

PACKET

MAR 6

2017



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

BOARD OF SELECTMEN

Monday, March 6, 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 March 7, 2017, at 6:30 p.m. See separate posting.

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

Proposed Agenda

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

- | | | |
|---------|------|---|
| 6:30 pm | 1.) | Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to Litigation if an Open Meeting may have a Detrimental Effect on the Litigating Position of the Public Body and the Chair So Declares and Specifically, to Discuss 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 |
| 7:00 pm | 2.) | Call to Order by Chair <ul style="list-style-type: none">• Review Agenda for the Public; Announcements |
| 7:02 pm | 3.) | Swearing In of New Police Officer Kenneth D. Davis II |
| 7:10 pm | 4.) | Public Comment |
| 7:20 pm | 5.) | Meet with Financial Advisor to Discuss 2017 Borrowing and Vote to Establish Maximum Useful Life for Equipment |
| 7:40 pm | 6.) | Discuss Wayland Meadows Agreement and Consider Acceptance of Gift of Land |
| 8:00 pm | 7.) | Discussion and Potential Vote on Annual Town Meeting Articles |
| 8:30 pm | 8.) | Minutes: Review and Vote to Approve Minutes of February 6, 2017, February 8, 2017, February 13, 2017, and February 24, 2017 |
| 8:35 pm | 9.) | Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 8:40 pm | 10.) | Review Correspondence (See Separate Index Sheet) |
| 8:50 pm | 11.) | Report of the Town Administrator |
| 9:00 pm | 12.) | Selectmen's Reports and Concerns |
| 9:10 pm | 13.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:15 pm | 14.) | Adjourn |

DATE: MARCH 6, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: BORROWING - 2017

RECOMMENDED ACTION:

VOTE TO ESTABLISH THE MAXIMUM USEFUL LIFE OF VEHICLES FOR THE PURPOSES OF ISSUING BONDS

BACKGROUND:

The Town Treasurer, Zoe Pierce and Financial Advisor, Clark Rowell will review the revised borrowing schedule and plan, including a separate borrowing for Mainstone Farm. As part of the required documentation, the Board is asked to establish the useful life for fire and highway vehicles.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Wayland, Massachusetts, certify that at a meeting of the board held March 6, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$1,485,000 borrowing authorized by the vote of the Town passed at the 2016 April annual town meeting (Article 8, Motion 2, Items 5, 10, 12 and 13) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Ladder/Fire Truck	\$950,000	15 Years
Heavy Equipment	\$225,000	15 Years
Swap Loader	\$220,000	15 Years
Light Truck	\$ 90,000	8 Years

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 2017

Clerk of the Board of Selectmen

Balmer, Nan

Subject: FW: Mainstone Farm closing schedule

From: Clark Rowell [<mailto:clark.rowell@unibank.com>]

Sent: Thursday, March 02, 2017 4:03 PM

To: Balmer, Nan; Pierce, Zoe; Keveny, Brian

Cc: Kimberly Mooers; Kristy Genga

Subject: Mainstone Farm closing schedule

Nan, Zoe and Brian --

With reference to our meeting this morning, please let this present the reasonable schedule for funding the purchase of the Mainstone Farm conservation restriction.

Our current plan is to sell the first series of bonds, including all purposes other than Mainstone Farm, on March 20.

Assuming all conditions associated with the Mainstone Farm closing are satisfied by the end of March, we would then proceed with the second issue. Given market expectation relative to the period over which the underwriter is reasonably able to sell all of the first issue, I believe the second issue, the issue to fund Mainstone Farm, should not be brought to market for a month after the first sale date. Thus, allowing a little margin, I suggest April 24 as the target sale date for the second issue. With that sale date, the settlement date would be May 4 – this would be the day the Town has “same day funds” in its account. Again, allowing a little margin, I suggest a closing date for Mainstone Farm of either May 8 or May 9.

We also discussed the perhaps optimistic possibility that the \$7,000,000 Mainstone Farm authorization could still be part of the upcoming issue. As you know, we told Gretchen Schuler that all conditions for the Mainstone Farm closing would need to be satisfied by close of business next Wednesday, March 8. In that case, the “first issue” which, in fact, would be the only issue, would settle on March 30 – then the Mainstone Farm closing could be set for any day the first full week in April.

If neither is the case, then whenever all conditions are met for the closing, I suggest a five week minimum period between that point in time and the actual closing. Of that five week period, the first two weeks would allow us to update the Official Statement and to solicit and receive an updated rating. The third would be notice to the market that the issue is coming to market – and the last two weeks would be for the completion of the sale, which would include the actual sale, the Board of Selectmen vote to approve the sale and the preparation and execution of documents. The Mainstone Farm closing could be scheduled for a few days thereafter.

If all conditions are not met before the end of May, then I suggest a six week minimum period – with the passage of time, we likely will need an additional week to obtain the rating on the issue.

We also discussed logistic issues associated with the delivery of bond funds at the bond settlement and the availability of those funds for the Mainstone Farm closing. If necessary, I suggest you consider delivering the bond proceeds into escrow; doing so should solve our logistic problems and also make the funds immediately available when all conditions relating to the acquisition are satisfied.

I hope this makes sense. Please feel free to call or email me with any questions or comments you might have.

Thanks again for your time this morning.

(6) WAYLAND MEADOWS

DATE: MARCH 6, 2016
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: WASTEWATER: WAYLAND MEADOWS AGREEMENT / PILOB

REQUESTED ACTION:

CONSIDER WHETHER TO REQUEST TO DIVIDE LAND OFFERED BY WAYLAND MEADOWS SO THAT ALL OR SOME OF THE PARCEL IS AVAILABLE FOR GENERAL MUNICIPAL PURPOSES

BACKGROUND:

The Board is authorized under a 2016 Annual Town Meeting article to pay a total of \$56,000 as a Payment in Lieu of Benefit and connection / user fees to the Wastewater Management District Commission (WWMDC) for 820 gpd of wastewater treatment capacity. 440 gpd would be provided by Wayland Meadows along with a gift of land originally envisioned as for Conservation purposes. After review by staff, it was determined that the upland portion of the land could be evaluated as a potential septic reserve site for Town Center. (Please see attached discussion of this possibility from Fred Knight, Chair of WWMDC). The disadvantage of accepting the land (all or in part) for general municipal purposes is that, unlike for gifts of land for conservation purposes, gifts of land for other municipal purposes require a Town Meeting vote, thus delaying the date upon which the land can be relinquished by the developer.

Division of the land will require an ANR plan. As an alternative all of the land could be transferred for general municipal purposes and later, part of the land could be transferred for conservation purposes. If the land, however, is accepted first for conservation purposes, it is very difficult to then transfer the land for municipal purposes.

If the Board is interested in accepting some or all of the land for general municipal purposes, I will discuss the changes with Wayland Meadows, ask Town Counsel to complete a revised Wayland Meadows Agreement including the Selectmen as a party and draft an MOA between the Selectmen and WWMDC. Additional documentation has been requested by Town Counsel from the WWMDC. Please be advised that Wayland Meadows has paid all back taxes and betterments.

The Town Planner will be present at the meeting to review the land plan.

CC: Fred Knight, Linda Hansen, Sarkis Sarkisian

Balmer, Nan

Subject:

FW: Re:

From: fred knight [<mailto:fred.knightway@gmail.com>]

Sent: Thursday, March 02, 2017 10:47 PM

To: Balmer, Nan

Cc: Capasso, Jane; Sarkisian, Sarkis

Subject: Re:

Nan,

I talked with Sarkis today. He argues that the Town Center needs more wastewater design flow, which could be attained by either building the 9990-gpd leaching field under the town green (as originally proposed by KGI) or using the ~40,000-sqft portion of the land from Wayland Commons. If a good fraction of the ~40,000-sqft parcel were employed with a good perc test result, then this land could probably support up to 4000 gpd of design flow (assuming ~400 gpd/1000 sqft, which is a good rule of thumb). I cannot argue that this is not a good idea to pursue, but there needs to be some up-front analysis of the relevance of this proposal.

My feeling is that National Development (current owners of TC) recognize that they might need more businesses, which requires more design flow. However, the cost of getting more design flow from either of these parcels (town green or Wayland Commons parcel) is significant, and National Development may be reluctant due to the high capital cost. If building a smaller leaching field is sufficient for their needs, then the Wayland Commons parcel might be a good purchase for them.

What business sizes would be enabled by 4000 to 9990 gpd design flow? The rates are 35 gpd per restaurant seat, 50 gpd/1000 sqft of retail, and 75 gpd/1000sqft of office space. For example, the 4000 sqft would allow 80,000 sqft of retail space or 54,000 sqft of office space or a 110-seat restaurant. These sound pretty significant. However, the 9990gpd leaching field would allow 250% of these values. How we judge which is more reasonable deserves more thought, especially from National Development. I presume Sarkis' argument is that we want to keep the options for both of these open. Hence, allocating the upland portion of the Wayland Commons property seems like a good idea.

What to do? Sarkis suggests a perc test in April 2017. Amy has added a section for TM approval for this parcel to the draft agreement. Presumably access could be garnered from National Development. However, they would have to purchase the land. Other considerations are abutters opinions (condos), [ALU stipulations](#), Wayland Commons' opinion, and opinion of Conservation Commission.

These are just a few up-front considerations.

I would appreciate your passing these on to the BoS if you discuss this on Monday, 6 Mar 2017.

Thanks,
Fred

Jane



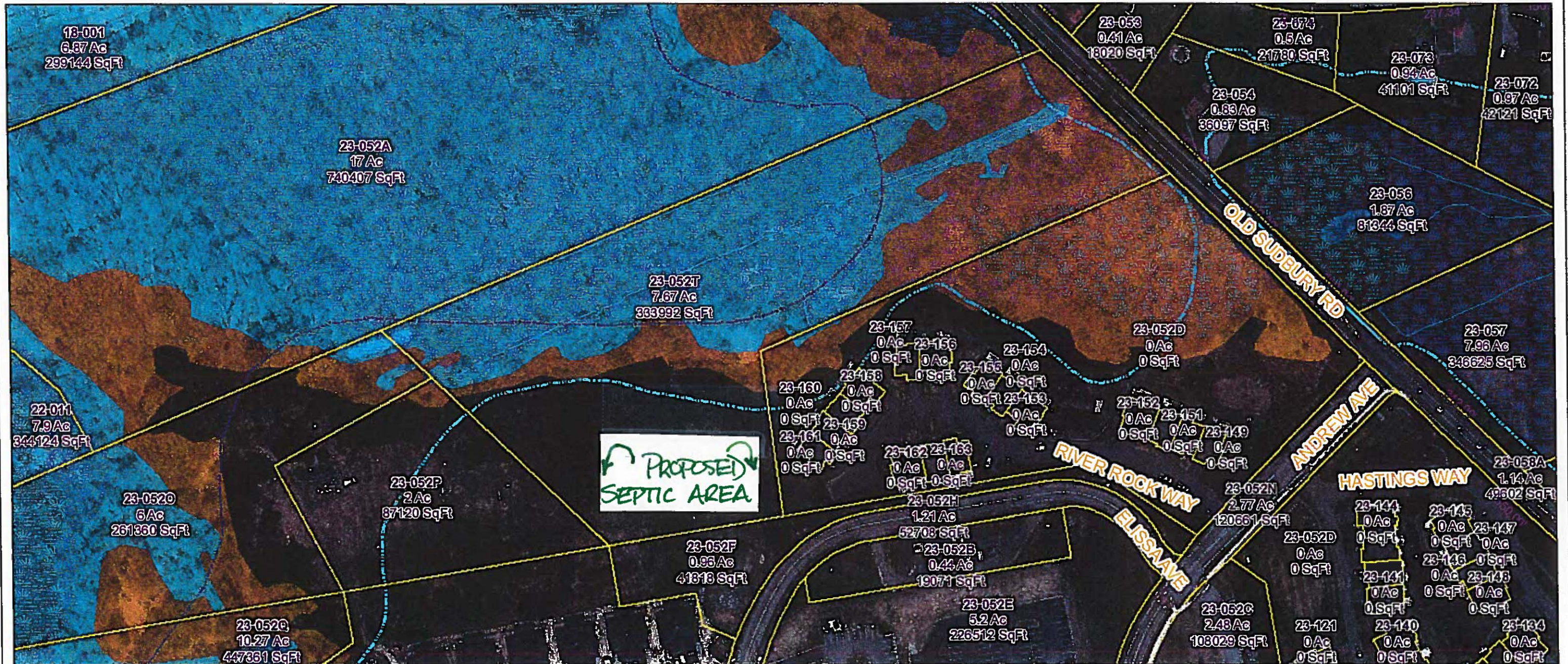
February 21, 2017

Wayland, MA

1 inch = 140 Feet



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PROPOSED SEPTIC AREA

Lot Number & Acreage	124 ft	Wetlands (DEP)
Frontages	AE: 1% Annual Chance of Flooding, with BFE	
Street Name	X: 0.2% Annual Chance of Flooding	
Parcel Lines - Ortho	Streams	
Town Maintenance Facility	Lakes, Ponds, Rivers	
120 ft	Wetlands (2012 Flyover)	

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

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
1	Recognize Citizens and Employees for Particular Service to the Town	Board of Selectmen	C. Karlson	D. Watkins	4-0	6-0
2*	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen	C. Karlson	D. Watkins	4-0	6-0
3	Current Year Transfers	Board of Selectmen	C. Karlson	D. Watkins	4-0	Deferred
4*	OPEB Funding	Finance Committee	C. Karlson	K. Shigley	4-0	6-0
5	Revolving Fund Bylaw	Board of Selectmen	L. Jurist	C. Martin	4-0	6-0
6	FY 2018 Omnibus Budget	Finance Committee	C. Karlson	D. Watkins C. Martin		
7*	Personnel Bylaws and Wage & Classification Plan	Personnel Board	C. Karlson	D. Watkins	4-0	
8*	Compensation for Town Clerk	Board of Selectmen	C. Karlson	C. Martin	4-0	7-0
9	Non-Medical/Recreational Marijuana Moratorium – Zoning Bylaw Amendment	Youth Advisory Committee	L. Jurist	G. Uveges	4-0	Deferred
10	Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland	Board of Selectmen	M. Antes	N. Funkhouser	4-0	1-2-3
11	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	3-2-1

* Asterisk indicates articles proposed for abbreviated presentation procedure; scheduled at 5 minutes each.

Updated March 3, 2017

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
12*	Authorize Acquisition of an Access and Utility Easement at 89 Stonebridge Road	Board of Public Works	J. Nolan	G. Cliff	4-0	6-0
13*	Street Acceptance	Planning Board	L. Anderson	K. Shigley	No position	Deferred
14	Limited Site Plan Review – Exempt Uses	Planning Board	L. Anderson	K. Shigley	4-0	5-0-1
15	Preservation of Historically Significant Buildings Through Demolition Delay	Historical Commission	M. Antes	G. Uveges	3-1	3-2-1
16*	Community Preservation Fund General Budget – Set Asides and Transfers	Community Preservation Committee	M. Antes	J. Gorke	4-0	6-0
17	Appropriate Funds to Restore Mellen Law Office and Cochituate Town Clock	Community Preservation Committee	M. Antes	J. Gorke	4-0	6-0
18	Appropriate Funds to Hire a Housing Consultant	Community Preservation Committee	M. Antes	J. Gorke	4-0	5-0
19	Appropriate Funds to Construct Athletic Field at Oxbow Meadows	Community Preservation Committee	L. Jurist	G. Cliff	4-0	6-0
20	Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods	Community Preservation Committee	L. Jurist	G. Cliff	4-0	6-0
21	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	6-0

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
22	Transfer Station Access Road Improvements	Board of Public Works	J. Nolan	G. Cliff	4-0	5-1-0
23	Plastic Bag Reduction Bylaw	Petitioners	C. Karlson	J. Gorke	4-0	2-2-2
24	Polystyrene Food Container Bylaw	Petitioners	J. Nolan	J. Gorke	No position	0-4-2
25*	Accept Gifts of Land	Board of Selectmen	C. Karlson	D. Watkins	4-0	Deferred
26*	Hear Reports	Board of Selectmen	C. Karlson	D. Watkins	4-0	6-0
27*	Choose Town Officers	Board of Selectmen	C. Karlson	D. Watkins	4-0	6-0
28*	Sell or Trade Vehicles and Equipment	Board of Selectmen	C. Karlson	D. Watkins	4-0	6-0

REVOLVING FUND ARTICLE

DATE: MARCH 6, 2016
TO: BOARD OF SELECTMEN
FINANCE COMMITTEE
RECREATION COMMISSION
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: REVOLVING FUND ARTICLE

REQUESTED ACTION:

VOTE TO APPROVE CHANGES TO REVOLVING FUND ARTICLE

After a conference call with the Department of Revenue, changes to the Revolving Fund article were made because the town cannot transfer funds from an existing to a new revolving fund. In summary, a slower transition is required and the changes to the article are:

1. The five accounts established in 2016 will be included in the by-law and re-authorized so that the funds can remain in the accounts.
2. The Recreation Revolving Fund will be revised to include the Town Beach and a new beach fund will not be established in FY 18 but may be established in FY 19. Per statute, the existing 53 D fund will be swept to the General Fund to a balance of \$10,000 at 6/30/17. The funds swept to the General Fund will be certified as free cash and available for appropriation to the Recreation Commission General Fund budget in FY 19. The \$10,000 balance in the 53D account will be used for beach expenses in FY 18 after which the account may be closed upon Town Meeting revocation of 53 D.
3. Field user fees of up to \$200,000 held in the Recreation Revolving Fund will pay for the renovation of the Town Building field and the development of the JV baseball field and for other field expense.
4. A Recreation – Athletic Field Account will be established for field user receipts received on or after July 1 2017.
5. The cap on the Recreation Revolving Fund was established at \$950,000 to account for the beach and the two major field projects and to spend the remaining field user fees. The new Recreation – Athletic Fields Revolving Fund was set at \$150,000 to reflect the maximum anticipated new receipts.
6. Other parts of the by-law including new rules for budgeting, reporting and fee setting remain the same.
7. Per the Chair of the Finance Committee, comments will be issued as a handout at Town Meeting.

ARTICLE 5: REVOLVING FUND BYLAW

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	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
3.	School Department: Professional Development	School Committee	Fees paid for teacher training programs	Payment of costs for teacher training programs
4.	School Department: Curriculum	School Committee	Fees paid for student instructional materials	Payment of costs for student instructional materials
5.	Recreation	Recreation Commission	Receipts including fees paid to participate in recreational and educational programs/events and building rental fees; Receipts including fees paid for the use of the Town Beach and beach programs/events	Payment of costs for recreational and educational programs/events and facilities including Town Beach; and for athletic fields for costs paid from field user fees received prior to July 1, 2017 for major field maintenance on athletic fields not performed by DPW, and approved capital projects
6	Recreation: Athletic Fields	Recreation Commission	Receipts including fees paid for the use of athletic fields	Payment of costs from field user fees received on or after July 1, 2017 for 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
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- 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 - \$625,000
 - 2. Council on Aging - \$50,000
 - 3. School Department/Professional Development - \$50,000
 - 4. School Department/Curriculum - \$25,000
 - 5. Recreation: - \$950,000
 - 6. Recreation: Athletic Fields - \$150,000

(8) MINUTES



TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN
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**Board of Selectmen
Meeting Minutes
February 6, 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
Absent: Joseph F. Nolan
Also Present: Town Administrator Nan Balmer

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

M. Antes announced that the League of Women Voters will be having a speaker Thursday at the COA at 7:30 p.m.

A2. Public Comment

G. Harris, Holiday Rd., stated his concerns with a legal bill from KP Law listed on the consent calendar that lacks information about what the bill is for. He also expressed his concern with the Town's land use planning history and the procedural mishaps in the building department.

M. Upton, Bayfield Road, said that there are things that can be done when it comes to contractual salary adjustments. She said now is the time to look at that number with the Finance Committee. She said she believes the staff is well paid.

G. Dresens, 155 Main St., suggested that the town spend money on preserving land. She expressed her concern with the potential 40B project at 24 School St. and said that the space is not big enough for the proposed affordable housing units.

S. Carel, Joyce Rd., discussed her concerns with the land proposed for the affordable housing units at 24 School St. She stated that she would love to see the Town take a responsible stance on this issue and be respectful of the town's history.

A3. Meet with Finance Committee and School Committee to Receive Budget Policy Recommendations from Unibank Fiscal Advisory Services; Discussion and Potential Vote to Agree on Budget Policy Recommendations in Preparation for Moody's Bond Rating Call; Agree on Parameters for Moody's Bond Rating Call Clark Rowell, the Town's Financial Advisor from Unibank, went before the Board of Selectmen, Finance Committee, and School Committee and discussed the proposed budget policy. He gave the boards a brief background summary. He said that the intent of the policy is to redirect the way the Town does budgeting, to put some constraints on using free cash to fund the operating budget, to change capital funding to use debt less, and to develop resources to prepare for taking on debt for a potential new library and Council on Aging facility. He then went into the specifics of what the policy does and described the components. He stated that the immediate objective is to hold the Town's Aaa rating.

C. Karlson stated that this is the first time the Town has used a fiscal advisor to model a policy that looks forward. She said that in terms of making a decision, she doesn't think all of the boards are there yet and wants to use this meeting for everyone to ask questions.

There were questions from the boards about the importance of having a balanced budget and how the budget policy fits into Wayland's bylaws.

C. Rowell said the Town's bond rating is at risk. L. Jurist asked how much the Town wants to restructure in order not to lose a Aaa rating. L. Jurist suggested that the town budgeted so conservatively in the past that free cash built up and was seen as overtaxing. He stated that he is not sure it is wise to set up arbitrary goals that limit flexibility.

C. Karlson said that she disagreed with L. Jurist on some of what he said. She said that some of these concepts exist in our policies already, but the Town has not applied them. C. Karlson said that the assumptions of 2 ½% and 3% growth result in very modest growth in the tax rate. She likes the idea of trying to level fund debt through a stabilization fund so that there is not as much fluctuation in the tax rate when projects come along. The boards thanked Clark Rowell and agreed that they will continue this discussion. The School Committee and the Finance Committee left the room at 7:55 p.m.

A4. Annual Town Meeting Articles: Continued Discussion on All Articles Including but not Limited to Abbreviated Presentation Procedures, Order of Articles and Vote Positions, Including but not Limited to the Following Articles:

N. Revolving Fund Bylaw

N. Balmer presented a draft bylaw and stated that the Municipal Modernization Act allows the town to set caps at whatever the community desires. N. Balmer discussed the ground rules and said that they are much more flexible. She said next week she will provide the Board with the recommended caps and that Town Counsel will be looking at this later on in the week. The Board took no action.

O. Licenses and Permits of Delinquent Taxpayers (Good Standing)

L. Anderson said she met with Z. Pierce about this article. L. Anderson determined that there was a lot of work to do and that she (Anderson) was not equipped to write the article. N. Balmer said that this is a good lesson for staff that when they put forward an article they need to do the work. L. Anderson said this article could potentially be good for the town because it provides another tool to try and collect taxes that haven't been paid. N. Balmer suggested that the town should have better integration between departments before taking on this article. L. Anderson moved, seconded by L. Jurist, to withdraw Article O. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

P. Authorize Local Voting Rights for Permanent Resident Aliens Residing in Wayland

M. Antes moved, seconded by L. Anderson, to support Article P. 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

The Board decided that they will wait until next week to see the Finance Committee's comments.

W. Authorize Acquisition of an Access and Utility Easement at 89 Stonebridge Road

W. Baston came before the Board and discussed the article. M. Antes stated that some Habitat for Humanity residents are concerned about hours of access for the road. She said some residents are interested in possibly

putting up a gate and showing the hours the road will be used. L. Jurist moved, seconded by M. Antes, to support Article W. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

X. Transfer Station Access Road Improvements

M. Lowery came before the Board and stated that the Finance Committee is concerned about the scale of costs. M. Lowery said that DPW Director T. Holder is working with N. Balmer on it to see what can be done. M. Lowery said the BOPW is looking at chopping the project into pieces. He stated that it's important to have access to the new laydown area. He stated that they have not yet received a dollar amount, but are expecting it soon. The Board agreed to wait to take a position and that they would be more comfortable when they have a dollar amount next week.

Y. Community Preservation Fund General Budget – Set Asides and Transfers

Z. Appropriate Funds to Restore Mellen Law Office and Cochituate Town Clock

AA. Appropriate Funds to Hire a Housing Consultant

BB. Appropriate Funds to Construct Athletic Field at Oxbow Meadows

CC. Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods

DD. Appropriate Funds to Restore/Replace Windows of First Wayland High School, Now Known as Bradford Hall

G. Schuler came before the Board to discuss Articles Y, Z, AA, BB, CC, and DD. She stated that she didn't see any potential issues with any of them. C. Karlson said that last year G. Schuler was effective giving a short summary of the articles at town meeting and was thinking she should do it again this year. C. Karlson said she would like the articles to be grouped together in the warrant.

M. Antes moved, seconded by L. Anderson that the Board support Articles Y, Z, AA, BB, CC, and DD. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

H. Rescind Authorized but Unissued Debt L. Anderson moved, seconded by M. Antes to pull Article H. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

U. Appropriate Funds for Alternative Use of Town Building Library The Board discussed Article U and decided that it is not ready for Annual Town Meeting. The Board decided to go to the COA Board as a courtesy and ask them to withdraw the article.

C. Karlson said that there have been some questions from residents asking the Board if there is a better way to estimate when an article will come up at Town Meeting. The Board said they will talk about that next week when they order the articles in the Warrant.

A5. Minutes: Review and Vote to Approve Minutes of January 23, 2017 L. Jurist moved, seconded by L. Anderson, to approve the minutes of January 23, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A6. Review and Approve Consent Calendar (See Separate Sheet) N. Balmer responded to G. Harris's public comment regarding the legal invoice on the consent calendar. N. Balmer said she is working with Town Counsel to see if the legal invoices can be released with redactions. N. Balmer said it's up to the Board

if they want to post it online and in the consent calendar. 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.

A7. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board stated that Police Chief R. Irving announced his plan for retirement. The Board announced that the solar panels have been turned on and that the Fire Department received two grants. N. Balmer briefly discussed the process of the site approval of 40B on School Street. She said that they need a lot more detailed information and that this is an example of the need for a housing consultant.

A8. Report of the Town Administrator

N. Balmer asked the Board if they would like her to communication with the Finance Committee about not losing the funding for Snake Brook Dam and the Board agreed. She stated that there is a letter of support from the Board of Health for a temporary Moratorium on Marijuana. She said that the Director of IT, J. Pazos, will apply for another community compact grant to provide technical support for the new business analyst position. She stated that she has submitted comments on the budget to the Finance Committee from the Board and a notice of award was sent to Wood Partners.

A9. Selectmen's Reports and Concerns L. Anderson stated that two residents have expressed concerns to her regarding the minutes from the Listening Sessions. She said that one was concerned that the minutes didn't include the feedback from the residents who attended. L. Anderson and the Board agreed that she would go back to her meeting notes, summarize the feedback grouped into categories and attach the feedback to the minutes. M. Antes announced that she signed up for an upcoming MMA Legislative Breakfast meeting.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A11. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to Litigation if an Open Meeting may have a Detrimental Effect on the Litigating Position of the Public Body and the Chair So Declares and Specifically, to Discuss 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 At 9:20 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 litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares and specifically, to discuss 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. The Chair declared that a public discussion of this matter may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately thirty minutes for the purpose of adjourning.

The Board returned to open session at 9:35 p.m.

A12. Adjourn There being no further business before the Board, L. Anderson moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:36 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 February 6, 2017

1. Article N: Revolving Fund Bylaw

Items Included as Part of Agenda Packet for Discussion During the February 6, 2017 Board of Selectmen's Meeting

1. Memorandum of 2/6/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re:
Preparation for Moody's Rating Call: Proposed Financial Policies
2. List of 2017 Annual Town Meeting Articles
3. Draft Board of Selectmen Meeting Minutes, January 23, 2016
4. Report of the Town Administrator for the Week Ending February 3, 2017



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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

Board of Selectmen

Meeting Minutes

February 8, 2017

Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson

Absent: Louis M. Jurist, Joseph F. Nolan

Also present: Town Administrator Nan Balmer (joined at 7:15 p.m.)

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:02 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM. M. Antes said that due to the impending snowstorm, school had been cancelled for February 9. She said the Selectmen Listening Session and the League of Women Voters presentation had also been cancelled, and will be re-scheduled at a later date.

A2. Public Comment There was no public comment.

A3. Attend Finance Committee Budget Presentation The Board left at 7:12 p.m. to join the Finance Committee budget presentation in the Large Hearing Room. C. Karlson announced that the Board would likely adjourn from the Large Hearing Room at the end of the presentation.

A4. Discussion of Finance Committee Budget Presentation There was no discussion of the Finance Committee budget presentation.

A5. Selectmen's Reports and Concerns There were no Selectmen's reports or concerns.

A6. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A7. Adjourn There being no further business before the Board, L. Anderson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 8:40 p.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 8, 2017

1. Finance Committee Presentation Handout

Items Included as Part of Agenda Packet for Discussion During the February 8, 2017 Board of Selectmen's Meeting

1. None



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BOARD OF SELECTMEN

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Board of Selectmen Meeting Minutes February 13, 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

Absent: Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. 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 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 6:31 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, 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 this matter may have a detrimental effect on the bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 7:03 p.m.

A2. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:03 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 stated that there is a listening session coming up Wednesday the 15th at 7:30 p.m. and on the following Wednesday the 22nd at 1:00 p.m. L. Anderson stated she received a message regarding the passing of former police lieutenant Roy T. Mogan. The Board expressed appreciation for his 27 years of service to the town.

A3. Public Comment Linda Miller, 30 School Street, read aloud a letter signed by her neighbors to the Board. The letter opposes a potential 40B housing development at 24 School Street and states that it would replace a historic home and barn.

N. Balmer explained the process regarding 40B applications. She said the Housing Partnership and Planning Board will start the process with a site visit and a public meeting on the preliminary application. Information on this project is available on the website.

D. Tanimoto, 2 Melville Place, said that the proposal is unacceptable and out of character with the neighborhood.

M. Lowery, Lakeshore Drive, discussed the third legal opinion on the possible reuse of the town library. He said he was surprised and didn't know the Board spent more town money for this purpose. He said it affirms all the of the points made previously.

A4. Meet with Domestic Violence Roundtable Members Ruth Backman, Lynn Trimby, and Allison Cory came before the Board and discussed their organization's background. They invited the Board to take part in upcoming events including White Ribbon Day scheduled for March 1. It is a campaign that invites men and boys to be part of the solution in ending violence against women. They also plan to make a Public Service Announcement and asked for male leaders in the community to participate.

A5. Meet with Parker Elmore of Odyssey Advisors to Discuss OPEB Valuation

P. Elmore discussed the Town's OPEB valuation. He stated that this report will be used to determine the appropriation of money in FY18. P. Elmore reviewed key elements of the report. He said investment returns were not as high as expected. The increase in OPEB liability is due to lower investment returns as well as demographic changes and premium changes. He said people are living longer. The Town will have to decide if it wants to increase the level of funding. He then discussed the forecast documents. He went over selected years of what it will look like in the future. He said Wayland is doing far better than peer groups of comparable size.

L. Anderson asked if there were towns that use pay as you go. P. Elmore said that the majority of communities across the country do. He said that those benefits are not sustainable and towns have to set money aside to cover the promises. L. Jurist noted that the current model benefits future tax payers at the expense of current taxpayers and suggested evening out the responsibility.

B. Keveny stated that it's the community's decision on what it funds. He stated that he's more inclined to follow the former OPEB Advisory Committee's guidelines. He said if the Town wants to revisit the whole funding approach, it can get the committee back together to do that.

A6. 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

B. Keveny stated that the Town is looking at two amounts. One is a snow and ice transfer from free cash. The other one is a transfer out of the septage account to fix a mistake from last year. M. Antes moved, seconded by L. Anderson, to support Article C. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

D. OPEB Funding

L. Anderson moved, seconded by L. Jurist to support Article D, OPEB Funding in the amount of \$293,284. 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

J. Senchyshyn came before the Board to discuss the article. L. Anderson moved, seconded by M. Antes, to support Article E. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

G. FY 2018 Omnibus Budget

The Board decided not to vote on Article G yet.

N. Revolving Fund Bylaw

N. Balmer stated that the Recreation Commission Chair is in favor of it and the Finance Committee voted to support the article. She said the BOPW is looking at it tomorrow. N. Balmer went into the details of the caps. L. Jurist moved, seconded by M. Antes, to support Article N. 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

M. Antes moved, seconded by L. Anderson, to support Article S. YEA: L. Anderson, M. Antes, C. Karlson. NAY: L. Jurist. ABSENT: J. Nolan. ABSTAIN: none. Adopted 3-1.

T. Non-Medical/Recreational Marijuana Moratorium – Zoning Bylaw Amendment

Chair of the Youth Advisory Committee Sarah Greenaway and Wayland Cares Program Director Jason Verhoosky came before the Board and agreed that the moratorium is a reasonable amount of time to allow the Town to research the effects of recreational marijuana. L. Jurist moved, seconded by L. Anderson to approve Article T. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

U. Appropriate Funds for Alternative Use of Town Building Library

C. Karlson stated that the COA Board voted to withdraw the article. M. Antes moved, seconded by L. Jurist, to withdraw Article U. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

X. Transfer Station Access Road Improvements

M. Lowery stated that the BOPW received the specific estimates the Board requested at the last meeting. He discussed the three components: environmental improvements required under the Conservation Commissions Order of Conditions, paving a 600 foot road to the planned new DPW materials storage area, and repaving 2200 feet of the current paved access way to the transfer station. L. Jurist moved, seconded by M. Antes, to approve Article X as presented this evening. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

EE. Plastic Bag Reduction Bylaw

P. Dale stated that the Town Counsel said both of his Articles he submitted are in good form and similar to bylaws that have been adopted by other communities and approved by the Attorney General. He stated that jurisdiction has usually fallen under the Board of Public Works in other communities. The Board told P. Dale that there needs to be a funding source listed in the article. M. Lowery suggested that he go to town meeting with the current article but with no appropriation. Chair C. Karlson agreed with this approach. L. Anderson moved, seconded by M. Antes, to support Article EE. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

FF. Polystyrene Food Container Bylaw

P. Dale stated that he understands the Board of Health has been looking for additional staff and wouldn't want the article to be held up because of that. He stated that the article doesn't need any staff's assistance, monitoring, and/or enforcement, based on the experience in other towns. He stated that the timeline gives

ample time for merchants to adjust. The Board decided to hold off on a position for now until they get some feedback from business owners.

Q. Limited Site Plan Review – Exempt Uses

S. Sarkasian and D. Hill came before the Board and passed out comments from the last public hearing. They said that the article just got a vote of support from the Finance Committee. They cited the recent Carroll School experience as the main reason it was brought forward this year. L. Anderson moved, seconded by M. Antes, to support Article Q. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

R. Street Acceptance

M. Lowery said there is a question about a drainage issue on Spencer Circle. The Board stated that they are not comfortable taking a position right now.

A7. Review FY18 Health Insurance Budget Projection J. Senchyshyn handed out documents and stated that they are based on February 1, 2017 enrollment, which includes 15 new hires. He stated that West Suburban had some funding shortfalls on a couple of its plans. He said there is no cushion factored into the numbers. He said the Finance Committee understood that this number was a tight number. He recommended to the Finance Committee that they have a contingency plan just in case.

A8. Vote to Order Articles

The Board agreed with C. Karlson's proposed order of the articles. There was no vote taken.

A9. Vote to Authorize Town Administrator to Finalize River's Edge Notice of Award

M. Antes moved, seconded by L. Anderson, that the Board authorize the Town Administrator to Finalize and Sign the amended River's Edge Notice of Award. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A10. Minutes: Review and Vote to Approve Minutes of January 30, 2017 L. Anderson moved, seconded by M. Antes, to approve the minutes of January 30, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A11. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A12. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. The Board and N. Balmer discussed the role of the ZBA. L. Anderson asked if there is any way to set expectations for residents about the land use process. N. Balmer brought up the possibility of having a future Community Development position. She said the Town can do better but it is common for residents to not be satisfied with land use departments.

A13. Report of the Town Administrator

C. Karlson suggested that N. Balmer sit with the Board of Library Trustees about the study regarding the use of the Library Building. N. Balmer believes the Library should own the project and that if the Town wants that answer, it should start the process now.

A14. Selectmen's Reports and Concerns

M. Antes stated that the Lunar New Year celebration was Saturday and there was a nice tribute to Superintendent Dr. Paul Stein for his work supporting the language program. M. Antes said she will attend a forum on marijuana tomorrow hosted by MetroWest. C. Karlson mentioned the email from WRAP about capital projects, and followed up with N. Balmer about the housing certifications.

A15. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A16. 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 10:16 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 February 13, 2017

1. Draft Order of Annual Town Meeting Articles for Discussion
2. Odyssey Advisors Presentation of GASB 45 Results, Draft Order of Annual Town Meeting Articles for Discussion on February 13, 2017
3. Email of 2/13/17 from Thomas Holder, DPW Director, to Finance Committee re: Street Acceptance, Spencer Circle
4. Amended Version of Planning Board Article, Limited Site Plan Review, Exempt Uses
5. Amended Version of Personnel Board Article, Personnel Bylaws and Wage and Classification Plan
6. Amended Version of Board of Public Works Article, Transfer Station Access Road Improvements
7. Budget prepared by John Senchyshyn, Assistant Town Administrator/Human Resources Director, FY18 Insurance 32B
8. Meeting Notice from Sudbury-Wayland-Lincoln Domestic Violence Roundtable, "Take the Pledge Be Part of the Solution," March 14, 2017, Wayland Public Safety Building
9. Draft Article, Revolving Funds

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



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BOARD OF SELECTMEN

LEA T. ANDERSON
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**Board of Selectmen
Meeting Minutes
February 24, 2017
Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson

Absent: Louis M. Jurist, Joseph F. Nolan

Also Present: Town Administrator Nan Balmer

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 8:02 a.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. There were no announcements.

A2. Public Comment There was no public comment.

A3. Annual Town Meeting Articles: Vote Approval of Revised Language, Including but not Limited to the Following Article: Article 13. Street Acceptance N. Balmer reviewed the revised language for the Street Acceptance article. L. Anderson asked about the legal process; N. Balmer responded that the Town Planner and the Chair of the Planning Board will provide a document showing compliance with the legal procedure. L. Anderson moved, seconded by M. Antes, to amend the language of Article 13, Street Acceptance, as presented. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0. C. Karlson suggested that the Board postpone taking a position on the article, and the Board agreed.

A4. Review and Approve Consent Calendar (See Separate Sheet) The Board was joined by Ben Keefe, Public Buildings Director, to discuss the Green Communities Grant to be submitted next week. He said the streetlight projects, vehicle purchases, and charging stations will be covered under the grant. M. Antes asked about the use of alternate fuel for school buses; B. Keefe said there are electric school bus trials in other towns. B. Keefe reviewed the Solarize Mass Project. M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

A5. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any N. Balmer said that State Representative Carmine Gentile requested a list of budget priorities for the town. The Board noted the River's Edge water main project and the Route 20 Corridor Study. N. Balmer said the River's Edge Notice of Award was reissued. She said the town's Moody's Rating was set at Aaa with a negative outlook, and the rating agency will return in August. She said the Finance Committee declined to consider a reserve fund transfer for legal costs, but will be asked to do so again at an upcoming meeting.

A6. Adjourn There being no further business before the Board, M. Antes moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 8:28 a.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 24, 2017

1. None

Items Included as Part of Agenda Packet for Discussion During the February 24, 2017 Board of Selectmen's Meeting

1. Revised Language for Article 13: Street Acceptance

TOWN ADMINISTRATOR'S REPORT

WEEK ENDING MARCH 3, 2017

RIVERS EDGE

The Notice of Award (attached) was signed February 16th by Wood Partners. The DPW Director advised that the Sudbury Water District Superintendent is asking its governing body to agree to an interconnection in concept after which plans would proceed. The next step is Special Counsel for Rivers Edge to work with counsel for the developer to draft the Land Development Agreement (LDA). It is expected that the LDA will be adopted by the Board on March 20th.

RESERVE FUND TRANSFER: LEGAL SERVICES

I attended the last meeting of the Finance Committee to request a Reserve Fund Transfer for legal services. The Finance Committee declined to consider the request. Elizabeth Doucette will attend the meeting tonight on my behalf, making a second request. The additional funds are primarily for Rivers Edge. All other funds for the project were expended when the committee recommendation on a developer was referred by the Rivers Edge Advisory Committee to the Board. Additional funds are budgeted in FY 18 for Rivers Edge.

150 MAIN

Please see attached letter from the Building Commissioner stating that the demolition permit was issued March 1st. and that there is now an opportunity for parties with an interest in the project to appeal the site plan to the Zoning Board of Appeals.

SPECIAL COUNSEL

The Board of Assessors requests that the Selectmen appoint Mark Lanza to renew his representation in the matter of the Rod and Gun Club tax status. If agreed, this will appear on your March 13th consent calendar.



TOWN OF WAYLAND

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BOARD OF SELECTMEN

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February 24, 2017

James Lambert
Wood Partners
91 Hartwell Avenue
3rd Floor
Lexington, MA 02421

RE: 484-490 Boston Post Road, Wayland – Request for Proposals #16-28 – REVISED

Dear Mr. Lambert:

The Board of Selectmen of the Town of Wayland (the "Town") has voted to issue this Notice of Award to WP East Acquisitions, LLC ("Wood Partners") for the sale and redevelopment of 484-490 Boston Post Road, Wayland, Massachusetts (the "Premises"), commonly known as River's Edge, in response to Wood Partners' proposal submitted on July 6, 2016 (the "Response") to the captioned Request for Proposals. This Notice of Award is subject to the following conditions:

1. Wood Partners shall execute and deliver this Notice of Award to the Town by March 1, 2017, and if this Notice of Award is not so executed and delivered, the Town may rescind and revoke this Notice of Award in its sole discretion.
2. Each party's execution and delivery to the other of a final Land Disposition Agreement for the Premises (the "LDA") within thirty (30) days from the date this Notice of Award is executed by Wood Partners, in a form mutually agreeable to both parties, including a mutually agreeable environmental indemnity provision, addressing the conditions set forth herein, all of which shall be more fully articulated in the final LDA.
3. Wood Partners' due diligence, as set forth in the LDA, shall end ninety (90) days from the date of execution of the LDA, subject to any extensions as may be provided in the LDA.
4. Local and state permitting by Wood Partners shall be completed within nine (9) months after the expiration of the due diligence period set forth in the LDA, subject to extensions of such permitting obligations as may be provided in the LDA.

5. Wood Partners shall close on the purchase contemplated under the LDA within twelve (12) months of execution of the LDA, subject to extensions of the closing date as may be provided in the LDA.
6. Wood Partners shall cooperate with the Town on site grading to maximize soils appropriately left on the Premises in accordance with the Design Guidelines in the Request for Proposals which encourage the goal of maintaining the existing topography of the Premises.
7. In the event that the actual costs of Wood Partners' site conditions work are less than the estimated costs set forth in the Price Summary Form of the Response, the difference between such estimated costs and actual costs on a per category of work basis (*i.e.*, demolition of seepage facility, design and construction of treatment plant, design and construction of water main extension and soil removal work) shall be paid to the Town within a mutually agreed upon time period following the completion of the specific category of work.
8. Wood Partners, as part of the required site plan approval process, shall fully cooperate with, and incorporate input from, the Planning Board, the Town Planner and other Town officials, in the design of the project.
9. At the option of the Town, Wood Partners shall provide to the Town, upon request, copies of all due diligence reports obtained by Wood Partners, including environmental reports.
10. Wood Partners agrees that the Town may continue to use the Premises for the parking of school buses until the Closing.
11. At the Town's election, Wood Partners shall be responsible, at its sole cost and expense, to extend and connect the Water Main Extension (as defined in the above-referenced Request for Proposals) to the Town of Sudbury's water system, which currently terminates in Sudbury near the Wayland/Sudbury Town Line near the Premises. This connection will allow for necessary redundant water service to the Premises. Upon acceptance of the Water Main Extension (as extended) by the Town of Wayland, and the acceptance by the Town of Sudbury of the portion of the Water Main Extension to be located in Sudbury, each Town will own and operate the portion of the Water Main Extension in its respective jurisdiction. The water service to and within the Premises shall be connected to the Water Main Extension and shall be owned and operated by the owner of the Premises, as more particularly described in the Request for Proposals. The Town of Wayland intends to negotiate with the Town of Sudbury to enter into a Water Interconnection Agreement for the management of this interconnection arrangement. If, however, the Town of Wayland does not enter into such Water Interconnection Agreement, for any reason, the Town of Wayland shall not be liable to Wood Partners. During the Due Diligence Period (as defined in the LDA), Wood Partners shall provide to the Town a third party estimate of the cost to design and construct the extension of the Water Main Extension to the Town of Sudbury and connect the Water Main Extension to the Town of Sudbury's water system (the "Sudbury Water Main Extension Work"). The Town and Wood Partners shall use good faith efforts to agree on such estimate and such agreed-upon estimate shall be deducted from the Gross Purchase Price and shall be separately accounted for consistent with the requirements of the LDA for Site Conditions Work (as that term is defined in the LDA). If the parties cannot agree on the estimated cost of the Sudbury Water Main Extension Work, then either party may terminate the LDA prior to the expiration of the Due Diligence Period. If the actual cost of the Sudbury Water Main Extension Work is less than such agreed-upon estimate, then such difference shall be paid to the Town within a mutually agreed upon time period following completion of the Sudbury Water Main Extension Work. The LDA shall provide that Wood Partners may raise the Sudbury Water Main Extension Work as a Buyer Objection (as defined in the LDA), in which case, Seller and Buyer shall have their respective rights and obligations thereunder.

12. Wood Partners' project on the Property shall provide a development of mixed units consistent with the River's Edge Design Guidelines and applicable zoning requirements.

The Notice of Award dated February 1, 2017 with respect to the above-referenced Request for Proposals is hereby deemed null and void and no longer of any force and effect.

[Remainder of page intentionally left blank]

The Town acting by the Board of Selectmen may extend any of the periods set forth in this Notice of Award in its discretion. If the conditions that are set forth herein are acceptable to you, please sign below to evidence your acknowledgement and acceptance thereof.

Sincerely,

TOWN OF WAYLAND
On behalf of its Board of Selectmen



Nan Balmer
Town Administrator

Acknowledged and Agreed
WP East Acquisitions, LLC

By: _____

Its:
Hereunto duly authorized

Date: _____, 2017

Acknowledged and Agreed

WP East Acquisitions, LLC



By: James Lambert

Its: Vice President

Hereunto duly authorized

Date: Feb. 16, 2017



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

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

March 1, 2017

Re: 150 Main Street; Current status of CVS project as it relates to the Building Code and Town Zoning.

Dear Ms. Balmer,

On February 8, 2017 the owners of 150 Main Street submitted an application for a building permit to demolish the existing structure known as Finnerty's Restaurant. This structure was posted earlier by the Town for safety reasons and has not been in use for several years. The issuance of this required building permit today is a positive development as it relates to public safety.

The site's current zoning status is that the issuance of this building permit also provides "parties in interest" an opportunity to file an appeal with the Zoning Board of Appeals to possibly have an appeal heard related to the approved site plan (see §198-604.9.1). In an effort to facilitate an appeals process anticipated by MGL 40 A and Town zoning I verify the following determination.

1. The currently approved design of the onsite parking for this redevelopment is the Planning Board's approved "permitted by right" parking plan as shown on sheet 1.2 which is dated 6.6.2013.

Also at this time I offer the following:

2. In order to satisfy condition 31 of the Site Plan Approval decision, the Planning Board's written determination that directs the owners of 150 Main Street to construct the approved "permitted by right" onsite parking (as shown on the referenced sheet 1.2) shall be submitted to the Building Department during the "...initial construction of the improvements on the site,..." and is a required document in order to close the building permit to demolish the existing Finnerty's structure.
3. The placement of the 8' stockade fence as shown on sheet 1.2 is currently determined to be permitted by right only in locations shown outside required yard setbacks (see §198-702.). While addressing item 2 above the Planning Board may determine to require the placement of an 8' stockade fence in required yard setbacks which typically requires zoning relief.

This appeals process is controlled by MGL 40 A; including but not limited to §§7, 8 and 15, and Article 2 of Town zoning. I note that it is current Department policy to recommend to any party contemplating such an appeal to the ZBA to first seek professional legal advice prior to actually filing a notice of appeal, application or petition with the Zoning Board of Appeals.

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner

Cc: Town Counsel/Planning Board/Town Planner/ZBA/Washington Street Business Center LLC/150 Main Street LLC/Owner 155 Main Street/Owner 39 West Plain Street



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, March 6, 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 Invoice for River's Edge Special Counsel Anderson & Krieger LLP, dated February 22, 2017, for Legal Services Rendered through January 31, 2017, Reference # 120233/5415-001: \$6,722.50
3. Vote the Question of Approving the Designation of Elizabeth Doucette, MCPPO, to Conduct the Designer Selection Process for the Town-wide Recreation Facilities Strategic Plan

ANDERSON

KREIGER

Anderson & Kreiger LLP
50 Milk Street, 21st Floor

Boston, MA 02109

(617)621-6500

EIN: 04-2988950

February 22, 2017

Town of Wayland
Attn: Nan Balmer
Town Administrator
1st Floor, Selectmen's Office
41 Cochituate Road, Wayland, MA 01778

Reference # 120233 / 5415-001

In Reference To: River's Edge Special Counsel

Anderson & Kreiger LLP

Page: 3

Total Current Billing:	<u>6,625.00</u>
Previous Balance Due:	97.50
Total Now Due:	<u>6,722.50</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

DATE: MARCH 2, 2017
TO: NAN BALMER
FROM: ELIZABETH DOUCETTE, FINANCIAL RESEARCH / ANALYST ^{CRB}
RE: REQUEST DESIGNATION OF ELIZABETH DOUCETTE TO CONDUCT DESIGNER SELECTION
PROCESS

ACTION REQUESTED:

Vote to designate Elizabeth Doucette, MCPPO, to conduct designer selection process for town-wide recreation facilities strategic plan.

BACKGROUND:

The Town of Wayland Designer Selection Procedure (copy attached), adopted December 3, 2007, specifies that the Board of Selectmen, as the Approving Body, can designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.

Funding for a town-wide recreation facilities strategic plan was approved at Special Town Meeting November 2016. The selection of a vendor for the provision of this plan must comply with state procurement laws for Designer Selection, including the issuance of a Request for Qualifications process and selection of a vendor by a committee.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TOWN BUILDING
41 COCHITUATE ROAD
TEL (508) 358-7701
www.wayland.ma.us

Town of Wayland Designer Selection Procedures Adopted December 3, 2007

1. These procedures govern the selection of designers for any municipality or local public agency building project subject to the state designer selection law, M.G.L. c. 7, §§38A½-O. Any other local law governing the procurement of services will be inapplicable to these procurements.
2. The Board of Selectmen ("Approving Body") has the authority to conduct the designer selection process for the Awarding Authority. The Approving Body may delegate any duties described herein to the extent such delegation is permissible by law.
3. If the Approving Body designates the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
 - b. is currently employed by, or is a consultant to or under contract to, any applicant;
 - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
 - d. has an ownership interest in, or is an officer or director of, any applicant.
4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the *Central Register* published by the Secretary of the Commonwealth, and in any other place required by the Approving Body, at least two weeks before the deadline for filing applications.

5. The advertisement shall contain the following information:
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
 - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
 - c. when and where a briefing session (if any) will be held;
 - d. the qualifications required of applicants;
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - g. when and where the RFQ can be obtained and the applications must be delivered.
6. The RFQ shall include the current Massachusetts Designer Selection Board "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction." The Application Form may be amended to include additional information on a project-specific basis.
7. The Committee shall evaluate applicants based on the following criteria:
 - a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the project; and
 - e. any other criteria that the Committee considers relevant to the project.

8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Approving Body.³ No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list.

The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

10. If the fee was set prior to the selection process, the Approving Body shall select a designer from the list of finalists. If the Approving Body selects a designer other than the one ranked first by the Committee, the Approving Body shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Approving Body shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Approving Body shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Approving Body is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Approving Body prior to selection of finalists.
12. If the Approving Body is unable to negotiate a satisfactory fee with any of the finalists, the Approving Body shall recommend that the Committee select additional finalists.
13. The Approving Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Approving Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, *provided* the Approving Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. c. 7, §38K(a)(1).

14. Every contract for design services shall include the following:

- a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
- b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
- c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d. certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R(d).

All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

15. The Awarding Authority shall not enter into a contract for design services unless the Awarding Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Awarding Authority may require, for the applicable period of limitations. A designer required by the Awarding Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Awarding Authority prior to the award of the contract.

16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Approving Body may elect to authorize expedited procedures to address the emergency. The Approving Body shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.
The Approving Body may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Body shall rank the finalists in order of qualification and select the designer for the emergency work.
18. The Awarding Authority shall publish the name of any designer awarded a contract in the *Central Register*.
19. The following records shall be kept by the Awarding Authority:
 - a. all information supplied by or obtained about each applicant;
 - b. all actions taken relating to the project; and
 - c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.
20. The Awarding Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c. 7, Section 38E(g).
21. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.

22. For any municipal design or construction project *that includes funding provided by the Commonwealth, in whole or in part* (such as reimbursements, grants and the like), cities and towns must incorporate minority-owned business enterprise and women-owned business enterprise participation goals. If applicable, the Awarding Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

ENDNOTES

1. Design services include the preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates and programs; preparation of drawings, plans, and specifications, including schematic drawings and preliminary plans and specifications; supervision or administration of a construction contract; and construction management and scheduling. M.G.L. c. 7, §38A½.
2. *LeClair v. Norwell*, 430 Mass. 328 (1999); *Cape Ann Citizens Assn. v. Gloucester*, 47 Mass. App. Ct. 17 (1999).
3. Alternatively, local procedures could require that the Committee select the designer and negotiate the fee, if necessary, and transmit its recommendation to the Approving Body.



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 PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM FEBRUARY 10, 2017,
THROUGH AND INCLUDING MARCH 2, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR MARCH 6, 2017**

Items Distributed To the Board of Selectmen – February 10-March 2, 2017

1. Email of 2/13/17 from Klaus Shigley, Finance Committee, to Board of Selectmen, re: Most Recent Version of Finance Committee Comments on OPEB Article for Annual Town Meeting
2. Email of 2/21/17 from Office of the Board of Selectmen to Board of Selectmen re: Need to Schedule a Short Meeting on February 23 or February 24

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of February 13, 2017

1. Draft Order of Annual Town Meeting Articles for Discussion
2. Odyssey Advisors Presentation of GASB 45 Results, Draft Order of Annual Town Meeting Articles for Discussion on February 13, 2017
3. Email of 2/13/17 from Thomas Holder, DPW Director, to Finance Committee re: Street Acceptance, Spencer Circle
4. Amended Version of Planning Board Article, Limited Site Plan Review, Exempt Uses
5. Amended Version of Personnel Board Article, Personnel Bylaws and Wage and Classification Plan
6. Amended Version of Board of Public Works Article, Transfer Station Access Road Improvements
7. Budget prepared by John Senchyshyn, Assistant Town Administrator/Human Resources Director, FY18 Insurance 32B
8. Meeting Notice from Sudbury-Wayland-Lincoln Domestic Violence Roundtable, "Take the Pledge Be Part of the Solution," March 14, 2017, Wayland Public Safety Building
9. Draft Article, Revolving Funds

Items Included as Part of Agenda Packet for Discussion During the March 6, 2017 Board of Selectmen's Meeting

1. Memorandum of 3/6/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Borrowing – 2017
2. List of Annual Town Meeting Articles and Memorandum of 3/6/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Revolving Fund Article
3. Memorandum of 3/6/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Wastewater – Wayland Meadows Agreement/PILOB
4. Draft Board of Selectmen Meeting Minutes, February 6, 2017, February 8, 2017, February 13, 2017, and February 24, 2017
5. Report of the Town Administrator for the Week Ending March 3, 2017



NAN BALMER
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TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN
LEA T. ANDERSON
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BOARD OF SELECTMEN
Monday, March 6, 2017
Selectmen's Meeting Room
Wayland Town Building
41 Cochituate Road Wayland

Selectmen

1. Public Comment, Development at 115 Boston Post Road
2. Email of 2/15/17 from Mike Lowery, Board of Public Works, to Finance Committee Liaison re: Board of Public Works Votes of 2/14/17 to Layout Streets
3. Memorandum of 2/16/17 from Kevin Dandrade, TEC, to Wayland School Department re: School Bus Parking Site Evaluation Recommendations
4. Press Release, 2/21/17, from Police Department, re: "Wayland Silver Alert Program"
5. Letter of 2/24/17 from Nan Balmer, Town Administrator, to Woods Partners, re: 484-490 Boston Post Road, Request for Proposals Revised
6. Memorandum of 2/28/17 from Board of Assessors to Board of Selectmen re: Legal Counsel, ATB Case, 4 Meadow View Road
7. Memorandum of 2/28/17 from Board of Assessors to Nan Balmer, Town Administrator and Brian Keveny, Finance Director, re: Release of Excess Overlay
8. Letter of 2/28/17 from Nan Balmer, Town Administrator, to State Representative Carmine Gentile, re: Budget Requests
9. Monthly Report, Animal Control, February 2017

Minutes

10. Finance Committee, January 30, 2017
11. Housing Partnership, January 10, 2017
12. Personnel Board, January 23, 2017
13. Board of Selectmen Listening Session Subcommittee, February 15, 2017
14. Wayland Real Asset Planning (WRAP) Committee, January 24, 2017, February 16, 2017
15. Zoning Board of Appeals, December 8, 2015, August 23, 2016, September 13, 2016, January 24, 2017

Region

16. Invitation from League of Women Voters, Ninth Annual Voters Civics Bee, April 2, 2017

State

17. Letter of 2/6/17 from Massachusetts Historical Commission to Board of Selectmen re: Acceptance of Stone's Bridge for Listing in the National Register of Historic Places
18. Letter of 2/15/17 from Massachusetts Fiscal Alliance re: Carbon Tax Legislation under Consideration in the State Legislature
19. Letter of 2/21/17 from Public Records Division to Dr. Paul Stein, Superintendent of Schools, re: Public Records Request of Linda Segal dated January 23, 2017
20. Letter of 2/24/17 from George H. Harris to Office of the Attorney General re: Open Meeting Law Complaint Dated December 19, 2016

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, February 13, 2017 11:42 AM
To: DiNapoli, MaryAnn
Subject: FW: The Mahoney Monster: A major problem for Wayland neighborhoods
Attachments: SWW - letter to the Wayland Conservation Commission - FINAL - 2.7.2017.pdf

From: Our Members [<mailto:stopwreckingwayland@gmail.com>]
Sent: Monday, February 13, 2017 11:41 AM
To: Karlson, Cherry; Anderson, Lea; Antes, Mary; Jurist, Louis; Nolan, Joseph F.
Cc: Balmer, Nan; DiNapoli, MaryAnn
Subject: The Mahoney Monster: A major problem for Wayland neighborhoods

Dear members of the Wayland Board of Selectmen:

We are very concerned about the massive development proposed at 115 Boston Post Road, site of Mahoney's Garden Center. Steven Zeiff, owner of Eden Management and the big developer behind this project, told us that they are planning for up to 89 bedrooms in a building that would be four stories tall. Attached is a letter from our group that highlights the key problems.

Whether this apartment / condo development is 89, 79, 69, 59, 49, 39, 29 or 19 bedrooms, it would be far too large for this location -- next to declared wetlands and Pine Brook, which connects directly to the Sudbury River and the Great Meadows National Wildlife Refuge.

This large development is not consistent with Wayland neighborhoods in the area, will add to traffic jams we already suffer from and harm home values.

In the MassDEP map shown below, Pine Brook is highlighted in blue and declared wetlands are bounded in green. Mahoney's Garden Center is in the middle:



To: The Wayland Conservation Commission

From: Stop Wrecking Wayland

RE: The Mahoney Monster: 115 Boston Post Road

Date: 7 February, 2017

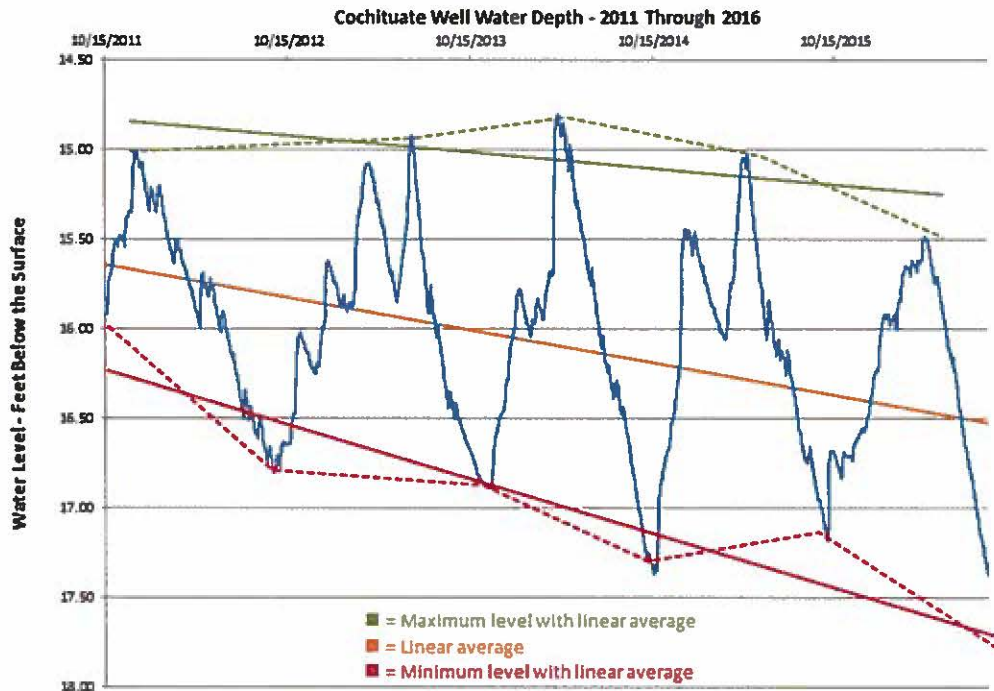
Dear members of the Wayland Conservation Commission:

The large development at 115 Boston Post Road is on your calendar for the meeting on Thursday, 9 February. Wayland home owners in the area are very concerned about this project:

- **No clear plan:** Steven Zieff, owner of Eden Management, called us on Sunday evening and told us that the Eden plan submitted in June is “just a placeholder” which will “change significantly”. Wayland needs a real plan to evaluate, not ‘maybe’ concepts.
- **Too big:** 89, 79, 69, 59, 49, 39 or 29 bedrooms and 3 or 4 stories are too large for our neighborhood. More units = more profits in Eden’s pocket, pure and simple.
- **Traffic, traffic, traffic:** With the PrimeBar Grill, Temple Shir Tikva, Carriage House, Camp Chickami and the Islamic Center all within three blocks, we have concentrated traffic jams on weekends, holidays and event days. Plus stop-n-go every morning and evening. This is clearly not the place to add more traffic! Every Wayland resident who drives Route 20 will be affected.
- **Pine Brook and the Great Meadows National Wildlife Refuge:** This large development would be *very* close to Pine Brook, which connects to the Sudbury River and the Great Meadows National Wildlife Refuge. The Eden plan includes extensive construction within 100 feet of Pine Brook and defined wetlands – which contravenes MassDEP and Wayland regulations. Plus, 70+ toilets, sewage and septic contamination, upstream of the NWR.

- **Too much water:** Wayland’s water supply has been the job of the Board of Public Works for years. After five years of steady decline in our aquifer, this is now a key issue for Wayland’s Fire Department, Planning Department and Conservation Commission.

Here is a graph of high, low and average water levels in Wayland’s aquifer over the past five years, from the USGS monitoring well near Lake Cochituate. The high, low and average levels are all declining:



Two of Wayland’s wells ran dry in the summer of 2015 and the pumps automatically shut off. You have seen “Mandatory Water Ban” signs every summer. So how can the Wayland environment support *more* big developments and *more* water demand?

We look forward to your hearing on Thursday and your response. Please let us know if you have any questions.

CC: Wayland Planning Board, Fire Department, Board of Selectmen

2

From: Mike Lowery [mailto:lowery.mike@gmail.com]
Sent: Wednesday, February 15, 2017 10:17 AM
To: Klaus; Karlson, Cherry; Dave Watkins; Balmer, Nan
Cc: Sarkisian, Sarkis; Brown, Chris; Holder, Thomas; Dan Hill
Subject: BoPW votes 2/14/17 to layout streets

Klaus,

The 2/14/17 votes to layout the three streets were:

(yes-no-abstain)

Summer Lane	5-0-0
Dylan Circle	5-0-0
Spencer Circle	0-5-0

The Spencer Circle decision was based on our inability to ascertain the condition of the drainage gallery structure due to paving and other impediments, and consequently our being unable to determine the cost to the town to bring it into good working order. Over the next year, the BoPW/DPW hopes to work with the Planning board and the residents of Spencer Circle to establish the condition and costs for the drainage system leading to another vote to lay out in the coming year.

There are two procedural questions concerning whether or not a motion including all three roads would be in order at town meeting:

1. If the BoPW has not voted to lay out a road, then it may not be possible to consider that road at town meeting.
2. Since the town would not know the whole cost of accepting Spencer Circle, it may not be possible to consider it at town meeting.

These two questions should be checked prior to Town Meeting to avoid wasting the towns time during the meeting. An alternate motion to accept Summer Land and Dylan Circle would likely be in order - but again, best to get that sorted out before the meeting.

Regards,
Mike Lowery/BoPW

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



65 Glenn Street | 169 Ocean Blvd.
Lawrence, MA 01843 | Unit 101, PO Box 249
Hampton, NH 03842
T:978.794.1792 T:603.601.8154
TheEngineeringCorp.com

MEMORANDUM

TO: Susan Bottan, SFO
Town of Wayland School Department
41 Cochituate Road
Wayland, MA 01778

DATE: February 16, 2017

FROM: Kevin R. Dandrade, PE, PTOE
Eric K. Gerade, PE, LEED AP

PROJECT NO.: T0558.17

RE: School Bus Parking Site Evaluation Recommendations

TEC, Inc. (TEC) was retained by the Town of Wayland School Department to review and evaluate Town owned properties where approximately twenty one (21) school buses, twenty-three (23) automobiles and one work trailer can be sited for the relocation of the existing bus park facility, currently located at 480 Boston Post Road (Route 20).

SITE EVALUATION SUMMARY

In previous memoranda to the Town, dated December 19, 2016 and January 6, 2017, TEC identified the initial site due diligence that was performed, provided preliminary site assessments of four potentially advantageous parcels, and provided conceptual layout plans and preliminary construction cost estimates each property. Following the preliminary package, TEC was tasked with evaluating two additional sites, including the Loker Conservation Area and the Wayland Middle School property. Most recently, a portion of the Old Town Landfill was identified as potential site, which was further evaluated by TEC and the Town of Wayland.

The Town of Wayland School Department requested a recommendation from TEC for the top two advantageous properties based on the feedback and comments received during this site evaluation process.

Throughout the preliminary screening process, similar concerns have been raised for each property, including property ownership (i.e., which department(s) should be involved, or Town entity actually owns the parcel), existing encumbrances on the property (i.e., recreation and/or State-designated park land), location (i.e., primarily within a residential area), archaeological concerns, and environmental/hazardous waste contamination concerns. Although some of these items were peripherally reviewed by TEC as part of this assignment, many of these questions need additional research and/or survey to confirm as part of the pending design and permitting processes.

TEC reviewed the characteristics of the Old Town Landfill site with Town staff subsequent to the issuance of the prior memoranda. Though the property is in a desirable location because there are no adjacent residential properties and provides a similar proximity to the current bus

Plan | Permit | Design | Construct

parking area, we have significant concerns that do not make this property as advantageous as others identified to date. The following are the key attributes that contribute to this finding:

- The geometry of the land area outside the documented limits of the closed landfill (circa 1978 plan) leaves approximately 0.6 acres;
- There is potential for safety and capacity issues with the access and egress at Route 20 (MassDOT jurisdiction) due to the limited room to stage vehicles for tandem parking;
- The reuse of the property will require extensive floodplain, endangered species, and conservation permitting given its proximity to the Sudbury River and the Great Meadows National Wildlife Refuge;
- There are likely significant and costly permitting requirements with the Massachusetts Department of Environmental Protection (MassDEP), requiring a landfill permitting specialist;
- The Town may potentially incur additional monitoring and testing requirements prior to, during and post construction that are not currently required based on the prior closure of this landfill site.

TEC does not recommend pursuing this site. Any other evaluation of this site should involve concurrent efforts by a consulting firm that has expertise in landfill permitting and the sampling and handling of potentially hazardous materials.

SITE SELECTION RECOMMENDATIONS

Based on direction from the School Department, TEC was advised to consider a parcel of land that is currently under the control of the Town of Wayland Public Schools to potentially reduce legal and permitting efforts, and allow for a consistent land use for these Town owned parcels. Therefore, TEC recommends that the Town of Wayland School Department select the **Claypit Hill Elementary School** or the **Wayland Middle School** properties for the proposed bus parking facility.

1. 86 Claypit Hill Road (Parcel ID: 19-072A) – Claypit Hill Elementary School

The Claypit Hill Elementary School has additional land area available to construct a bus parking facility. As previously identified in the December 19, 2016 memorandum prepared by TEC:

This 1.25-acre bus parking site is part of the Claypit Hill Elementary School complex, directly south of the existing parking lot for the school and playing fields. The existing parking field can be extended in a southerly direction to be utilized for the bus parking facility. Due to the configuration of the existing parking field, a total of sixteen new parking spaces are provided. The existing parking field appears to have excess capacity and could provide the additional employee parking requested. The area available is generally square in shape and currently wooded with relatively flat topography. Electricity can be provided by the existing electrical utility currently servicing the school. The Claypit Hill Elementary School complex is located within a residential area. The parking lot expansion will reduce the natural buffer to an existing residence.

Based on recent discussions with Town of Wayland School Department and DPW staff, other sub-alternatives for this location may include modifications to the existing playing fields and school driveways to better accommodate the current bus parking needs to keep the area separated from the existing parking field and reducing on-site vehicle and pedestrian conflicts. The primary concern expressed for this location is the residential neighborhood surroundings. However, it should be noted that buses currently transport students to this location and there is only one residential structure within 300 feet of the proposed parking site. Any design for this location should contemplate visual screening along the periphery of the parking lot.

The estimated construction cost for this parcel ranges from \$140,000 to \$230,000, but does not contemplate any contingency for alternative designs. Therefore, we recommend allocating an additional \$150,000 to \$200,000 of funding for potential field relocation or driveway reconfiguration.

2. 201 Main Street (Parcel ID: 47D-058B) – Wayland Middle School

The Middle School Property was identified in the January 6, 2017 memorandum:

This 2.0-acre bus parking site is part of the Wayland Middle School complex. The westerly half of this property is located within the Aquifer Protection District, with an area to the northeast of the existing Middle School building that is outside of the Aquifer Protection District, which was identified for the proposed parking facility. Moderate land/tree clearing will be required for construction of the parking facility which also requires a longer access driveway to access the area for development. It appears that the project limits will be outside of Conservation Commission jurisdictional areas. There are utility poles and overhead wires along Joyce Road and electric infrastructure within the Wayland Middle School complex for access to electrical service. A gated connection to Joyce Road could also be provided, however, would require an access driveway through a residential area. Refer to Figure 5 for the proposed Conceptual Plan for this property.

Additional alternatives were analyzed at the Middle School parcel including, utilizing the existing parking area for the bus site evaluation and the cleared area to the north of the driveway entrance, across from the former Department of Public Works (DPW) facility. TEC recommends exploring the "Alternative Compact Layout" as shown in Figure 5 (Concept 5) from the January 6, 2017 memorandum because it is significantly less impactful than the concept that would be constructed entirely within the wooded area to the northeast. Concept 5A, issued by TEC on January 17, 2017, provides a potential alternative for parking on this parcel closer to Main Street. However, this lies within an area identified as a former uncapped landfill and lies wholly within the Aquifer Protection District. One benefit of these sites is a potential for shared parking between the Middle School and the proposed library given the proximity of the two uses.

This location currently has bus traffic for students and heavy construction equipment accessing the former DPW yard. Public Safety officials expressed the need for a traffic signal at the

driveway entrance, which could be a related need for the parking facility construction and/or the future library that is programmed at the former DPW facility; this was assumed to be a separate infrastructure project. Concerns relating to the constructing the bus parking facility include the close proximity to an abutter, modification to existing stormwater management system, and potential environmental concerns as this area was identified as an uncapped landfill by the MassDEP.

The estimated construction cost for this parcel ranges from \$230,000 to \$410,000, but does not contemplate a cost contingency for environmental testing, abatement, or monitoring.

ANTICIPATED NEXT STEPS

TEC recommends that the School Department select one or both sites to further explore with the various Town Departments, Boards and Commissions. Additionally, it would be beneficial to conduct neighborhood meetings to discuss potential plans with residents that live in close proximity to the project sites, to gather important comments from stakeholders that may be directly impacted by the facility for incorporation into a detailed design package. The School Department should further evaluate and discuss the results of these more detailed discussions to determine the proposed location to construct the bus parking facility.

Once the School Department selects a preferred location, an existing conditions and property line survey should be performed to support the design, permitting, and construction efforts. A Wetlands Scientist should be consulted to determine any areas that may be protected under the Wetlands Protection Act and Town of Wayland Conservation Commission Bylaws. Following the existing conditions survey, the design and permitting process can commence. TEC anticipates local approval from the Town of Wayland Planning Board and Conservation Commission due to Site Plan Approval and the need for stormwater management.

OTHER CONSIDERATIONS

Design, permitting and construction documents are anticipated to be similar with each alternative. It is anticipated that the following items will be required to support the design, permitting and construction documents:

- Existing Conditions Survey
- Wetlands Consultant
- Environmental / Hazardous Materials Consultant (Potential)
- Site Plan Package
- Stormwater Management Report
- Test pits for Stormwater Management design
- Traffic Memorandum
- Meetings & Public Hearings
- Construction Plans
- Construction Specifications
- Bid Document Support

Ms. Susan Bottan, SFO
Wayland Bus Parking Site Evaluation Recommendations
February 16, 2017
Page 5 of 5

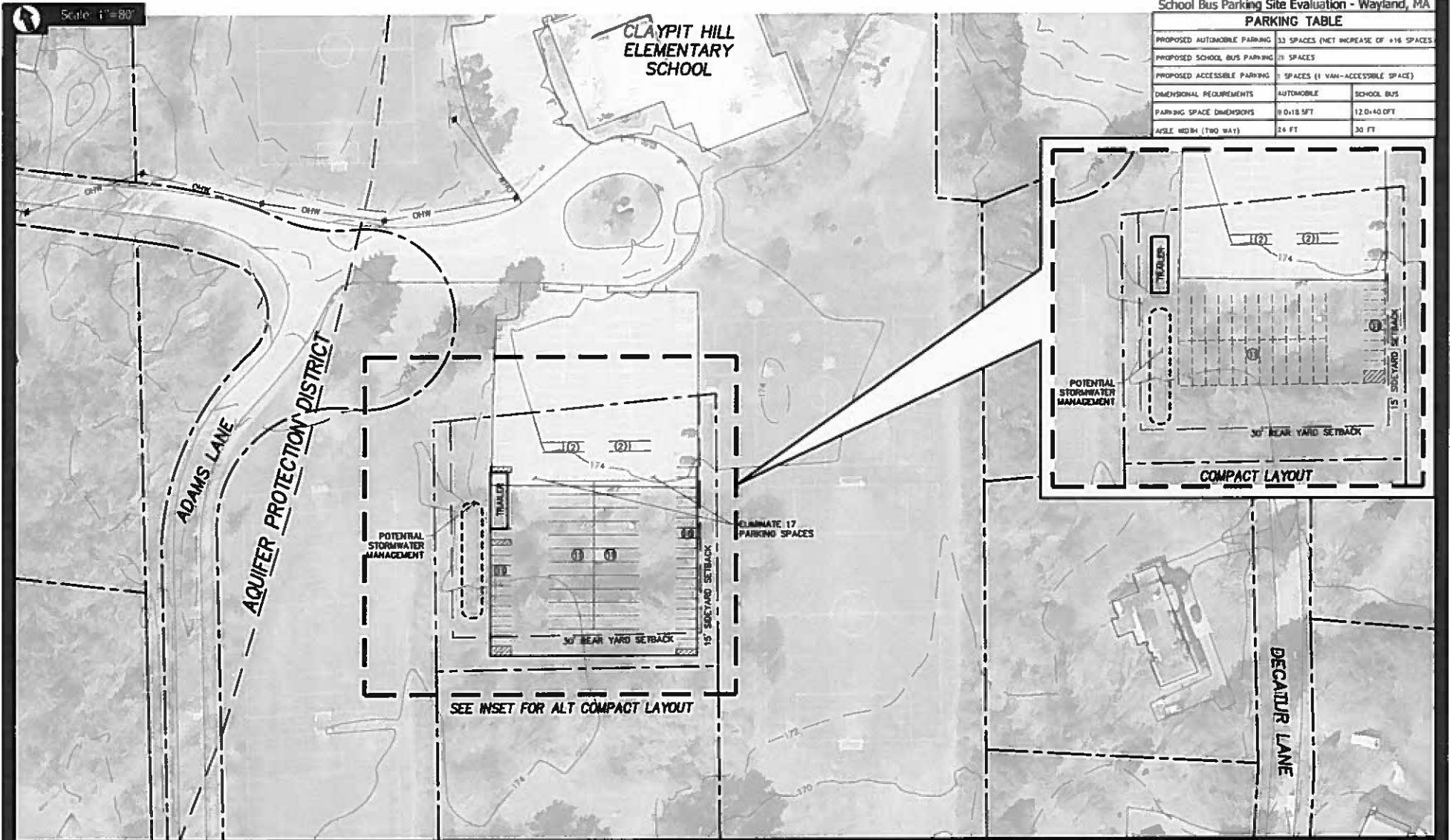
Fees associated with the design, permitting and construction document preparation are anticipated to range from approximately \$60,000 to \$80,000, excluding environmental services. The design development process will require approximately four to six months following authorization.

Further review and permitting may be required depending on other parameters identified during the design and permitting process, including, a Notice of Intent, Historic and Archaeological reviews. Additionally, coordination will be required with the MassDEP and the Town of Wayland Board of Health for the Middle School property due to the previous landfilling activities. If this site is selected, TEC or the Town will need to retain a consultant with expertise in landfill permitting and the sampling and handling of potentially hazardous materials. Costs and scheduling implications associated with these services have not been included as they can vary substantially.

TEC recommends that the School Committee request \$600,000 to implement a relocated bus parking facility at either location. This allows for potential alternatives to be considered at each facility and allow for increased construction costs related to potential changes in the scope of the project.

Please do not hesitate to contact us at (978) 794-1792 with any questions regarding our assessment and recommendations. Thank you for your consideration.

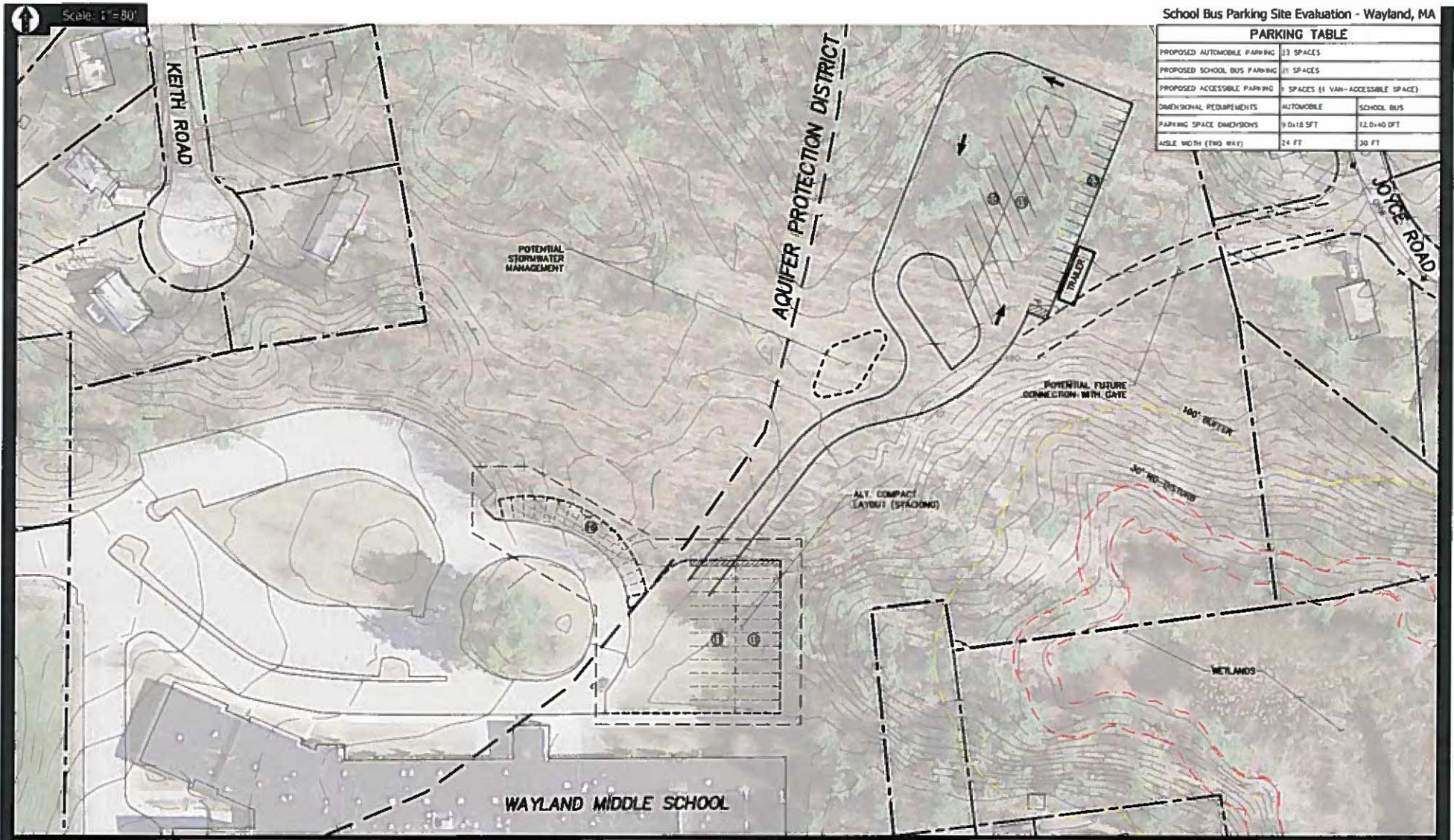
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NOTE:
 THIS CONCEPTUAL LAYOUT PROVIDES A GENERAL CONCEPT INCORPORATING THE REQUESTED PARAMETERS FOR THE BUS PARKING FACILITY. VARIOUS CONFIGURATIONS OF BUS ROUTING AND PARKING CAN BE INCORPORATED. FINAL CONFIGURATIONS CAN BE COORDINATED WITH THE TOWN AND FACILITIES MANAGER DURING FINAL DESIGN.

Figure 2
 Concept 2 - Parcel ID: 19-072A
 86 Claypit Hill Road, Wayland, MA
 January 6, 2017

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School Bus Parking Site Evaluation - Wayland, MA

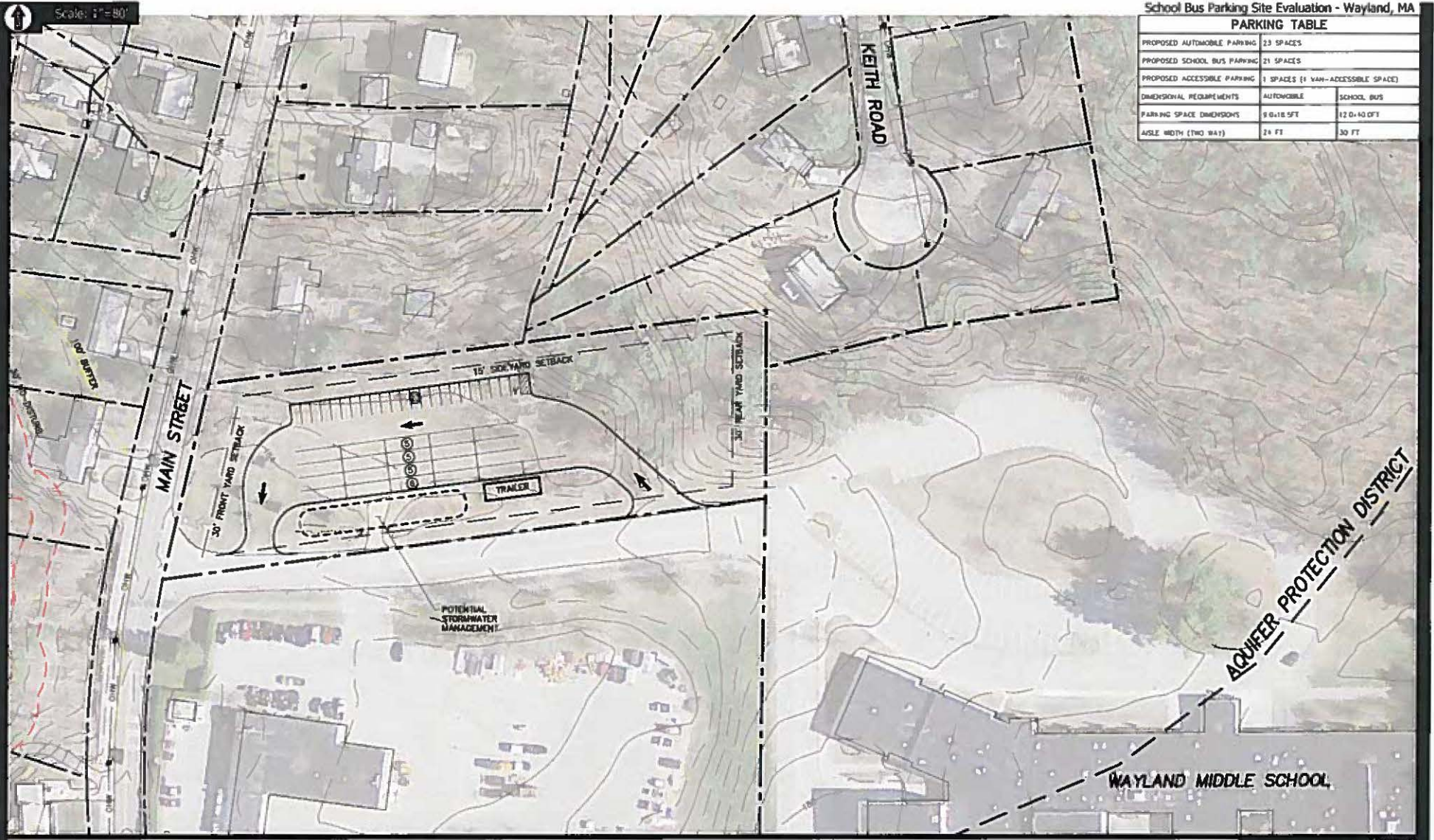
PARKING TABLE		
PROPOSED AUTOMOBILE PARKING	13 SPACES	
PROPOSED SCHOOL BUS PARKING	11 SPACES	
PROPOSED ACCESSIBLE PARKING	SPACES (1 VAN-ACCESSIBLE SPACE)	
DIMENSIONAL REQUIREMENTS	AUTOMOBILE	SCHOOL BUS
PARKING SPACE DIMENSIONS	9.0x18.5 FT	12.0x40.0 FT
aisle width (two way)	24 FT	30 FT



NOTE:
 THIS CONCEPTUAL LAYOUT PROVIDES A GENERAL CONCEPT INCORPORATING THE REQUESTED PARAMETERS FOR THE BUS PARKING FACILITY. VARIOUS CONFIGURATIONS OF BUS ROUTING AND PARKING CAN BE INCORPORATED. FINAL CONFIGURATIONS CAN BE COORDINATED WITH THE TOWN AND FACILITIES MANAGER DURING FINAL DESIGN.

Figure 5
 Concept 5 - Parcel ID: 47D-0588
 Wayland Middle School
 201 Main Street, Wayland, MA
 January 6, 2017

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School Bus Parking Site Evaluation - Wayland, MA

PARKING TABLE		
PROPOSED AUTOMOBILE PARKING	23 SPACES	
PROPOSED SCHOOL BUS PARKING	21 SPACES	
PROPOSED ACCESSIBLE PARKING	1 SPACES (1 VAN-ACCESSIBLE SPACE)	
DIMENSIONAL REQUIREMENTS	AUTOMOBILE	SCHOOL BUS
PARKING SPACE DIMENSIONS	9.0x18.5 FT	12.0x40.0 FT
AISE WIDTH (TWO WAY)	24 FT	30 FT



NOTE:
 THIS CONCEPTUAL LAYOUT PROVIDES A GENERAL CONCEPT INCORPORATING THE REQUESTED PARAMETERS FOR THE BUS PARKING FACILITY. VARIOUS CONFIGURATIONS OF BUS ROUTING AND PARKING CAN BE INCORPORATED. FINAL CONFIGURATIONS CAN BE COORDINATED WITH THE TOWN AND FACILITIES MANAGER DURING FINAL DESIGN.

Figure 1
 Concept SA - Parcel ID: 47D-058C
 201 Main Street, Wayland, MA
 January 17, 2017



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Wayland Police Department

Press Release

February 21, 2017

WAYLAND SILVER ALERT PROGRAM

The Wayland Police Department in conjunction with the Wayland Council on Aging and various assisted living facilities in Wayland, has developed the Wayland Silver Alert Program in order to help improve the response time when a person with Alzheimer’s Disease, dementia, or other severe cognitive impairment is reported missing.

The Silver Alert Program is part of Wayland’s efforts to implement the Massachusetts’ Silver Alert Community Response System on a local level. The Massachusetts Silver Alert Law outlines a set of procedures and communications protocols among state and local public safety and human service agencies in order to identify people with dementia who have wandered or become lost and return them safely to their homes.

Over sixty (60%) percent of people with Alzheimer’s or a related disorder will wander. Any family that is directly affected by dementia should consider registering for Silver Alert. Very few families expect a family member to go missing until it happens for the first time. 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.

The program involves working with people who have a family member at risk of wandering in order to collect information and a recent photograph that can help the police identify and locate the person. Collecting this confidential information before an incident occurs enables the police department to begin search procedures immediately, as collection of data after the person has already gone missing can delay an effective search for an hour or more, increasing the chances that the wanderer will be in danger.

There is no age requirement to be entered into this program. Residents who have a loved one with a serious cognitive impairment are encouraged to contact Detective Sergeant Jamie D. Berger (jberger@wayland.ma.us) at 508-358-4721 for more information.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

February 24, 2017

James Lambert
Wood Partners
91 Hartwell Avenue
3rd Floor
Lexington, MA 02421

RE: 484-490 Boston Post Road, Wayland – Request for Proposals #16-28 – REVISED

Dear Mr. Lambert:

The Board of Selectmen of the Town of Wayland (the "Town") has voted to issue this Notice of Award to WP East Acquisitions, LLC ("Wood Partners") for the sale and redevelopment of 484-490 Boston Post Road, Wayland, Massachusetts (the "Premises"), commonly known as River's Edge, in response to Wood Partners' proposal submitted on July 6, 2016 (the "Response") to the captioned Request for Proposals. This Notice of Award is subject to the following conditions:

1. Wood Partners shall execute and deliver this Notice of Award to the Town by March 1, 2017, and if this Notice of Award is not so executed and delivered, the Town may rescind and revoke this Notice of Award in its sole discretion.
2. Each party's execution and delivery to the other of a final Land Disposition Agreement for the Premises (the "LDA") within thirty (30) days from the date this Notice of Award is executed by Wood Partners, in a form mutually agreeable to both parties, including a mutually agreeable environmental indemnity provision, addressing the conditions set forth herein, all of which shall be more fully articulated in the final LDA.
3. Wood Partners' due diligence, as set forth in the LDA, shall end ninety (90) days from the date of execution of the LDA, subject to any extensions as may be provided in the LDA.
4. Local and state permitting by Wood Partners shall be completed within nine (9) months after the expiration of the due diligence period set forth in the LDA, subject to extensions of such permitting obligations as may be provided in the LDA.

5. Wood Partners shall close on the purchase contemplated under the LDA within twelve (12) months of execution of the LDA, subject to extensions of the closing date as may be provided in the LDA.
6. Wood Partners shall cooperate with the Town on site grading to maximize soils appropriately left on the Premises in accordance with the Design Guidelines in the Request for Proposals which encourage the goal of maintaining the existing topography of the Premises.
7. In the event that the actual costs of Wood Partners' site conditions work are less than the estimated costs set forth in the Price Summary Form of the Response, the difference between such estimated costs and actual costs on a per category of work basis (*i.e.*, demolition of septage facility, design and construction of treatment plant, design and construction of water main extension and soil removal work) shall be paid to the Town within a mutually agreed upon time period following the completion of the specific category of work.
8. Wood Partners, as part of the required site plan approval process, shall fully cooperate with, and incorporate input from, the Planning Board, the Town Planner and other Town officials, in the design of the project.
9. At the option of the Town, Wood Partners shall provide to the Town, upon request, copies of all due diligence reports obtained by Wood Partners, including environmental reports.
10. Wood Partners agrees that the Town may continue to use the Premises for the parking of school buses until the Closing.
11. At the Town's election, Wood Partners shall be responsible, at its sole cost and expense, to extend and connect the Water Main Extension (as defined in the above-referenced Request for Proposals) to the Town of Sudbury's water system, which currently terminates in Sudbury near the Wayland/Sudbury Town Line near the Premises. This connection will allow for necessary redundant water service to the Premises. Upon acceptance of the Water Main Extension (as extended) by the Town of Wayland, and the acceptance by the Town of Sudbury of the portion of the Water Main Extension to be located in Sudbury, each Town will own and operate the portion of the Water Main Extension in its respective jurisdiction. The water service to and within the Premises shall be connected to the Water Main Extension and shall be owned and operated by the owner of the Premises, as more particularly described in the Request for Proposals. The Town of Wayland intends to negotiate with the Town of Sudbury to enter into a Water Interconnection Agreement for the management of this interconnection arrangement. If, however, the Town of Wayland does not enter into such Water Interconnection Agreement, for any reason, the Town of Wayland shall not be liable to Wood Partners. During the Due Diligence Period (as defined in the LDA), Wood Partners shall provide to the Town a third party estimate of the cost to design and construct the extension of the Water Main Extension to the Town of Sudbury and connect the Water Main Extension to the Town of Sudbury's water system (the "Sudbury Water Main Extension Work"). The Town and Wood Partners shall use good faith efforts to agree on such estimate and such agreed-upon estimate shall be deducted from the Gross Purchase Price and shall be separately accounted for consistent with the requirements of the LDA for Site Conditions Work (as that term is defined in the LDA). If the parties cannot agree on the estimated cost of the Sudbury Water Main Extension Work, then either party may terminate the LDA prior to the expiration of the Due Diligence Period. If the actual cost of the Sudbury Water Main Extension Work is less than such agreed-upon estimate, then such difference shall be paid to the Town within a mutually agreed upon time period following completion of the Sudbury Water Main Extension Work. The LDA shall provide that Wood Partners may raise the Sudbury Water Main Extension Work as a Buyer Objection (as defined in the LDA), in which case, Seller and Buyer shall have their respective rights and obligations thereunder.

12. Wood Partners' project on the Property shall provide a development of mixed units consistent with the River's Edge Design Guidelines and applicable zoning requirements.

The Notice of Award dated February 1, 2017 with respect to the above-referenced Request for Proposals is hereby deemed null and void and no longer of any force and effect.

[Remainder of page intentionally left blank]

The Town acting by the Board of Selectmen may extend any of the periods set forth in this Notice of Award in its discretion. If the conditions that are set forth herein are acceptable to you, please sign below to evidence your acknowledgement and acceptance thereof.

Sincerely,

TOWN OF WAYLAND
On behalf of its Board of Selectmen



Nan Balmer
Town Administrator

Acknowledged and Agreed
WP East Acquisitions, LLC

By: _____

Date: _____, 2017

Its:
Hereunto duly authorized

Acknowledged and Agreed

WP East Acquisitions, LLC



By: James Lambert

Its: Vice President

Hereunto duly authorized

Date: Feb. 16, 2017



Town of Wayland
41 COCHITUATE ROAD
WAYLAND MASSACHUSETTS 01778
www.wayland.ma.us TEL. 508-358-3788

6

OFFICE STAFF

Ellen M. Brideau, MAA Director of Assessing
Donald Clarke, MAA Assistant Assessor
Jessica Marchant, MAA Administrative Assessor
Savitri Ramgoolam, Department Assistant

BOARD OF ASSESSORS

Susan M. Rufo, Chair
Jayson Brodie, Vice Chair
Zachariah L. Ventress
Cheryl Kane

MEMO

TO: BOARD OF SELECTMEN
FROM: BOARD OF ASSESSORS
ELLEN BRIDEAU, DIRECTOR OF ASSESSING
CC: NAN BALMER, TOWN ADMINISTRATOR
SUBJECT: LEGAL COUNSEL – ATB CASE – 4 MEADOW VIEW RD
DATE: 2/28/2017

The Board of Assessors (BoA) at their meeting last night discussed the current Appellate Tax Board (ATB) case involving 4 Meadow View Road, ATB Case F330237 – Wayland Rod and Gun Club v. Town of Wayland. The board was recently notified that the ATB has scheduled this case for a hearing on Tuesday, May 23, 2017.

The BoA would like to respectfully request that the Board of Selectmen authorize Attorney Mark J. Lanza to continue as legal counsel in this case. Attorney Lanza has considerable knowledge of this appeal and has previously met with the representatives of the Wayland Rod & Gun Club, Susan Rufo, BoA Chair, Jayson Brodie, BoA Vice-Chair and Ellen Brideau, Director of Assessing in addressing this case beginning in the fall of 2015. Attorney Lanza also drafted a lengthy Opinion related to the issues of law in this case.

We appreciate the Board of Selectmen's consideration of the Board of Assessor's request.



Town of Wayland
 41 COCHITUATE ROAD
 WAYLAND MASSACHUSETTS 01778
 www.wayland.ma.us TEL. 508-358-3788

(7)

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 Savitri Ramgoolam, Department Assistant

BOARD OF ASSESSORS

Susan M. Rufo, Chair
 Jayson Brodie, Vice Chair
 Zachariah L. Ventress
 Cheryl Kane

MEMO

TO: NAN BALMER, TOWN ADMINISTRATOR
 BRIAN KEVENY, FIANANCE DIRECTOR

FROM: ELLEN BRIDEAU, DIRECTOR OF ASSESSING *Erub*

SUBJECT: RELEASE OF EXCESS OVERLAY

DATE: 2/28/2017

On February 27, 2017, the Board of Assessors unanimously voted to release \$300,000 in Excess Overlay from the Overlay Reserve Account to Overlay Surplus Account:

The Municipal Modernization Act of 2016 establishes the Overlay Account as a single account for purposes of funding abatements or exemptions granted for any fiscal year.

The Towns Accounting system (Munis) currently has the account balances separated by Fiscal Year, therefore, the chart below represents the breakdown by fiscal year.

Fiscal Year	Amount	Date of Vote:
FY 14	100,000	2/27/17
FY 15	100,000	2/27/17
FY 16	100,000	2/27/17
Total	300,000	

8



TOWN OF WAYLAND

41 COCHITUATE ROAD
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NAN BALMER
TOWN ADMINISTRATOR
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BOARD OF SELECTMEN
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JOSEPH F. NOLAN

Representative Carmine Gentile

Delivered Electronically

February 28, 2016

Dear Representative Gentile,

Thank you for the opportunity to submit these budget requests for your consideration. After conversation with the Board of Selectmen, these are the Wayland priorities:

1. **RIVERS EDGE PROJECT:** The Town recently issued a Notice of Award to a developer to construct 188 units of rental housing on the Wayland – Sudbury town line. Twenty-five percent of the units will be affordable and twenty five percent of the units will be reserved for senior citizens. The project will result in the clean-up of tons of unsightly materials, new affordable housing, an increased tax base and other economic and community benefits.

\$175,000: WATER MAIN REDUNDANCY: An unanticipated cost of the project is for a water main tie-in to the Town of Sudbury to provide an emergency source of public water to the development. Such inter-connections between towns are necessary, common and benefit both towns.

2. **ROUTE 20 CORRIDOR:** Route 20 from Town Center to Pelham Island Road.

\$30,000: PLANNING STUDY: Route 20 from the historic Town Center to the new Town Center is unplanned, lacking consistent signage, continuous sidewalks, and wastewater treatment capacity. Funds for the RT. 20 Corridor planning study are requested to develop a long term plan to connect the historic Town Center to the new Town Center.

Thank you for your consideration of these requests.

Sincerely,

Nan Balmer
Town Administrator

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
FEBRUARY, 2017

9

TOTAL NUMBER CALLS HANDLED	45
# Complaint Calls	2
# Lost Dog Calls	1
# Lost Cat Calls	
# Other Cat related calls	
# Animal / Wildlife Calls	4
# Miscellaneous Calls	26
TOTAL # ANIMALS PICKED UP	1
Total # dogs not licensed	1
Total # dogs not claimed	
# still in dog officer custody	
#surrendered to Humane Shelter	
TOTAL # HUMAN BITE CALLS	1
TOTAL # ANIMAL -> ANIMAL BITE	1
10 Day Quarantine Order -Human Bite	Issued 1 / Released 2
10 Day Quarantine Order -Animal Bite	Issued 1 / Released 1
45 Day/6 Month Quarantine Orders	Issued 2 / Released 1
TOTAL # CITATIONS ISSUED	NONE
# No license citations	
# Leash Law/Dog not under owner control	
# Other Offense	
# Court summons processed	
# KENNEL INSPECTIONS DONE/SUBMITTED	1

Submitted by:
Jennifer Condon
Animal Control Inspector/Officer



Town of Wayland Massachusetts

Finance Committee

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

**Finance Committee
Meeting Minutes
Monday, January 30, 2017**

Attendance: C. Martin, N. Funkhouser, G. Cliff, D. Watkins, K. Shigley. B. Keveny

1. Call to Order

The meeting was called to order at 7:00 PM in the Senior Center of the town building. D. Watkins announced that the meeting was being taped and briefly gave a preview of meeting agenda.

Public Comment & Committee response: Annette Lewis, Claypit Hill Road

Annette Lewis suggested that if we took the Reserve for Salary Settlement out of the budget, we would be budgetarily, right where we want to be.

2. Finance Director's Report:

State Aid to Wayland will be \$226,000 greater than FY17. State Adjustments should be the same.
 Houghton agreed to add another \$100,000 to the FY18 budget from the Ambulance Fund, totaling \$615,000 which includes debt service.
 Beach – possibly an additional \$5,800 added if the 53D funds are taken from the 53E1/2 fund.
 School – Amended transfer to General Fund \$33,000 lower.
 Total net change in revenue is up \$298,000 since 1/23/17 calculation. It is expected that General Insurance expense will also rise \$65,000.
 Discussion ensued. Question was asked regarding the budget voting process and what these changes mean in terms of timing. Chair explained vote on budget is upcoming.

Status of Alternative Funding Initiative

Library has a net increased \$11,000 in spending.
 N. Balmer sent a memo to the BOS recommending non-BOS department changes to budget.
 Health Insurance budget – firm numbers are expected either week of 2/20/17 or 2/27/17.
 Minuteman – 1.87% discount if we pay in July.

Rating Agency Methodologies

Moody's report – state requires us to convert statements from UMAS to GASB. Including Committed, Assigned, and Unassigned Fund Balances is the amount they will examine and it should represent 30% of revenues. At June 2016, in Wayland our balance was 18%. Brian Keveny then discussed how we might achieve these numbers and discussion ensued. Basically, the best way to improve the percentage result is to minimize the use of free cash to balance the budget.

Unclassified Update

John Senchyshyn is expected to have this estimate in February. G. Cliff asked about the reserve for salary line item and indicated he would like to discuss it. We will request N. Balmer's recommendation.

K. Shigley asked where the OPEB is currently showing in the budget. B. Keveny indicated that it is not in the budget but is in the calculation of the estimated taxes due for FY18.

3. Discuss ATM Articles

D. Watkins described dissemination of articles process. G. Cliff described his suggestion for how we vote on articles.

C. Martin indicated that deadline for Department Heads to request maps and charts is Feb 16 or 17.

Article F – Compensation for Town Clerk

Carol Martin indicated the salary amount is to be provided.

Article V – Library and Grant

Carol Martin indicated she will have a draft next Monday and that we will be joined by Library folks and PMBC.

The following articles were discussed briefly (listed with abbreviated titles):

- Article A – Recognize Citizens
- Article B – Pay Previous Yr. Unpaid Bills
- Article C – Current Year Transfers
- Article E – Personnel Bylaws
- Article F - Compensation for Town Clerk
- Article H – Rescind Debt
- Article I – Accepts Gifts of Land
- Article J – Hear Reports
- Article K – Choose Town Officers
- Article L – Sell or Trade Vehicles and Equipment

4. Discussion of Draft Capital Budget and Potential Vote

No formal requests for new CIPs have been submitted but we are aware of the following possibilities:

- \$250,000 DPW truck – possible Chapter 90 funds
- \$700,000 school bus parking – no final proposal
- Facilities for Town Building upgrades.

Historical Perspective Discussion

G. Cliff described his belief that compromising on the operating and capital budgets may be necessary and encouraged the committee members to listen to each other through the process.

Resolution of Open Issues - C. Martin

- There is a line item in the budget entitled Transfer Station. \$65,000 consists of ongoing expenses related to capping the landfill and it does not appear in the transfer Station budget because it is not related to the operation of the Transfer Station.
- Line 32B – the number in the budget is level funded and we don't have a current estimate as of yet.
- BOH budget – C. Martin described the increase in the substitute nurse payroll amount.
- Highway - \$90,000 for disposal of materials

Discussion of Draft Operating Budget and Potential Vote

D. Watkins indicated that current budget represents a 3.8% increase over FY 17 and the entire amount of the difference between a 2.5% increase and a 3.8% increase is roughly \$1,000,000. Discussion ensued.

The committee then went quickly through the capital budget noting the following potential changes:
Transfer Station Road Mitigation has been removed from budget.
Townwide Road Reconstruction – amount has been lowered by the amount of the truck purchase request.
Buses – Schools - \$700,000. Potential addition.
Town Building Renovations
Water meters – out
Water Analysis – out
Info. Tech. – turnback of \$75,000 possible
Schools - \$150,000 for MS tile may come out

5. Discuss Draft FY18 Budget & Public Discussion Presentation – potential dates 2/6, 2/7, or 2/8
The committee went quickly through the Chair’s draft presentation and commented.

Discuss Finance Committee Report for Warrant

N. Funkhouser handed out a draft writeup for the warrant on the 5 yr capital plan for review and future discussion.

6. Issues & Actions

- #11 – done
- #13 – can’t close out \$300,000 from last year for demo of DPW building until library grant is decided on
- #15 – done
- #3 - done
- #10 - done
- #12 - done

7. Proof Reading Support for Deliverables – Klaus Shigley, Dave Watkins and Nancy Funkhouser offered proofreading support for warrant.
Town Clerk Instructions Regarding Inclement Weather - D. Watkins to forward email from Town Clerk regarding Inclement Weather policy.

Next meeting dates: 2/6, 2/8, 2/13, 2/16 (snow) 2/21

At 9:30 pm C. Martin moved to adjourn the meeting and K. Shigley seconded the motion. The motion was approved 5-0.

Respectfully submitted,
N. Funkhouser

Attachments:

5 yr capital plan suggested language for warrant – Funkhouser

Moody’s report

Articles: Article A – Recognize Citizens, Article B – Pay Previous Yr. Unpaid Bills, Article C – Current Year, Transfers, Article E – Personnel Bylaws, Article F - Compensation for Town Clerk, Article H – Rescind Debt, Article I – Accepts Gifts of Land, Article J – Hear Reports, Article K – Choose Town Officers

Article L – Sell or Trade Vehicles and Equipment - Watkins

Historical Perspective paper – Cliff

General Fund Budget attachments – two - Watkins

WAYLAND HOUSING PARTNERSHIP

Minutes – January 10, 2017

Submitted by Rachel G. Bratt

Unanimously approved, February 14, 2017

Attending: Mary Antes, Joanne Barnett, Kathy Boundy, Rachel Bratt, Chris Di Bona, Pat Harlan, Stephanie May, Armine Roat, Jennifer Steel

At 7:40 Rachel called the meeting to order.

Rachel welcomed Jennifer Steel as the new official member of WHP; she will be representing the Wayland Housing Authority.

The first item on the agenda, a meeting with Brian Boggia, Executive Director of the Wayland Housing Authority, was cancelled. Brian did not attend since HUD has not yet approved the Town’s request to increase the number of units on two WHA scattered site properties.

Minutes of Decemer 13: Several corrections were made. Mary moved to accept as corrected. Jennifer seconded. Unanimously approved.

40B Process in Wayland: We briefly discussed the importance of the Town having an updated, concise overview of the 40B process.

➤ Mary, Joanne, and Jennifer volunteered to work on a revised draft of the existing memo. As the minutes to the Dec. 13 meeting noted: Mary indicated that “she thought the document was written by the WHP, perhaps in 2007, likely based on state guidelines. It would be good for the actual statute/regs. to be cited explicitly... Once our committee drafts a new document, we will then bring it to the joint housing committee for their approval.”

Housing Goals for Wayland – Jennifer presented the document that she and Susan Weinstein had written in December 2016. The goal is to produce a short, concise document that spells out the housing needs and goals, along with actionable steps. The committee feels strongly that a key next step is to develop a list of developable sites. The WRAP committee is supposed to be working on this, with a report expected in June. We need to better understand the possible availability of town-owned land for affordable housing. We are committed to being the most effective advocates for housing that we can be. How can we be more pro-active about proposing possible affordable housing development?

- Jennifer said she will look for the MAPC’s build-out plan for Wayland.
- Mary will contact the Alf Barry, Town Surveyor, and Brendan Decker, GIS expert to see if we can access maps delineating available land.

Committee members noted that an important problem facing the use of undeveloped land is the amount of wetlands and conservation areas and the lack of Town sewer.

We decided not to do any further work on the goals document for the time being. It was acknowledged that it was a good step, but that more work would be required to get it into shape to be used and disseminated more broadly.

We postponed updates on current affordable housing projects in Town.

Next meeting of WHP: February 14 @ 7:30

At 9:00 Armine made a motion to adjourn, seconded by Joanne.

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Minutes
January 23, 2017 7:00 pm

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

Also Present: J. Senchyshyn (JS)

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

Public Comment

None

JS stated that the Finance Committee warrant hearing will commence at 7:45 pm. He would like to leave this meeting and review the Wage & Classification article with the Finance Committee. He expected to be gone 10-15 minutes.

Executive Session

DC moved that the Personnel Board go into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations for the Police, Fire, AFSCME 1, AFSCME 2, Library and Teamsters Unions; to Review and Potentially Approve Executive Session Minutes of 12/19/16; Review and Potentially Release Executive Session Minutes of 8/5/13, 9/15/14, 2/29/16, 6/13/16, 9/19/16-2 and 10/19/16.

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

MP seconded the motion.

DC took a roll call vote:

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

DC announced that the Board will reconvene in open session in approximately 60 minutes.

The Board entered Executive Session at approximately 7:05 pm.

The Board returned to Open Session at approximately 7:30 pm.

Vote to Release Executive Session Minutes

MJ moved to release the Executive Session minutes of 8/5/13, 9/15/14, 2/29/16, 6/13/16, 9/19/16-2 as redacted. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

MJ moved to release the Executive Session minutes of 10/19/16. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Continued Review of CY 2016 Vacation Carryover Requests

JS stated that requests from Chief Irving and L. Dana were inadvertently left off the December submittals. Both requests had been received in the proper time frame and are compliant with the By-laws. JS asked the Board to approve the requests.

MJ moved to approve the CY 2016 vacation carryover request for R. Irving and L. Dana. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Starting Wage Rate for the HR Assistant

JS reviewed the resume of the new HR Assistant, Marianne Tower-Moore. He asked the Board to approve a starting wage rate of N5, Step 5 in the amount of \$45,742/year. JS noted that Ms. Tower-Moore had 12 years of consecutive service with the City of Marlborough and asked the Board to approve the service for vacation accrual purposes. He noted that credit for municipal service has been approved with previous hires.

MJ moved to approve the starting wage rate for HR Assistant, Marianne Tower-Moore at N5, Step 5 in the amount of \$45,742/year and to credit her 12 years' of service with the City of Marlborough for vacation accrual purposes. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

MA Minimum Wage Increase

JS reviewed the State's minimum wage increase. This is the 3rd and final year of the increase. The minimum hourly rate increases from \$10/hour to \$11/hour. Municipalities are exempt from the increase unless the increase is accepted. JS stated the effected employees will be seasonal employees and Library Pages. The Library Director has confirmed that the Library has sufficient funding to support a 1/1/17 effective date.

MJ moved to approve an increase in the Town's minimum wage from \$10/hour to \$11/hour and to set the Library Pages at \$11.00/hour for Step 1 and \$11.42/hour for Step 2 effective 1/1/17. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Policy Review

Standards of Conduct – JS presented draft revisions to the policy. He expressed concerns with the policy given the approval of medical marijuana and recreational marijuana in the Commonwealth. Members discussed the changes.

JS departed to attend the Finance Committee Warrant Hearing and returned shortly thereafter.

The Board identified several changes to the proposed revisions. Members also suggested adding language to address Harassment, Sexual Harassment, visiting inappropriate websites and bullying. The policy would come back to the Board for further review at the next meeting.

Drug Free Workplace Policy – The Board reviewed the proposed revisions to the policy. Several edits were made. JS noted that both policies would need to be presented to the unions prior to distribution to employees.

MJ moved to approve the Drug Free Workplace Policy as amended. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Consolidation of Part-Time Heavy Equipment Operators at the Transfer Station

JS reviewed DPW's request to convert 2 part-time Heavy Equipment Operator positions into 1 full-time position. Total hours would increase from 36 to 40 hours per week. JS reviewed the background to the part-time positions. The conversion would increase wages by approximately \$6K with a possible benefits increase of approximately \$15K. One of the part-time positions has been vacant for several months, but no candidates have been identified to fill the job. JS noted that any changes would have to be negotiated with the union. The Board discussed the options and asked several questions. The Board would consider the proposal at a future meeting with additional details.

Minutes of 12/19/16

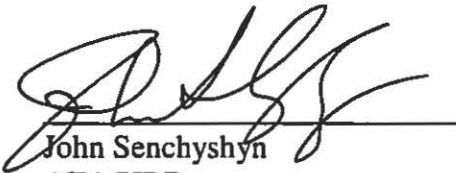
MP moved to approve the minutes of 12/19/16. PS seconded the motion. Four members having voted in the affirmative, the motion passed.

Topics Not Anticipated 48 Hours in Advance

JS reviewed an item related to Youth Officer Shane Bowles desire to coach baseball. Officer Bowles was not able to coach last year because of an issue raised by the Ethics Commission with respect to second jobs by municipal workers. JS stated that he was working with Labor Counsel on this problem.

The Board set its next meeting for 2/13/17 at 7:00 pm.

MJ moved to adjourn at 8:25 pm. PS seconded the motion. Four members having voted in the affirmative, the motion passed.


John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

January 23, 2017

Documents:

2016-12-19 Draft Minutes

CY 2016 Vacation Carryover Requests

Resume - Tower-Moore

Minimum Wage Increase Positions

Standards of Conduct Policy Draft Revisions

Drug Free Workplace Policy Draft Revisions

Part-time Heavy Equipment Operator Conversion

Executive Session Minutes

8/15/13, 9/15/14, 2/29/16

6/13/16, 9/19/16-2, 10/19/16



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

**Board of Selectmen Listening Session Subcommittee
Listening Session #7
Meeting Minutes
Wednesday, February 15, 2017 at 7:30 p.m.
Green Way Condominums
6 Green Way, Wayland**

Attendance: Subcommittee members Lea T. Anderson and Mary M. Antes
Others in attendance: Jean Milburn (facilitator), Mel Norris, Jean Pratt

Welcome and introductions Facilitator, Jean Milburn, welcomed two members of the community to the seventh of eight Listening Sessions at 7:35 p.m. at the Green Way condominiums at 6 Green Way in Wayland. J. Milburn gave a brief statement of her background and asked the attendees to introduce themselves. She explained that Selectmen Lea Anderson and Mary Antes were there to listen and take notes for a summary report. She assured the attendees that no statements would be attributed to individuals in the report. J. Milburn reviewed the ground rules.

Questions and discussion J. Milburn led the group through a series of questions:

- What town services do you use most often and how well do they serve your needs? How could they be improved?
- What are three things in Wayland Town Government that are working well and you don't want to see changed? What three things would you like to see changed?
- Do you participate in town activities and town-sponsored events? Why or why not?
- What would encourage you to take advantage of these activities and services?
- Many feel that Wayland taxes are high. What services might you be willing to forego in order to add new or additional services?
- What is the best way for the town to provide you with information on a regular basis?
- Do you have skills that you would be willing to share with the town on a short-term, one-shot, or regular basis? What is keeping you from joining a board or committee?
- Do you have concerns or comments that have not already been mentioned?

Feedback Notes on comments received are attached.

Approval of minutes M. Antes moved, seconded by L. Anderson to approve the revised minutes to Listening Session #1 on Jan. 26, 2017, and Listening Session #2 on Jan. 28, 2017. YEA: L. Anderson, M. Antes. NAY: none. ABSTAIN: none. Adopted 2-0. M. Antes moved, seconded by L. Anderson to approve the minutes to Listening Session #3 on Jan. 30, Listening Session #4 on Jan. 31, Listening Session #5 on Feb. 5, and Listening Session #6 on Feb. 9. YEA: L. Anderson, M. Antes. NAY: none. ABSTAIN: none. Adopted 2-0.

Adjourn The listening session ended at 8:50 p.m.

Items Distributed for Information and Use by the Listening Session attendees at Listening Session #7 on Feb. 16, 2017

1. Draft revised minutes to Listening Session #1 on Jan. 26, 2017, and Listening Session #2 on Jan. 28, 2017.
2. Draft minutes to Listening Session #3 on Jan. 30, 2017, Listening Session #4 on Jan. 31, 2017, Listening Session #5 on Feb. 5, 2017, Listening Session #6 on Feb. 9, 2017.

Items Included as Part of Agenda Packet for Discussion During the January 30, 2017 Listening Session

There were none.

Respectfully submitted: Lea T. Anderson

LISTENING SESSION #7 NOTES

Wednesday, February 15, 2017

Green Way Condominium

Facilitator: Jean Milburn

Selectmen: Mary Antes, Lea Anderson

2 attendees: one has lived in Wayland for 65 years, one moved here a few years ago

Question: What town services do you use and how well do they serve your needs? What works well?

Police

- Serve the town well, helped with a specific situation
- Come to the senior center to pick up prescription drugs

Recreation

- Beach is the jewel in the crown of Wayland; kids who work there are very nice; dogs can sometimes be a problem; beach is well kept

Senior Center

- Favorite place is senior center
- Very good
- Well run, good staff
- Need better quarters

Library

- Use the library a lot
- We need a new library; what is the status? Will it be built near the Middle School?

Town Clerk

- Good

Health Department

- Blood pressure taken by town nurse – good

Unhappy that Whole Foods is moving. Heard that Fresh Market fell through. (Jean updated them on Fresh Market still planning on opening in Wayland)

Are there things you would participate in if you could get a ride? (not a problem for either)

Question: What is not working in Wayland?

General statement that town has gone down in the last ten years

DPW

- Condo pays commercial rate for water because there is only one meter; want to be treated as a homeowner

Building Department

- Had to pay \$100k to fix building because there was no insulation; why didn't Building Dept. deal with this when the building was built?

ZBA

- Worked on ZBA for 9 years, Charter Commission, Planning Board – 20 years as a volunteer
- When the BoS makes appointments to the Zoning Board of Appeals, do you question the applicant's personal agenda on wanting to serve on the ZBA?; I have read decisions and seen the results recently where a board one year rules one way and the next board rules just the opposite on the same issue; what do you try to learn about an applicant's corporate or development or real estate interests? Too development oriented

Town Administrator/ Town Center/ WWTP

- How are the Selectmen informed about the actions of their administrator? How much freedom to act on his/her own do you give?
- The Town Center Development was negotiated and planned by the former TA with little or no input from the elected Planning Board or Board of Health
- Why have there been so many problems with the Waste Water Treatment Plant?
- Who is paying sewage fee in Town Center? Users pay an extraordinarily high fee; think that businesses are not paying fair share; how is Waste Water operated?
- Why don't we have any park space in Town Center?
- Are people in affordable housing in Town Center former employees? How does that work?

Police

- Is the Chief answerable to the Board of Selectmen in any way? Over-reaction to School Superintendent's complaint about former athletic director "whistle blower"
- Are police in Wayland part of the Restorative Justice program that the police departments in Concord and Lexington are participating in?
- We in Wayland are currently very aware and concerned about hate crimes against mosques and Jewish temples; how are black men likely to be subject to suspicion just because they are black?

150 Main St.

- What action has the BoS taken in regard to the action of the ZBA in refusing to hear the petition of neighbors in the overkill development of the CVS site in Cochrasset? Where is our sense of community?
- Cochrasset gets a bad slam; does not get a fair deal
- Original plan to have a shopping center; now only CVS; would have been better to have a mall with shops; no nice men's clothing shop in Wayland

Planning/Master Plan

- Is the town really in tune with the Master Plan that we adopted a few years ago when we favored retaining our "rural" atmosphere? Why doesn't that include over-development and excessive business traffic on sites near schools and recreational fields

Question: what would you give up to lower taxes?

- Don't know where you could eliminate; good school system; roads; lack of interest of people in town to run for office
- Love conservation; highway department; fire department (responsive, kind)
- Don't resent paying taxes; willing to pay for services; if I didn't have money I would cut schools – overloaded administratively; town pays some of school costs – that's not right
- Pays taxes on office, equipment as well as home (vacancies in office building)

Question: how do you learn about things that go on in Town Government?

- I get most of my news from Town Crier, internet, town hall, people talk
- Crier; people who work for me fill me in; Crier should be circulated more
- We need a way to get people interested in town government; concerned about apathy of residents
- Is there any notification of openings? We need to get more people to run
- Need a selectmen's column – large print!
- Communication is very difficult; so much competition for people's time; fraternal organizations are dying
- Lots of services people don't know anything about, such as rides to appointments
- Churches do well within their own congregations

Other things?

- Restorative justice program in Concord and Lincoln
- Are there a lot of sex offenders in town?
- Veteran's Agent is very good
- Do we need an oral history?

Thank you!

Wayland Real Asset Planning Committee
PLANNING BOARD OFFICE
WAYLAND TOWN BUILDING,
41 COCHITUATE ROAD, WAYLAND MA
APPROVED 2/16/17

January 24, 2017 – 7:30 PM

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

Others Present. Linda Segal (8:45 PM)

Call to Order. The meeting was called to order at 7:30 PM by Anette Lewis who reviewed agenda. There was no public comment at this time of the meeting.

Minutes. The minutes of January 10, 2017 were approved as amended by a vote of 3-0-0.

Update on School Bus Parking Site Evaluation. Ms. Lewis reported that she and multiple Town department heads had been invited to a January 19, 2017 meeting convened by Susan Bottan, School Business Manager, in which four sites (Claypit Hill School, Middle School, Loker Conservation and Recreation Area, and 357 Commonwealth Road) were discussed. Notes from the meeting were compiled and distributed in the form of a chart with pros and cons for each site. The consensus of meeting attendees was to focus on the two school sites. The Police Chief reported that Claypit Hill School is difficult due to the present traffic patterns and road configuration, that he would need more control of traffic and a road straightening on Adams Lane inbound at least to organize traffic. Parking at the Middle School could be in two locations – in the flat area across from the front door and on Parcel 47D—58C which is on the north side of the driveway entrance to the School. The School Committee has asked Ms. Bottan to keep all four locations on the list for the time being. Based on the suggestion of Ms. Lewis (via WRAP) and others, the School Committee asked Ms. Bottan to explore using the old land fill on the south side of Route 20. Ms. Lewis has found some files that discuss the closure of that land fill in 1980 and will review them and create an abstract of pertinent facts to share with all. WRAP members discussed organizing all of the bus parking information under one heading on the webpage. Ms. Schuler will send documents to Mr. Sarkisian, Town Planner. Members also concurred with the suggestion that if an interim bus parking location is necessary the Town Beach parking lot may be an option until June 2017. The School Department has already indicated that there is a place in which to park them in Marlborough during the summer. The School Committee had discussed seeking a legal opinion concerning use of the Loker Conservation and Recreation Area. Members had a brief discussion about the lack of feasibility of using that location due to the language of the deed and eminent domain taking as well as town meeting vote. In light of the legal opinion concerning reuse of the Library and the general legal principles outlined in that document, it seemed to those WRAP members present that it would be a waste to spend funds on a separate legal opinion concerning parking of buses at the Loker Conservation and Recreation Area. Ms. Lewis was authorized to send a memo to that effect.

Town-Owned Parcels Chart and Site Considerations. A number of questions have arisen from reviewing deeds and town meeting votes on various parcels. Ms. Riley will prepare a memo to Town Counsel with questions of how to proceed with specific issues and also how to write proper legal restrictions, takings, and other documents governing uses going forward. One of the issues is sequencing of actions. When land has been acquired by deed for a specific purpose and, thereafter, the town does an eminent domain taking of the same land for either different or slightly different stated purposes, which governs? Orchard Lane GIS has School as co-owner, yet the deed only says Town of Wayland and to date no Town Meeting vote has been found. Thus how did it come under the control of the School Committee?

Site Considerations should be completed for the Old Dump (0 Boston Post Road), the cluster of lots on Sycamore, 19 & 21 Garden Path, and 24 Boston Post Road and 55 Pelham Island Road. Ms. Schuler will work on these.

Outline for Report. Members reviewed the draft outline. Ms. Lewis reported that she has asked Finance Committee for its Five-Year Capital Plan, but to no avail so far. She stated that we do have the new debt policy which we will include in the WRAP final report. She also is looking at the issue of external funds for projects. Members should be thinking about the items to include in the bibliography of the report.

Recommendations likely to be made include:

- The next committee to implement the methodology described in the Report –including some sample charges for this pre-construction committee;
- Long range financial plan.

It was noted that given the list of parcels of town-owned land there are not a lot from which to choose for future use, thus it is likely that the Report will recommend holding on to what we have for future needs.

Buzz Interview. Ms. Schuler reported that taping of the Buzz interview on WayCam is scheduled for Wednesday February 22nd at 5:15 PM. Ms. Schuler and Ms. Lewis will attend unless Mr. Abdella is available in which case he will replace Ms. Lewis. The topics of conversation could be the WRAP charge, the status memo (January 9, 2017) and site considerations. We may frame the discussion by pointing out: Here are the parcels that we have....Here are the projects that need sites....We can discuss the work done on looking at deed restrictions, narrowing down the list of larger parcels that could be available for specific projects. We should note that we have not looked at Conservation and park lands but need to point out lands assigned to Recreation. Also it may be useful to explain Article 97 of the Massachusetts Constitution and state environmental agencies' land disposition policy for changing conservation and park lands to other uses.

In this context Linda Segal who had joined the meeting late noted that she believes that people do not understand what the work of the WRAP committee is and that it would be appropriate to explain during the BUZZ interview.

Next Meetings.

February 8, 2017 – 7:30 PM

February 22, 2017 – 7:30 PM

Hand-Outs.

- 1) 10.15.1969 Legal Opinion about present Town Building at 41 Cochituate Road with cover letter from Peter Gossels dated 5/16/2014.
- 2) Town-Owned Parcels Data with Recommendations Column (Gretchen Schuler, 1/24/17)
- 3) Bus parking site evaluation meeting notes with 4 sites analyzed. (Susan Bottan, 1/19/2017)

The meeting adjourned at 9:30 following a 3-0-0 vote.

Respectfully submitted,

Gretchen G. Schuler

Wayland Real Asset Planning Committee
 PLANNING BOARD OFFICE
 WAYLAND TOWN BUILDING,
 41 COCHITUATE ROAD, WAYLAND MA
 APPROVED 2/23/17

February 16, 2017 – 7:30 PM

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

Call to Order. The meeting was called to order at 7:30 PM by Anette Lewis who reviewed agenda. There was no public comment.

Minutes. The minutes of January 24, 2017 were approved as amended by a vote of 3-0-0.

Review and Discuss Existing and New Draft Site Consideration Sheets. Ms. Schuler prepared draft Site Considerations Sheets for four additional properties. Amendments to site consideration and recommendations for future uses to be added to the table of town-owned properties GIS data were made to each including:

Site	Site Consideration Sheet	Recommendations-GIS Data Table
Former Dump – So. Side of Boston Post Road (BPR)		Clean site if necessary, Uses: parking for buses, parking for rail-trail, recreational area * see below
19 & 21 Garden Path	Reuse subject to determination of possible riverfront restrictions	A park, snow storage, drainage, sale to abutter
Blacksmith Green 24 BPR, 55 Pelham Island Rd	Survey parcels to get specific and correct acreage	Green space
Cluster of parcels on Sycamore & Hemlock	Add "contours from 180' to 200'	Wastewater management (e.g., leaching field, package treatment plant), snow storage, drainage, housing if lots are combined

*There was some discussion about whether Public Works could use the former dump as a lay down area; it is not likely due to restrictions on scooping materials and breaking the surface with heavy equipment. Mr. Abdella believes that WRAP should walk the site to have a better understanding of topography and extent of existing pavement.

Ms. Schuler will make these changes and will send four new site considerations sheets to Town Planner Sarkis Sarkisian and ask him to prepare better maps for each.

There was a brief discussion about a large parcel on the southwest corner of Old Connecticut Path and Sycamore Road as well as northwest corner of Old Connecticut Path and Castle Road. Both are owned by the MWRA and are part of the aqueduct system.

Site Consideration Properties that were prepared in 2016 were discussed to determine recommendations for each. All of these will be discussed again at a future meeting when all four members are present.

Site	Recommendations for Potential Uses – GIS Data Table
195 & 207 Main St.	Proposed Library on one; school bus parking on other; if no library then

	athletic fields, some other combined recreational and school use
404 Boston Post Road	Town should acquire the property; Children's Way, Canoe/boat Landing, COA, athletic field. Likely that building cannot be reused except for the foundation; Minuteman Tech could build simple structure
202 Old Conn Path - Greenways	Comprehensive site plan for build out – campus style with combination of town uses such as library, COA, Community Center, field
41 Cochituate Rd – Town Building	Master Programming/Site Study of how to reconfigure. Potential COA/CC and gym at one end and Town Offices and School at other

Outline for Town-Counsel Concerning Restrictions, Property Acquisition, Practicalities of Assigning Control. This item was not discussed due to Ms. Riley's absence. She will lead this discussion at a future meeting.

Review List of Anticipated Major Capital Projects. This item was not discussed due to Ms. Riley's absence. She will lead this discussion at a future meeting.

Project Evaluation Criteria Matrix. Mr. Abdella had emailed revised matrices after the January 24, 2017 WRAP meeting. A few more minor edits were made. Otherwise the project evaluation and the site matrices have been finalized.

Final Report & Potential Committee Recommendations. There was discussion of the fact that the Committee is behind its original schedule for rolling out a draft final report. The goal going forward is to aim for our drafts to be ready for group review by March 15 and to hopefully have something for public review right after Town Meeting.

Buzz Interview. Ms. Schuler and Ms. Lewis will participate in the Buzz Interview on February 22. Susan Wagner will conduct the interviewing and will prepare a list of questions to elicit information about what WRAP is requested to do, what it has done and where it is heading.

Report on Committee Members' Assignments. Members briefly discussed the 2/16/17 TEC Report that Ms. Lewis forwarded earlier in the day. Members noted and disagreed with TEC's assumption of only having 0.6 acre of useable space at the Old Landfill on the south side of Route 20. That entire site is 16.55 acres and DEP regulations allow for reuse of former disposal sites. So it is possible that a greater portion of the site could be available for reuse.

Next Meetings.

February 23, 2017 – 7:30 PM

March 2, 2017 – 7:30 PM

Hand-Outs.

- 1) New Site Consideration Sheets for 4 properties (Schuler, 2/16/17).
- 2) Anticipated Major Capital Projects (Riley, 2/16/17)
- 3) Project Evaluation Criteria (Abdella, 1/24/17)
- 4) School Bus Parking Site Evaluation Recommendations (TEC, 2/16/17)

The meeting adjourned at 10:20 following a 3-0-0 vote.

Respectfully submitted,

Gretchen G. Schuler



15

TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

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

MINUTES
DECEMBER 8, 2015

Attending the meeting held at 7pm in the Selectmen's Meeting Room in Wayland Town Building located at 41 Cochituate Rd. Wayland, were members Thomas White, Acting Chair, Aida Gennis and Associate Member Shaunt Sarian.

Thom White explained there was not a quorum, could not open the hearing without a quorum and would have to continue each hearing.

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, 11/24/15 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.

Continued to January 12, 2016 at 7:00p.m.

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 from 10/27/15 (no quorum) and 11/24/15 (no Eric) 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.

Continued to January 12, 2016 at 7:15 p.m.

7:19pm Thom motioned to adjourn meeting. All in favor 3-0

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
August 23, 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, and Associate Members Jason Drori and Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Audio recorded by WayCam.

23 DEAN ROAD – JAYAPRAKASH NAIR & NISHA NAIR

Application of JAYAPRAKASH NAIR & NISHA NAIR for any necessary approvals, special permits and/or variances as may be required to construct additions (including lateral and 2nd story) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lot area & frontage) 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, 401.1.6 and 801 – Table of Dimensional Requirements. The property is located at **23 DEAN ROAD** which is in a SINGLE RESIDENCE DISTRICT. (16-14)

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

Architect Kevin Wong presented application for demolition of existing one-car garage and mudroom, proposing new two-car garage, front porch and rear deck with renovations to rest of house. Proposed changes will not invade yard setbacks. Proposed height of new garage section will not exceed 32 feet. Proposed changes consistent with scale and character of other properties in neighborhood.

Board of Health approval: new septic system, proposed office shall not be used as a bedroom, basement shall not be finished. Total 9 rooms/4 bedrooms.

No members of public asked to be heard.

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

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 2nd story) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lot area & frontage) 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, 401.1.6 and 801 – Table of Dimensional Requirements. The property is located at 3 RIVERVIEW CIRCLE which is in a Single Residence District and AQUIFER PROTECTION DISTRICT (16-15)

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

Nash Quadir, 14 Overlook Rd., represented property owner. Applicant seeks to demolish all walls because of rotted sills and insufficient joists, rebuild two-story home on existing foundation, adding unheated sunroom and two-car garage, increasing impervious surfaces by 82 sq. ft.

Because of requested demolition, Board site visit scheduled for Monday, Sept. 12, 8 a.m. Hearing continued (extension form signed) to October 18, 2016 at 7:30 p.m.

20 MILLBROOK ROAD – JOHN ARCHAMBAULT & CHRISTINE MOYNIHAN

Application of JOHN ARCHAMBAULT & CHRISTINE MOYNIHAN to appeal the decision of the Building Commissioner, specifically that in the absence of building permit that the placement of storage bin/structure as an 'other than temporary' permitted by right accessory residential use in a required setback (R-30/Aquifer Protection District; 30' front yard setback) is a violation of Town zoning under the Town of Wayland Zoning Bylaws, Chapter 198, Sections 104, 702, and 801 Table of Dimensional Requirements. The property is located at **20 MILLBROOK ROAD** which is in a Single Residence District. (16-16)

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

Petitioners' home was struck by tree falling through the roof during 7/2/14 microburst storm causing substantial structural and related water damage. Obtained building permit to repair and reconstruct home with temporary storage structure within front yard setback. Permit closed in February 2015 after inspection by former Commissioner Jay Abelli; storage structure remains without follow-up permit.

Building Commissioner/Zoning Enforcement Officer Geoff Larsen received request for enforcement on March 21, 2016 from abutter Robert Flanagan, 22 Millbrook Rd. Following site visits, office meetings and communications with Petitioners, Larsen sent May 3, 2016 letter notifying homeowners that the no-longer-temporary storage structure was a zoning violation.

A second notification letter to homeowners dated June 8, 2016 resulted in July 22, 2016 appeal, with petitioners citing delays in completion of storm-related repairs. Larsen provided written chronology of events leading to action taken. Petitioners' narrative described punch list of unfinished repairs, further water damage, and chronology of impasse with contractor hired by insurance company. Homeowners moved back into house but cannot bring stored items back in until interior work is done. They hired a lawyer (not present) given dispute and impasse with insurance company and contractor.

Public comment: Ken Epstein, 6 Nob Hill Rd., said storage container obstructs street view. Richard Turner, 7 Nob Hill Rd., said container hook sticks out into already narrow roadway.

Possible options discussed: move container closer to the house, store items off-site, seek new permit, use smaller container.

Hearing continued, homeowners given grace period of about 60 days, without a fine, to encourage dispute resolution before winter sets in. Hearing continued to Oct. 25, 2016, 7 p.m.

8 LODGE ROAD – CHRISTOPHER & CATHERINE PIERSON

Application of **CHRISTOPHER & CATHERINE PIERSON** for any necessary approvals, special permits and/or variances as may be required to construct a new single family addition and 2nd story addition within existing setbacks under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6, 702, 703, Article 16 and 801 – Table of Dimensional Requirements (existing setbacks). The property is located at **8 LODGE ROAD** which is in a SINGLE RESIDENCE DISTRICT. (16-12)

Panel: Eric, Jonathan, Aida, Jason, Linda. Eric writing decision. (cont'd 8/9/16)

All panel members visited property. No new plans submitted despite Aug. 9 session ending with talk of mitigating project impacts (height, massing) to abutter at 6 Lodge Rd. Proposed two-story addition will reduce side yard setback from 7.9 feet to 6.7 feet. Applicant checked with architect: reducing height of addition affects scale and requires 5-6 hours of additional design work. Some nearby homes have added a second floor; setbacks vary. Applicant showed data for sun rotation in June with August photos responding to abutter concern about blocking sunlight. Winter data when sun is lower not provided.

Public comment: Kelley Bradford, 6 Lodge Rd., same concerns as prior hearing session; very close proximity of addition but no accommodation by applicant. Cordelia Lydon, 11 Lodge Rd., thanked applicant for new information, said others on street had added a second floor.

To address privacy, applicant agreed to remove second story windows on side facing 6 Lodge Rd. Bordering trees will not be removed. New trees will not exceed 6 feet to not block sunlight to abutter.

Chairman moved to make required findings. Voted 4-1 (Segal voted No). Chairman moved approval of special permit with conditions. Voted 4-1 (Segal - No).

Meeting adjourned at 9:50 p.m.



Prepared by: Linda Segal

February 14, 2017
Date Minutes Approved

Public documents:

Case 16-14: all July 2016: application, narrative, Board of Health (BOH) approval, BOH approved site plans, certified plot plan, Wong architectural plans, photos of existing house & neighborhood

Case 16-15: all July, 2016: KUQ Construction narrative, certified plot plan, structural engineer report, photos of existing house, tree removal plan, engineer site plan, seven pages of design plans.

Case 16-16: G. Larsen correspondence dated 8/17/16, 6/8/16. 6/2/16; Petitioners' narrative and photographs; RebuildEx repair estimate dated 8/7/14; RebuildEx contract agreement signed 10/14/14; 2015 correspondence between Petitioners and RebuildEx; April 19, 2015 punch list; Oct. & Nov. 2015 correspondence SmithDuggan attorney; 2015-2016 correspondence Petitioners and other contractors.

Case 16-12: July 2016: application, BoH approval 3 bedrooms/6 rooms total, certified plot plan, photos, Samiotes septic design plan, architectural design plans. Aug. 15, 2016 submittal: sunlight data/photos and ZBA decisions with other Lodge Rd. second-story additions.



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BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE (508) 358-3600
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MINUTES
September 13, 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, Thomas White, Linda Segal and Shaunt Sarian. Audio recorded by WayCam.

At the opening of the hearing with all applicants present, Eric Goldberg reported that it had come to the attention of the Building Department that the public notice was defective because a date-stamped meeting notice from the Town Clerk's office had not been posted in the binder located in the entry vestibule of Town Hall. Consequently, all four matters would need to be rescheduled. The Board then determined a new date as soon as practicable for all four matters to be heard.

29 CASTLEGATE ROAD – JAYAPRAKASH NAIR & NISHA NAIR

Application of NASH QUADIR 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 within the required front and side yard setbacks under the Town of Wayland Zoning By-Law Chapter 198, Sections 201,203, 401.1.2, 401.1.6, 702,703, Article 16, and 801 Table of Dimensional Requirements (front yard and rear). The property is located at 29 CASTLEGATE ROAD which is in the SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT. (16-11)
(cont'd 7/12)

Panel: Eric Goldberg, Aida Genis, Thomas White, Linda Segal, Shaunt Sarian. Eric Goldberg writing decision.

Hearing continued to Monday, September 26, 7:00pm. Extension obtained.

106 MAIN STREET-WAYLAND HOUSING AUTHORITY

Application of WAYLAND HOUSING AUTHORITY for any necessary authorization to modify a comprehensive permit #80-38, approvals, findings, special permits, variances or modifications as may be required by the Board of Appeals, to add a Smoking Shed within the front setbacks under MGL 40B of 21, the Town of Wayland Zoning By-Laws Chapter 198 Sections 201.1.1, 702.1, 203 and 802 Table of Permitted Uses. The property is located at 106 MAIN STREET which is in a SINGLE RESIDENCE DISTRICT (16-06) (cont'd 5/10, 5/24, 6/14, 6/28, 7/12)

Panel: Eric Goldberg, Aida Genis, Thomas White, Linda Segal, Shaunt Sarian. Eric Goldberg writing decision.

Hearing continued to Monday, September 26, 7:00pm. Extension obtained.

24 GLEZEN LANE – MARISSA and GAVIN KIVETT

Application of Marissa and Gavin Kivett for any necessary approvals, special permits and/or variances as may be required to construct addition (2nd story and lateral) and alterations to an existing single family dwelling within a pre-existing, non-conforming lot (lack of lot area and frontage) in a side yard setback and possibly 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 Requirements. The property is located at 24 GLEZEN LANE which is in a SINGLE RESIDENCE DISTRICT and AQUIFER PROTECTION DISTRICT (16-17).

No panel set. Hearing continued to Monday, September 26, 7:00pm. Extension obtained.

67 EDGEWOOD ROAD- JOHN AND SUSAN CARR

Application of John and Susan Carr for any necessary approvals, special permits, variances as may be required to modify ZBA Decision #15-31 dated February 24, 2009 (Special Permit and Finding) (increase living space by 79 sq. ft.) under the Town of Wayland Zoning By-Laws Chapter 198 Sections 201, 203, 401.1.2, 401.1.6, 401.1.7, 703.1 and 801 Table of Dimensional Requirements. The property is located at 67 EDGEWOOD ROAD which is in a SINGLE RESIDENCE DISTRICT. (15-31) (AMEND)

No panel set. Hearing continued to Monday, September 26, 7:00pm. Extension obtained.

Meeting adjourned at 7:46p.m.

February 14, 2017
Date Minutes Approved


Prepared by: Eric Goldberg

Public documents:

No documents reviewed by the Board as all matters continued due to defect in public notice.



TOWN OF WAYLAND
MASSACHUSETTS
01778
BOARD OF APPEALS

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE:(508) 35 3600
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MINUTES
JANUARY 24, 2017

Attending the meeting held 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 Member Linda Segal. Geoff Larsen, Building Commissioner & Zoning Enforcement Officer also attended. Liz Reef was in attendance to take the minutes. Audio recorded by WayCam. The meeting started at 7:05pm.

Eric reads the legal notice from the agenda for case 17-01. Jonathan will write the decision.

20 KING STREET-RAJASHEKAR R.RAVULA

Application of Rajashekar R. Ravula for any necessary approvals, findings, special permits and/or variances as may be required in order to demolish an existing single family dwelling and rebuild a single family dwelling on a pre-existing, non-conforming lot that is less than 55' from the centerline of the right of way that also changes (increases) the existing gross floor living area by more than 20% under the Town of Wayland Zoning By-Laws Chapter 198; including but not limited to, Sections 104.2, 201, 203, 401.1.2, 401.1.3, 401.1.3.2, 401.1.6, and Article 8. The property is located at 20 King Street which is in a R-20 Single Residence District.
Case #17 01.

Eric tells the applicant, Raj, that with the demolition of a house, they follow a procedure which is a site visit before they move forward on talking about the house. Eric tells Raj that the board doesn't deliberate at the site visit. All five members present agree to be at a site visit on Tuesday, January 31st at 8am. Eric tells Raj that it would be helpful to have structural engineering plans before the site visit.

Eric schedules Raj's case for the ZBA meeting on February 28, 2017. He has Raj sign an extension form that extends the meeting date until March 14, 2017 if needed.

Raj asks Eric if in the future it can be made known ahead of time to applicant that a demolition will need a site visit prior to the board deliberating about the case. Eric took note with a nod.

Other business:

Eric mentions to Geoff that he notices a copy of procedures for ZBA policy for making application dated August 2016 is in board's packet. Geoff agrees, says it's in the policy book at the building department counter and it was cc'd to Town Counsel and ZBA back in August.

Eric suggests that Rules and Regulations should be vetted by Town Counsel. Geoff says he can help to facilitate that with Town Counsel.

Board looked over proposed updates to the ZBA application. Geoff says he wants the applicant to own the process, not the building department.

Linda asks if Town Counsel might have a template for a narrative for the application. Aida says the board has always been applicant friendly since she's been on the board. Jonathan says he thinks Town Counsel should weigh in on this. Thomas says in Lexington and other towns they have the applicant do the work of filling out a complete application.

Thomas says he would love to see a job posting for a ZBA clerk posted in a month. He says this is the only ZBA board that doesn't have a dedicated clerk.

Regarding some of the missing minutes from 2015 & 2016, Linda says she made edits to the draft minutes. Eric asks if the board can take a few minutes now to go over the draft minutes with Linda's edits. The board agrees and the board moves to vote the minutes approved once the edits are made and the corresponding documents for each case are listed in the minutes. Liz agrees to make the edits and find the corresponding documents and include them in the minutes.

Geoff asks if we are supposed to size down the transcript of the November 29, 2016 meeting and turn them into minutes. Eric says yes.

Eric makes motion to approve draft minutes from January 12, 2017 meeting. All in favor...Yes 5-0.

Other Business:

Eric asks Geoff about 110 Grill. Geoff asks Eric about illumination and lighting. Eric says both, and signage. Geoff says 11/6/15 doesn't talk about lighting. Eric says internally illuminated lights and blowing signs are prohibited by By-Laws. Eric says that the concern is that they never came to the board for the signage and lighting.

Aida says there was a violation of that Decision and that installation of a sign was never permitted.

Eric says what matter is that what was installed is in conflict with the condition of the Decision. Eric says there are two signs on facade of building that are not permitted. He says they never asked for relief which they needed because there was already more than 40 square feet aggregate of signage on property.

Eric says the only request to the board was to alter the aesthetics of the building facade. He says they were within their right to make aesthetic changes to facade but that is independent of tenant signage. Eric says it's irrelevant whether it's internally illuminated or not internally illuminated. He says what matters is there is an installation of a facade that was never brought to the board's attention, and it was supposed to have been brought to their attention.

Eric makes motion to adjourn. All in favor...Yes. Meeting adjourned at 8:41p.m.

February 14, 2017
Date Minutes Approved

Liz Reef
Prepared by: Liz Reef



LEAGUE OF
WOMEN VOTERS®

*The Leagues of Women Voters
of Sudbury, Wayland and Weston*

Invite you to

The Ninth Annual

League of Women Voters Civics Bee

Featuring Intergenerational Town Teams

Sunday, April 2, 2017 at 2:00 p.m.

Ephraim Curtis Middle School

22 Pratts Mill Road

Sudbury, MA 01776

Free and Open to the Public

Teams from the three towns' middle schools, high schools, and adults test their knowledge of government at the federal, state, and local levels.

Supported in part by a grant from the LWVMA Sharfman Fund.



RECEIVED

17

FEB -6 2017

Board of Selectmen
Town of Wayland

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

February 6, 2017

Cherry Karlson
Wayland Board of Selectmen
41 Cochituate Road
Wayland, MA 01778

Dear Ms. Karlson:

The Massachusetts Historical Commission is pleased to inform you that Stone's Bridge, Wayland and Framingham, Massachusetts, was accepted by the National Park Service, Department of the Interior, for listing in the National Register of Historic Places on January 17, 2017. A certificate recognizing the designation of this property in the National Register is enclosed.

For your information, an explanation of the National Register of Historic Places is also enclosed. If you have any questions or wish further information, please do not hesitate to contact the Massachusetts Historical Commission.

We share with you a sense of pride that this historic structure has been listed.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Francis Galvin".

William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission

A handwritten signature in blue ink, appearing to read "Brona Simon".

Brona Simon
State Historic Preservation Officer
Massachusetts Historical Commission

cc: Gretchen Schuler., consultant
Elisa Scola, Wayland Historical Commission
Andrew Reck, Wayland Planning Board

enclosure



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

**THE NATIONAL REGISTER OF HISTORIC PLACES:
EFFECTS AND BENEFITS OF LISTING**

The National Register of Historic Places is the nation's official list of historic places worthy of preservation. Listing in the National Register (NR) recognizes historic properties that are significant to our communities, our state, and our nation. The NR is a federal program of the National Park Service, administered in Massachusetts by the Massachusetts Historical Commission (MHC). The NR recognizes unique and irreplaceable historic resources that give a sense of time and place to our downtowns, neighborhoods, village centers, and rural landscapes, and contribute to our communities' character, making Massachusetts a special place.

NR listing is an important preservation planning tool that encourages preservation, but it does not guarantee that listed properties will be preserved. The NR is not a design review program, but it does provide limited protection from state and federal actions, as well as eligibility for certain matching state restoration grants (when available) and certain tax benefits for certified rehabilitation projects.

STATE REGISTER OF HISTORIC PLACES:

Properties listed in the NR are automatically listed in the State Register of Historic Places as well. The State Register is a compendium of properties with historic designations, listed by municipality, and serves as a reference guide, helping to determine whether a state funded, permitted, or licensed project will affect historic properties. The State Register review process helps ensure that listed properties will not inadvertently be harmed by activities supported by state agencies. The State Register is published annually and is available through the Statehouse Bookstore.

EFFECTS OF NR LISTING FOR PRIVATE PROPERTIES:

NR status in itself places no constraints on what owners may do with their property when using private funding, unless state or federal funds, permits, or licensing are used, or when some other regional or local bylaw, ordinance, or policy is in effect. NR listing does not impose additional restrictions to already existing local regulations or ordinances, nor does listing eliminate regulations currently in effect. Please be aware, however, that certain local ordinances, including demolition delay, may reference NR designation as a condition triggering review. NR-listed buildings may qualify for exemptions from some aspects of the State Building Code. Owners of private property listed in the NR have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their private property provided that no federal or state funding, licensing, permitting, or approval is involved. If owners use state or federal funds to alter their property or need state or federal permits, the proposed alteration will be reviewed by MHC staff. The review is triggered by the funding or permitting source, not by the historic designation. Local funding and permitting do not trigger MHC review. Owners may affix plaques to their listed properties, if they choose, but it is not required. MHC does not provide or review plaques. City or town sign ordinances should be consulted.



Stone's Bridge

Wayland/Framingham, Massachusetts

was accepted on *January 17, 2017* for inclusion in the

National Register of Historic Places

The National Register is the nation's official list of buildings, districts, sites, structures, and objects that retain their historical character and are important to our local, state, or national history. The National Register was established under the National Historic Preservation Act of 1966 and is administered in the Commonwealth by the Massachusetts Historical Commission.

William Francis Galvin
Secretary of the Commonwealth
Chairman, Massachusetts Historical Commission

Brona Simon
State Historic Preservation Officer

MASSACHUSETTS HISTORICAL COMMISSION
A Division of the Secretary of the Commonwealth

**MASSACHUSETTS
FISCAL ALLIANCE**



RECEIVED

FEB 21 2017

Board of Selectmen
Town of Wayland

February 15, 2017

Selectman Cherry Karlson
41 Cochituate Rd
Wayland, MA 01778

Dear Selectman Karlson,

I'm writing to draw your attention to carbon tax legislation under consideration in the state legislature.

The measure, SD 1021, sponsored by Senator Michael Barrett of the Third Middlesex district, claims to be "revenue neutral." It is not. SD 2021 would drive up costs on gas, electricity, and home heating oil. Municipal budgets as well as individual citizens will feel its effects.

Your Representative Alice Piesch has cosponsored this same legislation. We urge you to let him know you do not support a new, broad tax on energy. We have included a copy of our testimony against this bill for your reference. If you have any questions, please call me at (617) 797-2540 or email at paul@massfiscal.org with any questions. Thank you.

Sincerely,

Paul Craney
Executive Director
Massachusetts Fiscal Alliance



S1747 An Act Combating Climate Change

Paul D. Craney
Executive Director
Massachusetts Fiscal Alliance
18 Tremont St. #707, Boston, MA 02108

Joint Committee on Telecommunications, Utility and Energy
October 27, 2015

I am submitting this in opposition to S1747, An Act Combating Climate Change. What this bill presents to do, is impose a “revenue neutral” carbon tax. There are many reasons for being opposed to this bill and I hope you will consider the following concerns.

To first address the point of the bill, reducing carbon dioxide emissions, in which the purpose of doing this would be to prevent the greater outcome of climate change, or the slow progressive warming of the earth’s atmosphere. From a big picture, it is a good idea to measure if the labors of our efforts are worth the fruits. This policy to reduce carbon emissions addresses emissions in the small state of Massachusetts with a population of just over 6.7 million people. We don’t know what the fruit of our labor, or the reduction in global warming will be yet, but let’s put this into perspective. Recently, President Obama announced a large-scale “Clean Power Plan” that pushes for a 28% emissions reduction by 2025. This national plan, affecting the roughly 319 million people in the U.S. is said to prevent just 0.02 degrees Celsius in warming by 2100. ⁱ In fact, if you were to eliminate all carbon emissions that MA produces, that would only result in a 0.002-degree Celsius reduction in temperature by the year 2100. ⁱⁱ I urge you to imagine how much less of an affect any policy on a statewide level would have in the grand scheme of things. To compare apples to apples, the CBO put out a study on the implementation of a Carbon Tax on the national level and concluded “The tax would help reduce U.S. emissions but would have only a modest effect on the Earth’s climate without a worldwide effort.” ⁱⁱⁱ Time and again, Secretary Clinton has said that it is important to get the most heavily populated countries like India and China on board to reduce their emissions because “there is no sense in negotiating an agreement if it will have no practical impact in reducing emissions to safer levels.” ^{iv} Once again, imagine how much more insignificant implementing this tax on the small state of MA would be, never mind the extra layers of headache that will result from it for the average person and government agencies alike.

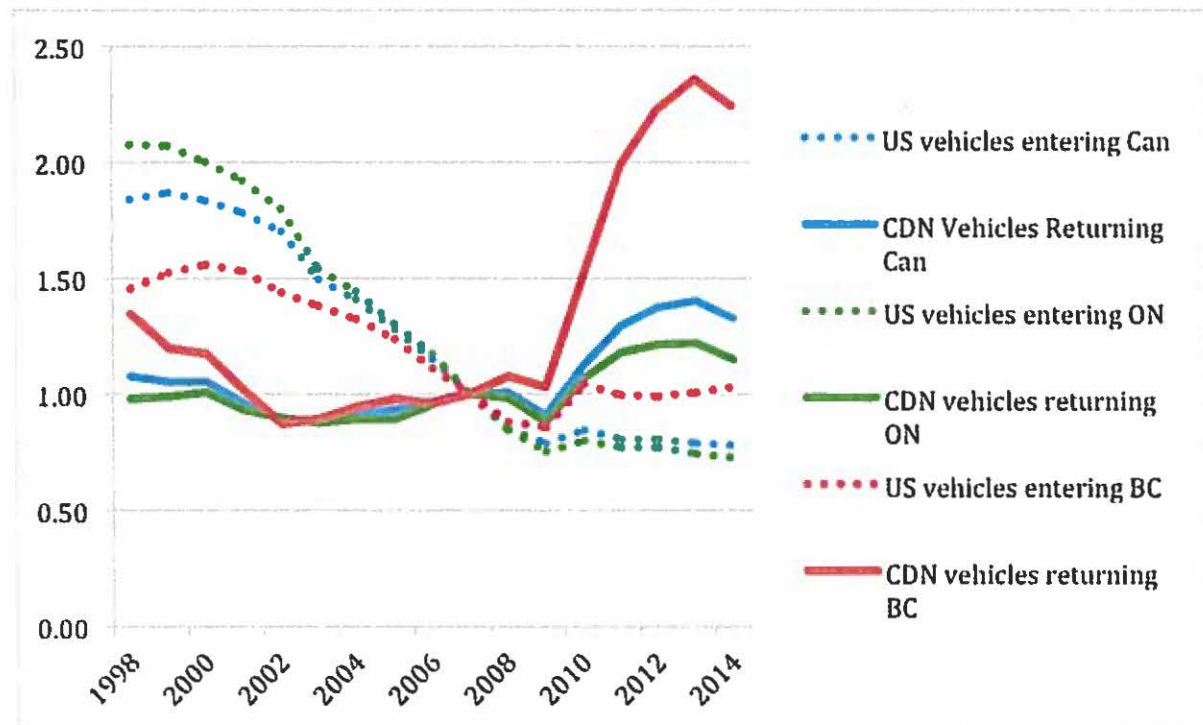
As I am sure you will repeatedly hear, British Columbia (BC) is the leading example of a revenue neutral carbon tax since its implementation in 2008. Looking beyond the glowing reviews however, there are some points that shouldn’t be overlooked on different parts of this

bill. Firstly, since carbon emissions from vehicles account for a majority of all emissions, the effect this tax will have on gas alone is a large one.

In BC, studies have shown that their carbon tax on gas is five times more potent in decreasing gas usage than a normal market driven gas hike.^v They speculate that the typically green-minded individuals who want to use less gas feel like the playing field is more level and that by using less gas, others can't freeload and use more due to their sacrifice. This results in the green-minded people carrying out their goal of using less gas with the implementation of the field-leveling carbon tax. However, what was once a reasoning on the individual basis, could now be applied to a city, state or province as a whole. For example, if just one state in the U.S. cuts back its usage of gasoline, this lowers the world price and allows every other driver on Earth to get slightly cheaper gas.^{vi} Even this theory however, was short lived. Findings that declines in gas usage leveled off after the last increase in the carbon tax in 2012 were soon found.^{vii}

Another way to refute the lower gas usage in BC is a simple one: people were buying gas elsewhere. The studies don't capture consumption of gas, but rather the sale of gas in BC. Since buying cheaper goods in other states isn't a new theory for MA residence, why shouldn't we assume that people will go to other surrounding New England states to fill up their gas tanks? For those who think this theory is unrealistic, see the following chart which shows vehicle border crossing between BC and the southern bordering U.S., specifically focusing on 2008 levels when BC carbon tax was implemented.

Figure 1. Annual Vehicle Border Crossings, U.S. vs. Select Canadian Regions, Index 100 = 2007



Source: Statistics Canada, [Table 427-0002](#).

Further, proponents of the carbon tax like to say that the economy had remained largely untouched by the implementation of this tax in BC. This however, is when they compare BC to the rest of Canada, and doesn't take into consideration the fact that BC was actually doing better than Canada as a whole before the implementation of this tax. If you look at the unemployment rate five years before the implementation of the carbon tax in BC, it was at 5.6% and the Canadian average was at 6.6%. Take those numbers and compare them with five years after the implementation of the tax where BC unemployment rate was at 7.1% compared to Canada's 7.6%.^{viii} This shows that the labor market advantage that BC once had was cut in half after the implementation of this tax. The economic effects that such a tax could have on MA would be disastrous.

Finally, since our state and nation as a whole does rely mostly on fossil fuels, if you tax them, things are going to cost more, despite the promised rebate. The price of gas, electricity and home heating are going to go up as a result. You can also assume that companies that are the largest emissions producers, who are the ones that are supposed to feel the biggest hit, will pass along the burden to the average consumer through higher costs on consumer goods, and will cut corners on quality. In the end the average person will take the biggest hit with the implementation of this tax. In turn, I hope you will consider taking a deeper look into the consequences of this legislation.

ⁱ <http://www.cato.org/blog/002degc-temperature-rise-averted-vital-number-missing-epas-numbers-fact-sheet>

ⁱⁱ http://scienceandpublicpolicy.org/images/stories/papers/originals/state_by_state.pdf

ⁱⁱⁱ <https://www.cbo.gov/publication/44223>

^{iv} http://www.nbcnews.com/id/30440785/ns/us_news-environment/t/clinton-china-india-must-join-climate-action/#.VikRFSvYFyg

^v <https://socialsciences.uottawa.ca/sites/default/files/public/eco/eng/documents/1211e.pdf>

^{vi} <http://instituteenergyresearch.org/analysis/british-columbias-carbon-tax-and-leakage-into-the-u-s/>

^{vii} <http://instituteenergyresearch.org/analysis/british-columbias-carbon-tax-and-leakage-into-the-u-s/>

^{viii} Unemployment data from Statistics Canada, Table 282-0087. The averages are based on the monthly data, i.e. July 2003 through July 2008, and July 2008 through July 2013.



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

February 21, 2017
SPR17/174

Paul Stein, Ed.D.
Superintendent of Schools
Town of Wayland Public Schools
41 Cochituate Road
P.O. Box 408
Wayland, MA 01778

Dear Dr. Stein:

I have received the petition of Linda L. Segal appealing the response of the Town of Wayland (Town) and the Town Public Schools (School) to a request for public records. G. L. c. 66 § 10A; see also 950 C.M.R. 32.08(1). Specifically, in a request dated January 23, 2017, Ms. Segal requested “[a]ll invoices showing all legal fees and other related legal expenses charged to the [S]chool and [T]own sides of the FY15 and FY16 Town of Wayland budgets from May 1, 2015 through April 1, 2016 related to” a specific incident. In separate responses dated February 3, 2017, the Town and School each provided responsive records containing redactions.

The Public Records Law

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any town of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv); 950 C.M.R. 32.06(3); see also *Dist. Attorney for the Norfolk Dist. v. Flatley*, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption). To meet the specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record.

If there are any fees associated with a response a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

To assist in requesting and responding to requests for public records please refer to our publication, *A Guide to the Massachusetts Public Records Law*. This document is available on the Internet, free of charge, at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>. Attorneys on my staff are available during regular business hours to answer general questions regarding the Public Records Law. In addition, members of my staff will visit a records custodian in person to conduct training workshops on the Public Records Law upon request. Please contact my office directly at the telephone number provided in this determination for further information.

The Town and School's February 3rd responses

In the February 3rd responses the Town and School each provided Ms. Segal redacted records at no cost. The redactions contained in the records provided to Ms. Segal are within the "Services" description column; information pertaining to dates, hours, and dollar amounts was provided.

The Town's response

In its February 3rd cover letter John Senchyshyn, on behalf of the Town, indicates "the Town has not redacted any information or records responsive to your request. All responsive documents and information contained therein have been provided" (emphasis in original). Mr. Senchyshyn further explains "[t]he only information that has not been provided is information contained in records that are not responsive to your request and/or information that is not responsive which is protected by the attorney-client privilege since they contain entries of former Town Counsel Lanza for the purpose of obtaining confidential legal advice on separate topics, and the privilege has not been waived" (emphasis in original).

Mr. Senchyshyn continues by stating "the redacted portions of the invoices are, at the outset, not responsive to your [r]equest" and the "redacted portions of Attorney Lanza's invoices, which contain confidential statements of counsel provided to the Town for purposes of obtaining legal advice and strategy from Attorney Lanza, for which the attorney-client privilege has not been waived on entirely different matters do reveal confidential communications for the purpose of obtaining legal advice for the Town by town officials and, therefore are privileged attorney-client communications" (emphasis in original).

Under the Public Records Law, the Town is not required to create a record in response to a public records request. See G. L. c. 66, § 6A(d); 32 Op. Atty Gen. 157, 165 (May 18, 1977). The duty to comply with requests for information extends only to those responsive records that exist and are in the custody of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii). Whereas the Town explained in its February 3rd letter that it has not withheld any responsive information, I will consider this appeal closed with respect to the Town.

The School's response

In its February 3rd cover letter the School explains "information which is protected by the attorney-client privilege has been redacted in the enclosed documents." You indicate "[t]he redacted portions of the invoices contain confidential statements identifying the specific subjects of privileged legal advice given to the School Department and/or information that must remain confidential under other statutes, such as student records. This information is therefore privileged or otherwise not subject to production as a public record pursuant to M.G.L. Chapter 4, Section 7(26)(a)." You also cite Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 449-50 (2007) and DaRosa v. New Bedford, 471 Mass. 446, 453 (2015) in support of this position.

Common law attorney-client privilege

The attorney-client privilege protects confidential communications between an attorney and his client. However, in order for the claim of attorney-client privilege to be valid, the custodian has the burden of not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client's search for legal advice from the attorney in his or her capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived. See Suffolk, 449 Mass. at 450 n.9; see also Hanover Ins. Co. v. Rapo & Jepsen Ins. Servs., 449 Mass. 609, 619 (2007) (stating that the party seeking the attorney-client privilege has the burden to show the privilege applies).

Based on its February 3rd letter, it is unclear whether any redactions within the records provided pertain to responsive information, specifically, the incident referred to in Ms. Segal's request. The School must clarify this matter. See G. L. c. 66, §§ 6A(d), 10(a)(ii). If certain redactions pertain to responsive information, the School must explain with specificity how this information may be withheld. See G. L. c. 66, §10(b)(iv).

I understand an attorney on my staff contacted you and School Counsel Kevin F. Bresnahan, Esq. about this matter. Attorney Bresnahan indicated the School would provide a supplemental response regarding this matter.

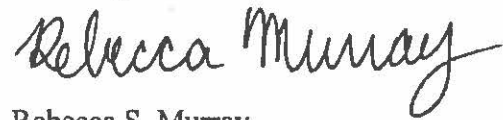
Conclusion

Accordingly, I will consider this appeal closed with the proviso that the School provide Ms. Segal with a response to the request, provided in a manner consistent with this order, the Public Records Law and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

Paul Stein, Ed.D.
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February 21, 2017

SPR17/174

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Rebecca S. Murray
Supervisor of Records

cc: Linda Segal
Kevin Bresnahan, Esq.
Carolyn Murray, Esq.

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

Tel & Fax: (508) 358-2379

E-mail: geoharris2@gmail.com

February 24, 2016

Via Email Only

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

Re: Open Meeting Law Complaint Dated December 19, 2016 —
Wayland Finance Committee

Dear Mr. Sclarsic:

I am writing to withdraw the above-captioned complaint, which I am not submitting to your office for resolution.

I am satisfied that the Finance Committee has taken steps to address the concerns I have raised.

Sincerely,

/s/ George H. Harris

cc: David Watkins, Chair, Finance Committee (by email)
Carolyn M. Murray, Esq. (by email)
Kaitlin Maher (by email)