. Box 543  
Sudbury, MA 01776  
infodvrt@gmail.com

[www.domesticviolenceroundtable.org](http://www.domesticviolenceroundtable.org)



SUDBURY - WAYLAND - LINCOLN  
DOMESTIC VIOLENCE ROUNDTABLE

*hope*



*Providing awareness, education,  
networking and collaboration*

## Mission Statement

The Sudbury-Wayland-Lincoln Domestic Violence Roundtable is a community-based nonprofit organization dedicated to promoting safe and healthy relationships, raising public awareness about abusive and controlling behaviors whether exhibited through bullying, teen dating violence, domestic violence, or elder abuse, and ending relationship violence in all its forms.

We pursue these goals by educating our communities, supporting agencies that provide services to victims of abuse, networking with other concerned community groups, and mobilizing community leaders.



## Participants

Participants in the Roundtable include private citizens, domestic violence service providers, clergy, health professionals, school personnel, lawyers, police departments, counselors, and local legislators.

## Roundtable Activities:

- > Distribution of domestic violence resource materials to rest rooms in faith communities, public buildings, businesses, restaurants, medical and dental offices
- > Community Education Programs
- > Speaking Engagements
- > Community Collections to benefit area domestic violence programs (Valentine Bags, Shower for Shelters, and Holiday Gift Drive)
- > Domestic violence website ([www.domesticviolenceroundtable.org](http://www.domesticviolenceroundtable.org))
- > Monthly newsletter

## Help Stop Domestic Violence: Take Action in Your Community

- > Educate yourself and your children about abusive behaviors
- > Participate in Roundtable Activities:  
Serve on a committee
- > Make a monetary donation
- > Invite speakers to your organization, faith community, or school
- > Donate needed personal and household items to a Roundtable community drive to benefit local domestic violence programs ([www.domesticviolenceroundtable.org](http://www.domesticviolenceroundtable.org))
- > Urge your legislators to support domestic violence legislation

## Support the Roundtable

- > Volunteer
- > Make a tax deductible contribution

*(The Sudbury-Wayland-Lincoln Domestic Violence Roundtable is a 501(c)3 organization and all donations are tax deductible as allowed by law)*

The Roundtable is also eligible to receive Corporate Matching Gifts.

Amount \_\_\_\_\_

Company Name for Matching Gift  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please make checks payable to:  
Sudbury-Wayland-Lincoln  
Domestic Violence Roundtable  
P.O. Box 543  
Sudbury, MA 01776





East Coast  
11 Hayward Ave. Building 4  
Colchester, CT 06415  
(860) 537-9080

(5) ODYSSEY  
West Coast  
1350 E. Flamingo Road, Suite 254  
Las Vegas, NV 89119  
(702) 979-2880

January 26, 2017

*Personal and Confidential*

Mr. Brian Keveny  
Finance Director  
Town of Wayland  
40 Cochituate Road  
Wayland, MA 01778

*Re: GASB 45 - Summary of Results*

Dear Mr. Keveny:

The purpose of this letter is to summarize our actuarial valuation of the Town of Wayland Other Postemployment Benefits Plan (the "Plan") for the fiscal year ending June 30, 2017 in accordance with Statement No. 45 of the Governmental Accounting Standards Board ("GASB 45").

**What caused plan liabilities to change from FY 15 to FY 17?**

Plan experience was less favorable than expected. This was mainly due to investment returns that were lower than the expected 7% annual return. This was somewhat offset by premiums increasing less than the expected 10% increase and a decrease in the number of active employees. The actuarial experience loss is amortized into the annual OPEB costs over a 30-year period. The net impact of plan experience is an increase in the annual OPEB cost. Please note there was a change in methodology to include spouses of retirees in the count.

Over the two year period, the Actuarial Accrued Liability ("AAL") went from \$26,316,361 as of December 31, 2014 to \$36,215,207 as of December 31, 2016 for an increase of \$9,898,846. During that same period the Annual OPEB Cost went from \$1,261,038 to \$2,079,192 for an increase of \$818,154. As you continue to recognize more of the AAL at the time of adoption of GASB 45 onto your financial statements and factor in plan experience you can expect your OPEB obligation to increase. The Town's OPEB asset decreased from \$3,979,852 as of June 30, 2015 to an OPEB asset of \$3,405,655 as of June 30, 2017 for a total change of \$574,197. For a 30-year projection of plan costs and liabilities refer to GASB 45 report, exhibit C.



### Assumption changes

Some key assumptions have changed since the prior valuation, their impact is detailed below.

- ✓ Based on recommendations by PERAC, the mortality table was updated from the RP-2000 Mortality Table projected to 2017 to RP-2000 Mortality Table projected generationally with scale BB and a base year 2009 increasing the disclosed liability by \$1.25 million.
- ✓ #VALUE!
- ✓ GASB 75 will require a change in the actuarial cost method. As such, it has been updated to Entry Age Normal from Projected Unit Credit which increased the disclosed liability by \$3.97 million.

It is important to remember that actuarial assumptions or changes in such do not impact the actual cost of the Plan. Rather, they impact the timing of the recognition of such costs.

### Key Drivers of Plan Liabilities

A key driver of plan costs and liabilities is post-age 65 (Medicare Integrated) Plan costs. In the current valuation post-age 65 liabilities represent 71% of the total plan liabilities. Consequently, plan design changes that affect post-65 plan costs will have the most impact of plan liabilities.

The age at which participants retire and the percentage of participants who elect coverage for themselves and/or a spouse are also drivers of liabilities. Unlike a pension plan where a participant receives a reduced benefit for early retirement, a participant in a retiree welfare plan will receive a higher benefit by retiring early (more years of benefits to be received plus more years before Medicare). A key issue to keep in mind is that participant behavior (as far as retirement is concerned) is affected by many factors including the economy, personal health and work satisfaction.

### **Future Healthcare Cost Inflation**

The future healthcare cost inflation assumption has a significant impact on plan liabilities. In our report we use a long term 5.00% inflation assumption for healthcare costs. This is based on a 2.75% general inflation assumption plus an additional 2.25% inflation assumption due to increased healthcare utilization. The Town's ability to manage future increases in healthcare costs will be a major driver of future plan performance. In the event that healthcare trend rates were 1% higher than forecast and employee contributions were to increase at the forecast rates, the Actuarial Accrued Liability would increase to \$46,282,923 or by 27.8% and the corresponding Normal Cost would increase to \$1,323,208 or by 48.0%. If such healthcare trend rates were 1% less than forecast and employee contributions were to increase at the forecast rate, the Actuarial Accrued Liability would decrease to \$28,102,177 or by 22.4% and the corresponding Normal Cost would decrease to \$572,564 or by 36.0%.

### **Assumptions**

The assumptions used in the GASB 45 report for mortality rates, termination rates, and retirement rates mirror the assumptions used by PERAC. The long term healthcare inflation trend assumption is 5.00% as described in the previous paragraph.

**What are some key plan metrics?**

While an actuarial valuation under GASB 45 can be very complex with many variables, we find it helpful to look at several key metrics shown below to better allow you to manage your plan.

**Representative Plan Statistics**

	<u>#####</u>	<u>#####</u>
Total Accumulated Postretirement Benefit Obligation	36,215,207	26,316,361
Per Eligible Active Plan Participant	32,889	18,651
Per Retiree/Spouse Plan Participant	33,935	30,476
Total Annual Normal Cost (annual benefit accrual)	893,990	906,530
Per Eligible Active Plan Participant	1,466	1,410
Expected Employer Share of Retiree Costs	1,660,606	1,451,248
Per Retiree/Spouse Plan Participant	3,489	3,088
Unfunded Actuarial Liability as a % of Payroll	54.30%	32.30%
Average Annual Medical Plan Premium (Single Coverage)	5,836	5,555
Average Annual Medical Plan Premium (Family Coverage)	22,440	20,850
<b><u>2018 Excise Tax Thresholds</u></b>		
Annual Medical Plan Premium (Single Coverage)	10,200	
Annual Medical Plan Premium (Family Coverage)	27,500	

### Impact of Patient Protection and Affordable Care Act ("PPACA") Excise Tax

Under the Patient Protection and Affordable Care Act ("PPACA"), an excise tax will be imposed for tax years beginning after December 31, 2019 (formerly December 31, 2017, but amended by Consolidated Appropriations Act) for high cost employer sponsored health coverage. The law specifies a 40% excise tax, to be paid by the provider of such coverage, of the excess value beyond a basic dollar amount plus an additional "kicker" for qualified retirees or those engaged in a high risk profession. The threshold amounts for 2018 (original legislation) were \$10,200 for single coverage and \$27,500 for family coverage and a "kicker" amount of \$1,650 for single coverage and \$3,450 for family coverage. These threshold and kicker amounts are expected to be updated because of the Consolidated Appropriations Act before the tax takes effect in 2020, but currently the updated amounts have not been released.

The excise tax liability will vary significantly over time as it is highly leveraged with the basic threshold amount increased with general CPI and medical costs increasing with medical trend (generally higher). For purposes of the fiscal year ending June 30, 2017, the AAL for the excise tax is \$122,033 and the increase in annual OPEB Cost is \$10,612. Given your premiums through the 2017 fiscal year and the excise tax threshold, your average single premiums are \$4,364 below the excise tax threshold and your average family premiums are \$5,060 below the excise tax threshold. As more regulatory guidance becomes available, the calculation of the excise tax liability will evolve.

**Liabilities & Benefit Payments in today's dollars**

With the growth of medical care costs over time, the nominal accrued liabilities ("AAL") and benefit payments can appear daunting. However, it is important to remember that a dollar paid in the future is worth less than a dollar paid today. As such, another way to view the projected liabilities and benefit payments is in 2017 dollars so you can compare them to your current budget and ability to pay. As part of our analysis, we have developed projections of plan liabilities & expenses over the next 40 years assuming that the Town's benefit eligible active population remains constant (i.e., employees who terminate or retire are replaced). While the full 40 year projection in 2017 dollars is shown in the report, below are some selected years:

Fiscal Year	Number of Retirees, Spouses & Surviving Spouses	Present Value at 2.75% of Total Actuarial Accrued Liability ("AAL")	Present Value at 2.75% of Employer Share of Premiums / Claims including "implicit cost"
2017	476	36,215,207	1,660,606
2022	538	39,709,339	1,889,813
2027	578	43,620,320	2,235,589
2032	619	46,751,256	2,647,871
2037	628	49,443,544	2,725,969
2042	615	53,403,973	2,822,349
2047	606	58,429,800	3,017,886

Looking at these liabilities and expenses over the next 40 years, we would offer the following highlights/observations:

- ✓ The present value of the Plan's AAL will reach their maximum in 2056 at \$70.9 million (\$204 million in 2056 dollars).
- ✓ The present value of the Plan's benefit payments will reach a peak of \$3.47 million in 2056 (\$10.0 million in 2056 dollars).
- ✓ The Plan will see the number of retirees & beneficiaries receiving benefits increase from 476 to a maximum of 630 in 2035 before beginning to decline.

## We have an “unfunded liability”. How do we fund it? Can we fund it?

The Plan currently has an unfunded liability of approximately \$22,404,938 and this amount is expected to grow over time in the foreseeable future. While some municipal entities across America have chosen to fund this liability, over 95% are not currently dedicating funding to it. The State of Massachusetts has recently passed legislation allowing municipal entities to establish a trust for Other Postemployment Benefits (“OPEB”) under M.G.L. Chapter 32B, Section 20 for purposes of accumulating assets to pre-fund the liabilities under GASB 45. To the best of our knowledge, Town of Wayland has established an irrevocable trust for the purposes of prefunding liabilities under GASB 45.

**Pre-Funding** – if you were to elect to “pre-fund” the OPEB expenses each year by contributing the entire Annual Required Contribution, you would be allowed to use a long-term interest rate based on your underlying investment policy. Assuming a balanced portfolio (60% equities & 40% fixed-income), you may be able use a 7.00% discount rate vs. the 7.00% used in our analysis. The impact of such funding would be to reduce disclosed plan liabilities to \$36,215,204 and the annual OPEB Cost to \$2,079,195. This would require additional funding of \$283,000 in the first year which will increase by 0.00% per year until the plan reaches full funding. While this does not impact the ultimate cost of the plan, it would reduce disclosed liabilities and expenses.

In this report, we have outlined several options for pre-funding (including pay-as-you-go, funding over 30 years and funding the annual normal cost):

- Pay-as-you-go – pay annual retiree premiums as they come due with little to no funding set aside in a trust.
- 30-year funding – the concept is to contribute to achieve full funding over a 30 year period.
- Funding annual normal cost – the concept is to fund the excess of the normal cost over current year benefit payments. This approach prevents the liability from growing in current dollars.

Please be aware the options presented represent a sampling of your options. The ultimate choice to fund, not to fund or the level of funding will depend on your circumstances. Should you decide that pre-funding is an appropriate option for you we would be happy to help you design a funding schedule that best fits your needs.

### Upcoming Changes

The Governmental Accounting Standards Board ("GASB") issued GASB 75 "*Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*" on June 2, 2015 which will become effective for your 2018 fiscal year. This standard largely mirrors the GASB 68 standard for pension plans. The new standards require increased disclosures and will tie interest rates used in the valuation to the plan's underlying investment and funding policy. This may increase the pressure on many entities to begin funding their OPEB liabilities. For more information, please review our white papers at [www.GASB75.com](http://www.GASB75.com) or on our website.

If you or your auditors have questions on this, feel free to give us a call.

Sincerely,



Parker E. Elmore, ASA, EA, FCA, MAAA  
President, CEO & Actuary

**Town of Wayland Other  
Postemployment Benefits Plan**

**Premium Based Forecast**

*as of*

**December 31, 2016**

Delivered January 2017



January 26, 2017

*Personal and Confidential*

Mr. Brian Keveny  
Finance Director  
Town of Wayland  
40 Cochituate Road  
Wayland, MA 01778

Dear Mr. Keveny:

Please find enclosed the results of our Premium Based Forecast of Wayland's retiree medical liabilities.

We will be pleased to answer any questions that you may have regarding this actuarial valuation report.

Very truly yours,



Parker E. Elmore, ASA, EA, FCA, MAAA  
President, CEO & Actuary

SECTION I

PRINCIPAL RESULTS OF THE VALUATION ASSUMING NO IMPLICIT COST

**Town of Wayland  
Assuming Funding Based on Premium Forecast - 7.00% discount rate  
Comparison of Plan Liabilities to Prior Valuation**

	<u>December 31, 2016</u>	<u>December 31, 2014</u>
I. Present Value of Future Benefits		
A. Actives	26,961,788	21,856,653
B. Retirees/Disabled	<u>16,153,000</u>	<u>14,323,921</u>
C. Total	43,114,788	36,180,574
II. Present Value of Future Normal Cost	6,901,581	9,864,213
III. Actuarial Accrued Liability (Individual Entry Age Normal)		
A. Actives	20,062,207	11,992,440
B. Retirees/Disabled	<u>16,153,000</u>	<u>14,323,921</u>
C. Total	36,215,207	26,316,361
IV. Plan Assets	13,810,269	12,305,046
V. Unfunded Actuarial Accrued Liability ("UAAL") [III. - IV.]	22,404,938	14,011,315
VI. Funded Ratio [IV. / III.]	38.13%	46.76%
VII. Annual Covered Payroll	41,284,252	43,376,567
VIII. UAAL as % of Covered Payroll	54.30%	32.3%
IX. Net OPEB Obligation (Asset) @ Beginning of Fiscal Year	(3,572,956)	(3,504,217)
X. Number of Eligible Participants		
A. Actives	610	643
B. Retirees/Disabled	476	470
C. Total	1,086	1,113
<b>For Fiscal Year Ending June 30, 2017</b>	<b><u>June 30, 2017</u></b>	<b><u>June 30, 2015</u></b>
XI. Normal Cost	893,990	906,530
XII. Amortization of UAAL - 30-year increase 3.50% per yr	2,676,549	2,498,587
XIII. Annual Required Contribution ("ARC") [XI. + XII.]	3,570,539	3,405,117
XIV. Interest on Net OPEB Obligation (Asset)	(250,109)	(245,296)
XV. Adjustment to Annual Required Contribution	269,094	263,919
XVI. Amortization of Actuarial (Gains) / Losses	(1,510,332)	(2,162,702)
XVII. Annual OPEB Expense [XIII. + XIV. + XV. + XVI.]	2,079,192	1,261,038
XVIII. Employer Share of Costs	1,660,606	1,451,248
XIX. Employer Payments (Withdrawals) to/from OPEB Trust	251,285	285,425
XX. Total Employer Contribution [XVIII. + XIX.]	1,911,891	1,736,673
XXI. Percentage of Annual OPEB Expense Contributed	92.0%	137.7%
XXII. Net OPEB Obligation (Asset) at Beginning of Year [IX.]	(3,572,956)	(3,504,217)
XXIII. Increase (Decrease) in Net OPEB Obligations (Asset) [XVII. - XX.]	167,301	(475,635)
XXIV. Net OPEB Obligation (Asset) at End of Year [XXII. + XXIII.]	(3,405,655)	(3,979,852)
XXV. Discount Rate	7.00%	7.00%

**SECTION I**

**PRINCIPAL RESULTS OF THE VALUATION ASSUMING NO IMPLICIT COST**  
(continued)

**Town of Wayland**  
**Assuming Funding Based on Premium Forecast - 7.00% discount rate**  
**Plan Liabilities as of December 31, 2016**

	Medical	Life	Excise Tax	Total
I. Present Value of Future Benefits				
A. Actives	26,738,828	112,692	112,268	26,963,788
B. Retirees/Disabled	15,739,438	341,008	72,554	16,153,000
C. Total	42,478,266	453,700	184,822	43,116,788
II. Present Value of Future Normal Cost	6,815,358	23,434	62,789	6,901,581
III. Actuarial Accrued Liability (Individual Entry Age Normal)				
A. Actives	19,923,470	89,258	40,479	20,062,207
B. Retirees/Disabled	15,739,438	341,008	72,554	16,153,000
C. Total	35,662,908	430,266	122,033	36,215,207
IV. Plan Assets	18,599,577	164,160	46,532	13,810,269
V. Unfunded Actuarial Accrued Liability ("UAAL") [III. - IV.]	22,063,331	266,106	75,501	22,404,938
VI. Annual Covered Payroll	41,284,252	41,284,252	41,284,252	41,284,252
VII. UAAL as % of Covered Payroll	53.4%	0.6%	0.2%	54.3%
VIII. Net OPEB Obligation (Asset) @ Beginning of Fiscal Year	(3,518,466)	(42,450)	(12,040)	(3,572,956)
IX. Number of Eligible Participants				
A. Actives	610	610	610	
B. Retirees/Disabled	476	299	476	
C. Total	1,086	909	1,086	
<b>For Fiscal Year Ending June 30, 2017</b>				
X. Normal Cost	883,782	3,588	6,620	893,990
XI. Amortization of UAAL - 30 year increase 3.50% per yr	2,635,730	31,800	9,019	2,676,549
XII. Annual Required Contribution ("ARC") [X. + XI.]	3,519,512	35,388	15,639	3,570,539
XIII. Interest on Net OPEB Obligation (Asset)	(246,293)	(2,972)	(844)	(250,109)
XIV. Adjustment to Annual Required Contribution	264,991	3,197	906	269,094
XV. Amortization of Actuarial (Gains) / Losses	(1,487,299)	(17,944)	(5,089)	(1,510,332)
XVI. Annual OPEB Expense [XII. + XIII. + XIV. + XV.]	2,050,911	17,669	10,612	2,079,192
XVII. Employer Share of Costs	1,631,711	28,895	0	1,660,606
XVIII. Employer Payments (Withdrawals) to/from OPEB Trust	247,453	2,985	847	251,285
XIX. Total Employer Contribution [XVII. + XVIII.]	1,879,164	31,880	847	1,911,891
XX. Percentage of Annual OPEB Expense Contributed	91.6%	180.4%	8.0%	92.0%
XXI. Net OPEB Obligation (Asset) at Beginning of Year [VIII.]	(3,518,466)	(42,450)	(12,040)	(3,572,956)
XXII. Increase (Decrease) in Net OPEB Obligations (Asset) [XVI. - XIX.]	171,747	(14,211)	9,765	167,301
XXIII. Net OPEB Obligation (Asset) at End of Year [XXI. + XXII.]	(3,346,719)	(56,661)	(2,275)	(3,405,655)

SECTION I

PRINCIPAL RESULTS OF THE VALUATION ASSUMING NO IMPLICIT COST

(continued)

Town of Wayland  
Assuming Funding Based on Premium Forecast - 7.00% discount rate  
Plan Liabilities as of December 31, 2016

	General Government Employees and Retirees	School Employees and Retirees	Police Employees and Retirees	Fire Employees and Retirees	Water Enterprise Employees and Retirees	Total
I Present Value of Future Benefits						
A Actives	3,478,472	19,892,783	1,561,747	1,866,241	164,545	26,963,788
B Retirees/Disabled	2,769,018	10,324,762	1,180,920	1,604,868	192,412	16,153,000
C Total	6,238,490	30,387,545	2,742,667	3,471,109	356,957	43,116,788
II Present Value of Future Normal Cost	1,105,246	4,882,419	388,971	464,634	61,211	6,901,581
III Actuarial Accrued Liability (Individual Entry Age Normal)						
A Actives	2,373,226	13,910,364	1,173,676	1,381,607	103,334	20,862,207
B Retirees/Disabled	2,769,018	10,324,762	1,180,920	1,604,868	192,412	16,153,000
C Total	5,133,244	25,555,126	2,274,616	2,986,475	295,746	36,215,207
IV Plan Assets	1,954,418	9,725,995	867,484	1,149,941	112,431	13,810,269
V Unfunded Actuarial Accrued Liability ("UAAL") (III - IV)	3,178,826	15,779,131	1,407,132	1,856,534	183,315	22,404,938
VI Annual Covered Payroll	5,944,960	29,321,850	2,533,190	3,144,399	339,854	41,284,252
VII UAAL as % of Covered Payroll	53.5%	53.8%	55.5%	59.0%	53.9%	54.3%
VIII Net OPEB Obligation (Asset) @ Beginning of Fiscal Year	(549,527)	(2,403,012)	(273,584)	(346,833)	0	(3,572,956)
IX Number of Eligible Participants						
A Actives	92	464	23	26	5	610
B Retirees/Disabled	86	325	22	32	6	426
C Total	178	789	45	63	11	1,086
For Fiscal Year Ending June 30, 2017						
X Normal Cost	171,317	643,506	42,899	50,283	5,785	893,990
XI Amortization of UAAL - 30 year increase (3.50% per year)	360,868	1,900,237	189,469	224,001	22,034	2,676,549
XII Annual Required Contribution ("ARC") (X + XI)	512,325	2,543,743	212,368	274,284	27,819	3,570,539
XIII Interest on Net OPEB Obligation (Asset)	(18,467)	(168,212)	(19,152)	(24,278)	0	(230,109)
XIV Adjustment to Annual Required Contribution	41,387	180,981	20,605	26,121	0	269,094
XV Amortization of Actuarial (Gains) / Losses	(214,979)	(1,063,675)	(94,861)	(325,385)	(12,334)	(3,510,332)
XVI Annual OPEB Expense [XII + XIII + XIV + XV]	301,186	1,492,837	118,960	150,744	15,485	2,079,192
XVII Employer Share of Costs	258,940	1,117,985	117,675	149,249	16,757	1,660,606
XVIII Employer Payments (Withdrawals) to/from OPEB Trust	36,583	177,872	15,863	20,967	0	251,285
XIX Total Employer Contribution [XVII + XVIII]	295,523	1,295,857	133,538	170,216	16,757	1,911,891
XX Percentage of Annual OPEB Expense Contributed	86.0%	74.9%	98.9%	99.0%	108.2%	79.9%
XXI Net OPEB Obligation (Asset) at Beginning of Year (VIII)	(549,527)	(2,403,012)	(273,584)	(346,833)	0	(3,572,956)
XXII Increase (Decrease) in Net OPEB Obligations (Asset) (XXI - XIX)	5,643	196,980	(14,578)	(19,472)	(1,272)	167,301
XXIII Net OPEB Obligation (Asset) at End of Year (XXI + XXII)	(543,884)	(2,206,032)	(288,162)	(366,305)	(1,272)	(3,405,635)

Normal Cost Per Capita -  
Funding Based on Premium Forecast  
Approach, Assuming No Implicit Cost

**Town of Wayland  
Normal Cost per Capita as of December 31, 2016**

	General Government Employees	School Employees	Police Employees	Fire Employees	Water Enterprise Employees	Total
I. Normal Cost	\$ 151,517	\$ 643,506	\$ 42,899	\$ 50,283	\$ 5,785	\$ 893,990
II. Eligible Actives	92	464	23	26	5	610
III. Normal Cost per Eligible Active [I. / II.]	\$ 1,647	\$ 1,387	\$ 1,865	\$ 1,934	\$ 1,157	\$ 1,466

DRAFT



East Coast  
11 Hayward Ave, Building 4  
Colchester, CT 06415  
(860) 537-9080

West Coast  
1350 E. Flamingo Road, Suite 254  
Las Vegas, NV 89119  
(702) 979-2880

Projected Cash Flows (Open Group) - Funding Based on Premium Forecast Approach, Assuming No Implicit Cost

Total Medical, Dental & Life Insurance - Funding Based on Premium Forecast - 7.00% discount rate											
Fiscal Year Ending June 30						Calendar Year Ending December 31					
Fiscal Year Ending	I. Employer Share of Premiums / Claims	II. Excess Employer Payments (beyond claims)	III. Total Employer Contribution [I. + II.]	IV. Normal Cost	V. Expected Annual OPEB Expense	VI. OPEB Obligation (Asset) as of Fiscal year end	Calendar Year Ending	VII. Total Actuarial Accrued Liability ("AAL") as of Valuation Date	VIII. Plan Assets as of Valuation Date	IX. Unfunded Accrued Actuarial Liability ("UAAL") [VII. - VIII.]	X. Funded Ratio [VIII. / VII.]
June 30, 2017	1,660,606	251,285	1,911,891	893,990	2,078,192	(3,572,956)	December 31, 2016	36,215,207	13,810,269	22,404,938	38.13%
June 30, 2018	1,799,707	533,204	2,332,911	961,102	2,508,192	(3,405,655)	December 31, 2017	37,929,991	15,036,919	22,893,072	39.64%
June 30, 2019	1,881,965	546,534	2,428,499	1,018,579	2,662,111	(2,976,562)	December 31, 2018	39,687,783	16,641,054	23,046,729	41.93%
June 30, 2020	2,000,449	560,197	2,560,646	1,083,653	2,827,357	(2,729,851)	December 31, 2019	41,542,104	18,371,267	23,170,837	44.22%
June 30, 2021	2,120,191	574,202	2,694,393	1,153,959	3,001,062	(2,423,682)	December 31, 2020	43,469,081	20,236,728	23,232,353	46.55%
June 30, 2022	2,164,352	588,557	2,752,909	1,221,333	3,175,343	(2,000,758)	December 31, 2021	45,478,048	22,247,258	23,230,790	48.92%
June 30, 2023	2,274,291	603,271	2,877,562	1,281,076	3,345,230	(1,533,050)	December 31, 2022	47,649,520	24,413,374	23,236,146	51.24%
June 30, 2024	2,431,124	618,353	3,049,477	1,354,065	3,532,109	(1,050,448)	December 31, 2023	49,921,704	26,746,339	23,175,365	53.58%
June 30, 2025	2,555,859	633,812	3,189,671	1,432,743	3,728,067	(512,051)	December 31, 2024	52,255,099	29,258,212	22,996,887	55.99%
June 30, 2026	2,727,092	649,657	3,376,749	1,507,730	3,925,383	36,584	December 31, 2025	54,710,579	31,961,907	22,748,672	58.42%
June 30, 2027	2,932,313	665,899	3,598,212	1,585,562	4,132,013	570,385	December 31, 2026	57,214,638	34,871,251	22,343,387	60.95%
June 30, 2028	3,120,340	682,546	3,802,886	1,648,796	4,364,886	1,132,385	December 31, 2027	59,756,930	38,001,049	21,755,881	63.59%
June 30, 2029	3,339,012	699,610	4,038,622	1,733,230	4,625,487	1,719,250	December 31, 2028	62,353,054	41,367,154	20,985,900	66.34%
June 30, 2030	3,566,503	717,100	4,283,603	1,817,358	4,892,224	2,327,871	December 31, 2029	64,914,248	44,986,537	19,927,711	69.30%
June 30, 2031	3,762,800	735,077	4,497,877	1,906,851	5,170,215	3,000,259	December 31, 2030	67,509,502	48,877,368	18,632,134	72.40%
June 30, 2032	3,977,629	753,403	4,731,032	2,004,951	5,467,313	3,736,540	December 31, 2031	70,229,688	53,059,102	17,170,586	75.55%
June 30, 2033	4,162,426	772,238	4,934,664	2,099,577	5,770,112	4,571,989	December 31, 2032	72,944,530	57,552,565	15,391,965	78.90%
June 30, 2034	4,338,771	791,544	5,130,315	2,200,125	6,096,161	5,537,835	December 31, 2033	75,796,813	62,380,054	13,416,759	82.30%
June 30, 2035	4,498,626	811,333	5,309,959	2,311,332	6,437,571	6,665,547	December 31, 2034	78,710,110	67,565,437	11,144,673	85.84%
June 30, 2036	4,666,071	831,616	5,437,687	2,422,203	6,800,737	8,028,597	December 31, 2035	81,774,180	73,134,267	8,639,913	89.43%
June 30, 2037	4,689,834	852,406	5,542,240	2,543,798	7,197,062	9,683,419	December 31, 2036	85,064,078	79,113,896	5,950,182	93.01%
June 30, 2038	4,846,054	873,717	5,719,773	2,669,197	7,623,778	11,587,424	December 31, 2037	88,649,320	85,533,605	3,115,715	96.49%
June 30, 2039	4,940,630	895,560	5,836,190	2,800,830	2,375,445	8,126,679	December 31, 2038	92,424,737	92,424,737	0	100.00%
June 30, 2040	5,102,541	(3,196,192)	1,746,149	2,942,343	2,278,580	8,659,110	December 31, 2039	96,464,451	99,820,843	(3,356,392)	103.48%
June 30, 2041	5,359,353	(2,629,729)	2,730,124	3,089,080	2,464,839	8,393,826	December 31, 2040	100,707,194	103,336,423	(2,629,229)	102.61%
June 30, 2042	5,561,045	(2,629,180)	2,935,865	3,245,933	2,605,688	8,063,649	December 31, 2041	105,225,097	107,850,277	(2,625,180)	102.49%
June 30, 2043	5,763,549	(2,680,635)	3,082,874	3,415,826	2,755,068	7,735,843	December 31, 2042	110,003,614	112,684,289	(2,680,675)	102.44%
June 30, 2044	6,047,914	(2,741,255)	3,306,659	3,589,593	2,908,499	7,337,683	December 31, 2043	115,058,022	117,799,277	(2,741,255)	102.38%
June 30, 2045	6,345,574	(2,864,465)	3,481,109	3,775,140	3,068,791	6,925,365	December 31, 2044	120,345,185	123,209,650	(2,864,465)	102.38%
June 30, 2046	6,547,213	(2,928,333)	3,618,880	3,971,658	3,239,047	6,545,533	December 31, 2045	125,942,967	128,871,300	(2,928,333)	102.33%
June 30, 2047	6,810,166	(3,010,412)	3,799,754	4,174,817	4,659,457	7,405,236	December 31, 2046	131,852,788	134,863,200	(3,010,412)	102.28%
June 30, 2048	7,161,384	(2,970,037)	4,191,347	4,392,273	4,938,577	8,152,466	December 31, 2047	138,219,593	141,189,630	(2,970,037)	102.15%

## SECTION II

### SUMMARY OF PLAN PROVISIONS

<u>Effective Date</u>	July 1, 2008; GASB 45 is adopted.
<u>Plan Year</u>	July 1 through June 30.
<u>Eligibility</u>	An employee hired before April 2, 2012 shall become eligible to retire under this plan upon attainment of age 55 as an active member and completion of 10 years of service or an employee shall be able to retire with 20 years of service regardless of age. Those hired on or after April 2, 2012 shall be eligible to retire upon attainment of age 60 with 10 years of creditable service.
<u>Creditable Service</u>	Elapsed time from date of hire to termination of service date.
<u>Participant Contributions</u>	For Medical Insurance retirees pay 26%-50% of gross premiums depending on plan and coverage level and retirees pay 50% for Life Insurance.
<u>Benefits Offered</u>	Comprehensive Medical Insurance offered through Blue Cross Blue Shield of Massachusetts, Fallon Community Health Plan, Tufts Health Plan and Harvard Pilgrim Health Care as well as Group Term Life Insurance.
<u>Normal Retirement Date</u>	The normal retirement date is the first day of the month following a participant's 65th birthday.
<u>Early Retirement</u>	Early retirement is available for any participant who has attained benefit eligibility.

### SECTION III

#### ACTUARIAL COST METHOD, ASSET VALUATION METHOD AND ACTUARIAL ASSUMPTIONS

##### A. ACTUARIAL COST METHOD

The actuarial cost method used to calculate the costs and liabilities of the plan is the Individual Entry Age Normal Actuarial Cost Method. Under this method, the annual normal cost for each individual active member, payable from the date of employment to the date of retirement, is sufficient to accumulate the value of the member's benefit at the time of retirement. The annual normal cost for each active member is a level dollar amount. The actuarial accrued liability is the actuarial present value of the projected benefit times the ratio of past service to expected total service at retirement/termination.

Actuarial gains and losses are calculated each year and amortized over a 30 year period.

All employees who are plan participants on the valuation date are included in the actuarial valuation.

##### B. ASSET VALUATION METHOD

The actuarial value of assets is equal to the Market Value of the Plan's assets as of the valuation date.



SECTION IIIACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS

(continued)

C. ACTUARIAL ASSUMPTIONS

We used the following assumptions in this year's actuarial valuation:

Pre-Retirement Mortality

It is assumed that pre-retirement mortality is represented by the RP-2000 Employees Mortality Table projected generationally with scale BB and a base year 2009 for males and females.

Post-Retirement Mortality

It is assumed that post-retirement mortality is represented by the RP-2000 Healthy Annuitant Mortality Table projected generationally with scale BB and a base year 2009 for males and females.

Disabled Mortality

It is assumed that disabled mortality is represented by the RP-2000 Healthy Annuitant Table projected generationally with Scale BB and a base year 2012 for males and females.

Discount Rate

7.00% per annum (previously 7.00%)

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS  
(continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Employee Termination

It was assumed that employees would terminate employment in accordance with the sample rates shown in the following table:

<b>Non-Public Safety Employees</b>						
<u>Age</u>	<u>0-4 Years of Service (Males)</u>	<u>0-4 Years of Service (Females)</u>	<u>5-9 Years of Service (Males)</u>	<u>5-9 Years of Service (Females)</u>	<u>10+ Years of Service (Males)</u>	<u>10+ Years of Service (Females)</u>
20	27.00%	27.00%	0.00%	0.00%	0.00%	0.00%
30	23.00%	23.00%	10.00%	10.00%	5.60%	5.60%
40	16.00%	16.00%	8.00%	8.00%	4.00%	4.00%
50	18.00%	18.00%	6.00%	6.00%	3.60%	3.60%
60	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

<b>Public Safety Employees</b>		
<u>Service</u>	<u>Male</u>	<u>Female</u>
0	9.00%	9.00%
5	6.00%	6.00%
10	3.50%	3.50%
15	2.00%	2.00%
20	1.50%	1.50%
25	1.50%	1.50%
30	1.50%	1.50%

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS

(continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Retirement Rates for non-teachers

It was assumed that the following percentage of eligible employees would retire each year.

<u>Age</u>	<u>Male Non Public Safety</u>	<u>Female Non Public Safety</u>	<u>Public Safety</u>
45	0.00%	0.00%	1.00%
46	0.00%	0.00%	1.00%
47	0.00%	0.00%	1.00%
48	0.00%	0.00%	1.00%
49	0.00%	0.00%	1.00%
50	1.00%	1.50%	2.00%
51	1.00%	1.50%	2.00%
52	1.00%	2.50%	2.00%
53	1.00%	2.50%	5.00%
54	2.00%	2.50%	7.50%
55	2.00%	5.50%	15.00%
56	2.50%	6.50%	10.00%
57	2.50%	6.50%	10.00%
58	5.00%	6.50%	10.00%
59	6.50%	6.50%	15.00%
60	12.00%	5.00%	20.00%
61	20.00%	13.00%	20.00%
62	30.00%	15.00%	25.00%
63	25.00%	12.50%	25.00%
64	22.00%	18.00%	30.00%
65	40.00%	15.00%	100.00%
66	25.00%	20.00%	100.00%
67	25.00%	20.00%	100.00%
68	30.00%	25.00%	100.00%
69	30.00%	20.00%	100.00%
70	100.00%	100.00%	100.00%
71	100.00%	100.00%	100.00%
72	100.00%	100.00%	100.00%

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS  
(continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Retirement Rates for teachers

It was assumed that the following percentage of eligible employees would retire each year:

<u>Age</u>	<u>Male Teachers</u>	<u>Female Teachers</u>
45	0.00%	0.00%
46	0.00%	0.00%
47	0.00%	0.00%
48	0.00%	0.00%
49	0.00%	0.00%
50	2.00%	1.50%
51	2.00%	1.50%
52	2.00%	1.50%
53	2.00%	1.50%
54	2.00%	2.00%
55	6.00%	5.00%
56	20.00%	15.00%
57	40.00%	35.00%
58	50.00%	35.00%
59	50.00%	35.00%
60	40.00%	35.00%
61	40.00%	35.00%
62	35.00%	35.00%
63	35.00%	35.00%
64	35.00%	35.00%
65	35.00%	35.00%
66	40.00%	35.00%
67	40.00%	30.00%
68	40.00%	30.00%
69	40.00%	30.00%
70	100.00%	100.00%
71	100.00%	100.00%
72	100.00%	100.00%

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS  
 (continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Disability rates

It was assumed that the following percentage of eligible employees would become permanently disabled each year:

<u>Age</u>	<u>Non Public Safety</u>	<u>Public Safety</u>
20	0.01%	0.20%
25	0.01%	0.21%
30	0.01%	0.21%
35	0.04%	0.46%
40	0.07%	0.71%
45	0.10%	0.91%
50	0.13%	1.10%
55	0.13%	0.95%
60	0.12%	0.80%

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS

(continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Healthcare Trend

It was assumed that healthcare costs would increase in accordance with the trend rates in the following table:

<u>Year</u>	<u>Medical</u>	<u>Dental</u>
CY 2013	6.0%	5.5%
CY 2014	5.0%	5.0%
CY 2015	5.0%	5.0%
CY 2016	5.0%	5.0%
CY 2017	5.0%	5.0%
CY 2018	5.0%	5.0%
CY 2019	5.0%	5.0%
CY 2020+	5.0%	5.0%

Participation Rate

It was assumed that 80% of employees eligible to receive retirement benefits would enroll in the retiree medical and dental plans upon retirement. For life insurance plans, it was assumed that 80% of eligible employees would elect coverage upon retirement.

Percent Married

It was assumed that 80% of male participants and 70% of female participants who elect retiree healthcare coverage for themselves would also elect coverage for a spouse upon retirement. It was further assumed that a male spouse is three years older than a female spouse and same sex spouses are assumed to be the same age. For current retirees, the actual census information was used.

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS

(continued)

C. ACTUARIAL ASSUMPTIONS (continued)

Compensation Increases

2.50% per year.

Open Group Forecast

It was assumed for projecting plan liabilities in future years that the active population would remain unchanged and that those who terminate employment or retire will be replaced with new employees with the demographics below:

**Open Group Forecast Population Demographics**

<u>Age</u>	<u>Male</u>	<u>Female</u>
20	8.0%	5.0%
30	7.0%	14.0%
40	20.0%	19.0%
50	10.0%	10.0%
60	<u>3.0%</u>	<u>4.0%</u>
Total	48.0%	52.0%

Additional Comments

The values in this report reflect a closed group and do not reflect any new entrants after the valuation date.

For purposes of this valuation, retiree contributions were assumed to increase with the same trend rate as health care claims.

SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS  
(continued)

D. DEVELOPMENT OF REPRESENTATIVE MEDICAL PER CAPITA CLAIMS COSTS

**I. CLAIMS COSTS DEVELOPMENT - Based on Active & Retiree Incurred Claims & Premiums**

	Number of Participants			
	Single	Two-Person	Family	Total
HP Advantage			1	1
Fallon Select	59		73	131
Fallon Direct	18		7	25
Harvard Pilgrim HMO	90		116	206
Tufts Navigator	46		51	97
BCBS Blue Choice	27		20	49
BCBS Medex 2	84			84
BCBS Managed Blue	35			35
Tufts Medicare Preferred	61			61
Tufts Medicare Plus	82			82
HP Medicare Enhance	109			109
Fallon Senior	2			2
<b>Total</b>	<b>615</b>	<b>0</b>	<b>267</b>	<b>882</b>

	Per Contract Costs (monthly) - FY 2017		
	Single	Two-Person	Family
HP Advantage	2,336.00	0.00	5,187.00
Fallon Select	591.00	0.00	1,591.00
Fallon Direct	550.00		1,480.00
Harvard Pilgrim HMO	735.00		1,915.00
Tufts Navigator	774.00		2,027.00
BCBS Blue Choice	814.00		2,184.00
BCBS Medex 2	379.00	758.00	
BCBS Managed Blue	345.00	690.00	
Tufts Medicare Preferred	296.00	592.00	
Tufts Medicare Plus	354.00	708.00	
HP Medicare Enhance	342.00	684.00	
Fallon Senior	338.00	676.00	

Gross Expected FY 2017 Incurred Premiums	9,580,488
Adjustment to reflect children's claims	<u>(1,437,504)</u>
<b>Total Expected FY 2017 Incurred Premiums (adults only)</b>	<b>8,142,984</b>

**II. PRE-65 AND POST-65 PER CAPITA RETIREE ANNUAL CLAIM COSTS**

	<u>Employer</u> <u>Primary</u>	<u>Medicare</u> <u>Primary</u>
Age 65	11,738	4,148
Average Age	11,247	4,148



SECTION III

ACTUARIAL COST METHOD, ASSET VALUATION METHOD  
AND ACTUARIAL ASSUMPTIONS  
(continued)

D. Reconciliation of Plan Participation

	<b>Active Employee Counts</b>			<b>Total</b>
	<b>Individual</b>	<b>Family</b>	<b>Waived</b>	
Active	185	244	181	610
Actives and Spouses with coverage				673

	<b>Retiree and Spouse Counts</b>		<b>Total</b>
	<b>Retiree</b>	<b>Spouse</b>	
Non-Medicare Plans	70	33	103
Medicare Plans	<u>231</u>	<u>142</u>	<u>373</u>
Total	301	175	476

## GLOSSARY

**AAL - Actuarial Accrued Liability.** That portion, as determined by a particular Actuarial Cost Method, of the Actuarial Present Value of pension plan benefits and expenses which is not provided for by future Normal Costs.

**Accrual Accounting -** A system of accounting in which revenues are recorded when earned and outlays are recorded when goods are received or services performed, even though the actual receipt of revenues and payment for goods or services may occur, in whole or in part, at a different time.

**Actuarial Value of Assets -** The value of cash, investments, other assets and property belonging to an OPEB trust, pension fund or similar entity, as used by the actuary for the purpose of actuarial valuation. Some funds may be restricted for other purposes, and "smoothing" of investment gains and losses often make the actuarial value of assets different from the market value of assets.

**Annual Required Contribution -** Normal Cost plus an amortization of the funding shortfall over a period of no more than 30 years.

**Cash Basis Accounting -** A system of accounting in which revenues are recorded when actually received and outlays are recorded when payment is made.

**Discount Rate -** The interest rate used to calculate present value of a series of future cash flows. Under GASB 45, the rate should be "long term expected yield on the investments that are expected to be used to pay benefits as they come due. These would be plan investments for a funded plan, the employer's investments for a pay as you go plan [e.g. short term county investment pool], or a weighted average of expected plan and employer investments for a plan that is partially funded".

**FASB - Financial Accounting Standards Board.** "Since 1973, the Financial Accounting Standards Board (FASB) has been the designated organization in the private sector for establishing standards of financial accounting and reporting".

**GASB - Government Accounting Standards Board.** "The Governmental Accounting Standards Board (GASB) was organized in 1984 by the Financial Accounting Foundation (FAF) to establish standards of financial accounting and reporting for state and local governmental entities. Its standards guide the preparation of external financial reports of those entities."

## GLOSSARY

(continued)

**GFOA – Government Finance Officers Association.** “GFOA is the professional association of state/provincial and local finance officers in the United States and Canada, and has served the public finance profession since 1906. Approximately 16,000 GFOA members are dedicated to the sound management of government financial resources.”

**Implicit Subsidy –** “The difference between a premium rate charged to retirees for a particular benefit and the estimated rate that would have been applicable to those retirees if that benefit was acquired for them as a separate group.”

**Irrevocable Contribution –** “Irrevocably transferred assets to a qualifying trust, or equivalent arrangement, in which plan assets are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the plan and are legally protected from creditors of the employer(s) or plan administrator. The preceding criteria preclude counting as [irrevocable] contributions (a) designations of net assets of a governmental or proprietary fund to be used for OPEB or (b) internal transfers of assets to a separate governmental or proprietary fund for the same purpose. Rather, such actions should be regarded as earmarking of employer assets.”

**Level Dollar Amortization –** Funding a shortfall in OPEB assets with equal dollar payments over a designated number of years (no more than 30 years). The present value of the level payments equals the present value of unfunded liabilities, the UAAL.

**Level Percent of Payroll Amortization –** Funding a shortfall in OPEB assets as a level percent of payroll over a designated number of years (no more than 30 years). The present value of the payments equals the present value of unfunded liabilities, the UAAL. Level percent of payroll typically has lower payments in the early years than level dollar amortization. When using level payroll amortization, employee count is assumed to be constant, and the payroll differences arise from overall wage trends.

## GLOSSARY (continued)

**Normal Cost** - The actuarially determined present value contribution needed to fund benefits which are earned for employee service rendered during the current year. Normal cost depends on many factors, including the interest rate used to discount future cashflows, and expected inflation.

**NOA - Net OPEB Asset.** The amount recognized by an employer for contributions to an OPEB plan greater than OPEB expenses.

**NOO - Net OPEB Obligation.** The cumulative difference since the effective date of GASB Statement number 45 between annual OPEB cost and the employer's contributions to the plan, including the OPEB liability (asset) at transition, if any, and excluding (a) short-term differences and (b) unpaid contributions that have been converted to OPEB-related debt.

**OPEB - Other Post Employment Benefits**

**OPEB Trust** - An entity other than a pension or retirement system which manages OPEB assets. In many respects it is similar to a pension fund for OPEB. For reasons detailed in GASB 45, contributions to an OPEB trust should be irrevocable in order to obtain the most favorable accounting treatment.

**Pay-as-you-go funding** - Paying benefits (such as pensions or OPEB) on a cash basis, with no money set aside for future liabilities which are already incurred.

**POB - Pension Obligation Bond.** Generally yielding taxable interest, POBs are issued to help fund a previously unfunded or underfunded pension liability.

**UAAL - Unfunded Actuarial Liability.** Actuarial Accrued Liability minus the Actuarial Value of Assets.

(6) ATM ARTICLES

**DATE:** FEBRUARY 10, 2017  
**TO:** BOARD OF SELECTMEN  
**FROM:** MARYANN DINAPOLI, EXECUTIVE ASSISTANT  
**RE:** ANNUAL TOWN MEETING ARTICLES

---

Attached is the current list of Annual Town Meeting articles with assignees and positions noted.

The full text of the articles can be accessed online here:

[http://www.wayland.ma.us/Pages/WaylandMA\\_Selectmen/DRAFTArt2017ATM.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/DRAFTArt2017ATM.pdf)

## 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	4-0	
B	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	C. Karlson	D. Watkins	4-0	
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	4-0	
G	FY 2018 Omnibus Budget	Finance Committee	C. Karlson	D. Watkins C. Martin		
H	<del>Rescind Authorized but Unissued Debt</del>	<del>Board of Selectmen</del>	<del>C. Karlson</del>	<del>D. Watkins</del>	Withdrawn	
I	Accept Gifts of Land	Board of Selectmen	C. Karlson	D. Watkins	4-0	
J	Hear Reports	Board of Selectmen	C. Karlson	D. Watkins	4-0	
K	Choose Town Officers	Board of Selectmen	C. Karlson	D. Watkins	4-0	
L	Sell or Trade Vehicles and Equipment	Board of Selectmen	C. Karlson	D. Watkins	4-0	

## 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	<del>Town Clerk to Be Appointed Rather Than Elected</del>	Board of Selectmen	<del>L. Anderson</del>	<del>G. Cliff</del>	Withdrawn	
N	Revolving Fund Bylaw	Board of Selectmen	L. Jurist	C. Martin		
Ø	<del>Licenses and Permits of Delinquent Taxpayers (Good Standing)</del>	Board of Selectmen	<del>L. Anderson</del>	<del>N. Funkhouser</del>	Withdrawn	
P	Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland	Board of Selectmen	M. Antes	N. Funkhouser	4-0	
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	<del>Appropriate Funds for Alternative Use of Town Building Library</del>	<del>Council on Aging</del>	<del>C. Karlson</del>	<del>G. Uveges</del>	Withdrawn	
V	Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application	Board of Library Trustees	J. Nolan	C. Martin	4-0	

## 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	4-0	
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	4-0	
Z	Appropriate Funds to Restore Mellen Law Office and Cochituate Town Clock	Community Preservation Committee	M. Antes	J. Gorke	4-0	
AA	Appropriate Funds to Hire a Housing Consultant	Community Preservation Committee	M. Antes	J. Gorke	4-0	
BB	Appropriate Funds to Construct Athletic Field at Oxbow Meadows	Community Preservation Committee	L. Jurist	G. Cliff	4-0	
CC	Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods	Community Preservation Committee	L. Jurist	G. Cliff	4-0	
DD	Appropriate Funds to Restore/Replace Windows of First Wayland High School, Now Known as Bradford Hall	Community Preservation Committee	M. Antes	N. Funkhouser	4-0	
EE	Plastic Bag Reduction Bylaw	Petitioners	C. Karlson	J. Gorke		
FF	Polystyrene Food Container Bylaw	Petitioners	J. Nolan	J. Gorke		



**DATE:** February 13, 2017  
**TO:** Board of Selectmen  
**FROM:** John Senchyshyn, Asst. TA/HR Director  
**RE:** **Personnel Board's Wage and Classification Article**

**REQUESTED MOTION:**

**NONE**

**BACKGROUND:**

At its meeting on Monday evening the Personnel Board will vote a revised Wage and Classification article for the spring warrant. Following the Personnel Board's meeting I'll join the BOS' meeting to review the revisions to the Wage and Classification article.

**DATE:** FEBRUARY 13, 2017  
**TO:** BOARD OF SELECTMEN  
**FROM:** NAN BALMER, TOWN ADMINISTRATOR  
**RE:** REVOLVING FUND: REVISED DRAFT BY-LAW

**RECOMMENDED ACTION:**

**APPROVE REVISED DRAFT REVOLVING FUND BY-LAW**

**BACKGROUND:**

Attached is an updated draft Revolving Fund By-law which is under review by affected Department Heads including Finance Director and the Finance Committee liaison and there may be some comments to consider by Monday.

Please note the following provisions:

1. Authority to Spend is assigned to each custodial board – These boards may provide spending authorization to the department head under appropriate conditions.
2. Use of Funds is written in a general way for each fund to provide flexibility except for Recreation - Athletic Fields where the Use of Funds is written specifically to distinguish this fund from routine maintenance provided by DPW and funded by the General Fund.
3. The funds operate under Chapter 44 Section 53 E ½ as amended – see below. And, locally the by-law including
  - a. Requirement for approved user fees
  - b. Requirement for annual report
  - c. Requirement for annual spending plan
  - d. Requirement for annual TM vote on spending cap
  - e. Note: The “Transfer of Funds” provision in a previous draft is omitted here as it is included in MA General Law

Attached: MGL Chapter 44, Section 53 ½

#### **Chapter 44: Section 53E 1/2. Revolving funds**

*[ Text of section as amended by 2016, 218, Sec. 86 effective November 7, 2016. For text effective until November 7, 2016, see above.]*

Section 53E 1/2. Notwithstanding section 53, a city or town may authorize by by-law or ordinance the use of 1 or more revolving funds by 1 or more municipal agencies, boards, departments or offices, which shall be accounted for separately from all other monies in the city or town and to which shall be credited any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund or in excess of the total authorized expenditures from such fund, and no expenditures shall be made unless approved in accordance with sections 41, 42, 52 and 56 of chapter 41.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established under this section for receipts of a municipal water or sewer department, a municipal hospital, a cable television access service or facility or for receipts reserved by law or as authorized by law for expenditure for a particular purpose. Revolving fund expenditures shall not be made to pay wages or salaries for full-time employees unless the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full-time or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay the wages or salaries of those employees who are employed as drivers providing transportation for public school students; and provided further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund shall be established pursuant to this section by by-law or ordinance. The by-law or ordinance shall specify for each fund: (1) the programs or activities for which the revolving fund may be expended; (2) the departmental receipts in connection with those programs or activities that shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; and (4) any reporting or other requirements the city or town may impose. The establishment of any fund shall be made not later than the beginning of the fiscal year in which the fund shall begin. Notwithstanding this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties that the revenue source was not used in computing the most recent tax levy.

The city or town shall, on or before July 1 of each year, vote on the limit on the total amount that may be expended from each revolving fund established under this section. In any fiscal year, the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city or with the approval of the board of selectmen and finance committee in a town.

Upon termination of a revolving fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue at the close of the fiscal year.

The director of accounts may issue guidelines further regulating revolving funds established pursuant to this section.

**ARTICLE N: REVOLVING FUNDS**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to:

1.) Establish Revolving Funds and amend the Code of the Town of Wayland by inserting a new Section 19-10 entitled “Revolving Funds” as follows, or take any other action relative thereto:

**§19-10 Revolving Funds.**

A. Pursuant to G.L. c. 44, §53E ½, as amended, the following Revolving Funds are authorized, shall be accounted for separately from all other monies in the town, and each fund shall be credited with any fees, charges or other receipts from the programs or activities supported by the respective revolving fund:

	REVOLVING FUND	AUTHORITY TO SPEND FUND	REVENUE SOURCES	USE OF FUNDS
1	Transfer Station	Board of Public Works	Receipts including sticker fees paid for use of the Transfer Station, Pay as You Throw bags, recycling income	Payment of costs for the operation and improvement of the Transfer Station
2	Recreation: Programs & Facilities (does not include Town Beach)	Recreation Commission	Receipts including fees paid to participate in recreational and educational programs/events	Payment of costs for recreational and educational programs/events and facilities
3.	Recreation: Athletic Fields	Recreation Commission	Receipts including fees paid for the use of athletic fields	Payment of costs of athletic field equipment (such as nets, goals, porta potties, benches, tables and fences), utilities (electricity and water), major field maintenance not performed by DPW, and approved capital projects
4.	Recreation: Town Beach	Recreation Commission	Receipts including fees paid for the use of the Town Beach and beach programs/events	Payment of costs for the operation of the Town Beach and beach programs/events
5.	Council on Aging	Council on Aging	Receipts including fees paid to participate in Council on Aging programs	Payment of costs for Council on Aging programs
6	School Department: Professional Development	School Committee	Fees paid for teacher training programs	Payment of costs for teacher training programs

7.	School Department: Curriculum	School Committee	Fees paid for student instructional materials	Payment of costs for student instructional materials
----	----------------------------------	------------------	--	---

B. Any Town board authorized to administer a revolving fund shall approve user fees, calculated upon the cost of providing the service or program, which shall include but is not limited to, costs for associated maintenance, capital improvements, wages and employee benefits and indirect costs.

C. The Annual Town Report shall include, for each Revolving Fund, an accounting of the fiscal year-end revenues, expenses, balances and Town Meeting voted limit of expenditure.

D. In connection with the annual Town budget cycle, the entity authorized to spend each fund shall submit to the Finance Committee an estimated end-of-year balance for the current fiscal year and a revenue and expense plan for the upcoming fiscal year.

2) Set the following enumerated dollar figure for fiscal year 2018 as the total amount that may be expended from the respective authorized Revolving Fund, or take any other action relative thereto:

1. Transfer Station - \$-----
2. Recreation: Programs & Facilities - \$-----
3. Recreation: Athletic Fields - \$-----
4. Recreation: Town Beach - \$-----
5. Council on Aging - \$-----
6. School Department: Professional Development - \$-----
7. School Department: Curriculum - \$-----

**FOR COMMENTS: Pursuant to the provisions of G.L. c.44, §53E½ as most recently amended by §86 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called).**

**Establish seven revolving funds, which shall be accounted for separately from all other monies in the town and which funds shall be credited any fees, charges or other receipts from the departmental programs or activities supported by the respective revolving fund**

(7) HEALTH  
INSURANCE  
BUDGET

DATE: February 13, 2017  
TO: Board of Selectmen  
FROM: John Senchyshyn, Asst. TA/HR Director  
RE: **FY 18 Projected Health Insurance Expenses**

**REQUESTED MOTION:**

**NONE**

**BACKGROUND:**

Due to the snow storm last Thursday, the West Suburban Health Group's (WSHG) FY 18 rate setting meeting was postponed until Tuesday, February 14<sup>th</sup>. As such, I will not have approved FY 18 rates to review on Monday evening.

There are several funding scenarios that the WSHG Board will be reviewing at its upcoming meeting. The scenarios have several minor differences. They also include the migration of Wayland's total non-Medicare enrollment to the Benchmark Plans. Wayland is the first WSHG member to make this change in enrollment.

The WSHG's self-funded non-Medicare claims through December 2016 for Harvard Pilgrim, Blue Cross/Blue Shield and Tufts are exceeding FY 17 funding. Fallon is running slightly below funding. Total self-funded claims through December exceed funding by 1.8%. In setting rates, the FY 17 shortfall needs to be factored into projected FY 18 rates along with anticipated medical and prescription drug inflation.

I have prepared Wayland's FY 18 projections based on the WSHG's Steering Committee's consensus of what will be required for FY 18 total claims funding. However, the WSHG Board may vote other variations amongst individual health plan rates while maintaining the same overall total funding requirements. My projections are based upon 15% increases for Harvard Pilgrim, Blue Cross/Blue Shield and Tufts. Fallon is projected at a 9% increase. Medicare rates are determined on a calendar year basis. For CY 18 Medicare rates are projected at a 10% increase.

Attached is the FY 18 projection based on the aforementioned assumptions. In addition, 15 new benefit eligible positions are anticipated. The total projected expenses for FY 18 are \$7,189,661. The FY 17 budget is \$7,165,000.

Had Wayland not negotiated the move to the Benchmark Plans, the FY 18 projected expenses would be approximately \$7,875,000.





(9) RIVERS  
EDGE

DATE: FEBRUARY 13, 2017  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: RIVERS EDGE

**RECOMMENDED ACTION:**

**VOTE TO AUTHORIZE TOWN ADMINISTRATOR TO FINALIZE AND SIGN REVISED NOTICE OF AWARD\***

**BACKGROUND:**

Discussions with Wood Partners are ongoing with a few remaining details to be resolved. The Board may, if it wishes and authorize the Town administrator to finalize remaining issues with Special Counsel, sign a revised NOA and transmit it to Wood Partners. The revised document would appear in the Board's next correspondence packet. As an alternative the Board could convene a meeting to sign the document.

Upon execution of the document, there will be a 30 day period (plus any extensions) for the execution of a Land Development Agreement (LDA). During this time, the Board may consider authorization of a Work Group including Jerry Heller, Chair of REAC, Becky Stanizzi, Cherry Karlson Chair of Selectmen and Nan Balmer, Town Administrator to work with Special Counsel and the developer to prepare a final draft LDA for the Board's consideration and vote.

*\*Section 60.2.1 provides that "The Town Administrator shall be responsible for the management of all affairs of the Town and Town departments under the supervision and control of the Board of Selectmen and shall act by and for the Selectmen in any matter relating to the administration and operations of the affairs of the Town which they may assign to the position". Town Counsel advises that this section may apply to this document.*



# 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

**Board of Selectmen  
Meeting Minutes  
January 30, 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. 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, and APPROVE AND HOLD: January 9, 2017**

At 6:30 p.m., C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss strategy with respect to 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 because an open discussion may have a detrimental effect on the bargaining position of the Town; 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: (a) dated December 19, 2016, 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; APPROVE FOR RELEASE WITH REDACTIONS: December 19, 2016; and (b) dated January 9, 2017, pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), 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 AND HOLD: January 9, 2017. The Chair declares that a public discussion of strategy with respect to pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining, litigating or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by the Town Administrator Nan Balmer. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School Committee members Ellen Greico, Barb Fletcher, Kathy Steinberg, Jeanne Downs and Kim Reichelt; School Superintendent Paul Stein, Assistant School Superintendent Brad Crozier, School Administrative Assistant Diane Marobella, and

Personnel Board Chair Deb Cohen. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:13 p.m.

**A2. Call to Order by Chair** Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:13 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.

M. Antes announced that the Town Census has been delivered by mail and can be returned to the Town Clerk's office when filled out. M. Antes also announced that there will be a listening session tomorrow and one on Sunday. L. Anderson reminded residents that the Police Department will be holding a "Coffee with Cops" event at Panera tomorrow from 9 a.m. to 11 a.m.

**A3. Public Comment**

M. Lowery, Lakeview Drive, stated that he is speaking as a resident and he thinks the town should know the costs of relocations before they make a decision on River's Edge. He stated that now looking back the process was backwards and the town shouldn't make a decision for the sake of making a decision.

G. Wolin, West Plain Street, stated that the River's Edge project was a money pit. He reiterated that relocation needs to be defined before a decision is made.

A. Boelter, Lake Shore Drive, urged the Board to direct their attention to the unfinished business and asked them not to rush into a decision on River's Edge.

A. Michaels, 41 Joyce Road, discussed her concern with the potential location of the middle school for the buses. She brought up issues like air pollution for students, teachers, and sports field users. She noted the petition the Board had tonight signed by residents asking to find a suitable location before they vote. She said this location impacts more neighbors at a closer proximity than the other possible locations.

L. Segal, Aqueduct Road, read a passage about leadership from the MMA's Selectmen's Handbook. She said the Board is not ready to take the leap with all of the unknowns.

**A4. Interviews and Potential Vote to Appoint to Boards and Committees** The Board was joined by Seema Mysore to interview for appointment to the Historic District Commission. S. Mysore reviewed her background and interest in serving on the Historic District Commission and answered questions from the Board. L. Anderson moved, seconded by M. Antes, to appoint Seema Mysore to the Historic District Commission, 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.

The Board was joined by Amanda Ciaccio to interview for appointment to the Historical Commission. A. Ciaccio reviewed her background and interest in serving on the Historical Commission and answered questions from the Board. M. Antes moved, seconded by L. Anderson, to appoint Amanda Ciaccio to the Historical Commission, effective immediately, for a term to expire on June 30, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**A5. 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**

At 7:35 p.m. C. Karlson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(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. The Chair declared that a public discussion of strategy with respect to pending and potential litigation and collective bargaining will have a detrimental effect on the bargaining, litigating or negotiating position of the Town.

Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer, River's Edge Advisory Committee Members Jerry Heller and Rebecca Stanizzi, and Attorney David Wiener of Anderson/Kreiger, LLP. The Board will reconvene in open session in approximately thirty minutes.

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

**A6. Vote to Issue Notice of Award to Developer for the River's Edge Project**

N. Balmer reviewed the status of the River's Edge process to this point. She introduced special counsel, David Wiener, who prepared the notice of award letter. N. Balmer stated that the Board had a copy of a potential vote and potential notice of award for Wood Partners. She said they needed to make a decision on whether they would be comfortable going forward with the notice of award.

M. Antes asked if there was any additional information about the former landfill location. C. Karlson said there isn't enough information to know about that land yet. M. Antes asked if it's worth having another one-month delay before making the decision.

L. Jurist said it is troublesome that this has been in discussion for over 3 years and there has not been a resolution.

J. Nolan stated that this project will generate positive revenue for the town. He said people had the same concerns with every other big project the town took on.

L. Anderson stated that she believes the town can come up with a solution. She said she looked back at the past master plans that imagined a project like River's Edge. She said this project will bring the town almost up to 10 percent affordable housing.

C. Karlson said there has been a lot of work and time put into this decision. She said she did go back to the previous town meeting vote and concluded that what the Board is doing now is what Town Meeting asked them to do. She said there are many costs if the town doesn't go forward with this project. She stated she feels a commitment to putting housing there, especially affordable housing. She stated that she is confident the Schools and BOPW can find alternative locations and her major concern is that their work can still get done.

N. Balmer stated that there is no resolution at the moment and doesn't expect one if there was a month delay in the decision. L. Jurist said he doesn't think a delay would give us any more information.

M. Lowery stated that the BOPW does have an interest in the old landfill site.

R. Stanizzi stated that nothing happens without a deadline. She said what's on the table now is enough to make a decision.

J. Nolan moved, seconded by M. Antes, that:

WHEREAS, the Town of Wayland voted by a 2/3<sup>rd</sup> vote at the Annual Town Meeting on April 3, 2014 (the "Town Meeting Vote") to authorize the Board of Selectmen to (a) dispose of that certain land located at 484-

490 Boston Post Road in Wayland, Massachusetts, identified on the Wayland Assessor's Map as Parcels #22-3, 22-6 and 22-7 and commonly known as River's Edge (the "Property") and (b) solicit and receive recommendations from a nine member advisory committee in connection with said disposition;

WHEREAS, in August 2014 the Board of Selectmen appointed nine members to the River's Edge Advisory Committee ("REAC") to investigate and dispose of the Property in accordance with the Town Meeting Vote;

WHEREAS, with the assistance of REAC, the Board of Selectmen issued a Request for Proposals on April 21, 2016 as RFP #16-28 for disposition of the Property (the "RFP");

WHEREAS, with the assistance of REAC, the Board of Selectmen subsequently issued Addendum 1, Addendum 2 and Addendum 3 to the RFP (collectively, the "Addenda");

WHEREAS, two non-price proposals, each accompanied by a sealed price proposal were received by the Town from WP East Acquisitions, LLC ("Wood Partners") and Baystone Development LLC, respectively (collectively, the "Proposals");

WHEREAS, REAC prepared a Bid Selection Recommendation (the "REAC Recommendation"), which was presented to the Board of Selectmen at its October 17, 2016 meeting, that recommended Wood Partners as the preferable bidder under the RFP;

WHEREAS, in connection with issuing a Notice of Award, the Board of Selectmen has reviewed the following documents: (1) the RFP, (2) the Addenda, (3) the Proposals, (4) the REAC Recommendation, (5) workflow and financial updates from the Department of Public Works, (6) updates from the School Department concerning the relocation of the school bus parking area currently located on the Property and (7) the report titled "Fiscal Impact Analysis, River's Edge Apartments, Wayland, MA" dated January 12, 2017, as revised January 23, 2017, and prepared by Fougere Planning & Development, Inc.

WHEREAS, in an open meeting on January 23, 2017, the Board of Selectmen has made its findings, taking into consideration the Comparative Evaluation Criteria set forth in the RFP (including without limitation price), REAC's recommendations, and the Board of Selectmen's own judgment as to which RFP respondent best meets the Comparative Evaluation Criteria; and

WHEREAS, the Board of Selectmen has found that Wood Partners' proposal is the most advantageous to the Town taking all factors including price into account.

NOW THEREFORE, at a duly called public meeting of the Board of Selectmen on the date first written above, the Board votes as follows:

To issue a Notice of Award for the disposition of the Property to Wood Partners, on the terms and conditions set forth in the form of the Notice of Award presented to the Board of Selectmen at this meeting and approved by this vote. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

J. Nolan said he is voting for all of the good that will come of this project. L. Anderson and C. Karlson said comments from the public have been very helpful. L. Jurist noted that all comments have to do with the relocation issues; none have questioned the value of the project.

**A7. 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**
- 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**

J. Nolan left the meeting at 9:25 p.m.

M. Antes moved, seconded by L. Jurist, that the Board support Articles A,B,H,I,J,K, and L. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**E. Personnel Bylaws and Wage & Classification Plan**

The Board decided to wait on this article until more information is provided by J. Senchyshyn.

**F. Compensation for Town Clerk**

C. Karlson recommended that for negotiation reasons the Board keeps the same number. L. Anderson moved, seconded by M. Antes, to support Article F Compensation for Town Clerk. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

**M. Town Clerk to Be Appointed Rather Than Elected**

L. Anderson discussed the research she's done including talking to the current Wayland Town Clerk and to a selectman in a town that went through the process. L. Anderson said her sense is that the Town is not ready to take this to Town Meeting and she recommends that it be pulled. L. Anderson moved, seconded by L. Jurist, that the Board vote to pull Article M from the warrant for 2017 ATM. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**S. Preservation of Historically Significant Buildings Through Demolition Delay**

E. Scola, Chair of the Historical Commission, stated that the presentation before the Finance Committee went well. She said that to demolish a significant building, an owner could go through a process of up to a year to 15 months. L. Jurist asked if the passage of this would affect rights of property owners. L. Jurist said he cannot support that. C. Karlson asked her to take L. Jurist's comments into account when preparing pro and con comments. The Board agreed to wait to take a position at a future meeting.

**U. Appropriate Funds for Alternative Use of Town Building Library**

B. Soule and B. Sterling of the Council on Aging came before the Board and stated that they think the Town should know what the library building will be used for before they move out of it. B. Sterling said the Town doesn't want to end up like Weston where the old library stood vacant for years.

C. Karlson stated that she is supportive of them bringing it up and having the much needed conversation. She said she is not ready to support this particular article. C. Karlson said she would like this article to be brought forward by the Town Administrator or Facilities.

N. Balmer said that if the Town owns the library building, then it falls under the Board of Selectmen and they would work with the Facilities Director to scope out a study.

C. Karlson said she does not think the article should go forward at Town Meeting. C. Karlson asked Nan to talk to the Facilities Director to see what the cost would be for this type of study. She said she would also like to see a legal point of view.

**V. Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application** A. Gennis, discussed the two components of the Article. She said that the approval is required by the state in order to get reviewed for a grant. She said the state requires that the preliminary designs are approved and they have authorization to file the application.

L. Anderson moved, seconded by L. Jurist, to vote to support Article V for Acceptance of Design for New Library and Approval and Authorization of Library Building Grant Application. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan ABSTAIN: none. Adopted 4-0.

**A8. Review and Vote Changes to FY18 Budget for Departments under the Jurisdiction of the Board of Selectmen** N. Balmer stated that she received surprising news on Tuesday from the Finance Committee that the Town needs to make cuts to the budget. L. Jurist asked how this could happen when they stayed within the parameters of the budget guidelines. D. Watkins said they have applied some of N. Balmer's ideas. N. Balmer listed some of her suggestions to the Board to balance the budget. N. Balmer said she has discussed this with affected department heads. The Board asked N. Balmer to communicate her suggested budget changes to the Finance Committee noting the Board's reluctance and acknowledgement that these cuts are not sustainable and will show up again in next year's budget request. The Board thanked N. Balmer for her work on responding to the Finance Committee's request.

**A9. Minutes: Review and Vote to Approve Minutes of January 17, 2017** L. Jurist moved, seconded by M. Antes, to approve the minutes of January 17, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A10. Review and Approve Consent Calendar (See Separate Sheet)** M. Antes moved, seconded by L. Jurist, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**A11. Review Correspondence (See Separate Index Sheet)** The Board reviewed the week's correspondence. The board discussed the letter regarding the Religious Land Use and Institutionalized Persons Act Update.

**A12. Report of the Town Administrator** None

**A13. Selectmen's Reports and Concerns** None

**A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** The Chair said, "I know of none."

**A15. Adjourn** There being no further business before the Board, L. Jurist moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 10:50 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the Meeting of January 30, 2017**

1. Previous Finance Committee Comments on Articles A, B, E, F, G, H, I, J, K and L
2. Charge of the Historical Commission
3. MBLC Grant Application Submission & 1.26.17 Wayland Free Public Library, 195 Main Street, by Tappé Architects, 1/26/17
4. Letter of 1/30/17 from Michael Lowery to Board of Selectmen re: River's Edge Award Decision

5. Email from Amy and Harvey Michaels to Board of Selectmen re: Bus Parking
6. Petition from Wayland Residents re: Bus Parking
7. Letter of 2/1/17 from Board of Selectmen to Wood Partners re: 484-490 Boston Post Road, Wayland, Request for Proposals #16-28, and Record of Vote of the Board of Selectmen, January 30, 2017

**Items Included as Part of Agenda Packet for Discussion During the January 30, 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



**TOWN ADMINISTRATOR'S REPORT**

**WEEK ENDING FEBRUARY 10, 2017**

**ARTICLES**

X: Mike Lowery provided the attached revised Transfer Station Access Article which has not yet been discussed by the BOPW.

**LIBRARY**

Town Counsel advised that the portion of the property upon which the Library sits (Roby) may be under the custody of the Trustees. Attached is a letter from Town Counsel with regard to re-use of the Library

**WARRANT: HANDS AND SEALS**

The TM Warrant has traditionally included the Finance Committee along with the Board of Selectmen as signing the warrant (under hands and seals), although the Finance committee does not sign it. A member of the Finance Committee questioned this. After checking with Town Counsel, the intent of the law would not be to include the Finance Committee because only the Board of Selectmen actually sign the warrant.

February 8, 2017

**Katharine Lord Klein**  
[kklein@k-plaw.com](mailto:kklein@k-plaw.com)

**BY ELECTRONIC TRANSMISSION AND  
FIRST CLASS MAIL**

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
c/o Wayland Town Building  
41 Cochituate Road  
Wayland, MA 01778

Re: Town Public Library Restriction - 5 Concord Road

Dear Members of the Board of Trustees:

You have requested an opinion as to whether property now owned and operated by the Town of Wayland as the Town Public Library, located at 5 Concord Road, Wayland (alternately the "Library" or the "Property") is subject to a restriction which requires the Property to be used as a library in perpetuity, failing which the gift to the Town would lapse. Further, assuming such a restriction does exist, and the Town constructs a new public library at the property located at 195 Main Street, Wayland, you have posed a number of options for the use of the Property and have asked for an opinion as to their implications, as well as for guidance regarding the future use of the Property. Finally, you have asked that, if the Property is subject to a charitable public trust, whether this estops the Town from building a new library elsewhere in Town at this time.

For the reasons that follow, it is my opinion that the Town holds the Library subject to a charitable public trust as to a portion of the Property, imposing duties upon the Board of Library Trustees, as trustees of this charitable public trust. In my opinion, to use the Property in a manner other than the current use, i.e., as the Town's public library, the Town should secure the approval of the Middlesex County Probate Court to the proposed new use(s), unless you decide to use the Property as a branch library. In my further opinion, regardless of what use is made of the 5 Concord Road property, the Town may build a new library on another site in Town.

**Background – The Public Library Trust**

I have been provided with an opinion letter from Mark J. Lanza, Esq., dated March 30, 2016 (the "Lanza Opinion") and an opinion letter from Jeffrey L. Ontell, Esq., dated October 24, 2016 (the "Ontell Opinion"), upon which I rely for the factual background. The Property is comprised of four parcels of land, acquired by the Town in 1899, 1923 and 1955. Article 5 of the Last Will and Testament of Warren Gould Roby (the "Roby Will"), who died in 1897, devised a parcel of land to the Town as follows: "I give to the Town of Wayland, Massachusetts, one-half acre of my land on the east side of

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 2

Concord Road and opposite the short road connecting the Sudbury Concord roads in the Town of Wayland, the same to be not nearer to my house than two hundred and twenty-five feet and the metes and bounds of which shall be fixed by my executors and a plan thereof recorded in the Middlesex South District Registry of Deeds. And to erect a building thereon for use as a public library, as near fireproof as possible, I give to the Town of Wayland the sum of twenty-eight thousand dollars." By a deed dated September 4, 1899, recorded with the Middlesex South District Registry of Deeds in Book 2764, Page 141 (the "Roby Deed"), Cynthia C. Roby, Warren Gould Roby's wife and executrix, conveyed a certain lot of land, marked "Library Lot ½ Acre" on a plan of a portion of the Warren G. Roby Estate, Wayland, "as set off for the Wayland Public Library, according to will." (the "Roby Land"). At the 1898 Annual Town Meeting, the Town voted to accept the gift under the Roby Will, being the land and the \$28,000 "to be devoted to the erection of a building thereon to be used as a Public Library."

The remainder of the library site consists of two parcels conveyed by Amos I. Hadley and Alfred W. Cutting, by deed dated March 20, 1923, recorded with the Middlesex South District Registry of Deeds in Book 4598, Page 82 (the "Hadley/Cutting Land") and a parcel conveyed by Mary A. Clifford, by deed dated February 7, 1955, recorded with the Middlesex South District Registry of Deeds in Book 8412, Page 490 (the "Clifford Land"). Based on the information provided, it appears that neither of these parcels was conveyed to the Town under any circumstances giving rise to a use restriction or a public charitable trust.

My understanding is that the Town used the monetary bequest from Warren Gould Roby to erect a building, at least partially upon the Roby Land, which now comprises at least a portion of the current public library located at the Property. It is my understanding that portions of the building and/or related parking are also located upon the Hadley/Cutting Land and/or the Clifford Land.

I concur with the Lanza Opinion and the Ontell Opinion that neither the Hadley/Cutting Land nor the Clifford Land is subject to any restriction on use. In my opinion, the Roby Land is subject to a public charitable trust, requiring that the land and building located thereon, constructed, in part, with monies gifted by Warren Gould Roby to the Town, be used, in perpetuity "as a public library," absent a decree from the Probate Court finding otherwise.

### Charitable Trust

A public charitable trust is created when property is donated to a charitable corporation or a governmental body for a particular, specified public purpose. In such cases, the grantee, as trustee of such trust, is subject to an enforceable general public obligation or trust to use the property for that purpose. Nickols v. Commissioners of Middlesex County, 341 Mass. 13, 18 (1960). In the event a public charitable trust is created, it continues to bind the property in perpetuity. To make the determination as to whether or not an instrument creates a public charitable trust, one must look to the language of the instrument itself. Whether a public charitable trust is created is a matter of interpretation of the

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 3

particular instrument and determination of a particular donor's intent. Cohen v. Lynn, 33 Mass.App.Ct. 271, 275 (1992).

Generally, the use of terms such as "forever" and "in perpetuity" in a deed, coupled with a gift of the land to a charitable corporation or governmental body, implies a public charitable trust. The absence of such language, however, does not necessarily defeat that conclusion. See City of Salem v. Attorney General, 344 Mass. 626 (1962); Dunphy v. Commonwealth, 368 Mass. 376 (1975). Furthermore, the fact that the deed does not explicitly state that the property is held "in trust" is not definitive, for courts have held that "[n]o magical incantation, e.g., 'in trust,' is required to create a trust." Hillman v. Roman Catholic Bishop of Fall River, 24 Mass.App.Ct. 241, 244 (1987). Whether a trust is imposed is "a matter of interpretation of the particular instrument and determination of the particular donors' intent" and "is to be ascertained from a study of the instruments[s] as a whole in light of the circumstances attending . . . [their] execution. Search should be made for a general plan . . . designed to express a consistent and harmonious purpose." Cohen v. Lynn, 33 Mass.App.Ct. at 275.

In my opinion, the Roby Will, together with the Roby Deed and the Town Meeting vote, create a public charitable trust. First, the fact that Warren Gould Roby devised the Roby Land to the Town, i.e., there was no consideration paid, supports a finding of a public charitable trust. Second, the fact that the donation of the land was accompanied by a sizeable monetary bequest for the purpose of constructing a building to house a public library upon the land supports a finding that the testator intended to restrict the use of the Roby Land as the site of a public library indefinitely. Therefore, in my opinion, it is likely a court would construe this donation as creating a public charitable trust that continues in perpetuity.

### Doctrine of Cy Pres

The fact that both a portion of the land and building comprising the current library are subject to a charitable trust does not necessarily require the Town to operate and maintain a library forever on the Property. If it has become impracticable to carry out the purposes of the public charitable trust, and the Town desires to use the Property for a purpose other than the Town library, the terms of a charitable trust can be changed by court order pursuant to a petition *cy pres*, which means "as near as possible." "The rule of *cy pres* may be stated as follows: 'If property is given in trust to be applied to a particular charitable purpose, and it is or becomes impossible or impracticable or illegal to carry out the particular purpose, and if the settlor manifested a more general intention to devote the property to charitable purposes, the trust will not fail but the court will direct the application of the property to some charitable purpose which falls within the general charitable intention of the settlor.'" Board of Selectmen v. Attorney General, 15 Mass.App.Ct. 639, 646 (1983), quoting Restatement (Second) of Trusts, §399 (1957); Wesley United Methodist Church v. Harvard College, 366 Mass. 247, 249-250 (1974). The Town would need to show that it is impractical, due to changed conditions, to continue to use the land and building constructed thereon as the donor intended. If the court agrees that such use is impractical, the court will permit the land to be used for a purpose that is as close as possible to what the donor

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 4

intended. Impracticality may be demonstrated by a showing that the Property is too small for the Town's current library needs, and that building a new library is a more efficient and economical way of addressing those needs.

A court will not, however, apply the doctrine of *cy pres* unless a general charitable intent is found. “[I]f the charitable purpose is limited to a particular object or to a particular institution, and there is no general charitable intent, then, if it becomes impossible to carry out the object . . . the doctrine of [*cy pres*] does not apply, and, in the absence of any limitation over or other provision, the legacy lapses.” Teele v. Bishop of Derry, 168 Mass. 341, 343 (1897).

In Board of Selectmen of Provincetown v. Attorney General, 15 Mass.App.Ct. 639 (1983), Mabel Elliott Day, in the Fifth clause of her will, gave “to the Town of Provincetown, Massachusetts, my house and land on Gosnold Street in said Provincetown to be used by the Town for the purpose of a public library or as a site for a public library building.” If, at the time of her death, the town already owned a public library building or public library building, or if the town declined to accept the devise within a year of the date of her death, then she directed her executors to sell the property and add the proceeds to the residue of her estate. The President and Fellows of Harvard College was the residuary beneficiary of her estate. Mrs. Day died in November of 1949, and the will was allowed in February 1950. The Town voted to accept the gift of the property in February “to be used by the Town for the purposes of a public library or as a site for a public library building as set forth in devise to the Town under the will of Mabel Elliott Day.” It turned out Provincetown, at the time of Mrs. Day's death, held a beneficial interest a parcel of property used as a public library. The town subsequently acquired title to other library property, determined that its library facilities were adequate, and that it had no use for the Day property as a library or a library site. The property was never used as the site of a library or for library purposes. The town commenced an action seeking a declaration that it should be free to sell the property and apply the proceeds to general library purposes either under the express terms of the will or upon the application of the document of *cy pres* to a perceived general intent to benefit the town library.

The Massachusetts Court of Appeals determined that it was “clear that Mrs. Day contemplated that the conditions precedent she imposed to the vesting of the devise (i.e., that at the time of her death, no public library existed, and the Town accepted the devise within one year of her death for a library site or for the purpose of a public library), would ensure use of her property as a library.” Board of Selectmen of Provincetown v. Attorney General, 15 Mass.App.Ct. at 646. The Court found there was no discernible statement of general charitable intent – a prerequisite for a *cy pres* petition, as well as no direction that the property could be sold and utilized for library purposes elsewhere in town. The Court concluded that the use of her land and home as a public library was the essence of the testatrix's devise, evidencing a specific charitable purpose. The court denied the town's petition to sell the property and use it for general library purposes. Id.

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 5

In Wigglesworth v. Cowles, 38 Mass.App.Ct. 420 (1995), the testatrix's testamentary disposition left her home "in trust ... to use the same for a Convalescent Home, to be called the Stephen Caldwell Memorial Home," and further provided that "[s]aid house and land shall not be sold, and if used for any other purpose than a convalescent home, said house and land shall revert to my heirs." The Court of Appeals found that the doctrine of *cy pres* did not apply, due to the existence of reversionary provisions in the will. Nonetheless, while finding that the testatrix's primary purpose was the establishment and operation of a convalescent home memorializing Stephen Caldwell, the court held that "the means and methods for accomplishing that objective are secondary in nature and constitute subordinate provisions of the testamentary trust." Applying equitable principles, the court permitted reasonable deviation from the terms of the testamentary trust and sanctioned the razing of buildings and the transfer of trust assets to a corporation operating another institution serving convalescents.

While it is difficult explain the different results in the Provincetown case and the Wigglesworth case, in each it was held that where a general public charitable intent is not found, a *cy pres* action will not lie. In the former, the court declined to deviate from the terms of the trust; in the latter, the court, invoking its equitable powers, permitted a deviation to avoid a forfeiture of the trust.

The will of Warren Gould Roby does not, in my opinion, express a general charitable intent. The testator not only devised property for the placement of a "building . . . as a public library," but left a bequest for the express purpose of constructing the library building. The deed to the Town conveyed the Roby Land "as set off for the Wayland Public Library, according to will." The Town Meeting vote accepted the land and monetary bequest "to be devoted to the erection of a building thereon to be used as a Public Library." This language, in my opinion, evidences a specific charitable intent. The instruments establishing the Roby bequest do not, in my opinion, evidence that the testator intended to benefit the Town, in a general sense. Accordingly, in my further opinion, an action in *cy pres*, seeking a general reformation of the terms of the trust, would not be applicable.

### Use of the Property – Reasonable Deviation

The fact that a specific public charitable trust exists upon a portion of the Property does not, however, in my opinion, require that the Town operate and maintain the principal public library for the Town at this site indefinitely. If it has become impracticable and inefficacious to continue operations in the same manner as the Town has used the Property, for over a century, it is my opinion that a court would allow uses that would support the new library, i.e., a reasonable deviation from the terms of the trust.

A public library serves purposes other than the collection and circulation of books. Moreover the purposes of a library have, as a result of changes in technology, evolved beyond those that might have been conceived by Warren Gould Roby.

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 6

The "Mission" of the Wayland Public Library, in its Statement, is as follows:

The mission of the Wayland Free Public Library is to be a free and accessible marketplace of ideas, information, and culture that fosters learning, community, and information literacy. The Library provides open and guided access to a wide variety of media and programs to inform, inspire, and empower all its patrons in their pursuit of lifelong learning, personal enrichment, and cultural understanding. In so doing, the Library seeks to promote the free exchange of ideas necessary to the effective conduct of a democracy in an ever-changing world.

*—Mission statement adopted September 19, 2006 by the Board of Library Trustees*

It is my understanding that the Board of Library Trustees is considering using the Property for other purposes consistent with its Mission Statement, such as a branch library, a reading room, a place to display historical and cultural items related to the Town of Wayland and the Commonwealth and/or as the site of a computer laboratory. Each of these uses, singly or collectively, come under the current Mission Statement, and, in my opinion, would be determined by a court to be consonant with the testator's charitable intent.

I wish to reiterate that, as discussed above, of the four parcels comprising the Property, only the Roby Land is subject to a charitable trust. I do not have information regarding the configuration of the four parcels, or the siting of the library building thereon. It is possible, however, that the Property and building thereon may be used in a manner which both honors the Roby Will, and, at the same time, allows portions of the building located on the Hadley/Cutting Land and the Clifford Land to be used for other municipal purposes.

### Procedure

In my opinion, the safest course would be to seek the approval of the Probate Court to any change in the use of the Property. Nonetheless, depending upon the course the Town elects of the several outlined above, the Town may or may not elect to obtain the imprimatur of the Probate Court to a new proposed use(s). For instance, use of the Property for a branch library would appear to be consistent with the language in the Roby Will, the deed and the Town Meeting vote, thereby eliminating the need for Probate Court approval. A display of historical and cultural items would be more difficult to reconcile with the intent of Warren Gould Roby, and proceeding to Probate Court would be advisable.

The Attorney General has the statutory authority to oversee charitable trusts, and any new proposed use could be presented to that office. The Attorney General may advise as to whether it believes court approval should be obtained.

# KP | LAW

Ms. Aida Gennis and  
Members of the Board of Library Trustees  
February 8, 2017  
Page 7

If it is determined that court approval is required, the Attorney General would be named as a party-defendant in any action. The common procedure is to submit a draft petition to the Office of the Attorney General, and seek to obtain its approval thereto. Obtaining the Attorney General's consent would most probably make the filing of the assented-to petition in the Probate Court a mere formality.

Please do not hesitate to contact me if you have further questions in this regard.

Very truly yours,



Katharine Lord Klein

KLK/lem

cc: Board of Selectmen

575217/WAYL/0052



## ARTICLE xx: TRANSFER STATION ACCESS ROAD IMPROVEMENTS

*Sponsored by: Board of Public Works*

*Estimated Cost: \$1,625,360*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Public Works to:

- 1) Make environmental improvements required under the Conservation Commissions Order of Conditions DEP 322-808,
- 2) Pave a 600' access road from the Solid Waste Transfer station north to the planned new DPW materials storage area,
- 3) Repave 2200' of the current paved access way, connecting Route 20 to the existing Solid Waste Transfer Station as necessary after environmental improvements;

and 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 under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

### BOARD OF PUBLIC WORKS COMMENTS:

Please refer to Appendix \_\_\_\_ for a map of these improvements.

Cost estimates:

- |                                    |             |
|------------------------------------|-------------|
| 1) Environmental improvements      | \$1,129,507 |
| 2) Materials storage access road   | \$238,258   |
| 3) Repaving in current access road | \$257,595   |

Repaving the current access road could potentially be postponed one to three years, however doing the paving projects separately would be more costly.

The Board of Public Works has removed from its original request the funding for an access road from behind the DPW garage to the new materials storage area, and associated methane mitigation it might require.

**FINANCE COMMITTEE COMMENTS:** This project will make environmental improvements to increase the 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. It would also pave an existing dirt road, allowing the DPW and its contractors to reach the new materials storage area within the DPW site. All environmental improvements are authorized under and meet the requirements of the Order of Conditions. (The article does not provide any funding for paving the dirt road from back of the DPW garage to the new materials storage area.)

This project would: 1) make improvements to the existing transfer station access road and make environmental improvements to increase the site's ability to hold flood waters, create new compensating wetland resource areas, improve habitat by creating wildlife crossings, and restore the Sandy Hill Area of the site, 2) pave a current dirt road that runs along the back of the "landfill hill" from the transfer station to the new triangular materials storage area, and 3) repave sections of the current access road after environmental improvements. An exhibit with relevant information can be found in Appendix XX on page xx of this warrant.

As most residents are well aware, "what to do about the access road" has been a much debated and controversial for a number of years. Some residents wonder why we should do a project that seems very expensive. Other residents believe what is being proposed doesn't do nearly enough to address incorrect actions taken in the past.

The current road was constructed in the 1970s to provide access to "the new landfill" on the north side of Route 20. Because the road would go through wetlands, it required approval of the Conservation Commission. The Conservation Commission issued an Order of Conditions that allowed for the road to be built but stipulated that the road be removed when access to the landfill was no longer required. The landfill has been closed since 2010 and it was argued by some that the remaining "transfer station" did not qualify as a valid reason for continued use under the original Order of Conditions.

Part 1 of the proposed project reflects negotiations between the Board of Public Works and the Conservation Commission, which culminated in a new Order of Conditions being granted by the Conservation Commission. A link to the new Order of Conditions and additional background information can be found on the Board of Public Works webpage. A group of citizens petitioned the Massachusetts Department of Environmental Protection arguing that the new Order of Conditions was insufficient and that the access road should be removed. The DEP examined the issue and decided to allow the new Order of Conditions to stand. The new Order of Conditions was recently extended and now expires in 2020. Parts of the road are in relatively poor condition and a significant amount of reconstruction work will be needed soon in any case.

It is likely that DPW will need to start using 195 Main (the old DPW facility) as a materials storage area until a better alternative can be arranged. Having a materials storage area next to the Middle School for any longer than absolutely necessary is undesirable for obvious reasons.

The Board of Public Works believes the aggregate estimated cost of \$1.625 million reflects significant savings by executing one combined project versus the combined cost that would result by approving and executing the same design as two separate projects.

The Board of Public Works recommends approval. (Vote 5-0-0)

The Conservation Commission recommends xxxx (Vote x-y-z)

The Board of Selectmen recommends xxxxx. (Vote x-y-z)

**ARGUMENTS IN FAVOR:** Part 1 of the project would fulfill the Order of Conditions, which will allow for continued access to the transfer station. The Order of Conditions is the outcome of an extensive legal process and requires actions to be taken.

Part 1 would provide flood storage mitigation by connecting two areas of wetlands separated by the current access road.

Part 2 of the project would provide trucks with access to the materials storage area from transfer station.

Part 3 of the project would repave the current access road from Rt 20 into the transfer station

**ARGUMENTS OPPOSED:** The proposed project is expensive.

Some might argue that Part 1 of the project is driven by a desire to remediate long past actions that does not reflect what a majority of residents believe is the best use of taxpayers' scarce financial resources.

Some might argue that we should hold off for a year, giving our new leaders in DPW and Conservation more time to gather information and evaluate alternatives

**RECOMMENDATION:** The Finance Committee recommends xxxxxx. (Vote x-y-z)

**QUANTUM OF VOTE:** Majority [M.Lanza to provide citation].

**CONSISTENCY WITH LAW:** It is the opinion of Town Counsel that the foregoing article...

*For more information about this article contact Mike Lowery by email at [lowery.mike@gmail.com](mailto:lowery.mike@gmail.com)*



**ACCESS ROADS**

**(2) 600' new paved access road from transfer station to new triangular materials storage area**

**\$238,258**

**(3) Repave 2200' of existing access road after environmental improvements**

**\$257,595**



**MITIGATIONS**

**A) Small Parking & Conservation Access**

**B) Refill Sandy Hill Excavation**

**C) Wildlife Crossings,  
Hydraulic Connection 2 sides**

**D) Remove old salt shed**

**E) Wetlands Construction**

**\$1,129,507**

Town of Wayland  
Wetland Mitigation and Access Roadway

10/4/2016

Item #	Description	Unit	2013 Unit Cost	Quantity	Estimated Cost
<b>SITework</b>					
02200	Mobilization	LS	\$61,486.25	1	\$61,486
02200	Clear and Grub Site	ACRE	\$9,500.00	5	\$47,500
02200	HMA Berm	LF	\$6.00	1,280	\$7,680
02200	Earth Excavation Site	CY	\$10.00	19,100	\$191,000
02200	Hauling	CY	\$5.00	19,100	\$95,500
02200	Place Excavation at Sandy Hill	CY	\$5.00	19,100	\$95,500
02200	Tree Removal	ACRE	\$10,000.00	1	\$5,000
02200	Finish Grading	SY	\$1.00	15,000	\$15,000
02200	Seed	SY	\$4.00	16,000	\$64,000
02200	Gravel Pavement Subbase	CY	\$42.00	2,000	\$84,000
02200	Bituminous Concrete (Hot Mix Asphalt)	TN	\$100.00	1,900	\$190,000
02200	Mil & Overlay	SY	\$18.00	5,400	\$97,200
02200	Drainage System - Manhole	EA	\$3,000.00	1	\$3,000
02200	Drainage System - Catchbasin	EA	\$2,300.00	3	\$6,900
02200	Drainage System - 12" HDPE	LF	\$40.00	130	\$5,200
02200	Drainage System - 24" HDPE	LF	\$75.00	111	\$8,325
02200	Drainage System - Bioretention Basin	LS	\$10,000.00	1	\$10,000
02200	Drainage System - Infiltration Basin	LS	\$10,000.00	1	\$10,000
02200	Drainage System - Sediment Forebay	LS	\$10,000.00	1	\$10,000
02200	Drainage System - Grassed Channels	LS	\$16,000.00	1	\$16,000
02200	Drainage System - Re-line 48" culvert	EA	\$20,000.00	3	\$60,000
02200	Amphibian Crossing Structures	EA	\$10,000.00	5	\$50,000
02200	Wetland Planting	LS	\$10,000.00	1	\$10,000
02200	Sedimentation Control	LS	\$30,000.00	1	\$30,000
02200	Timber Guardrail	LF	\$28.00	640	\$17,920
02200	Existing Building Demolition	LS	\$80,000.00	1	\$80,000
02200	Culvert Wingwalls & Stop Logs	LS	\$20,000.00	1	\$20,000
Subtotal (2013)					\$1,291,211
Bonds and Insurance (1%)					\$12,912
Contractor Overhead and Profit (4.4%)					\$57,381
SUBTOTAL - SITE DEVELOPMENT (2013):					\$1,361,505
Roadway Improvements / Landfill Methane Mitigation (2013)					\$475,000
TOTAL Environmental Improvements & Route 20 Access Road (2013):					\$1,836,505
Escalation 2014 (5%):					\$91,825
Escalation 2015 (5%):					\$96,417
Escalation 2016 (5%):					\$101,237
Escalation 2017 (5%):					\$106,299
TOTAL (2017):					\$2,232,283

2/8/17

	Road 3	Road 2	Road 1	Envir. Improv.	Gas Mitigation
LF	1,000	600	2,200	n/a	n/a
% of Total Road	26.3%	15.8%	57.9%		
% full depth Road	62.5%	37.5%			
	\$ 13,372	\$ 13,372	\$ 13,372	\$ 13,372	\$ 8,000
	\$ 7,600	\$ 4,750	\$ 3,500	\$ 29,650	\$ 2,000
	\$ 3,840	\$ 3,840	\$ -	\$ -	\$ -
	\$ 13,000	\$ 8,000	\$ -	\$ 170,000	\$ -
	\$ 6,500	\$ 4,000	\$ -	\$ 85,000	\$ -
	\$ 6,500	\$ 4,000	\$ -	\$ 85,000	\$ -
	\$ -	\$ -	\$ -	\$ 5,000	\$ -
	\$ 3,800	\$ 2,300	\$ -	\$ 8,900	\$ -
	\$ 4,400	\$ 2,680	\$ -	\$ 56,920	\$ -
	\$ 52,500	\$ 31,500	\$ -	\$ -	\$ -
	\$ 113,125	\$ 67,875	\$ -	\$ 9,000	\$ -
	\$ -	\$ -	\$ 97,200	\$ -	\$ -
	\$ 3,000	\$ -	\$ -	\$ -	\$ -
	\$ 6,900	\$ -	\$ -	\$ -	\$ -
	\$ 5,200	\$ -	\$ -	\$ -	\$ -
	\$ 8,325	\$ -	\$ -	\$ -	\$ -
	\$ 10,000	\$ -	\$ -	\$ -	\$ -
	\$ 10,000	\$ -	\$ -	\$ -	\$ -
	\$ 10,000	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ 16,000	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ 60,000	\$ -
	\$ -	\$ -	\$ -	\$ 50,000	\$ -
	\$ -	\$ -	\$ -	\$ 10,000	\$ -
	\$ 5,000	\$ 4,000	\$ 13,000	\$ 8,000	\$ -
	\$ -	\$ -	\$ 15,120	\$ 2,800	\$ -
	\$ -	\$ -	\$ -	\$ 80,000	\$ -
	\$ -	\$ -	\$ -	\$ 20,000	\$ -
	\$ 283,062	\$ 146,317	\$ 158,192	\$ 693,642	\$ 10,000
	\$ 2,831	\$ 1,463	\$ 1,582	\$ 6,936	\$ 100
	\$ 12,579	\$ 6,502	\$ 7,030	\$ 30,825	\$ 444
	\$ 298,471	\$ 154,282	\$ 166,804	\$ 731,403	\$ 10,544
					\$ 475,000
Subtotal	\$ 298,471	\$ 154,282	\$ 166,804	\$ 731,403	\$ 485,544
	\$ 14,924	\$ 7,714	\$ 8,340	\$ 36,570	\$ 24,277
	\$ 15,670	\$ 8,100	\$ 8,757	\$ 38,399	\$ 25,491
	\$ 16,453	\$ 8,505	\$ 9,195	\$ 40,319	\$ 26,766
	\$ 17,276	\$ 8,930	\$ 9,655	\$ 42,335	\$ 28,104
TOTAL (2017)	\$ 362,794	\$ 187,531	\$ 202,751	\$ 889,025	\$ 590,182
Escalation 2018	\$ 18,140	\$ 9,377	\$ 10,138	\$ 44,451	\$ 29,509
Contingency 10%	\$ 38,093	\$ 19,691	\$ 21,289	\$ 93,348	\$ 61,969
A&E Fees (10%)	\$ 41,903	\$ 21,660	\$ 23,418	\$ 102,682	\$ 68,166
TOTAL Construction and Soft Costs	\$ 460,930	\$ 238,258	\$ 257,595	\$ 1,129,507	\$ 749,827

2017 Construction Costs (no contingencies or soft costs)  
Soft Costs: Escalation, Contingency, and A&E Fees  
Revised Total for Construction & Soft Costs 2018



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, February 13, 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
2. Vote the Question of Approving the Request to Hold the Annual "Pam's Run" on Sunday, October 15, 2017, to Begin at 10:00 a.m. at the Claypit Hill School
3. Vote the Question of Approving the Request of 110 Grill CW, Wayland LLC, dba 110 Grill (171 Commonwealth Avenue), for a Change of Sunday Opening Hours from its Current Opening Hour of 12:00 noon to a New Opening Hour of 10:00 a.m. (Sunday Brunch Hours)
4. Vote the Question of Approving the Application for Abatement of Real Property Tax, Fiscal Year 2017, for 107 Old Sudbury Road

**DATE:** FEBRUARY 9, 2017  
**TO:** BOARD OF SELECTMEN  
**FROM:** MARYANN DINAPOLI, EXECUTIVE ASSISTANT  
**RE:** PAM'S RUN

---

Attached is a request from Jayme Nowland to hold "Pam's Run" on Sunday, October 15, 2017, beginning from the Claypit Hill School at 10:00 a.m.

She has received the necessary permissions from the Police Department and the School Department. The Recreation Commission confirmed its approval of her Field Application at its meeting on February 6, 2017.

Therefore, all departmental approvals are now in place, and she is requesting the final approval of the Board of Selectmen so she can begin to advertise the event.



**From:** Brodie, Jessica  
**Sent:** Wednesday, November 02, 2016 1:54 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** RE: Pam's Run 2017

Hi MaryAnn,

We put this event on our field schedule for 2017 already from 7am-1pm.

They still need to submit a Field Application to us indicating what fields they plan to use and what time frame parking will be an issue, but we have put them on the schedule in the meantime. Our commission technically approves field use for special events, but until we have the application with additional details they will not formerly vote on this.

Thanks,

**Jessica Brodie, CPRP**

Director

Recreation Department

**From:** DiNapoli, MaryAnn  
**Sent:** Wednesday, November 02, 2016 10:44 AM  
**To:** Irving, Robert; Marobella, Diane; Stein, Paul; Brodie, Jessica  
**Cc:** Balmer, Nan  
**Subject:** FW: Pam's Run 2017

I know this is a year away, but Jayme has asked for early permission, if possible, because she prepares packets to mail out to her supporters and would like to begin her advertising campaign.

The race will begin at Claypit Hill School on Sunday, October 15, 2017, at 10:00 a.m.

Please let me know at what point you will be able to provide permission, and I will forward the information to her.

Thank you –

MaryAnn

**From:** Jayme Nowland [<mailto:jayme.nowland@gmail.com>]  
**Sent:** Friday, October 28, 2016 9:04 PM  
**To:** DiNapoli, MaryAnn  
**Subject:** Pam's Run 2017

Hi MaryAnn. Once again, I am reaching out ridiculously early to see if we can get approved for a date for Pam's Run next year. Should I reach out to WPD, Paul Stein, and the Rec Dept first before asking you to submit to the Selectmens' meeting?

We are hoping to hold the event on Sunday, October 15 using the same location and route as the past two years.

Let me know how I should proceed.

Thanks so much,

Jayme Nowland, LICSW



remember pam. support **neighbor** brigade 



remember pam. run for **neighbor** brigade 



[Home](#)[Race Details](#)[Sponsorship](#)[About Pam](#)[About Neighbor Brigade](#)

## Pam's Run 5k Run/Walk and 10k Run

The official date for the 2017 run will be announced soon. Follow us on [Twitter](#) or [Facebook](#) for the latest updates.

Thank you to everyone who joined us for the 4th Annual Pam's Run on October 16, 2016!

- Results are available from [Racewire](#).
- Swoon Booth photos are available [here](#).
- Visit [Neighbor Brigade's Facebook album](#) for more photos from race day.

We hope to see you again in 2017 at the 5th Annual Pam's Run!

[Donate](#) TODAY and help us support the neighbors-helping-neighbors mission of Neighbor Brigade!

## About Pam's Run

Pam's Run is a family-friendly 5k/10k run/walk in Wayland, Massachusetts that supports Neighbor Brigade. Pam's Run is dedicated to the memory and legacy of [Pam Manikas Washek](#), founder of [Neighbor Brigade](#) and a tireless champion for families facing sudden crisis. She founded [Neighbor Brigade](#) to help those in crisis manage both emergency and routine needs, with free and immediate services provided by fellow community members. It is a simple idea with tremendous impact in providing relief while strengthening the fabric of a community. Pam's Run will raise funds critical to Neighbor Brigade's continuing operations and ability to reach more individuals and families in need of support and assistance.



pam washek

Event includes:

- 5K and 10K chip-timed races
- Kids' Fun Run
- Cash Awards
- Age Group Awards
- Pre-race bag pickup
- Kids' Games
- Food Trucks
- Photo Booth
- Live music from the Wayland Daddios
- Fun for all!

2015 Race results can be accessed at iResults, [here](#).

**110 GRILL CW WAYLAND LLC  
JOINT MEETING OF THE MEMBERS AND MANAGERS**

A Joint Meeting of the Members and Managers of 110 Grill CW Wayland LLC was held by consent on January 23, 2017 at 4:00 pm.

Present: Robert A. Walker, Manager  
110 Grill Management LLC

Upon motion duly made and seconded, all members 110 Grill CW Wayland LLC voted it as follows:

VOTED: To take all steps necessary to allow for a brunch service to be added to the normal operations of the 110 Grill CW Wayland LLC located at 171 Commonwealth Road, Wayland, MA 01778; To obtain the necessary approval of the Board of Selectman for the Town of Wayland and the Alcoholic Beverage Control Commission of the Commonwealth of Massachusetts to allow for All Alcohol to be served at the weekly brunch by extending the initial time of service to 10 AM on Sundays throughout the year when permissible and by filing all necessary documentation with both bodies.

VOTED:

There being no further business to come before the Member and Manager, upon a motion duly made and seconded, it was unanimously

VOTED: To adjourn

Adjourned accordingly at 4:15 pm.

A true record.

ATTEST: \_\_\_\_\_  
Robert A. Walker, Manager of 110 Grill CW Wayland LLC

\_\_\_\_\_  
110 Grill Management LLC, Member  
Robert A. Walker, Manager

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE  
LOCAL LICENSING AUTHORITY.**

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME:

ADDRESS:

CITY/TOWN:  STATE  ZIP CODE

**TRANSACTION TYPE (Please check all relevant transactions):**

- Change of Hours       Change of DBA

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL  
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND  
SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION  
P. O. BOX 3396  
BOSTON, MA 02241-3396**

Wayland

Name of City or Town

Assessors' Use only

Date Received

Application No. 12

APPLICATION FOR ABATEMENT OF  REAL PROPERTY TAX  
 PERSONAL PROPERTY TAX

FISCAL YEAR 2017

General Laws Chapter 59, § 59

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION (See General Laws Chapter 59, § 60)

Return to: Board of Assessors

Must be filed with assessors not later than due date of first actual (not preliminary) tax payment for fiscal year.  
Applications are due by February 1, 2017

RECEIVED  
2017 JAN 24 PM 12:45  
WAYLAND  
BOARD OF ASSESSORS

INSTRUCTIONS: Complete BOTH sides of application. Please print or type.

A. TAXPAYER INFORMATION.

Name(s) of assessed owner: Rita Dorey

Name(s) and status of applicant (if other than assessed owner) Town of Wayland

Subsequent owner (acquired title after January 1) on December 15th, 2016

Administrator/executor.  Mortgagee.

Lessee.  Other. Specify.

Mailing address \_\_\_\_\_ Telephone No. ( ) \_\_\_\_\_

No. Street City/Town Zip Code

Amounts and dates of tax payments \_\_\_\_\_

B. PROPERTY IDENTIFICATION. Complete using information as it appears on tax bill.

Tax bill no. 1103 Assessed valuation \$ 470,000

Location 107 Old Sudbury Rd

No. Street

Description Single Family Dwelling

Real: X Parcel ID no. (map-block-lot) 17-022 Land area 2.06 Class 1010

Personal: \_\_\_\_\_ Property type(s) \_\_\_\_\_

C. REASON(S) ABATEMENT SOUGHT. Check reason(s) an abatement is warranted and briefly explain why it applies. Continue explanation on attachment if necessary.

Overvaluation  Incorrect usage classification

Disproportionate assessment  Other. Specify.

Applicant's opinion of: Value \$ \_\_\_\_\_ Class \_\_\_\_\_

Explanation Property conveyed to Town of Wayland on 12/15/16. Property is now exempt from taxation as of 12/15/16.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES. TO AVOID LOSS OF APPEAL RIGHTS OR ADDITION OF INTEREST AND OTHER COLLECTION CHARGES, THE TAX SHOULD BE PAID AS ASSESSED.

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

**D. SIGNATURES.**

Subscribed this _____ day of _____, _____		Under penalties of perjury.
Signature of applicant _____		
If not an individual, signature of authorized officer _____		
Cherry Karlson, BOS	41 Cochituate Rd Wayland	( ) Chairperson
(print or type) Name	Address	Telephone
If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.		

**TAXPAYER INFORMATION ABOUT ABATEMENT PROCEDURE**

**REASONS FOR AN ABATEMENT.** An abatement is a reduction in the tax assessed on your property for the fiscal year. To dispute your valuation or assessment or to correct any other billing problem or error that caused your tax bill to be higher than it should be, you must apply for an abatement.

You may apply for an abatement if your property is: 1) overvalued (assessed value is more than fair cash value on January 1 for any reason, including clerical and data processing errors or assessment of property that is non-existent or not taxable to you), 2) disproportionately assessed in comparison with other properties, 3) classified incorrectly as residential, open space, commercial or industrial real property, or 4) partially or fully exempt.

**WHO MAY FILE AN APPLICATION.** You may file an application if you are:

- the assessed or subsequent (acquiring title after January 1) owner of the property,
- the personal representative of the assessed owner's estate or personal representative or trustee under the assessed owner's will,
- a tenant paying rent who is obligated to pay more than one-half of the tax,
- a person owning or having an interest or possession of the property, or
- a mortgagee if the assessed owner has not applied.

In some cases, you must pay all or a portion of the tax before you can file.

**WHEN AND WHERE APPLICATION MUST BE FILED.** Your application must be filed with the assessors on or before the date the first installment payment of the actual tax bill mailed for the fiscal year is due, unless you are a mortgagee. If so, your application must be filed during the last 10 days of the abatement application period. Actual tax bills are those issued after the tax rate is set. Applications filed for omitted, revised or reassessed taxes must be filed within 3 months of the date the bill for those taxes was mailed. **THESE DEADLINES CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN ABATEMENT AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE. TO BE TIMELY FILED, YOUR APPLICATION MUST BE (1) RECEIVED BY THE ASSESSORS ON OR BEFORE THE FILING DEADLINE OR (2) MAILED BY UNITED STATES MAIL, FIRST CLASS POSTAGE PREPAID, TO THE PROPER ADDRESS OF THE ASSESSORS ON OR BEFORE THE FILING DEADLINE AS SHOWN BY A POSTMARK MADE BY THE UNITED STATES POSTAL SERVICE.**

**PAYMENT OF TAX.** Filing an application does not stay the collection of your taxes. In some cases, you must pay all preliminary and actual installments of the tax when due to appeal the assessors' disposition of your application. Failure to pay the tax assessed when due may also subject you to interest charges and collection action. To avoid any loss of rights or additional charges, you should pay the tax as assessed. If an abatement is granted and you have already paid the entire year's tax as abated, you will receive a refund of any overpayment.

**ASSESSORS DISPOSITION.** Upon applying for an abatement, you may be asked to provide the assessors with written information about the property and permit them to inspect it. Failure to provide the information or permit an inspection within 30 days of the request may result in the loss of your appeal rights.

The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether an abatement has been granted or denied.

**APPEAL.** You may appeal the disposition of your application to the Appellate Tax Board, or if applicable, the County Commissioners. The appeal must be filed within 3 months of the date the assessors acted on your application, or the date your application was deemed denied, whichever is applicable. The disposition notice will provide you with further information about the appeal procedure and deadline.

**DISPOSITION OF APPLICATION (ASSESSORS' USE ONLY)**

Ch. 59, § 61A return	GRANTED <input type="checkbox"/>	Assessed value	_____
Date sent _____	DENIED <input type="checkbox"/>	Abated value	_____
Date returned _____	DEEMED DENIED <input type="checkbox"/>	Adjusted value	_____
On-site inspection		Assessed tax	_____
Date _____		Abated tax	_____
By _____	Date voted/Deemed denied _____	Adjusted tax	_____
	Certificate No. _____		
	Date Cert./Notice sent _____	<b>Board of Assessors</b>	
Data changed _____	Appeal _____		_____
	Date filed _____		_____
Valuation _____	Decision _____		_____
	Settlement _____	Date:	_____

ABATEMENT WORKSHEET  
FY 2017

Abatement Application #: 12

ADDRESS: 107 Old Sudbury Rd

PARCEL ID: 17/022

VALUE ADJUSTMENTS - Not Applicable

TOTAL FY17 VALUE	\$470,000
TOTAL FY16 VALUE	\$470,000
% CHNG YOY	0

ITEM/AREA	FY2017	ADJUSTED FY2017
<input type="checkbox"/> GRADE		
<input type="checkbox"/> CONDITION		
<input type="checkbox"/> EFFECTIVE YEAR BUILT		
<input type="checkbox"/> SKETCH ADJUSTMENT (SQ.FT)		

**NOTES/RECOMMENDATION:**

The Town of Wayland acquired the property on 12/15/16. The 3rd & 4th Quarter tax bill is outstanding. The Town of Wayland is exempt from taxation. Per advise of Town Counsel the only mechanism to remove the FY17 remaining taxes due is through the abatement process.

<input type="checkbox"/> #BATH		
<input type="checkbox"/> BATH REMODEL		
<input type="checkbox"/> KITCHEN REMODEL		
<input type="checkbox"/> BMT AREA		
<input type="checkbox"/> BMT FINISHED		
<input type="checkbox"/> RRM/FBM/FLL		
<input type="checkbox"/> LAND ADJUSTMENT		
REASON		
<input type="checkbox"/> OUTBUILDINGS		
<input type="checkbox"/> OUTBUILDINGS		

INFORMATIONAL ADJUSTMENTS

ITEM/AREA	PREVIOUS	NEW
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

Owner Name/Mailing Address

**ORIGINAL ASSESSMENT**

PP	
BLDG	\$133,500
LAND	\$336,500
TOTAL	\$470,000

**REVISED ASSESSMENT**

PP	
BLDG	\$133,500
LAND	\$336,500
TOTAL	\$470,000

ASSESSED VALUE	\$470,000
ABATED VALUE	0
ADJUSTED VALUE	\$470,000

ASSESSED TAX	8525.80
ABATED TAX	4381.88
ADJUSTED TAX	4143.92

ASSESSED CPA	100.68
ABATED CPA	52.50
ADJUSTED CPA	48.18

TEMPORARY	
PERMANENT	X
INSPECTOR ID	
VISIT DATE	

Abate FY17 3Q & 4Q taxes

Tax Rate: 18.14

**BOA ACTION**

DATE VOTED:  
GRANTED:  
DENIED:  
DEEMED DENIED:



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

**REVISED TO INCLUDE THE FOLLOWING LIST OF  
PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF  
SELECTMEN FROM FEBRUARY 2, 2017, THROUGH AND  
INCLUDING FEBRUARY 9, 2017, OTHERWISE NOT  
LISTED AND INCLUDED IN THE CORRESPONDENCE  
PACKET FOR FEBRUARY 13, 2017**

**Items Distributed To the Board of Selectmen – February 2-9, 2017**

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the  
Meeting of February 6, 2017**

1. Article N: Revolving Fund Bylaw

**Items Included as Part of Agenda Packet for Discussion During the February 13,  
2017 Board of Selectmen's Meeting**

1. Letter of 2/8/17 from Ruth Backman to Board of Selectmen re: Update on Sudbury Wayland and Lincoln Domestic Violence Roundtable
2. Letter of 1/26/17 from Odyssey Advisors to Brian Keveny, Finance Director, re: GASB 45 – Summary of Results, and Town of Wayland Other Postemployment Benefits Plan Premium Based Forecast as of December 31, 2016
3. Memorandum of 2/10/17 to Board of Selectmen re: Annual Town Meeting Articles with Article List
4. Memorandum of 2/13/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Revolving Fund: Revised Draft Bylaw
5. Memorandum of 2/13/17 from Nan Balmer, Town Administrator to Board of Selectmen re: River's Edge
6. Draft Board of Selectmen Meeting Minutes, January 30, 2016
7. Report of the Town Administrator for the Week Ending February 10, 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, February 13, 2017**  
**Selectmen's Meeting Room**  
**Wayland Town Building**  
**41 Cochituate Road Wayland**

## **REVISED TO INCLUDE THE FOLLOWING CORRESPONDENCE**

### **Selectmen**

1. Public Comment, Zoning Board of Appeals Hearing for 20 King Street
2. Public Comment, School Bus Parking
3. Letter of 2/6/17 from Nan Balmer, Town Administrator, to Melanson Heath & Company PC, re: Management Letter for the Year Ending June 30, 2016
4. Memorandum of 2/7/17 from Beth Klein, Town Clerk, to Board of Selectmen, re: Resignation of Cheryl Kane from Board of Assessors effective March 28, 2017
5. Monthly Update, Animal Control, January 2017
6. Monthly Update, Police Department, January 2017

### **Minutes**

7. Public Ceremonies Committee, January 11, 2017
8. Zoning Board of Appeals, November 24, 2015, September 27, 2016, October 18, 2016

### **Region**

9. Letter of 2/1/17 from Metropolitan Area Planning Council to Board of Selectmen re: Community Electricity Aggregation

### **State**

10. Letter of 2/6/17 from MassHousing to Board of Selectmen re: Windsor Place, Wayland

15 Mitchell Street  
Wayland MA 01778

RECEIVED

FEB - 7 2017

Board of Selectmen  
Town of Wayland

January 30, 2017

Zoning Board of Appeals  
Wayland Town Building  
Wayland MA 01778

Re: Rajashekar Ravula, 20 King Street

Dear Members of the ZBA:

After attending the ZBA meeting on January 24, I was very disappointed with the process that was presented to Mr. Ravula. He has been extremely diligent in following all the terms of the town by laws.

It was clear from the written agenda that Mr. Ravula was requesting permission to demolish the existing family dwelling located at 20 King Street. He had taken the time to meet his neighbors and invite us to attend so we could be a part of this process. He had his builders and architect present to answer any questions.

Without giving Mr. Ravula or his builders one moment to present their request, the audience was told that an on-site visit was necessary for the Board to view the property before any discussion would be allowed. The chairman of the Board, Eric Goldberg, also told Mr. Ravula that he would have to hire a professional structural engineer to present findings to the Board, at considerable additional expense.

Then, at blinding speed, he was told that his request would be re-scheduled to Feb. 14...but, wait, oh, no...two of the present members would not be available on Feb. 14 so the request would be postponed until Feb. 28. Mr. Ravula was told to sign an extension which was handed to him with a pen. There was no discussion or time for Mr. Ravula to even read what he was asked to sign. There was a clear feeling of pressure to sign immediately or the Board could just push the request to a later date.

A neighbor, who may not be available on Feb. 28, asked if he could speak in support of the Mr. Ravula but was told no, he could put it in writing.

As a longtime resident of Wayland, I was embarrassed by the unhelpful attitude of the chairman to a new resident attempting to do everything according to the book to build a new home.

If an on-site visit is necessary, why was Mr. Ravula not informed during the two-week time period between the agenda being sent to the Board on Jan. 12 and the date of the

meeting on Jan. 24? At the very least, he could have told everyone interested that they would not have to attend the meeting. Or could a site visit have been scheduled before the Jan. 24 meeting?

I went to the Building Department the next day to find out where a site visit is necessary according to the Town By-Laws. I also asked where it was stated that a structural engineer has to be hired by the resident. Apparently, neither of these items is in the Zoning By-Laws.

So, why was Mr. Ravula forced to postpone his application until these requests are completed? And if the Board feels that they need to rely on such requests, they should amend the By-Laws so residents are not shocked by a lengthy postponement.

Also, why could the Board not hear any discussion concerning the property on Jan. 24? All findings could have been "dependent on an on-site visit to the property." All parties were present and in place – the owners, his builders, his architect, his neighbors and five members of the Zoning Board of Appeals – all who had left their homes on a cold January evening to discuss the one and only subject on the agenda for that night! What a waste of time for everyone involved.

It is my hope that this letter makes a difference in future Zoning Board meetings so that other residents do not feel that the Board is unaccommodating. That certainly was our feeling as we walked out of the meeting.

Sincerely,



Judy Courchine

cc:

Mr. Raj Ravula

Wayland Board of Selectmen

Building Commissioner

2

RECEIVED

FEB - 6 2017

Board of Selectmen  
Town of Wayland

February 4, 2017

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

Dear members:

As you know the School Committee has asked the Department of Public Works to consider putting the contentious school bus parking on the old dump site on Route 20. This seems to be another rifle shot in their attempts to find a solution to the need to move from the River's Edge location. What seems to need is a shotgun approach that considers many, not just one, alternative but that requires time. You can provide that time by tabling your approval and signature of the River View contracts and I urge you to do so.

There are several alternatives a site search could consider in addition to the old dump. It could include space at either the new dump or the new Highway garage, rental of space in the large parking area at the Town Center, possibly using the contaminated area near the Town Center, parking on a small piece of Conservation land which could be swapped for land at the High or Middle Schools. With more thought and knowledge of the town's property than I have I'm sure there are others.

At least several of the listed sites have an advantage of any school site in that they are not in residential areas and thus avoid the issue of noise pollution. Further, while several would require some construction, several don't and offer central locations with ready access. None would have the pedestrian and vehicular accident risks that school sites pose. The biggest issue rests with degree to which they might increase ground water pollution and that's something I can't answer. However, since several of the suggested alternatives currently have vehicle use or storage that risk would seem to be minimal.

I realize delaying the River's Edge project may be difficult. But remember the lack of a long range land use plan is at least partially associated with the rapid advance of the River's Edge plan. You can fault the School Committee for its delays but that won't solve the problem. Your action can give them the time to think things through more carefully than they have to date.

If you believe you need the Town's approval to table the matter why not consider adding a Special Town Meeting to the spring meeting to vote on just that matter? It could be done by adding an extra night at the end of the regular meeting.

Thank you for your consideration.

  
William E. Hearne  
16 Keith Rd.  
Wayland, MA 01778



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

## BOARD OF SELECTMEN

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

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

February 6, 2017

Melanson Heath & Company, PC  
10 New England Business Center Drive  
Suite 107  
Andover, MA 01810

RE: Town of Wayland, MA Management Letter for the Year Ended June 30, 2016

The following comments reflect the responses by the Town of Wayland Senior Management Team concerning the above-referenced Management Letter from the Town's auditors for the year ending on June 30, 2016. The Town Administration and the School Department consider all the comments listed by the auditors to be helpful to the overall accountability of our financial management and have provided a proactive approach to implementing reasonable and practical business practices to address the matters raised by the Audit.

### **PRIOR YEAR RECOMMENDATIONS:**

#### **1. Improve Automation in Tax Collector's Office**

##### Prior Year Issue:

In the prior year, we recommend the Town consider automation improvements in the Treasurer/Collector Office. Specifically, the software should contain some of the following features:

- Integration with the Town Accountant's records.
- Automation of cash register and receipt validator.
- Automation of daily cash-out function.
- Optical scanning of tax bills for posting receipts to customer accounts.

##### Current Year Status:

The Town hired a new IT Director in fiscal year 2016 and we understand will consider incorporating this project into the fiscal year 2018 budget.

**Further Action Needed:**

We continue to recommend the Town consider automation improvements in the Treasurer/Collector Office. The above noted features should result in improved efficiency, eliminating the need for many manual and time-consuming procedures as well as provide additional mitigating controls given the limited number of employees in the office.

**Management Response:**

The Town hired a Director of IT in 2016. It is currently finalizing the hiring of a Business Systems Analyst to assist the Finance Departments in evaluating the software and reporting structure between Assessing, Treasury and Accounting. The goal is to eliminate duplication of effort and the lack of efficiency amongst the various departments. In the meantime, processes to ensure controls over collections have been implemented, including automated cash register and receipt validator, as well as daily cash out procedures to quantify the funds running through the Treasury office.

**CURRENT YEAR RECOMMENDATIONS:**

**2. Establish More Comprehensive Long-term Debt Schedules**

The Town's long-term debt interest amortization schedules are estimated based on prior amortization summaries and certain assumptions regarding the debt refunding that occurred in fiscal year 2016. As a result, the annual future debt service requirements may be different from the amounts reported in the schedule and the distinction between water and waste water debt is not always clear.

We recommend that the Town, in conjunction with its financial advisor, prepare a comprehensive schedule of future principal and interest requirements based on actual amortization schedules. Preparation of such a report will provide the Town assurance that annual appropriations will match debt service requirements.

**Management Response:**

The debt schedules that the Town provided to the auditors were pdf, copywritten schedules, produced by Lane & Company. These schedules did not define the distinction between General Fund, Water and Waste Water debt appropriately, causing issues in creating the footnotes for the financials. This has been corrected. The Treasurer has created new schedules in excel format, that eliminate the classification and formula issues that the former schedules, maintained internally, contained.

### **3. Improve Controls Over Water Abatements**

Our audit disclosed that incorrect water meter readings are currently abated by the Public Works Department and not the Board of Public Works. As a result, meter reading errors do not receive the same level of monitoring applied to other abatements.

We recommend that the Public Works Department obtain Board approval on all abatements. Implementation of this recommendation will improve oversight over all billing adjustments.

#### **Management Response:**

The Board of Public Works (BoPW) has granted the authority to the Public Works Director and the professional staff to use their best judgement to adjust water bills for clerical errors, such as incorrect reads, up to \$2,000. Customers asking for abatements due to unknown water loss (i.e. a leak in an irrigation system), must come before the BoPW for a hearing.

### **4. Prepare to Implement GASB 74 and 75 for OPEB**

Beginning in fiscal year 2017, the Town will be required to implement the Governmental Accounting Standards Board (GASB) Statement 74 Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans (OPEB), and in fiscal year 2018 GASB Statement 75 Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions. GASB 74 applies if a trust fund has been established to fund future OPEB costs, and GASB 75 applies whenever OPEB benefits are offered. GASB has taken the position that OPEB is a form of compensation and the liability/expense should be recognized while the employee provides service to the government. GASB Statements 74 and 75 replace Statements 43 and 45, and require the full net OPEB liability and related expenses to be presented on the government's accrual basis financial statements. Previously, the liability was recorded incrementally, generally increasing based on the degree to which a government funded the annual required contribution. It is expected that the implementation of these accounting standards will have a material impact on the Town's financial statements, including the recording of a larger net OPEB liability and substantial new disclosures.

We recommend the Town begin planning for the implementation of GASB 74 and 75, which includes gaining an understanding of the new requirements, educating applicable financial statement users, and ensuring that actuarial valuations are performed in a timely manner and in compliance with the new requirements. More specifically, for Towns that have established OPEB Trust Funds, GASB 74 will require additional required supplementary information in the fiscal 2017 audited financial statements. Therefore it is critical that the first GASB 74/75 actuarial valuation be completed in a timely manner, preferably with a July 1, 2016 measurement date. It will be also important for the Town to maintain an adequate system of documentation to support the employee census data information provided to the actuary, since this information will now be subject to annual audit testing.

#### **Management Response:**

We are aware of the new GASB 74 and GASB 75 requirements. The town has engaged a vendor to prepare the Other Post Employment Retirement actuarial report. That report is expected to be completed in early 2017 and will be the basis for the Fiscal 2018 appropriations. The report will also be compliant

with GASB 74 for Fiscal 2018. For Fiscal 2019 a new report will need to be prepared in order to be compliant with GASB 75. We are working closely with our vendor to be compliant with these new standards.

#### **5. Implement Municipal Modernization Changes**

In August 2016 the Governor signed the Municipal Modernization bill which changes and streamlines many existing Massachusetts General Laws (MGLs) that apply to local governments. The changes include revisions to MGLs affecting borrowing, collection procedures, financial management and governance, tax administration and exemptions, and special funds. These changes generally are effective November 7, 2016.

We recommend the Town take action to understand and implement the changes that are applicable to the Town. This will hopefully help reduce the Town's accountability and governance requirements, while ensuring continued compliance with MGLs.

#### **Management Response:**

The Town is aware of the new Municipal Modernization Act, its implementation dates and, in some instances, the actions required to adopt the changes. Department Heads attended a Division of Local Services workshop and subsequently prepared a worksheet by department of the respective changes and their impacts. Senior staff has also worked with Town Counsel on Spring 2017 Annual Town Meeting warrant articles where adjustments were needed to comply with the provisions of the Act.

Sincerely,



Nan Balmer

Town Administrator

cc: Board of Selectmen,

Brian Keveny, Finance Director



4



# TOWN OF WAYLAND

MASSACHUSETTS  
01778

**TOWN CLERK**

Beth R. Klein

[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)

**ASSISTANT TOWN CLERK**

Diane M. Gorham

[dgorham@wayland.ma.us](mailto:dgorham@wayland.ma.us)

**TOWN BUILDING**  
41 COCHITUATE ROAD  
Wayland, MA 01778

TEL: 508-358-3630

508-358-3631

FAX: 508-358-1683

[www.wayland.ma.us](http://www.wayland.ma.us)

Date: February 7, 2017  
To: Board of Selectmen  
From: Beth R. Klein, Town Clerk  
Re: RESIGNATION OF ELECTED OFFICIAL

Please be informed that the attached letter of resignation was received in the Town Clerk's Office effective March 28, 2017.

Cheryl A. Kane      Board of Assessors      Term Expires: March 31, 2018

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



Beth R. Klein, Town Clerk

cc: Nan Balmer, Town Administrator  
Ellen Brideau, Director  
Susan Rufo, Chair  
Cheryl A. Kane

February 7, 2017

To: Beth Klein, Wayland Town Clerk

I am submitting my resignation effective March 28, 2017 from the Wayland Board of Assessors. As required by the Town, this letter serves as my official notification to you regarding my resignation from the Board's position.

Sincerely,



Cheryl Kane  
16 Adelaide Ave.  
Wayland, MA 01778

RECEIVED  
TOWN OF WAYLAND  
TOWN CLERK  
2017 FEB -7 PM 2:43

TOWN OF WAYLAND  
ANIMAL CONTROL SUMMARY REPORT  
JANUARY, 2017

<b>TOTAL NUMBER CALLS HANDLED</b>	<b>54</b>
# Complaint Calls	2
# Lost Dog Calls	5
# Lost Cat Calls	
# Other Cat related calls	3
# Animal / Wildlife Calls	4
# Miscellaneous Calls	22
<b>TOTAL # ANIMALS PICKED UP</b>	<b>1</b>
	1
Total # dogs not licensed	(out of state owner)
Total # dogs not claimed	
# still in dog officer custody	
#surrendered to Humane Shelter	
<b>TOTAL # HUMAN BITE CALLS</b>	<b>2</b>
<b>TOTAL # ANIMAL -&gt; ANIMAL BITE</b>	<b>3</b>
10 Day Quarantine Order -Human Bite	<b>Issued 2 / Released 1</b>
10 Day Quarantine Order -Animal Bite	<b>Issued 3 / Released 3</b>
45 Day/6 Month Quarantine Orders	<b>Issued 0 / Released 3</b>
<b>TOTAL # CITATIONS ISSUED</b>	<b>NONE</b>
# No license citations	
# Leash Law/Dog not under owner control	
# Other Offense	
# Court summons processed	

Submitted by:  
Jennifer Condon  
Animal Control Inspector/Officer



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING  
CHIEF OF POLICE

## Monthly Update

### January 2017

During the month of January the Town of Wayland was named the safest town in Massachusetts for the fourth consecutive year by Safewise. Safewise is a community-focused security organization committed to increasing safety education, awareness, and preparedness. In 2016, Wayland was ranked second nationally for towns with populations of 15,000 or less.

Two people were arrested for Operating Under the Influence of Alcohol during the month of January. On January 1<sup>st</sup>, a 20 year old Bedford man was charged with Speeding, Person Under 21 in possession of Alcohol and O.U.I. after he was stopped by Sgt. Jennifer Ordway on Pemberton Road at 3:35 A.M. He failed roadside sobriety tests and was arrested and transported to the Police Department where he was booked and later released on a Promise to Appear in Framingham District Court.

On January 16<sup>th</sup>, a 21 year old Fitchburg woman was arrested for Operating Under the Influence of Alcohol after she was observed by Officer Tim Henderson driving her vehicle in an erratic manner on Concord Road. The woman failed roadside sobriety test and was arrested and transported to the police Department and later released on a Promise to Appear in Framingham District Court.

In January the department held its first meeting of individuals that will be part of the "Silver Alert" program in Wayland. "A Silver Alert is a public notification system in the United States to broadcast information about missing persons – especially senior citizens with Alzheimer's disease, dementia or other mental disabilities – in order to aid in their being found.

Silver Alerts use a wide array of media outlets – such as commercial radio stations, television stations, and cable television – to broadcast information about missing persons. Silver Alerts also use variable-message signs on roadways to alert motorists to be on the lookout for missing seniors. In cases in which a missing person is believed to be missing on foot, Silver Alerts have used Reverse 911 or other emergency notification systems to notify nearby residents of the neighborhood surrounding the missing person's last known location.

Supporters of Silver Alert point to U.S.A growing elderly population as a reason to support new programs to locate missing seniors. Approximately six in ten

dementia victims will wander at least once, health-care statistics show, and the numbers are growing worldwide, fueled primarily by Alzheimer's disease. If not found within 24 hours, up to half of wandering seniors with dementia suffer serious injury or death." (Wikipedia). Det. Sgt. Berger is coordinating the effort here in Wayland along with representatives from the Fire Department, Dept. of Health, Council on Aging and several private geriatric and mental health care centers. The program is intended to work in conjunction with a larger initiative of elder protection that the Council on Aging and the Wayland Fire Department are currently working on.



Robert Irving  
Chief of Police

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

Officers of the Wayland Police Department attended the following training programs during the month of January 2017:

**Sergeants Leadership Program**

Public Safety Leadership

Reading , Ma

January 11-13, 2017

Ed Walsh

William Smith

**In-Service**

MPTC

Boylston Academy

Christopher Hanlon

Patrick Swanick

Shane Bowles

January 9-12, 2017

January 23-26, 2017

January 30-31, 2017

**Marijuana Legal Update**

M.P.I (Massachusetts Police Institute)

William Smith

Patrick Swanick

Sean Gibbons

Shane Bowles

January 17, 2017

January 18, 2017

**Management Rights**

M.P.I (Massachusetts Police Institute)

Grafton

Jamie Berger

Jarrod Kullich

Tyler Castagno

January 24, 2017

**Officer in Charge Training**  
M.P.I (Massachusetts Police Institute)  
Grafton

Sean Fitzgerald  
Christopher Hanlon  
Mark Wilkins

January 26, 2017

**Wayland Police Department Detective Division Report for January 2017**

**INVESTIGATIONS**

Larceny over \$250 – Andrew Avenue  
Drug Investigation – Sudbury/Wayland  
Larceny over \$250 – Andrew Avenue  
Suspicious Activity – Mellen Lane  
Attempted Commercial Burglary – Minuteman Lane  
Suspicious Activity – Boston Post Road  
Suspicious Activity – Main Street  
MV B&E/Larceny over \$250 – Nob Hill Road

**MEETINGS/TRAININGS**

Acton Area Detective Meeting  
Management Rights – Grafton PD  
Youth Advisory Committee  
In-Service Training – Boylston Academy  
Silver Alert – Community meeting  
Wayland Cares Meeting

**MISCELLANEOUS**

A.L.I.C.E. Drills – Loker School, Claypit Hill School  
Framingham District Court – MV/ Criminal Hearings

**COMMUNITY SERVICES**

Council on Aging – Prescription take back  
Coffee with Cops – Panera Bread  
Community Interaction – Claypit Hill School (Curious Creatures)  
Silver Alert – Community meeting  
Adult RAD



SafeWise.com, your source for Home Security and Safety advice.



[\(http://www.safewise.com/\)](http://www.safewise.com/)

[HOME \(HTTP://WWW.SAFEWISE.COM\)](http://www.safewise.com/) > [NEWSROOM \(BLOG\)](#) > [THE SAFEST CITIES IN MASSACHUSETTS – 2017 \(HTTP://WWW.SAFEWISE.COM/BLOG/SAFEST-CITIES-MASSACHUSETTS/\)](#)

## The SafeWise Report

The authority on safety and home security news.

**AS FEATURED ON**

Mashable

THE TELEVISION NEWS

Angie's list



nerdwallet

Homes.com

## The Safest Cities in Massachusetts – 2017

- 
- [Tweel](#)
- [Share](#)
- [G+ 0](#)

[Alexia Chianis \(http://www.safewise.com/blog/author/Alexia-Chianis/\)](http://www.safewise.com/blog/author/Alexia-Chianis/) Jan 30, 2017



Massachusetts's twenty safest cities boast exceptionally low crime rates. In fact, according to the most recent [FBI Crime Report \(https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/home\)](https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/home), these cities are 86% safer than the nation as a whole. Specifically, in 2015, the cities on this list reported fewer than four crimes per 1,000 people, whereas nationally, nearly twenty-nine crimes were reported for every 1,000 people.

Additionally, none of the twenty safest cities in Massachusetts reported a murder, and four cities—Weston, Boxford, Hopkinton, and Sharon—reported no violent crime whatsoever. These statistics are particularly impressive considering that on a national level, violent crime increased nearly 4% 2014 to 2015, and reports of murder and non-negligent manslaughter increased more than 10%.

Three-quarters of this year's safest cities also appeared on our list last year. This suggests that leaders, law enforcement officers, and citizens in these communities remain dedicated to keeping crime at bay. In an interview with SafeWise, Wayland's chief of police Robert Irving attributed "an excellent working relationship between officers and citizens" as one of the primary reasons Wayland is the safest city in the state. To facilitate ongoing open communication and further build rapport, the Wayland Police Department hosts [Coffee with a Cop \(http://coffeewithacop.com/\)](http://coffeewithacop.com/), sponsors a Citizens Police Academy, and is actively involved in the schools. Chief Irving also uses social media to help ensure his department is "accessible and responsive to the community."

Even in the safest cities, it's important to be proactive about safety. Consult our [Massachusetts Safety Directory \(http://www.safewise.com/home-security/ma\)](http://www.safewise.com/home-security/ma) for ways to enhance your personal safety and home security in the Bay State.

## How We Chose the Safest Cities in Massachusetts

To identify the safest cities in Massachusetts, we reviewed the most recent FBI Crime Report statistics from 2015, along with population data. We eliminated all cities with fewer than 8,000 residents as well as any cities that failed to submit a complete crime report to the FBI.

*If your city made the list, share the news by embedding the **"Massachusetts Safest Cities"** badge on your site. [Click here to get the code](#), then just copy and paste.*

From there, we evaluated the remaining cities. We narrowed it down based on the number of reported violent crimes (aggravated assault, murder, rape, and robbery) and property crimes (burglary, arson, larceny-theft, and motor vehicle theft) in each city. To further level the playing field, we calculated the likelihood of these crimes occurring out of 1,000 people in each city.

[Learn more about how we rank our Safest Cities reports. \(http://www.safewise.com/blog/the-safewise-safest-cities-our-methodology/\)](http://www.safewise.com/blog/the-safewise-safest-cities-our-methodology/)

### 1. Wayland

*Previous rank: 1*

**Violent Crimes per 1,000: 0.07**

**Property Crimes per 1,000: 0.37**

## 2. Weston ↑

*Previous rank: 7*

**Violent Crimes per 1,000: 0.00**

**Property Crimes per 1,000: 2.47**

## 3. Boxford

*Previous rank: 3*

**Violent Crimes per 1,000: 0.00**

**Property Crimes per 1,000: 2.54**

## 4. Norfolk ↓

*Previous rank: 2*

**Violent Crimes per 1,000: 0.08**

**Property Crimes per 1,000: 2.85**

## 5. Hopkinton ↓

*Previous rank: 4*

**Violent Crimes per 1,000: 0.00**

**Property Crimes per 1,000: 3.18**

## 6. Clinton ↑

*Previous rank: 8*

**Violent Crimes per 1,000: 0.22**

**Property Crimes per 1,000: 3.12**

## 7. Franklin ↓

*Previous rank: 6*

**Violent Crimes per 1,000: 0.12**

**Property Crimes per 1,000: 3.35**

## 8. Sudbury

*Previous rank: 5*

**Violent Crimes per 1,000: 0.10**

**Property Crimes per 1,000: 3.52**

**Irving, Robert**

---

**From:** Honor Woodrow <[REDACTED]>  
**Sent:** Thursday, January 26, 2017 8:22 PM  
**To:** Irving, Robert  
**Subject:** Thank you

Dear chief Irving,

I'm writing to thank you for your support of the faith communities in Wayland, and specifically for protecting and supporting ICB. I am grateful to live in a country where all of us have the right to practice our religion without being persecuted, and I thank you for any and all ways that you are helping to uphold this in our country at this time, and in the future.

Be well, and thank you again.

-Honor Woodrow  
Framingham Friends Meeting (Quaker)

## Irving, Robert

---

**From:** Matthew Davids <[REDACTED]>  
**Sent:** Wednesday, January 25, 2017 11:04 AM  
**To:** Irving, Robert  
**Cc:** Fitzpatrick, Colin; Jennifer Davids  
**Subject:** Thank You

Dear Chief Irving,

We are writing to thank you and Officer Colin Fitzpatrick for your help with our traffic accident last month.

We have lived in Wayland for about 3.5 years now and we are both physicians (I am at Dana-Farber and Jen is at UMass). On the afternoon of the accident I was at a leukemia research meeting in California and Jen was performing surgery at UMass in Worcester. Our babysitter Tara was stopped at a traffic light right near the Town Center and an intoxicated man who had stolen a truck plowed into the back of our car and then took off as a hit-and-run. Our two kids ages 2 and 7 were in the back seat. Despite the car being totaled, amazingly nobody got hurt.

Officer Fitzpatrick was on the scene very quickly and immediately made sure that everyone was fine. The kids and Tara were understandably upset and confused about what had happened and he was able to help them calm down and put them at ease as much as possible given the circumstances. Since neither of us was unable to come to help, Officer Fitzpatrick was kind enough to help the kids and Tara get home. Somehow he was able to turn this into a positive experience for the kids, who still talk about the fun day they got to ride in the police car. Officer Fitzpatrick then took the time to individually call both me and Jen and explain to us exactly what happened and reassure us that no one was hurt. It was remarkable that the suspect was caught just minutes later, and we hope that he will never be able to put others' lives at risk like this in the future.

Officer Fitzpatrick exemplifies the professionalism and dedication of the Wayland Police department, and we feel so fortunate to have him working in Wayland.

Sincerely,

Drs. Matthew and Jennifer Davids  
237 Rice Road



# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



## Memorandum

ROBERT IRVING  
CHIEF OF POLICE

1/25/2017

**To: Sgt. Ed Walsh, Officer Fitzgerald, Officer Fitzpatrick, Officer Custodie,  
Dispatcher Freni**

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

**Subject: No Sick Leave Bonus**

---

A review of attendance records for the second six months of 2016 reveals that you did not use any sick days from July 1<sup>st</sup> through December 31<sup>st</sup>, 2016. In accordance with Article 18, Section 5 of the Police Collective Bargaining Agreement, Officer Fitzgerald and Sgt. Walsh will receive an incentive of ½ days' pay. Officer Fitzpatrick and Officer Custodie will receive an incentive of 1 ½ days' pay. In accordance with Article 19, Section 11 of the Dispatcher Collective Bargaining Agreement, Dispatcher Freni will receive an incentive of ½ days' pay.

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

I wish you continued good health in 2017.

cc: Lisa Dana  
Personnel Files

**PUBLIC CEREMONIES COMMITTEE**

Selectmen's Conference Room

Wayland Town Building

41 Cochituate Road

Wayland, Mass 01778

January 11, 2017

- 1) The committee meeting was called to order at 7:04 P.M.  
In attendance: Richard Turner (RT), Carl Bernardo (CB), George Bernard (GB), & John Dyer (JD). Not present: Steve Streeter & Dennis Berry
- 2) Public Comment: No Public Comment
- 3) Old Business Minutes from November 9, 2016 were reviewed and approved after the correction of the following:  
Minutes were corrected. The spelling for Lydia Maria Childs is corrected to Lydia Maria Child. Also, Martin Cox resides in Wilmington, not Holliston.
- 4) New Business:
  - Carl has yet to hear from Martin Cox on the military vehicles for Memorial Day. Carl will try again to contact Martin Cox this month.
  - Regarding flags for the Memorial Day parade there are three DPW employees certified for the bucket truck per Joe Doucette. Questions remain with funding for putting the flags up. Tom Holder, new DPW Director to figure out where the funding comes from.
  - There are 75 flags for Memorial Day. The cost is \$40.00/per flag. A major concern for the flags is that some of them get wrapped in the electrical wires of the telephone poles they sit on. Richard Turner to supply Steve Streeter a flag and have Steve determine a way to extend some of the flags so they don't get hung up. Also, RT expressed concern amount the mounting screws that are being used to secure the flag brackets to the telephone poles. Are the screws strong enough?
  - RT to check with Joe Doucette or Tom Holder to see if a light with a timer can be installed on the telephone pole next to the flag pole on the WWII Green (near the Villa Restaurant). The Chief of Police had a solar light installed on the flag pole but it only shines three feet above where the light is installed and must shine at least ten feet to the top of the flag pole. A light shining from the telephone pole will fully illuminate an American flag flown at night. This is a new and expensive flag pole that is underutilized due to the lack of night time lighting.
  - Subcommittees to be addressed at the next meeting.
  - RT to speak to various town or education officials about plaques to be displayed at Town Hall for the Lydia Child award and Wayland High School "Commons" for the Freedom Prize. The plaques will have the names of the first-place finishers.
  - The Conflict of Interest required course was completed by all Public Ceremony Committee members.
  - Action items will be assigned for further DPW issues.
  - Action item of JD to contact GB next week concerning a time line and procedures for Lydia Maria Child award.
  - RT to start advertising for candidates for the Lydia Maria Child award.
  - RT to send address to GB regarding having Steven Kinney as the keynote speaker for Veterans Day, November 11, 2017.

Meeting adjourned at 8:15 P.M.

- The next WPCC meeting is scheduled for Wednesday, February 8, 7:00 P.M. at the Town building.
- Approved by Unanimous vote

Respectfully submitted  
George Bernard 1/16/2017

---





8

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

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

**MINUTES**  
**NOVEMBER 24, 2015**

Attending the meeting held in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Thomas White, Acting Chair, Aida Gennis, Linda Segal and Shaunt Sarian. Norma Badger was in attendance to take the minutes. Meeting started at 7:20pm.

**55 LAKESHORE DRIVE – JOHN DARACK**

Application of JOHN DARACK for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 55 LAKESHORE DRIVE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-24)

Continued from 10/13/15 and 10/27/15 and site visit was 11-3-15. Panel hearing matter: Eric Goldberg, Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Eric Goldberg will write the decision.

Thom explained to the applicant that there were only four members here and the member who was missing from tonight's hearing was also writing the decision. Thom explained to the applicant they could have a continuance or could go forward with four members and then would need to get a 4-0 vote.

John Darack asked what his option was if he did not get a 4-0 vote; the board explained if he didn't get it then he could not come back for 2 years with the same application. John Darack said he has two of his professional advisors here and would not like to keep having them come back. The board explained to the applicant that the other absent member could nullify himself and would be able to sit at the next hearing. Aida suggested to hear it, have Eric nullify and then vote at the next hearing and have a five member panel. Applicant said he would rather hear his case and then continue for the vote.

Applicant decided to go forward. John Darack explained what it is that he is asking for: relief to tear down and replace it with a new smaller bungalow with 3 bedrooms. It will increase in size by 21% and 1700 sq ft. John Darack read his narrative. Explained the water damage, partial basement is made with a variety of materials, and the framing not good and roof rafters also. There is nothing worth saving. Living will increase by 41%. Will have a new septic system and will conform to all zoning and board of health setbacks.

Has had support from the neighbors. Spoke about taking down trees and being careful about it

Aida asked if it is a rental unit now. John Darack said he rented it for 9 years to this couple until August 31, 2015. Thom said he was surprised that the house was being lived in. Linda said in the prior years there has been cases where people were living in the homes and wanted to demolish them. Thom asked the applicant if there was anything on the structural report that he would like to emphasize.

Thom gave an example as merely as not being built in accordance with the code does not meet the

criteria of the demolition part, need damaged or destroyed. The idea of building code is not applicable for the standard of the bylaw. Thom said in section 2 could possibly be mentioning that since it was not built to code it could be the reason it is so damaged. John Darack said he asked his engineer if they could save the house, but with no footings and concrete blocks; supporting anymore weight would cause problems. John Darack said there is also water damage. Foundation is cracked in places and water comes in. There is mold visible. He did another one at 10 Mayflower Path that is similar to what he wants to do.

Shaunt said he went through the same thing before he was on the board and had to meet the same criteria. It looks like there was work that was done in the house and does not look like it was for remodeling reasons and was more for repairing reasons which indicates that the repairs were done to keep it in structure.

Thom asked if the architect or engineer wanted to present any further information on the demolition part. George Horowitz of 169 Rosemary Road, Dedham, he said there are things in that house that are unsafe. There is a wall leaning against the soil and in danger of collapsing. Stones falling out of it. Foundation walls are pitched and cracked and water getting through them. The deck is totally unsafe. Very dangerous house.

Robert Egan, architect, said having been through the building many times and in order to repair the building they would have to tear it down; there is very little they could sustain. Would be a major job to fix the foundation said the engineer. Aida said they have to go with the section of the bylaw and cannot go with a financial part.

Public: Mike Lowery, 120 Lakeshore Drive, one aspect of demolition, showed pictures of the foundation to the board.

Board will proceed with presenting the construction. John Darack said there may be changes and Linda asked if there were going to be changes would they be made by the next hearing. John Darack said it may be interior changes only. The deck entry could be single door. Aida asked about the mudroom and if it changed would it be heated. Members said it could matter to the BOH possibly. Procedurally it would. Aida asked about closets and would not add a closet to a room just change the location of a closet in the room. John Darack said any such changes will be minor. Board asked John to bring the changes to the next hearings. Aida asked about the office and the room does not have a closet or fire window.

Public: Mike Lowery, speaking for the Surface Water Quality Committee complimented the design...asked about the soils and septic system. Concerned about phosphorus.

Documents submitted with application: Stamped Proposed Plan by Egan Associates dated 9/9/15, Stamped Permit Plan by John Hamel dated 9/10/15, Stamped Structural Engineer's Report by George Horowitz dated 11/20/15, Photographs of house.

## **140 CONCORD ROAD – SHEKHAR IYER & SUCHITRA VASANTHAKUMAR**

Application of SHEKHAR IYER & SUCHITRA VASANTHAKUMAR for any necessary approvals, special permits, and/or variances as may be required to demolish a pre-existing non-conforming single family dwelling and construct a new single family dwelling under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6 and 1604.2. The property is located at 140 CONCORD ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT.(15-23)

Continued board from 10/13/15 and 10/27/15 (no quorum) and site visit was 11-12-15. Panel hearing the matter: Eric Goldberg, Thomas White, Aida Gennis, Shaunt Sarian and Linda Segal. Aida Gennis will write the decision.

The board explained to the applicant the same format as the other hearing. Eric can nullify and go with the 5 panel or go with the four panel. Aida explained the difference in the case from before. Linda mentioned that if they would like a five member panel wait until next hearing to listen. The applicants would like to wait for 5 member panel. The applicant went over the material included in the package to make sure the members had everything. Norma need to make copies of the narrative. Shaunt will go see the house on Friday for site visit.

Continued to December 8, 2015 at 7:15p.m.

## **59 WOODLAND ROAD – THOMAS FINELLI**

Application of THOMAS FINELLI for any necessary approvals, special permit and/or variance as may be required to change, alter, extend a pre-existing, non-conforming structure by more than 20% (remove existing porch, construct second story addition) within required yard setbacks under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3.2, 702.1, 703, 1604.2 and 801-Table of Dimensional Requirements. The property is located at 59 WOODLAND ROAD which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (15-27)

Thom White explained to the applicant that he would have the same option either to go with the four member panel or continue to another date. Applicant said he would like to proceed with the four member panel.

Aida Gennis, Thomas White, Linda Segal and Shaunt Sarian. Aida Gennis will write the decision.

Thomas Finelli explained to the board what he would like to do; would like to expand the second floor and turn it into a salt box style. Knee wall will extend and putting it over the 20% would be 30%.

Linda mentioned to the applicant that once he removes the porch the side yard setback would be 15' and once the porch is gone and the use is abandoned they would not be able to put the porch back on not within the setback. Applicant was aware of that.

Linda also asked about BOH and where the septic was going. It is going left to right. Tom had a plan and showed the board where it was going. Tom submitted a plan of the septic. Patio instead of the porch.

Aida asked about the second floor. Tom said he was squaring off the existing box and turning it into a saltbox, left and right, the knee wall will push it over the 20%. 28' in height and in back 31'.

Public: Molly Upton of Bayfield Road asked about the number of bedrooms changing and if the septic was approved. No number of bedrooms changing said Tom and septic has been approved.

Thom made a motion that although it will increase the nonconformity...Linda second...all in favor. Thom made a motion that it is not against the public and grant a special permit to remove existing porch and construct a second story addition according to the plans submitted and obtain any other approvals and height cannot exceed 32'. Linda second. All in favor 4-0.

**Documents submitted with application: Certified Plot Plan by Drake Associates Inc. dated 10/15/15, Stamped Septic System Design by Schofield Engineering Group dated 9/18/15,**

Other matters: 150 Main Street - Clerical matter. Linda explained that after the decision was filed it was noticed that there were some clerical errors and would need to review the errors, correct them and file it again.

Linda said there are additional errors in dates carefully note Page 3, second bullet, third bullet and 10th bullet Page 4. Those are the clerical issues said Linda. Since the Chair is not here, feels like they should send to Eric and he should go over this with Counsel. Make note of clerical changes and ask for them to be changed, do not have to vote..board agreed.

At the direction of the members on the evening of November 24, clerical errors were noted and members requested that the errors be corrected by the author. Forward to Eric and Town Counsel.

Thom motioned to adjourn at 8:40 p.m. Shaunt second...All in favor.

  
Prepared by: Liz Reef

JANUARY 24, 2017  
Dates Minutes Approved



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

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

**MINUTES**  
**September 27, 2016**

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Eric Goldberg, Chair, Aida Gennis, Jonathan Sachs, Thomas White and Associate Members Jason Drori and Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Audio recorded by WayCam.

**12 CASTLE ROAD – DARYL QUINN**

Application of DARYL QUINN for any necessary approvals, special permits and/or variances as may be required to construct additions (2nd story & lateral and rear deck) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lack of lot area & frontage) in a side yard setback and increasing the existing gross floor living area more than 20% under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 703.2 and 801 – Table of Dimensional Requirement. The property is located at **12 CASTLE ROAD** which is in a **SINGLE RESIDENCE DISTRICT** and **AQUIFER PROTECTION**. (16-18)

Documents submitted with application: Stamped existing and proposed plans by Kunz Associates dated 5/10/2016. Certified site plan by Sullivan Surveying Company, LLC, dated 5/6/2016.

Panel: Jonathan, Thomas, Aida, Eric, Linda. Jonathan writing decision.

The proposal includes a two-story addition and rear deck within a pre-existing non-conforming lot. Existing side yard setback is 13.7 feet, proposed is 13.2 feet. Rear yard setback is conforming. Existing gross floor area is 1,590 square feet. Proposal will add 300 square feet.

No members of public asked to be heard.

Chairman moved that Board make required findings. Approved by unanimous decision.

**150 MAIN STREET – PHILIP MARTINO**

Application of Philip Martino to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS dated July 19, 2016, under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A. The property is located at **150 MAIN STREET**, a portion of said property is in a R20 Single Residence District and a portion of said property in a Business A District. (16-19)

Town Counsel Mark Lanza, present for hearing. Philip Martino requested continuance due to ongoing discussions to resolve dispute with developer. Board rescheduled hearing for November 29, 2016. No panel was set and no testimony was taken.

**150 MAIN STREET – NANCY LEIFER**

Application of **NANCY LEIFER** to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS dated July 19, 2016, under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A. The property is located at **150 MAIN STREET**, a portion of said property is in a R20 Single Residence District and a portion of said property in a Business A District. (16-21)

Ms. Leifer explained that she did not receive notice of hearing by mail. Town Counsel explained notice requirements. Board determined that Ms. Leifer was entitled to notice of hearing by mail and continued the hearing to November 29, 2016. No panel was set and no testimony was taken.

**10 SUNSET ROAD – MATT KOSKO**

Application of **MATT KOSKO** for any necessary approvals, special permits and/or variances as may be required to construct additions (2nd story & full basement) to an existing single family dwelling within a pre-existing, non-conforming lot (front & rear setbacks) and increasing the existing gross floor living area more than 20% under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 703.2 and 801 – Table of Dimensional Requirement. The property is located at **10 SUNSET ROAD** which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION. (16-24)

Documents submitted with application: Stamped existing and proposed plans by JK Development Group dated 7/21/16. Certified proposed plot plan by Summit Surveying Inc. dated 7/5/16

Panel: Thomas, Eric, Aida, Linda and Shaunt. Eric writing decision.

Applicant explained more space needed to accommodate family. Proposed 12 ½ by 20 feet addition. Board determined that proposal complied with aquifer protection district requirements.

No members of public asked to be heard. Chairman moved that Board make required findings. Approved by unanimous decision.

Other business:

Board conferred with Building Commissioner about the 2016 Annual Report. Board expressed concerns about clerical matters. Expressed need to catch up on approving minutes once new clerical staff is hired.

Meeting adjourned at 8:55 p.m.

January 24, 2017  
Date Minutes Approved

  
Prepared by: Liz Reef



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

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

**MINUTES**  
**OCTOBER 18, 2016**

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Eric Goldberg, Chair, Aida Gennis, Jonathan Sachs, Thomas White and Associate Members Jason Drori and Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Audio recorded by WayCam.

**533 BOSTON POST ROAD – Herb Chambers**

Application of **HERB CHAMBERS** for any necessary approvals, special permits and/or variances as may be required to construct new signage to an existing commercial building (added signage on front façade) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 501, 703.2 and 801 - Table of Dimensional Requirement. The property is located at **533 BOSTON POST ROAD** which is in a Limited Commercial District. (16-27)

Documents submitted with application: Approved by Planning Department sign renderings with specifications dated 9/9/2016.

Panel: Eric, Thomas, Aida, Jonathan, Linda. Eric is writing the decision.

John Fox from Fox Law Firm spoke on behalf of applicant. Proposed Alfa Romeo signage substantially similar to pre-existing signage. Far end of building with no entrance at location of new sign.

Chair made a motion to grant an amendment to Decision No. 14-18 to include the proposed Alfa Romeo sign with all the same conditions as previously proposed. Board unanimously in favor.

**150 MAIN STREET – Gretchen and Paul Dresens**

Applications of **GRETCHEN & PAUL DRESENS** to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS Store (issued on July 19, 2016), under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A; including but not limited to, Sections 8 & 15. The property is located at **150 MAIN STREET**, which is in a **BUSINESS A DISTRICT** with a portion of property located in a **R20 SINGLE RESIDENCE DISTRICT**. (16-20 & 16-29)

Matters continued by agreement to November 29, 2016. No panel set and no testimony or evidence submitted.

Linda Segal alerted Board that Town Counsel did not respond to RFP raising question of counsel's continuing representation of ZBA in connection with 150 Main Street matters. Molly Upton submitted request that Board consider retaining special counsel. Brought up a matter as relates to current town counsel and the procedure needed. Eric Goldberg moved to take no action on request to Board to retain special counsel. Four members voted in the affirmative. Linda Segal voted against the motion, after suggesting to place the matter on the next meeting agenda. Jonathan Sachs abstained.

### **150 MAIN STREET – Molly Upton**

Application of **MOLLY UPTON** to Appeal the decision of the Building Commissioner/Zoning Enforcement Officer for the issuance of the building permit for CVS Store (issued on July 19, 2016), under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 201 and 203, 604.9.1 and M.G.L. Ch. 40A; including but not limited to, Sections 8 & 15. The property is located at **150 MAIN STREET**, which is in a **BUSINESS A DISTRICT** with a portion of property located in a **R20 SINGLE RESIDENCE DISTRICT**. (16-22)

Matter continued by agreement to November 29, 2016. No panel set and no testimony or evidence submitted. Applicant distributed additional comments in writing to the Board. Procedural questions were offered by Charles LeRay, Nancy Leifer, Gretchen Dresens, Molly Upton. The public was reminded that documents be submitted to the office at least two weeks in advance of Nov. 29.

### **3 RIVERVIEW CIRCLE – Surit Prakash**

Application of **SURIT PRAKASH (3 RIVERVIEW CIRCLE LLC)** for any necessary approvals, special permits and/or variances as may be required to construct additions (including lateral and 2<sup>nd</sup> story) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lot area and frontage) and increasing the existing the gross floor living area more than 20% under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 401.1.6, 801-Table of Dimensional Requirement and Article 16 Aquifer Protection. The property is located at **3 RIVERVIEW CIRCLE** which is in a **SINGLE RESIDENCE DISTRICT** and **AQUIFER PROTECTION**. (16-15) cont'd

Documents submitted with application: Approved proposed and existing plans by KUQ Construction, LLC, dated 7/1/2016. Certified Plan of Land by Massachusetts Survey Consultants dated 7/19/2016. Certified Site Plan by KUQ Construction, LLC, dated 7/3/2016. Stamped Structural Affidavit by Mohammed Farooqui dated 7/18/2016. Tree Removal Plan.

Panel set on Aug. 23: Eric, Jason, Jonathan, Aida, Linda. Linda is writing the decision.

Discussion concerning site visit. The house looks well kept on the outside. Roof sags in some areas. Significant rotting in the basement around the sills above foundation and support beams. Discussion concerning what is meant by demolition, including testimony by Building Commissioner Geoff Larsen. For zoning purposes the view of the Board is that removing walls is tantamount to demolition.

Board determined that existing structure meets the condition for demolition under §401.1.6 of the bylaw in that it appeared to be damaged by natural or other involuntary causes and repairs could not be performed without demolishing the existing structure. Board noted that the word demolition was not in the legal notice.



Footprint of proposed new structure not significantly different from existing structure. Will need curb cut approval from DPW.

Chairman moved that Board make required findings. Approved by unanimous decision.

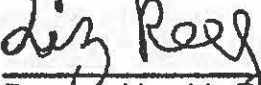
**Other Business:**

Discussion concerning omission from 67 Edgewood Road decision of approved gross floor area. Recommended that Building Commissioner confer with applicant to determine if amendment to decision is required.

Aida Gennis raised concern about illuminated signage on 110 Grill restaurant, 169 Commonwealth Rd. and the illuminated plaza monument signs. Board requested that Building Commissioner investigate whether restaurant signage complied with Bylaw, special permit decision #15-22 and whether application for relief is required.

Meeting adjourned at 8:45pm.

January 24, 2017  
Date Minutes Approved

  
Prepared by: Liz Reef



SMART GROWTH AND REGIONAL COLLABORATION

9

RECEIVED

FEB -3 2017

Board of Selectmen  
Town of Wayland

February 1, 2017

Dear Select Board,

I am writing today with information about one of our clean energy programs. As spring Town Meetings approach, the Clean Energy Department at MAPC has heard from a number of municipalities about their interest in municipal aggregation, also known as community electricity aggregation. I would like to remind you that a vote of Town Meeting is required to begin a community electricity aggregation process. The Town can stop or pause the process at any time, but it must be authorized if you desire to move forward in the near future.

As you may know, community electricity aggregation is a program in which a municipality bulk-purchases electricity for the residents and businesses who do not already use a third-party supplier.

Aggregation can provide a stable, competitive, and responsible electric rate for your community. For those interested, MAPC has pioneered an approach to help towns leverage the bargaining power gained with aggregation to build new, local renewable energy – without sacrificing price or stability. In this way, the program can support a community's climate or sustainability goals.

Communities that work with MAPC receive expert assistance from a consultant procured through an MGL c.30B price-and-qualifications-based competitive process. The consultant works with the Town to develop an aggregation plan, secure regulatory approval from the Department of Public Utilities, and procure electricity supply for all residents and businesses.

**If your community is interested in learning more about MAPC's program or community electricity aggregation in general, I recommend that you:**

1. Contact Patrick Roche in my Department at 617-933-0790 or [proche@mapc.org](mailto:proche@mapc.org) to schedule an informational meeting about community electricity aggregation; how it can deliver competitive, stable prices; and how it can help build new renewable energy.
2. Put a placeholder on your Town Meeting warrant to preserve your ability to authorize community electricity aggregation at spring Town Meeting, if desired. *Please note that, from Article approval to program launch, the process takes about nine months.* Inclusion on this spring's warrant would put your town on pace to launch a program in early 2018.

Sincerely,

Cameron Peterson  
Director of Clean Energy  
Metropolitan Area Planning Council

## **SAMPLE TOWN MEETING WARRANT ARTICLE FOR MUNICIPAL AGGREGATION OF ELECTRICITY**

Developed by MAPPC's selected municipal electricity aggregation consultant.

To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

### **Comment:**

The Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry. The residents and businesses of our Town have substantial economic, environmental, and social interests at stake and are interested in reducing their electricity rates. If an aggregation of electricity load is implemented in our Town, individual residents and businesses would retain the right to opt-out of the aggregation with no penalty and to choose any other competitive supplier or stay with the default utility.



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

RECEIVED

FEB - 8 2017

Board of Selectmen  
Town of Wayland

10

February 6, 2017

Ms. Cherry C. Karlson, Chair  
Wayland Board of Selectmen  
41 Cohichuate Road  
Wayland, MA 01778

Re: Windsor Place, Wayland MH# 922

Dear Ms. Karlson:

The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval submitted by Windsor Place LLC, Inc. The proposed development will consist of 12 rental townhouses in two buildings on a 37,865 square foot lot at 24 School Street in Wayland.

The site approval process is offered to project sponsors who intend to apply for a comprehensive permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other town boards, officials or other interested parties. Pursuant to the new Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by the Applicant that the Town has received a copy of the application and site plans. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office within 30 days so we may process this application in a timely manner.

During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for this development has been scheduled for 11:00 AM on Monday, March 6, 2017. Please notify me promptly if any representatives of your office or of other Local Boards plan to attend the scheduled site visit.

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to the Wayland Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) Ch. 40B Technical Assistance Program administers grants to municipalities for up to \$10,000 to engage qualified third-party consultants to work with the Town's ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, [www.mhp.net/40B](http://www.mhp.net/40B) or e-mail MHP at [communityinfo@mhp.net](mailto:communityinfo@mhp.net). Also available at MHP's web site are the "Local 40B Review and Decision Guidelines" that were released in November 2005 to provide guidance to local officials as they review comprehensive permit applications. The Chapter 40B regulations and accompanying guidelines issued by DHCD, however, take legal precedence over the MHP guidelines.

If you have any questions, please do not hesitate to call me at (617) 854-1098.

Thank you for your assistance.

Sincerely,



Katharine Lacy  
Monitoring and Permitting Specialist

cc: Eric Goldberg, Chairman, Wayland ZBA  
Nan Balmer, Town Administrator  
Sarkis Sarkisian, Planning Director (via e-mail)