

PACKET

APR 18

2017



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN

Tuesday, April 18, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

Proposed Agenda

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

- | | | |
|---------|------|--|
| 7:00 pm | 1.) | Call to Order by Chair <ul style="list-style-type: none">• Review Agenda for the Public; Announcements |
| 7:02 pm | 2.) | Public Comment |
| 7:10 pm | 3.) | Organization of the Board: Vote for Officers; Discuss Portfolio Assignments |
| 7:20 pm | 4.) | Interviews and Potential Vote to Appoint to Boards and Committees <ul style="list-style-type: none">1. Historic District Commission Alternate<ul style="list-style-type: none">• Caitlin Ahern |
| 7:30 pm | 5.) | Update with Treasurer; Discuss Tax Title Collections and Policy; Review Borrowing Results |
| 7:45 pm | 6.) | Annual Town Meeting Follow-up |
| 8:05 pm | 7.) | Meet with Energy Initiatives Advisory Committee |
| 8:15 pm | 8.) | Discuss Request to Finance Committee to Fund Shortfall in Library Drainage Project |
| 8:30 pm | 9.) | Review Schedule of Meetings |
| 8:40 pm | 10.) | Minutes: Review and Vote to Approve Minutes of March 20, 2017, March 27, 2017, March 31, 2017, April 2, 2017, and April 3, 2017 |
| 8:45 pm | 11.) | Consent Calendar: Review and Vote to Approve (See Separate Sheet) |
| 8:50 pm | 12.) | Review Correspondence (See Separate Index Sheet) |
| 9:00 pm | 13.) | Report of the Town Administrator |
| 9:10 pm | 14.) | Selectmen's Reports and Concerns |
| 9:20 pm | 15.) | Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any |
| 9:25 pm | 16.) | Adjourn |

OFFICERS AND MEETINGS

OFFICERS

1. At the first meeting of the Board of Selectmen held after the adjournment of Annual Town Meeting *sine die*, members shall elect a chairman and vice chairman/clerk whose terms of office begin immediately and end when duly elected successors are chosen at the first meeting of the Board of Selectmen following the adjournment of the subsequent Annual Town Meeting.
2. The chairman shall be the presiding officer at meetings of the board. S/he will set the agenda, represent the board, and act as its spokesman, or designate the same.
3. The vice chairman shall preside at meetings in the absence of the chair, assist the chairman as needed in managing the affairs of the board, and coordinate/schedule the warrant process for the board.
4. If both the chairman and vice chairman are unavailable, the senior Selectman in time served as a Selectman shall preside at meetings of the board.
5. The intent of this policy is for the chairman of the board to rotate among members of the board willing to serve. Nothing in this policy prohibits a selectman from succeeding him/herself if the board so votes.
6. Should the chairman be unable to continue to serve, the vice chairman will become the chair and an election held to choose a new vice-chairman. Should the vice chairman be unable or unwilling to serve, a new chairman shall be elected. Should both positions become vacant, the senior elected Selectman shall hold both offices until an election can be held to fill the vacancy in both positions.

MEETINGS

1. The Board of Selectmen shall convene at least twice a month on Monday evening at 7:00 p.m. with additional meetings scheduled as necessary. Unless deemed appropriate by the Board, discussion shall not begin on new business items after 11:00 p.m.
2. The Town Administrator shall provide the members with appropriate background materials on matters before the Board and shall provide copies of all correspondence sent to the Selectmen. S/he shall maintain accurate records of all meetings and action taken, including executive sessions.
3. Three members shall constitute a quorum.
4. Beginning in July 2015, meeting materials will be provided by electronic packet rather than a paper copy.

Approved on April 26, 2010; restated on October 13, 2010; revised and restated on July 13, 2015.

Board of Selectmen Portfolio Assignments for April 2016 through April 2017

Mary Antes - term expires 2018

Conservation Commission
Community Preservation Committee
Council on Aging, Senior Property Tax Relief Committee
Council on Aging/Community Center Project
Historical Commission
Historic District Commission
Housing: Housing Authority, Housing Partnership, Affordable Housing, 40B projects
River's Edge Advisory Committee
Wayland Real Asset Planning Committee

Lea Anderson - term expires 2018

Board of Assessors; Overlay Estimate; Tax Classification/ Tax Rate Hearing
Emergency Preparedness
Regular Session Minutes
Minuteman Regional Vocational Technical School
Planning Board and Zoning Board of Appeals
Public Safety Issues (Police, Fire, Including Ambulance, ALS Committee, Paramedic Services)
Open Meeting Law/Town Clerk

Cherry Karlson - term expires 2017

Audit Committee
Economic Development Committee
Energy Initiatives Advisory Committee
Executive Session Minutes
Finance Committee, Fiscal/Budget Strategy; Capital Planning
Personnel Board, Collective Bargaining, Negotiation Strategy; Health Insurance
Town Counsel and Legal Services

Joe Nolan - term expires 2017

Board of Public Works
Library Board of Trustees
MetroWest 495 Partnership, MetroWest Regional Collaborative
Permanent Municipal Building Committee
Town Center, Town Green, Municipal Parcel
Transportation Issues (Rail Trail, Canoe Launch, Senior/Disabled Transit, TIP Projects/Funding, RTA)
Wastewater Management District Commission

Louis Jurist - term expires 2019

Board of Health
Recreation Commission
Schools
Technology Planning, Electronic Communication and Improvements to Town Website
WayCAM Public Access Corporation; Cable Television Advisory Committee
Youth Advisory Committee

DATE: APRIL 14, 2017

TO: BOARD OF SELECTMEN

RE: APPOINTMENT AS AN ALTERNATE TO THE HISTORIC DISTRICT COMMISSION

Caitlin Ahern has expressed an interest in serving as an alternate on the Historic District Commission, to fill a term a term to expire on June 30, 2019. Her letter of interest and résumé are attached. She has attended a meeting and met with the Chair, Gretchen Schuler.

The vacancy is due to the resignation of Sheryl Simon. There is no requirement as to the background or profession of the alternate member. Gretchen Schuler expressed the opinion that the alternate position is a great place for her to start, since she is relatively new to town and wants to get involved.

VOTE: TO APPOINT CAITLIN AHERN AS AN ALTERNATE TO THE HISTORIC DISTRICT COMMISSION, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2019.

DiNapoli, MaryAnn

From: Caitlin Ahern <caitlinbahern@gmail.com>
Sent: Sunday, March 19, 2017 6:41 PM
To: Balmer, Nan
Cc: DiNapoli, MaryAnn
Subject: Interest in joining the Historic District Commission
Attachments: AhernResume2017.pdf

Dear Ms. Balmer,

I am writing to express my interest in joining the Historic District Commission as an Alternate member. I have lived in Wayland for two years, and am eager to become more engaged in the community, and especially with the Historic District Commission. I met the Chair of the Commission at a public hearing, and after hearing my interest, she invited me to attend the next meeting; therefore I attended the March 16 meeting and began to learn about the mission and priorities of the committee. What made Wayland so inviting to us, when my husband and I were looking to move out of our city apartment, was the small-town feel, rooted in history; now that we've made Wayland our home I want to contribute to sustaining that historic, small-town character we've grown to love.

I have attached my resume here for your review; my education is in anthropology and education, and I've worked in public education for nearly the last ten years. I am a strong writer and effective speaker, as well as a motivated learner. I am well-versed in technology tools and applications; I regularly use online tools to collaborate, to create presentations and movies, and to gather and analyze feedback. Finally, I work and learn effectively in teams, and it is this quality that will help me learn the work and vision of the Historic District Commission, and become a valuable, contributing member.

Please let me know if I can provide you with any further information about myself or my interest in joining the Historic District Commission. Thank you for your time and consideration.

Sincerely,
Caitlin Ahern

Caitlin B. Ahern

716.400.1876 | CaitlinBAhern@gmail.com

84 Riverview Circle, Wayland, MA 01778

EDUCATION

Commonwealth Leadership Academy December 2013
Principal and Assistant Principal Licensure Course Northborough, Massachusetts

- Completed a 300-hour internship with the Director of the Upper School (grades 3-6) at Boston Renaissance Charter School, assisting with academic scheduling, new teacher orientation, and implementation of the MA Supervision and Evaluation system in a *Race To The Top* school
- Created and implemented a university partnership model to support the professional development of pre-service teachers

Harvard Graduate School of Education June 2008
Ed.M., Learning and Teaching Program Cambridge, Massachusetts

Mount Holyoke College May 2007
B.A. in Anthropology, Cum Laude South Hadley, Massachusetts

- Completed 4-month study abroad program based in Cochabamba, Bolivia
-

LICENSURE

Rethinking Equity and Teaching for English Language Learners SEI Endorsement June 2014

MA Licensure Principal/Assistant Principal PreK-6 February 2014

MA Professional Licensure in Elementary Education, Grades 1-6 September 2015

MA Licensure in Early Childhood, PreK-2, With and Without Disabilities June 2007

EXPERIENCE

Lexington Public Schools July 2016-Present
Coordinator for Professional Learning and Special Projects Lexington, Massachusetts

- Coordinating professional learning and development workshops, courses, and events for 1,000 faculty and staff, serving over 7,000 students, PreK-12. Attended METCO Director's Association Annual Conference (2016) and Learning Forward Annual Conference (2016).
 - Collaborating with EDCO, Teachers21, Endicott College, Ribas Associates, Harvard Graduate School of Education, and other outside providers to develop and implement relevant professional learning for LPS educators grounded in current research of best practice
 - Facilitating the LPS Professional Learning Committee of 20 educators from throughout the district, to conduct professional learning needs assessments and plan district professional learning aligned with our district goals and vision
 - Supporting the Assistant Superintendent, Superintendent, and district with professional learning related to special projects including the implementation of the Next Generation MCAS, piloting
-

Learning Walkthroughs, and the district transition from an outdated email platform to using the Google suite of tools

Estabrook Elementary School, Lexington Public Schools
Fourth Grade Teacher

September 2014-June 2016
Lexington, Massachusetts

- Engaged in a second, year long, principal internship under the mentorship of the Estabrook School Principal and shadowed additional Lexington Principals. Responsible for implementing a school-based professional learning model. Developed and implemented a school wide homework survey. Attended Lexington Town Meeting for capital projects (2015) and the MESPA Assistant Principals Conference (2016).
- Implemented the workshop model for reading, writing, and mathematics instruction, and engaged in professional learning with Teachers College, Columbia University
- Experienced with Calkins Units of Study for Reading and Writing, Everyday Mathematics, AIMSWeb, the Developmental Reading Assessment, running records, Words Their Way, and standards-based report cards
- Achieved strong results for students, above 90% success including students with special education and ELL needs
- Implemented an extensive Response to Intervention system, including Professional Learning communities, data teams and direct and indirect student service models
- Experienced with technology devices and applications, including Aspen X2 Information Systems, AESOP, ATLAS, ChromeBooks, G-Suite, ELMO Document Readers, MacBooks and applications, SMART technologies, and web-based instructional tools
- Partnered with parents to build home-school communication systems
- Participated in school community events including Lexington Town Meeting, 5K and Family Fun Day, and Class Gatherings

Boston Renaissance Charter Public School
Teacher: 2nd Grade, 3rd Grade, Inclusion

September 2009- August 2014
Hyde Park, Massachusetts

- Engaged in a 6-month internship under the mentorship of the Head of the Upper School. Led the Teach Like a Champion Committee and related school-wide professional development. Participated in walk-through and formal observations of teachers and provided written feedback. Managed classroom readiness efforts for 41 classrooms. Developed and led student teacher placement program.
 - Teacher-Leader on the Teacher Evaluation Team (2012-2014) working with administrative team to implement Massachusetts Educator Evaluation system. Developed and presented professional development on using the Teacher Rubric and setting SMART goals. Vetted online resources and programs for implementation. Coached teachers over the course of the evaluation cycle.
 - Implemented small group instructional model for mathematics and literacy instruction, with 82% of students from low-income households and a disproportionate number of students with social-emotional, behavior, and special needs.
 - Experienced with co-teaching, Harcourt Trophies, Project Read, Lexia, i-Ready, Read Naturally, DIBELS, A-NET, Eureka Math from Engage NY, STEM Fair
 - Taught MCAS preparation after-school program (2012, 2013)
 - Member of the Quality of Life Committee (2012-2014)
-

Caitlin B. Ahern

Kelly Elementary School

August 2008-June 2009

Permanent Substitute

Chelsea, Massachusetts

- Taught grades 1-4 in a Title 1 School with a focus on literacy instruction
 - Served as Grade 2 Long-Term Substitute
 - Developed an online forum to increase opportunities for professional collaboration
-

INTERESTS

Professional learning and development, teacher leadership, archaeology, Mount Holyoke Alumni events, writing, travel



Town of Wayland
Treasurer/Collector's Office
41 COCHITUATE ROAD
WAYLAND MASSACHUSETTS 01778
www.wayland.ma.us TEL. 508-358-3633

Date: April 18, 2017

TO: Board of Selectmen

FROM: Zoe Pierce, Treasurer/Collector

RE: Treasurer's Presentation:

- Review of Bond Sale & Premium
- Tax Title Collections/Foreclosure Process
- OPEB Performance Update
- Overview of Excise Taxes

Review/Updates:

(1) Award of bonds to Eastern Bank at a True Interest Cost (TIC) of 2.9863197%, with a premium of \$545,128.85

BACKGROUND:

The town recently issued \$13,010,000 in bonds. Financial Advisor Clark Rowell will briefly review the bidders and potential impact on sixth month review of Moodys.

(2) Update on Tax Title Collections and Foreclosure Process

ACTION REQUESTED:

Set criteria as to when to go forward with the foreclosure process. There are properties that are "land only" that the taxes exceed the value of the property. They are not desirable pieces of property, but are included in our annual tax levy. If I foreclose on these properties, they will be excluded from the levy. I strongly recommend foreclosing on these parcels.

BACKGROUND:

As of April 7th, the Treasurer's office has collected over \$1,135,000 in delinquent taxes and interest in FY 2017, all of which impacts free cash. While I have made substantial progress, going forward there are several properties that need to be addressed. As the town has not foreclosed on any properties in the last twenty years, policies need to be established.

(3) Brief Overview of OPEB

BACKGROUND:

The Town transferred the OPEB funds, \$13,060,793.85 into the State retirement fund (PRIT) last April. As of February 28, 2017, the balance in the fund is \$14,260,560.40. Performance reports are attached and posted on the Treasurer's website.

(4) Review of Policies and Procedures Regarding Excise Bills Being Deemed Uncollectable

BACKGROUND:

Currently the Town is carrying 30 years of excise bills on their General Ledger. The State provides a remedy for Collectors to deem these bills as uncollectable. The Town of Wayland, however, has never utilized this process. This is a housekeeping process, and does not relieve the taxpayer of the liability. John Senchyshyn, Zoe Pierce, and Ellen Brideau are reviewing best practices with respect to these receivables.

(6) ANNUAL TOWN
MEETING

DATE: APRIL 18, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: ANNUAL TOWN MEETING FOLLOW-UP

The Moderator, Town Clerk, Chair of the Finance Committee and Chair of the ELVIS Committee will meet with the Board to provide any comment on the 2017 Annual Town Meeting. Attached is a listing of Town Meeting articles, their status and some action items, followed by two general recommendations on the second page.

Article	2017 Article Name	Status	
1	Recognize Citizens and Employees for Particular Service to the Town-M1, M2	Passed	Create volunteer tracking system
2	Pay Previous Fiscal Year Unpaid Bills	Passed	Create system for capturing unpaid bills.
3	Current Year Transfers	Passed	Develop policy on Reserve Fund, Current Year and End of Year Transfers
4	OPEB Funding	Passed	Assign committee and staff responsibility and expectations
5	Revolving Fund Bylaw	Passed	Adopt FY 19 procedures; review annual limits and account restrictions
6	FY 2018 Omnibus Budget-Motion #1 as Amended, Motion #2 Motion #3	Passed	Review and adopt FY 19 budget process by 6/30/17; Initiate FY 18 capital plan, establish FY 18 account codes
7	Personnel Bylaws and Wage Classification Plan	Passed	
8	Compensation for Town Clerk	Passed	Discuss – possible consideration in Fall
9	Non-Medical/Recreational Marijuana Moratorium-Zoning bylaw Amendment	Not Passed	
10	Authorize Local Voting Rights for Permanent Resident Aliens	Passed	Submit to legislative delegation
11	Library Construction Grant Application	Passed	
12	Authorize Acquisition of an Access and Utility Easement at 89 Stonebridge Rd	Passed	Refer to Town Counsel
13	Street Acceptance	Passed	Town has 120 days in which to acquire property rights within the layout sufficient to use the layout for public way purposes. If this is not done the layout will not be effective. Reconsider Spencer Circle
15	Preservation of Historically Significant Buildings Bylaw Amendment	Not Passed	
16	CPC Fund General Budget-Set Asides and Transfers	Passed	Finance Director sets up accounts
17	Appropriate Funds to Restore Mellen Law Office and Cochituate Town Clock	Passed	
18	Appropriate Funds to Hire a Housing Consultant	Passed	Town Administrator procures contractor
19	Appropriate Funds to Construct Athletic Field at Oxbow Meadows	Passed	
20	Appropriate Funds to Construct ADA Trails and Signs at Dudley Woods	Passed	
21	Appropriate Funds to Restore/Replace Windows of First Wayland High School Now Known as Bradford Hall	Passed	Town Counsel provides model grant agreement
22	Transfer Station Access Road Improvements	Passed	
23	Plastic Bag Reduction Bylaw	Passed	Before effective date, Board of Selectmen designates enforcement officer / information for stores, restaurants and public.
24	Polystyrene Food Container Bylaw as Amended	Passed	Before effective date, Board of Selectmen designates enforcement officer / information for stores, restaurants and public.
25	Accept Gifts of Land	Passed Over	
26	Hear Reports	Passed	Include Annual Report in warrant article; Review report submission process
27	Choose Town Officers	Passed	
28	Sell or Trade Vehicles and Equipment	Passed	
	Add back – Rescind debt for ATM 2017		

ADDITIONAL TA RECOMMENDATIONS		
1.	Adopt FY 19 Capital and Operating Budget Process	TA with Selectmen and Finance Committee
2.	Adopt FY 19 Article Submission, review and approval process	TA with Selectmen and Finance Committee
3.	Follow legal processes for zoning by-law and street acceptance	Town Planner with Planning Board

Balmer, Nan

From: ELLEN R TOHN <etohn@tohnenvironmental.com>
Sent: Sunday, March 26, 2017 9:50 PM
To: Karlson, Cherry; Balmer, Nan
Cc: Anne Harris; Ellen Tohn
Subject: Energy Committee Requests for BoS

Hi Cherry and Nan

The Energy Initiatives Advisory Committee recently completed a strategic planning exercise to help us chart our next phase of work. As we look forward we respectfully ask that the Board of Selectman approve the below requests so that we can continue our work.

1. **Change the committee name to: Energy and Climate Committee. The committee embraces a joint goal of reducing energy use and mitigating climate risks. The name change more clearly brings climate mitigation and reduction of greenhouse gas emissions into our mission. Revised Mission Statement: Advise the Board of Selectman on actions to reduce energy use and mitigate climate risks.**
2. **The Committee requests that we be included in next years FY 19, miscellaneous committees budget line item for annual town meeting at \$1,000. For FY 18, we respectfully request that the town pay our 2017-18 ICLI - Local Governments for Sustainability dues of \$600. ICLI membership will give us access to tools to help us characterize our energy and climate emissions in order to prioritize future actions. We will also gain access to information from other ICLI towns and cities around the world. Natick recently joined ICLI and has found their tools to be very helpful. <http://icleiusa.org/>**
3. **The Committee would like to become an affiliate of the Massachusetts Climate Action Network (MCAN) in conjunction with Transition Wayland. Becoming an affiliate does not require a financial contribution or endorsement of specific policies. Becoming an MCAN affiliate will give the Committee access to information, tools, and connections with peer towns working to address climate risks. Several other town energy committees are MCAN affiliates: Dedham, Lenox, Wellesley.**

Please do not hesitate to contact me if you have any questions. I would be happy to attend a BoS meeting if that is needed to discuss the request. Note I am out of the country April 1-9th and booked 4/10 for Passover.

Best
Ellen Tohn
Wayland Energy Initiative Advisory Committee Co-Chair
cell 508-667-5164



Wayland High School, Carport, Solar Panel Quantity: 1,938, DC Capacity: 610 kW, AC Capacity: 500 kW



Wayland Department of Public Works, System Type: Rooftop, Solar Panel Quantity: 722, DC Capacity: 227 kW, AC Capacity: 176 kW



Wayland Middle School, System Type: Carport, Solar Panel Quantity: 756, DC Capacity: 238 kW, AC Capacity: 208 kW



Wayland Town Building, System Type: Carport, Solar Panel Quantity: 825, DC Capacity: 260 kW, AC Capacity: 207 kW

(8) LIBRARY DRAINAGE

DATE: APRIL 18, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: REQUEST TO FINANCE COMMITTEE TO FUND SHORTFALL FOR
LIBRARY DRAINAGE PROJECT

REQUESTED ACTION:

VOTE TO REQUEST THAT THE FINANCE COMMITTEE APPROVE A RESERVE FUND TRANSFER OR TRANSFER BETWEEN ACCOUNTS TO FUND A SHORTFALL IN THE AMOUNT OF \$64,862 FOR THE LIBRARY DRAINAGE PROJECT

BACKGROUND:

- In March 2010, the lower level of the Library flooded.
- In 2011, MEMA provided the Town with a mitigation grant to fund a drainage project to prevent future flooding.
- In 2011, MEMA provided a grant of \$268,594 (75%) and the Town provided \$89,531 (25%) for the total project budget of \$358,125. Costs include engineering, construction, signal repair, project management and landscaping.
- The Library drainage project extends from the Depot parking lot, across the intersection of Rt. 27 and Rt. 20, under the Library parking lot to the wetlands at the back of the Library.
- The original project manager was the former DPW Director. The project manager is now former Facilities Director John Moynihan who also oversees the Rail Trail project which is under construction by the same contractor and design engineer.
- Except for some design work, the project did not begin until November 2016 and was expected to take one month. MEMA extended the project completion date under the grant until April 2017.
- The contractor for this project, IW Harding, encountered numerous underground, abandoned utilities throughout the project site which delayed the project and increased the cost from the original contract price of \$234,000 by \$112,500 to \$346,500.
- The contractor and design engineers completed their work in December 2016 and are waiting for payment on invoices issued in January 2016.
- The Finance Committee may consider payment of this expense as a Reserve Fund Transfer pursuant to G.L. c. 40, Section 6. Reserve Fund Transfers may be approved by the Finance Committee for "extraordinary or unforeseen expenditures." In this case, these expenses were unforeseen when Town Meeting adopted the FY 17 budget. As an alternative, the Board of Selectmen may vote to request that the Finance Committee approve a transfer of any funds that are available at the end of the year from one budgeted item to another pursuant to G.L. c. 44, Section 33B(b), as amended by the Municipal Modernization Act of 2016. The revised statute provides: "A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the Finance Committee "... may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation." Accordingly, the Board of Selectmen may request, and with the concurrence of the Finance Committee cause the shortfall for the library drainage project to be funded by a transfer of funds from any another appropriation, other than funds appropriated for the school department.
- A summary of sources and uses for this project, showing a projected shortfall of \$64,862 is attached.

LIBRARY DRAINAGE PROJECT FUNDING:

SOURCES

MEMA	268,594	
LOCAL	89,531	
TOTAL SOURCES:		<u>358,125</u>

USES

DESIGN TIGHE & BOND 2011 TO NOVEMBER 2016	10,000	
DESIGN TIGHE & BOND: 11/1/16 - PROJECT COMPLETION	40,700	
CONSTRUCTION: IW HARDING CONTRACT	234,000	
CONSTRUCTION: IW HARDING CHANGE ORDERS	112,500	
SIGNAL REPAIR	3,787	
MATERIALS FOR DPW LANDSCAPING	7,000	
PROJECT MANAGEMENT	15,000	
TOTAL USES:		<u>422,987</u>

SHORTFALL **64,862**

365 January 2017

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365 March 2017

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365 April 2017

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365 May 2017

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365 June 2017

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365 July 2017

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365 August 2017

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365 September 2017

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365 October 2017

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365 November 2017

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365 December 2017

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- 1 Jan New Year's Day
- 16 Jan Martin Luther King Day
- 12 Feb Lincoln's Birthday
- 14 Feb Valentine's Day
- 10 Feb Presidents Day
- 18 Feb Mardi Gras Carnival
- 12 Mar Daylight Saving (Start)
- 17 Mar St. Patrick's Day
- 1 Apr April Fool's Day
- 14 Apr Good Friday
- 16 Apr Easter
- 17 Apr Easter Monday
- 5 May Cinco de Mayo
- 14 May Mother's Day

- 20 May Armed Forces Day
- 29 May Memorial Day
- 4 Jun Pentecost
- 5 Jun Pentecost Monday
- 14 Jun Flag Day
- 18 Jun Father's Day
- 4 Jul Independence Day

- 4 Sep Labor Day
- 11 Sep September 11th
- 17 Sep Citizenship Day
- 22 Sep Native American Day
- 9 Oct Columbus Day
- 16 Oct Boss's Day
- 21 Oct Sweetest Day

- 31 Oct Halloween
- 5 Nov Daylight Saving (End)
- 11 Nov Veterans' Day
- 23 Nov Thanksgiving
- 7 Dec Pearl Harbor
- 25 Dec Christmas Day
- 31 Dec New Year's Eve



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

**Board of Selectmen
Meeting Minutes
March 20, 2017
Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan,

Absent: None

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 7:03 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 announced that the upcoming town elections will be held on March 28, 2017, and that the League of Women Voters meeting on the big financial picture would be on March 30, 2017.

A2. Public Comment C. Karlson said that public comment on 24 School Street would be heard during the discussion of agenda item A3. There was no other public comment.

A3. Vote to Approve and Sign Letter to Mass Housing regarding 24 School Street 40B Project Eligibility Application The Board discussed the latest version of the letter to Mass Housing regarding the 24 School Street 40B Project Eligibility Application that they just received prior to the meeting. N. Balmer discussed the Board's options. Since the Board just received the letter and they will not be meeting before the extended deadline to respond, they decided to read the letter during the meeting.

J. Nolan arrived at the meeting at 7:14 p.m.

Once the Board members finished reading the letter, C. Karlson asked if anyone had any public comments related to the School Street project.

M. Upton, Bayfield Road, stated that she thinks the letter is great but noted that the Commonwealth Residences has a variety of unit sizes and wanted to let the Board know.

J. Hyman, Caulfield Road, said that the letter is better than the one last week. He said the second paragraph concerns him. He thinks it should be more direct. J. Nolan said he agrees with him.

L. Jurist said he thought the best we could hope for was to reduce the size of the project. He said to think that Mass Housing would nix it entirely would not be realistic. J. Nolan made suggestions on how to make the letter stronger. The Board discussed what would be an appropriate number of units to recommend. They also discussed public transportation. The Board suggested changes to the letter to Mass Housing to highlight the most important issues at the beginning and to strongly oppose the School Street 40B Project as proposed.

J. Nolan moved, seconded by M. Antes, to approve and authorize the Town Administrator and Board of Selectmen Chair to sign the letter as revised and to make further revisions if necessary. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Vote to Sign Conservation Restrictions for Mainstone Farm

G. Schuler, Chair of the Community Preservation Committee, came before the Board to request that they sign two Conservation Restrictions for Mainstone Farm. One plot of land (208 acres) the town is acquiring with money and the other (10 acres) is being donated to the town. She stated that everyone has signed except the Board of Selectmen.

L. Anderson moved, seconded by M. Antes, that the Board of Selectmen of the Town of Wayland approve the Conservation Commission's acceptance of the Conservation Restriction from Devens H. Hamlen *et. al.* to Sudbury Valley Trustees and the Town of Wayland, pursuant to Massachusetts General Laws Chapter 184, Section 32 and Chapter 40, Section 8C and that said vote is taken at a duly held public meeting on March 20, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none ABSTAIN: none. Adopted 5-0.

M. Antes moved, seconded by J. Nolan, that the Board of Selectmen of the Town of Wayland approve the Conservation Commission's acceptance of Conservation Restriction gift from the Mainstone Farm Land Trust to Sudbury Valley Trustees and the Town of Wayland, pursuant to Massachusetts General Laws Chapter 184, Section 32 and Chapter 40, Section 8C and that said vote is taken at a duly held public meeting on March 20, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board thanked everyone that has been involved with the Mainstone project throughout the years, including Sudbury Valley Trustees, the Conservation Commission, the Community Preservation Committee, Wayland Town Meeting, and especially the Hamlen Family, who made a multi-generational decision and committed to making it work. N. Balmer reviewed what the process will be from here.

A5. Discussion and Potential Vote on Town Meeting Articles, Errata and Handouts

C. Karlson stated that she, along with L. Anderson and N. Balmer, met with the Town Moderator and Town Counsel to discuss Town Meeting and the Motion appointments. L. Jurist will move the Revolving Fund Article. M. Antes will move the Local Voting Rights For Permanent Resident Aliens Residing in Wayland Article. L. Anderson will take the Compensation for the Town Clerk Article. C. Karlson will take Articles 1-4 and Articles 25-28. She stated that they will have the most up to date errata next week.

A6. Discussion and Potential Vote to Approve the Authorization of the Town Administrator to Extend the Period for Execution of the River's Edge Land Development Agreement

N. Balmer stated that Special Counsel is suggesting April 28th for the deadline extension. She stated that the developer has a new Counsel. N. Balmer said there is still a lot to discuss. C. Karlson stated that April 28 date is pretty far away and overall the Board expressed disappointment the agreement wouldn't be wrapped up sooner since so much work was put in to abide by the deadline.

J. Nolan moved, seconded by M. Antes, that the Board of Selectmen vote, with respect to the land located at 484-490 Boston Post Road in Wayland, Middlesex County, Massachusetts, identified on the Wayland Assessor's Map as Parcels #22-3, 22-6 and 22-7, and commonly known as River's Edge (the "Property")

(a) To extend the deadline for execution of a final Land Disposition Agreement for the Property under that certain Notice of Award issued by the Town on February 24, 2017 and accepted by WP East Acquisitions, LLC on February 27, 2017 (the "Notice of Award") from Wednesday, March 29, 2017 until Friday, April 28, 2017 (the "LDA Deadline"); and

(b) To authorize the Town Administrator to execute and deliver any documents necessary to evidence the extension of the LDA Deadline, and to grant any further extensions necessary or proper, as determined in the Town Administrator's discretion, with respect to the LDA Deadline in the Notice of Award.

YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Minutes: Review and Vote to Approve Minutes of March 6, 2017 M. Antes moved, seconded by L. Jurist, to approve the minutes of March 6, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Review and Approve Consent Calendar (See Separate Sheet) M. Antes moved, seconded by L. Anderson, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes noted the letter from Mr. Pickett expressing concern about the House bill to Eliminate the Office of Constable. The Board said they will monitor the bill.

A10. Report of the Town Administrator N. Balmer updated the Board on the volunteer records and if there are any volunteers who have achieved 25 years of service or more this year. She said that there happens to be none this year. She said retired Library Director Ann Knight was not included in the warrant but should be recognized at Town Meeting. She said that the Town Clerk and the Executive Assistant will work on this together going forward. N. Balmer also discussed the public records update memo from J. Senchyshyn that was included in the packet.

N. Balmer stated that Eversource is taking nominations for taking down double poles and Wayland is at the top of the list. She said if anyone has nominations to contact her office. She stated that the Finance Committee has concerns about funding the River's Edge legal bill. J. Nolan stated that there can always be discussion about funding in the future but the town needs to pay their bills. N. Balmer said it might help if the Board puts this on their agenda next week to talk to the Finance Committee. N. Balmer listed off a few options that the Finance Committee can do but she said there doesn't seem to be a consensus. C. Karlson said she would reach out to the chair of the Finance Committee.

A11. Selectmen's Reports and Concerns L. Anderson stated that she will be posting the last Listening Session Subcommittee meeting tomorrow and the final report will be available shortly.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Chair said, "I know of none."

A13. Adjourn There being no further business before the Board, L. Jurist moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 8:28 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 20, 2017

1. Record of Vote of the Wayland Board of Selectmen, March 20, 2017, to Extend the Period for Execution of the River's Edge Land Development Agreement

Items Included as Part of Agenda Packet for Discussion During the March 20, 2017 Board of Selectmen's Meeting

1. Draft Letter to Mass Housing from Board of Selectmen re: 24 School Street
 2. Memorandum of 3/9/17 from Sarkis Sarkisian, Town Planner, to Board of Selectmen, re: Planning Board Review of Proposed #24 School Street Application for 40B Affordable Housing Project
 3. Memorandum of 3/20/17 from Nan Balmer, Town Administrator, to Board of Selectmen re: Mainstone Farm Conservation Restrictions
 4. Memorandum of 3/20/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: River's Edge
 5. Draft Meeting Minutes, Board of Selectmen, March 6, 2017
 6. Report of the Town Administrator for the Week Ending March 17, 2017
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BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
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**Board of Selectmen
Meeting Minutes
March 27, 2017
Wayland Town Building, Large Hearing 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 6:42 p.m. in the Large Hearing 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 Election Day is tomorrow, the LOWV "Big Financial Picture" is scheduled for March 30, and the Civics Bee will be held on April 2. C. Karlson announced that the 2017 Annual Town Meeting begins at 1:00 p.m. on Sunday, April 2 in the Field House.

A2. Public Comment There was no public comment.

A8. Review and Approve Consent Calendar (See Separate Sheet) L. Anderson moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

A3. Vote to Award Bonds Town Treasurer, Zoe Pierce, informed the Board that the bond sale took place today. A total of \$13,010,000 in bonds were sold. Eastern Bank is the underwriter as they offered the lowest True Interest Cost of 2.9863197%. Z. Pierce reported that this is an excellent rate. N. Balmer thanked Zoe, and Financial Advisors, Clark Rowell and Kristy Genga from Unibank for their effort. L. Anderson moved, seconded by M. Antes, to award bonds as presented. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

A7. Minutes: Review and Vote to Approve Minutes of March 13, 2017 M. Antes moved, seconded by L. Jurist, to approve the minutes of March 13, 2017, as amended. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, J. Nolan. ABSTAIN: none. Adopted 3-0.

A9. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. L. Anderson stated that the letter to Mass Housing was greatly improved. She also found the WRAP minutes very helpful and informative.

A10. Report of the Town Administrator N. Balmer discussed drafts of two agreements. The first is the agreement between the BOS and the WWMD for the PILOB (payment in lieu of betterment) and the second is the agreement between Wayland Meadows, WWMD and the Conservation Commission for the transfer or wastewater capacity for 5 Concord Road and the donation of Lot 8 to the Conservation Commission. She said the only thing left now is to figure out how much Wayland Meadows owes. She told the Board they will see it again after Town Meeting and to let her know if they have any questions.

A4. Annual Town Meeting Warrant Hearing, Including Review of Motions

The Board was joined by Town Counsel, Carolyn Murray, and Town Moderator, Dennis Berry. C. Karlson led the attendees through a page by page review of the warrant and motions for Annual Town Meeting. Residents made suggestions and asked questions. C. Karlson noted that corrections will be included in an updated errata sheet.

(Louis Jurist arrived at 7:17 p.m.)

A5. Annual Town Meeting: Discussion of Business Related to Town Meeting including Motions, Errata, and Voting on Articles

N. Balmer suggested the Board meet half an hour before Town Meeting on Sunday and meet 15 minutes before on the rest of the days.

L. Antes moved, seconded by M. Antes, that the board support Article 6 (FY 2018 Omnibus Budget). YEA: L. Anderson, M. Antes, C. Karlson. L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

The Board decided to wait to vote on Street Acceptance until they see the Finance Committee's write-up.

A6. Receive and Discuss Report from Listening Session Subcommittee; Vote to Disband

L. Anderson discussed the Listening Session Subcommittee report and went into some details about the process, the experience, and the results. M. Antes went over the recommendations of the Subcommittee. She said one of the main concerns is the lack of communication. Vision and lack of coordination were also brought up as concerns. M. Antes said she is looking for permission to send people the report. She said she would also like to send it to the staff. N. Balmer suggested that one Board of Selectmen member attend a department heads meeting after the report is sent out to staff. L. Anderson said she is happy to attend the next meeting so the report can be posted online sooner than later.

L. Jurist moved, seconded by M. Antes, to disband the Listening Session Subcommittee. YEA: L. Anderson, M. Antes, C. Karlson. L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A11. Selectmen's Reports and Concerns M. Antes noted the letter looking for support for MetroWest Health Foundation that is due this Friday. C. Karlson said they want a letter stating what the town's organizational contribution would be. M. Antes said she would hope the town would do this. L. Jurist said the deadline is too soon.

M. Antes moved, seconded by L. Anderson, for The Town of Wayland to send a letter of support to Karen Adelman from the MetroWest Regional Collaborative for an application for funding for the MetroWest Health Foundation. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: L. Jurist. Adopted 3-0-1

M. Antes asked her fellow Board members if they were aware of the upcoming Commonwealth Conversations event on April 4th. The other Board members said they were not aware of it. M. Antes said she would look into it.

C. Karlson asked N. Balmer to explain the change in the errata that refers to the changes in the Selectmen's office about staff and titles. N. Balmer said E. Doucette's title has changed from Finance Analyst to Finance Administrator and has increased a grade as well. She said her responsibilities have increased and she went in

front of the Personnel Board. C. Karlson asked N. Balmer to cite changes like that in the Town Administrator's report in the future.

A12. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A13. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), to Conduct Strategy with Respect to School and Town Non-Union Personnel; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes on the Following Topics: Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect To 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; and a Discussion of Strategy with Respect to a Pending Action Regarding 150 Main Street LLC v. Zoning Board of Appeals, Pending with the Land Court; and a Discussion of Strategy with Respect to Pending Actions Regarding Boelter et al v. Wayland Board of Selectmen, and a Discussion of 20 Millbrook Road, and a Discussion of Strategy with Respect to Collective Bargaining and Pending Litigation in regard to Sams-Lynch v. Town of Wayland, and a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees; and, Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), a Consideration of the Purchase, Taking, Lease or Value of Real Property in Regard to the Rivers Edge Project at 484-490 Boston Post Road because a Public Discussion of these Matters may have a Detrimental Effect on the Negotiating, Litigating or Bargaining Position of the Town: APPROVE FOR RELEASE WITH REDACTIONS: January 30, 2017 APPROVE AND HOLD: January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017 At 8:40 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), a to discuss strategy with respect to and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association representing town and school employees, and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), to conduct strategy with respect to school and town non-union personnel; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to review and consider for approval the potential release of the following executive session minutes on the following topics: pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a discussion of strategy with respect to 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; and a discussion of strategy with respect to a pending action regarding 150 Main Street LLC v. Zoning Board of Appeals, pending with the land court; and a discussion of strategy with respect to pending actions regarding Boelter et al v. Wayland Board of Selectmen, and a discussion of 20 Millbrook Road, and a discussion of strategy with respect to collective bargaining and pending litigation in regard to Sams-Lynch v. Town of Wayland, and a discussion of strategy with respect to and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial

Association, Custodians Union and Food Service Association representing town and school employees; and, pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), a consideration of the purchase, taking, lease or value of real property in regard to the Rivers Edge Project at 484-490 Boston Post Road: APPROVE FOR RELEASE WITH REDACTIONS: January 30, 2017; APPROVE AND HOLD: January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invited attendance by Town Administrator Nan Balmer and Assistant Town Administrator/Human Resources Director John Senchyshyn. The Board will reconvene in open session in approximately thirty minutes.

The Board returned to open session at 9:26 p.m.

C. Karlson stated that the Board is currently up to date with minutes. She said the Board has released all executive minutes with topics that have been concluded.

A14. Executive Session Minutes: Approve for Release with Redactions January 30, 2017, and Approve and Hold January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017

L. Anderson moved, seconded by M. Antes, to approve for release with redactions the executive session minutes of January 30, 2017. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. L. Anderson moved, seconded by M. Antes, to approve and hold the executive session minutes of January 23, 2017, February 6, 2017, February 13, 2017, March 6, 2017, and March 13, 2017. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

A15. Adjourn There being no further business before the Board, L. Jurist moved, seconded by L. Anderson, to adjourn the meeting of the Board of Selectmen at 9:30 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. 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 March 27, 2017

1. Record of Vote of the Wayland Board of Selectmen, March 20, 2017, to Extend the Period for Execution of the River's Edge Land Development Agreement
2. Revised Draft Errata for the Annual Town Meeting
3. Revised Draft Motions for the Annual Town Meeting
4. Email of 3/27/17 from Metropolitan Area Planning Council to Board of Selectmen re: Request for Letter of Collaboration for a MetroWest Health Foundation Grant
5. Report of the Board of Selectmen Listening Session Subcommittee

Items Included as Part of Agenda Packet for Discussion During the March 27, 2017 Board of Selectmen's Meeting

1. Memorandum of 3/23/17 from Zoe Pierce, Treasurer/Collector, to Nan Balmer, Town Administrator, re: Board of Selectmen Meeting, Bond Issuance
2. Board of Selectmen Listening Session Subcommittee, Meeting Minutes of February 22, 2017
3. Draft Meeting Minutes, Board of Selectmen, March 13, 2017
4. Report of the Town Administrator for the Week Ending March 24, 2017



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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

March 31, 2017

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

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Joseph F. Nolan (arrived 8:59 a.m.)

Absent: Louis M. Jurist

Also Present: Town Administrator Nan Balmer, Executive Assistant MaryAnn DiNapoli

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 8:53 a.m. in the Selectmen's Conference Room of the Wayland Town Building. She noted the meeting is not being broadcast or videotaped by WayCAM. The Board thanked Joe Nolan for his service to the town, and congratulated Doug Levine on his election to the Board.

A2. Public Comment Linda Segal, 9 Aqueduct Road, noted that the motions for the Annual Town Meeting, Article 8, "Compensation for Town Clerk," and Article 26, "Hear Reports," were still marked for abbreviated procedure, and requested that they be changed to regular procedure. She noted that the Board had reinstated the Audit Committee because they had not submitted an annual report and had therefore ceased to exist.

A3. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association Representing Town and School Employees, Because a Public Discussion of these Matters may have a Detrimental Effect on the Negotiating or Bargaining Position of the Town At 9:02 a.m., C. Karlson moved, seconded by M. Antes, to into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss strategy with respect to and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodians Union and Food Service Association representing Town and School employees. 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, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0. Chair C. Karlson invited attendance by Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Selectman-Elect Doug Levine, and Executive Assistant MaryAnn DiNapoli. The Board will reconvene in open session in approximately ten minutes.

The Board returned to open session at 9:10 a.m

A4. Join the School Committee in the Selectmen's Meeting Room for Potential Discussion of and Ratification of Agreement with the Wayland Teachers' Association; Potential Presentation of Agreement with the Wayland Teachers' Association to the Members of the School Committee and the Finance Committee as well as the Town Administrator and the Public The Board left the Selectmen's Conference Room to join the School Committee in the Selectmen's Meeting Room.

Ellen Grieco, Chair, School Committee, said that an agreement has been reached with the Wayland Teachers' Association, and upon the advice of Town Counsel and School Counsel, the School Committee will request a vote to provide funding at the Annual Town Meeting. She said the contract calls for a two percent increase in FY18, and a 2.25 percent increase in each of the following two years. The School Committee will present an amendment to the motion under Article 6 to transfer funds from the reserve account to the school budget, noting that the funds were set aside earlier in the year in anticipation of settlement. She said the non-financial terms of the settlement include an additional fifteen minutes of instruction time per day and a provision for increased preparation time. C. Karlson asked if there is a financial implication to the additional fifteen minutes of instruction time. Brad Crozier, Assistant Superintendent of Schools, said no; he explained that the work day is not extended, but only the time spent with students. Anette Lewis, 33 Claypit Hill Road, asked how the additional preparation time is compensated; B. Crozier said the students will get an additional thirty minutes per week in the library or computer lab. A. Lewis said the settlement will impact other unions and should have been done simultaneously. E. Grieco said town meeting should be aware that a contract has been finalized. A. Lewis questioned why union raises are extended to non-union personnel, and she requested that the contract not be brought to town meeting. E. Grieco said that on advice of counsel, the contract will be funded at town meeting. She also noted that the School Committee cannot talk about the substance of ongoing negotiations with other unions. Gordon Cliff, Finance Committee, asked about the role of the Finance Committee. E. Grieco said they would like the support of the Finance Committee at town meeting, and said the motion will be prepared in writing and be made available for distribution.

A5. Adjourn There being no further business before the Board, L. Anderson moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 10:07 a.m. YEA: L. Anderson, M. Antes, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of March 31, 2017

1. None

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

1. None
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BOARD OF SELECTMEN

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Board of Selectmen

Meeting Minutes

April 2, 2017

Wayland High School Field House
264 Old Connecticut Path, 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 12:34 p.m. in the Wayland High School Field House and reviewed the agenda. There were no announcements.

A2. Public Comment Linda Segal, 9 Aqueduct Road, said the motion for Article 8, "Compensation for Town Clerk," does not state whether the article falls under abbreviated procedure. C. Karlson said none of the articles marked for abbreviated procedure in the warrant have changed.

A3. Discuss Any Annual Town Meeting Business, Including:

Vote on Article 13: Street Acceptance The Board reviewed the final comments of the Finance Committee in regard to Article 13. M. Antes moved, seconded by L. Jurist, to recommend to Annual Town Meeting the approval of Article 13, "Street Acceptance." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0. N. Balmer reviewed the Town Counsel's opinion as to why the street name "Dylan Circle" is being used in the motion instead of "Dylan's Circle."

Current Year Transfers – Potential Increase to Snow and Ice Personnel Services and Expenses

C. Karlson said that there are additional expenses from the recent snowstorm for snow and ice removal, which necessitates increasing the current budget. L. Anderson moved, seconded by M. Antes, to increase the budget for snow and ice removal in Article 3, "Current Year Transfers." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

Article 26: Hear Reports – Acceptance of Annual Report The Board questioned why Article 26, "Hear Reports," included a vote to receive the Annual Reports. N. Balmer said that according to Town Counsel, it is a tradition and not a requirement. She said that if it becomes an issue of scope, it is the decision of the Town Moderator. C. Karlson said the Board will consider the article further at its meeting on April 3.

A4. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any The Board reviewed a letter from a resident, Alicia Winokur, regarding the new library, and correspondence received from the American Progressive Bag Alliance regarding the plastic bag article for Annual Town Meeting.

A5. Adjourn There being no further business before the Board, L. Jurist moved, seconded by M. Antes, to recess the meeting of the Board of Selectmen to attend the Annual Town Meeting at 12:42 p.m. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. 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 April 2, 2017

1. Letter from Alicia Winokur, 21 Bow Road, re: New Library
2. Email of 4/2/17 from Tom Holder, DPW Director, to Board of Selectmen, re: Revised Request for Snow and Ice Current Year Transfer
3. Email of 3/31/17 from American Progressive Bag Alliance to Chair, Board of Selectmen, re: Plastic Bag Legislation in Wayland
4. Annual Town Meeting Motions, Redlined as of April 1, 2017, and Bluelined as of April 2, 2017
5. Amendment of Motion 1 of 3, Article 6, FY2018 Omnibus Budget

Items Included as Part of Agenda Packet for Discussion During the April 2, 2017 Board of Selectmen's Meeting

1. Finance Committee Comments on Article 13, Street Acceptance
-



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

Board of Selectmen

Meeting Minutes

April 3, 2017

Wayland High School Field House
264 Old Connecticut Path, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan

Absent: None

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator John Senchyshyn, Town Counsel Carolyn Murray

A1. Call to Order by Chair Chair C. Karlson called the meeting of the Board of Selectmen to order at 6:50 p.m. in the Wayland High School Field House and reviewed the agenda. M. Antes announced that on Sunday, Wayland had won the 9th Annual Civics Bee, sponsored by the League of Women Voters, in double overtime.

A2. Public Comment Linda Segal, 9 Aqueduct Road, advised the Board that Raytheon correspondence had been sent to the town but was not received in the Selectmen's office. She said she will provide the letter and asked the Board to review it. In regard to the Annual Reports, she said that other boards and committees besides the Audit Committee had failed to submit an annual report, and noted the Economic Development Committee and the Housing Partnership.

A3. Discuss Any Annual Town Meeting Business C. Karlson said that a fire vehicle was added to Article 28, "Sell or Trade Vehicles and Equipment." In regard to Article 23, "Plastic Bag Reduction Bylaw," she said the Board of Public Works plans to amend the enforcement of bylaw from the Board of Public Works to the Board of Selectmen. C. Murray suggested that the amendment read, "Board of Selectmen or its Designee." The Board discussed Article 26, "Hear Reports." C. Karlson noted the Town Counsel's advice that inclusion of the Annual Reports in the article is at the Board's discretion. The Board agreed to leave the motion as is, including the acceptance of the Annual Reports.

A4. Review and Approve Consent Calendar (See Separate Sheet) L. Jurist moved, seconded by M. Antes, to approve the consent calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. L. Jurist requested that the details of the legal bills be sent to him via email for his review.

A5. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A6. Adjourn There being no further business before the Board, J. Nolan moved, seconded by L. Jurist, to recess the meeting of the Board of Selectmen to attend the Annual Town Meeting at 6:58 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of April 3, 2017

1. None

Items Included as Part of Agenda Packet for Discussion During the April 3, 2017 Board of Selectmen's Meeting

1. Consent Calendar

TOWN ADMINISTRATOR'S REPORT

WEEK ENDING APRIL 14, 2017

RAIL TRAIL

Work on the Rail Trail was resumed on April 12th with 10 more work days expected until completion. John Moynihan is acting as project manager and point of contact with the contractor, I.W. Harding.

MAINSTONE

Closing on the Mainstone Farm Conservation Restrictions took place on Wednesday April 12th.

COMMUNITY COMPACT

The Board will be asked on 4/24 to vote to sign an Agreement with the Collins Center to review and develop the Town's financial policies and procedures based on best practice and to review and recommend a financial management structure for the town. Attached is the draft Agreement – Please see pp. 3-4, Scope of Work and provide any comments. The draft Agreement was also sent to the Chair of the Finance Committee for comment.

Next Step: Provide any Board comment on Scope of Work. Vote to sign agreement.

WASTEWATER MANAGEMENT DISTRICT COMMISSION

Attached are: 1) An Agreement(#1) between Wayland Meadows, the Wastewater Management District Commission (WWMDC) and the Conservation Commission to transfer 380 gallons per day of wastewater capacity and a 7.67 acre parcel to the Town and, 2) An Agreement between WWMDC and the Board of Selectmen to transfer 820 gallons per day of wastewater capacity for the Library property to the Selectmen for a total Payment in Lieu of Betterment (PILOB) of \$52,291. Funding was appropriated at 2016 Annual Town Meeting.

Agreement 1: The WWMDC has agreed to the language drafted by Attorney Kwesell except for her recommendation that the following language be included in the 6th Whereas: *"If capacity is not needed at 5 Concord Road, the WWMDC and the Town agree to explore utilizing the capacity or excess portion thereof for another Town owned building or project."* Town Counsel included this language because the language was included in the Finance Committee comments in the 2016 ATM warrant and voters may have relied upon the language. The WWMDC believes the Finance Committee comments are not the article

language Town Meeting voted and that the language is in contradiction to the WWMDC's practice and with the regulations it plans to adopt.

Agreement 2: The WWMDC and Conservation Commission have agreed to the language in Agreement #1. The Agreement was drafted by Attorney Kwesell who is recommending the addition of the date on which Wayland Meadows originally received the wastewater capacity from the WWMDC. The Selectmen are not a party to this Agreement but will, at a later date approve the acceptance of the parcel by the Conservation Commission.

Next Steps: The next steps are for the Board of Selectmen to review and comment on Agreement 1 and schedule a vote. Wayland Meadows has paid all outstanding taxes and fees and will make a final review of the Agreement this week. The WWMDC Chair asks to be scheduled for a vote on the document on Monday April 24th.

LEGAL BILLS

Attached please find an update on town legal bills, showing a potential shortfall of \$35,595, the legal budget cost "drivers" and potential sources of funds to offset the additional costs. The actual end of year cost overrun may be somewhat less than \$35,595.

Next Steps:

The Board is asked to consider whether it would support a request from the Town Administrator to use funds from Library Planning and Design, CPA, Town Center Gift Account, Wastewater Enterprise Fund and excess funds in the Assessor's operating budget to cover most of these costs. As an alternative a line item transfer could be requested.

104 PLAIN ROAD

Included in correspondence are a letter from Town Counsel and a response from Michael Stait regarding a conservation cluster approved by the Planning Board in 2015. The letter was held by me while we awaited Mr. Stait's response. The matter was referred to Town Counsel by the Conservation Commission when it learned it would receive 1/3 acre less in a donation of conservation land than the Commission expected.

Next Step: This is a Conservation and Planning Board issue. I will continue to work with Town Counsel and the the Conservation Administrator to determine what inquiry the Conservation Commission may make to the Planning Board.

MINUTEMAN

Susan Bottan is working with Elizabeth Doucette to review transportation alternatives, FY 18 funding and alternatives to Minuteman. Susan expects to have a multi-town arrangement in place for transportation with the Town of Weston. Ten students have

signed up for next year at an estimated cost of \$173,640 for tuition and special education. Susan will determine the final additional capital cost from capital obligations prior to 2015, the transportation costs and any potential reimbursements. The FY 18 budget includes \$185,000 and was based on 7 students.

HOUSING

The Town Planner is determining the dates building permits were issued on 48 affordable properties included on the town's subsidized housing inventory (SHI) since December 2014. Depending on how many and when the units were issued building permits, the zoning board may have a "safe harbor" of relief / negotiation for new 40 B comprehensive permits applications

Next Step: This is preliminary work for a potential mater before the Zoning Board.

TOWN BUILDING LOBBY

A representative of the American Legion asked to speak to the Board about how displays acknowledging veterans' service are housed in Town Building. The Facilities Director will make contact before your meeting and will be prepared to review with you how the Town Building Lobby and other areas are used for displays of all types.

Next Steps: Please look at the Town Building Lobby and bring your ideas to the meeting.

WEBSITE:

The IT Director advises that costs for a modernized website could be an extra cost of \$5,800 this year and \$3,000 for the two years following. Besides a more modern look, the upgrade would allow for easier webpage editing, integration with social media, and scheduled publishing. Implementation would be through a page by page review by each department.

Next Step:

Identify funding.

STORMWATER

The Conservation Administrator and DPW Director are working to complete the annual stormwater report due to EPA May 1st. We are in the process of hiring a Town Engineer who will be responsible for stomwater planning and compliance going forward.



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
 JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
 UNIVERSITY OF MASSACHUSETTS BOSTON

COMMUNITY COMPACT

100 Morrissey Boulevard
 Boston, MA 02125-3393
 P: 617.287.4824
 F: 617.287.5566
 mccormack.umb.edu/centers/cpm
 collins.center@umb.edu

PROFESSIONAL SERVICE AGREEMENT
Town of Wayland

This Professional Service Agreement (“Agreement”) is made as of this ____ day _____, 2017 (“Effective Date”) between the Town of Wayland, 41 Cochituate Road, Wayland, MA, 01778, (“Town”), and the University of Massachusetts (“UMass Boston”), represented by its Edward J. Collins, Jr. Center for Public Management (“Center”), having an address of 100 Morrissey Blvd, Boston, MA 02125-3393 (“the Parties”).

The Center has technical expertise, resources, and capacity available to it, and the Town wishes to engage the Center to provide the Town with technical services. UMass Boston has determined that the proposed services to be provided are consistent with its research, economic development, educational, and public service missions.

Therefore, the Parties hereto mutually agree as follows:

1. Professional Services. The Center agrees to provide the professional services described in Exhibit A, which is attached hereto and incorporated herein by reference (“Services”). Trained personnel or sub-consultants of the Center shall render the Professional Services.

2. Term. The Center will use reasonable efforts to provide the Professional Services during the period from the date of this Agreement until December 31, 2017. Unless the parties agree to extend the term in writing, this Agreement shall expire at the end of the term or upon the completion of the Professional Services, whichever shall first occur.

3. Confidentiality/Privacy. The Center shall comply with all applicable state and federal laws and regulations relating to confidentiality and privacy. Notwithstanding the foregoing, the Center as part of the University of Massachusetts, is subject to the provisions of the Massachusetts Public Records Law.

4. Payments. The Town agrees to pay to UMass Boston an all-inclusive fee of \$30,000 for these services. This cost shall include all Center staff time and overhead. The Town agrees to make payments upon receipt of invoices. The Center will invoice the Town for \$10,000 after the kick-off meeting and the remaining \$20,000 upon the completion of the work. The Center reserves the right to discontinue work if the Town fails to pay invoices within thirty (30) days of receipt. Payments shall be made to “University of Massachusetts Boston” and shall be sent to:

Edward J. Collins Jr. Center for Public Management
 University of Massachusetts Boston
 100 Morrissey Blvd.
 Boston, MA 02125-3393
 Attn: Robert O’Keefe

5. Warranty Disclaimer. The Center shall perform the Services in a professional and workmanlike manner. The Center shall endeavor to perform the Services within the schedule set forth herein, but is not liable for failure to meet the schedule. The foregoing warranties are in lieu of all other warranties, express, implied or statutory, including without limitation any implied or express warranties of merchantability, fitness for a particular purpose, or non-infringement of a patent or other intellectual property right.

6. Limitation of Liability. In no event shall UMass Boston be liable for any loss of profits, loss of use, loss of data, cost of cover, indirect, special, exemplary, punitive, incidental or consequential damages of any kind in connection with or arising out of this Agreement or the Services, even if UMass Boston has been advised of the possibility of those damages. Notwithstanding the foregoing, in no event shall its liability arising out of this Agreement or relating to the Services exceed the amounts actually paid.

7. Use of Names. The Town agrees that it will not utilize the name or seal of the University in any advertising promotional material or publicity, without the express written consent of UMass Boston. Reciprocally, UMass Boston will not utilize the name or corporate seal of the Town in any advertising promotional material or publicity, without the express written consent of the Town.

8. Termination. This Agreement may be terminated by either of the Parties upon thirty (30) days written notice of termination to the other. If either of the Parties defaults in the performance of any of its material obligations under this Agreement, then the non-defaulting party may give written notice of the default to the defaulting party. Unless the default is corrected within thirty (30) days after the notice, the notifying party may terminate this Agreement immediately upon written notice. Upon termination of this Agreement by either party, UMass Boston will be reimbursed for all costs and non-cancelable commitments incurred in performance of the Professional Services prior to the date of termination in any amount not to exceed the total commitment set forth in Section 4 of this Agreement. Provided, however, that if professional services are not complete, then UMass Boston will return any pro rata share of payment to the Town not otherwise expended, to the extent permissible.

9. Survival. The obligations of the parties under Sections 3, 4, 5, 6, 7, 8, and 9 survive termination of this Agreement.

10. Independent Contractor. Nothing contained in this Agreement shall be construed to constitute the Center or UMass Boston as a partner, joint venture, employee, or agent of the Town, nor shall either party have the authority to bind the other in any respect, it being intended that each shall remain responsible for its own actions.

11. Governing Law. This Agreement is governed by the laws of the Commonwealth of Massachusetts without regard to any choice of law rules. The Parties agree to exclusive jurisdiction and venue in the Massachusetts Superior Court in Suffolk County.

12. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the Services, supersedes all prior oral and written agreements with respect to the subject matter, and can be modified only by a written instrument signed by both of the Parties which references this Agreement.

UMass Boston and the Town have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

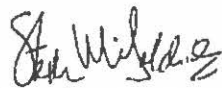
Town

BY: _____

NAME: _____

TITLE: _____

UMass Boston

BY:  _____

Stephen McGoldrick, Director

BY: _____

Darryl Mayers, Sr. Associate VC for A&F



Exhibit A: Scope of Services

1. Deliverables and Workplan

This Scope of Work includes the following deliverables:

1. Draft Financial Policies and Practices based on established best practices in local government finance, the policy development work done by the Finance Committee in 2016, the recommendations of the Town's Financial Advisor and Town Counsel, and the standards used by rating agencies in evaluating the credit-worthiness of the Town. The policies will address topics including (but not limited to) the use of free cash, maintenance of reserve levels, and capital financing, and will identify the responsible parties and procedural steps necessary to carry out financial strategies.
2. Written final report providing options for alternative governance and management structure(s) and steps needed to implement them. The final report will address:
 - a. The Town's current capital and operating budgeting process and recommendations for any changes to the roles as established by Town Code, job descriptions, and local practices of the Town Administrator, Finance Director, Department Heads, Finance Committee, School Committee, Board of Selectmen, and other Boards and Committees;
 - b. The Town's current system for day to day financial operation, monitoring, and decision-making, and recommendations for any changes to the roles and relationships of all finance staff, management staff, and oversight bodies;
 - c. The Town's current personnel management and decision-making system related to Town finance operations and recommendations for any changes to the roles established by Town Code, job descriptions, and local practices of the Town Administrator, Assistant Town Administrator Department Heads, Personnel Board, and Board of Selectmen and other public bodies; and
3. Public presentation of findings.

In order to complete the noted deliverables, the project team proposes the following workplan:

Task 1: Kick-off meeting with Financial Management and Policy Committee

The Center project team recommends that the Town create a Management and Policy Committee as a steering committee for the project. This committee would include the Town Administrator, Finance Director, Chair of the Finance Committee, Chair of the Board of Selectmen, and a department head appointed by the Town Administrator.

The Center project team will meet with the Committee to clarify the context of the projects. For the financial policies work, this would include reviewing existing financial policies and prioritizing policies to be revised or created. For the governance and management structure work, this would include reviewing the statutory base of the existing structure and learning more about the history of this structure.

Task 2: Interviews with relevant stakeholders and data collection

AGREEMENT

WW: AGREEMENT # 1
WWMDC / BOS

This Agreement is dated as of _____, _____, 2017 and is entered into by and between the Town of Wayland, a Massachusetts municipal corporation, acting by and through the Wayland Wastewater Management District Commission (the "WWMDC") and the Board of Selectmen (the "Town"), both having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 with respect to reserved sewer capacity for 5 Concord Road, Wayland, Massachusetts.

Whereas, in a separate agreement, Wayland Meadows, LLC agrees to transfer the parcel 023-052T (also referred to as Lot 8 as shown on the plan entitled "Plan of Land in Wayland, MA" dated April 15, 2010, prepared by Hancock Associates, Civil Engineers, Land Surveyors and Environmental Consultants and recorded with the Middlesex South Registry of Deeds as Plan No. 252 of 2010) to the Wayland Conservation Commission and the 380-gpd design flow (per Title V, hereafter, "design flow") to the Wayland Wastewater Management District Commission (WWMDC), and

Whereas, the Wayland Meadows, LLC, has paid 1) all taxes for parcel 023-052T, 2) all WWMDC operations fees for the associated 380-gallons-per-day (gpd) design flow including all principal and interest for late payments, 3) FY2017 interest from 1 Oct 2016 to 1 Apr 2017, and 4) \$3,709 in partial payment of betterments for FY2015-FY2017, and

Whereas, 2016 annual Town Meeting passed Article 19 to allocate to the building at 5 Concord Road, Wayland, MA (currently the Wayland Free Public Library) a total of 820-gpd design flow, consisting of the 380 gpd from above and 440 gpd previously relinquished by another WWMD user and returned to the WWMDC, and

Whereas, Article 19 included a payment in lieu of betterment (PILOB) of \$53,350, an initial operations payment of \$2,400 for FY2017, and an administrative fee of \$250 to the WWMDC from town funds of a total of \$56,000. Wayland Meadows has already paid \$3,709 of the betterment reducing the PILOB to \$49,641 for a total of \$52,291, and

Whereas, it is anticipated that the building at 5 Concord Road will eventually be connected to the WWMD system using separate funds. ~~If capacity is not needed at 5 Concord Road, the WWMDC and the Town agree to explore utilizing the capacity or excess portion thereof for another Town-owned building or project,~~ and

Whereas, the Town agrees to pay operation fees to the WWMDC starting in FY2017, Therefore, the Wayland Board of Selectmen agrees to pay \$52,291 to the Wayland Wastewater Management District Commission, and the Wayland Wastewater Management District Commission agrees to transfer 820-gpd design flow to the property at 5 Concord Road.

Assignment. Neither the WWMDC nor the Town may assign their rights and obligations hereunder, in whole or in part, without the prior written consent of the other party. Any assignment without such prior written consent shall be deemed null and void. Subject to and without limiting the preceding two sentences, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns.

Governing Law. This Agreement, executed as of the date first above written, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, and may be cancelled, modified or amended only by a written instrument executed by the parties.

Additional Documents. The parties agree to execute any and all additional instruments and documents as may be reasonably required in order fully to effectuate the terms of this Agreement, provided none of the same shall increase any party's liability hereunder.

Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the Surplus Capacity and payment and no verbal statements made by anyone with regard to the transaction which is the subject of this Agreement shall be construed as a part hereof unless the same is incorporated herein by writing.

Partial Invalidity. In the event that any one or more provisions of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, the remainder of this Agreement shall not be affected.

In Witness Whereof, the parties have executed this Agreement as of the date first set above.

Town of Wayland Board of Selectmen	Wayland Wastewater Management District Commission
Cherry Karlson, chair	Fred Knight, chair
Lea Anderson	Sam Potter
Mary Antes	Rick Greene
Louis Jurist	
Douglas A. Levine	

WW: AGREEMENT #
WWMDC - WAYLAND
MEADOWS &
CONSERVATION
COMMISSION

AGREEMENT
between
WAYLAND MEADOWS, LLC
and
TOWN OF WAYLAND

This Agreement is dated as of _____, _____, 2017 and is entered into by and between Wayland Meadows, LLC, a Delaware limited liability company, having an address of 145 Rosemary Street, Suite E, Needham, Massachusetts 02494 (the "Owner") and the Town of Wayland, a Massachusetts municipal corporation, acting by and through the Wayland Wastewater Management District Commission (the "WWMDC") and the Town's Conservation Commission (the "Commission") (collectively, the "Town"), both having an address of 41 Cochituate Road, Wayland, Massachusetts 01778 with respect to (1) surplus unused sewer capacity relative to the connection of the buildings constructed on the Wayland Commons Affordable Housing Project site to the WWMDC's wastewater treatment plant; and (2) Lot 8 as shown on the plan entitled "Plan of Land in Wayland, MA" dated April 15, 2010, prepared by Hancock Associates, Civil Engineers, Land Surveyors and Environmental Consultants and recorded with the Middlesex South Registry of Deeds as Plan No. 252 of 2010 ("Lot 8") (also referred to as Town of Wayland Assessor's Parcel 023-052T).

WHEREAS, on August 10, 2006, the WWMDC entered into an agreement with Wayland Meadows Development, Inc., a Massachusetts corporation, having an address of 2 Washington Street, Foxborough, Massachusetts 01778 (the "Prior Owner") relative to the connection of the residential units in the Wayland Commons Affordable Housing

Development, together with associated improvements and infrastructure (the "Project") on the land then shown on Assessors Map 23, as Parcels 52D, 52E, 52G, 52H, 52I, 52J, 52K, 52L and 52M on and off Old Sudbury Road (Route 27), Wayland, Massachusetts ("Locus") to the WWMDC-owned wastewater treatment plan located off Boston Post Road and Old Sudbury Road in Wayland, Massachusetts (the "Plant"); and

WHEREAS, the Owner acquired the Locus from the Prior Owner by deed dated December 4, 2009, recorded with said Registry of Deeds in Book 54521, Page 444 and filed with the South Middlesex Land Court Registry District as Document 1529383 with Certificate of Title 246145 and also received from the Prior Owner, as transferee, all permits and approvals relative to the Project; and

WHEREAS, the Owner has completed the Project and has surplus unused design flow sewer capacity it wishes to donate to the WWMDC and owns vacant land (Lot 8) it wishes to donate to the Town.

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Transfer of Sewer Capacity. The Owner hereby agrees to relinquish and transfer to WWMDC and the WWMDC hereby agrees to accept from Owner 380 gallons per day of unused surplus design flow sewer capacity (the "Surplus Capacity"), which transferred to the Owner, effective as of August 10, 2006.

2. Donation of Lot 8. The Owner hereby agrees to convey, for no consideration, Lot 8 to the Town, provided that:

Comment [NB1]: WWMDC requests date be deleted

a) Lot 8 is to be conveyed by a good and sufficient quitclaim deed or deeds (the "Deed"), and said Deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- i. provisions of existing building and zoning laws;
- ii. such taxes for the then current year as are not due and payable on the date of the delivery of the Deeds;
- iii. any liens for municipal betterments assessed after the date of this Agreement; and
- iv. easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of Lot 8 for conservation purposes.

It is understood and agreed by the parties that Lot 8 shall not be in conformity with the title provisions of this Agreement unless (i) no building, structure or improvement of any kind belonging to any other person or entity shall encroach upon or under Lot 8; and (ii) title Lot 8 and access thereto is insurable for the benefit of the Town by a title insurance company licensed to do business in the Commonwealth of Massachusetts at normal premium rates on a standard American Land Title Association Form B (Rev. 10-17-70 and 10-17-84), subject only to those printed exceptions to title normally included in the "jacket" to such form and the encumbrances listed above. Any title or practice matter which is subject of a title or practice standard of the Real Estate Bar Association of Massachusetts shall be governed by said title or practice standard to the extent applicable, unless otherwise specifically stated in this Agreement.

a.) the Town receives a satisfactory report, as determined in the sole discretion of the Town, from a consultant selected by the Town regarding the environmental conditions directly and/or indirectly affecting Lot 8;

b.) the Town is permitted, upon 24 hours prior written notice the Owner, to have access to Lot 8 in order to inspect, take measurements, conduct surveys, perform tests including soil and water tests, and to make other reviews or investigations thereof;

c.) The Owner consents to and will not contest the taking of Lot 8 by eminent domain for the purpose of confirming and making clear the Town's title to Lot 8, provided such taking occurs after the transfer and conveyance pursuant to this Agreement.

3. Remedies. The parties agree that, there being no adequate remedy at law for breach of this Agreement, it may be specifically enforced.

4. Assignment. Neither the Owner nor the Town may assign their rights and obligations hereunder, in whole or in part, without the prior written consent of the other party. Any assignment without such prior written consent shall be deemed null and void. Subject to and without limiting the preceding two sentences, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

5. Governing Law. This Agreement, executed as of the date first above written, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, and may be cancelled, modified or amended only by a written instrument executed by the Owner and the Town.

6. Additional Documents. The parties agree to execute any and all additional instruments and documents as may be reasonably required in order fully to effectuate the terms of this Agreement, provided none of the same shall increase any party's liability hereunder.

7. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the Surplus Capacity and Lot 8 and no verbal statements made by anyone with regard to the transaction which is the subject of this

Agreement shall be construed as a part hereof unless the same is incorporated herein by writing.

8. Partial Invalidity. In the event that any one or more provisions of this Agreement shall be held to be invalid, illegal or unenforceable in any respect, the remainder of this Agreement shall not be affected.

In Witness Whereof, the parties have executed this Agreement as of the date first set above.

Wayland Meadows, LLC
a Delaware Limited Liability Company,

By: Wayland Meadows Corporation,
Its Manager

Donald A. Levine, President

Wayland Wastewater Management District
Commission, by

Wayland Conservation Commission

578407/WAYL/0001



Wayland, MA

1 inch = 140 Feet

CAI Technologies
Precision Mapping. Conceptual Solutions.

February 21, 2017

www.cai-tech.com



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.

LEGAL COSTS

Fiscal Year 2017
Legal Budget Status
April 18, 2017

Legal expenses are projected to exceed the original appropriation of \$175,000 by \$35,895 which represents a 20 percent increase.

Year to date, \$152,595 has been expended with an additional \$58,300 estimated by the fiscal year end, bringing the total projected legal expenditures to \$210,895.

Major legal matters and estimated costs driving the budget overage:

<u>Legal Matter</u>	<u>Estimated Cost</u>
River's Edge	\$ 19,324*
150 Main Street	\$ 14,837
Open Meeting Law complaints	\$ 10,296
Library	\$ 7,952
Mainstone Farm	\$ 8,610 **
Town Center	\$ 6,996
Wastewater matters	<u>\$ 3,919</u>
TOTAL	\$ 71,934

Alternate funding sources identified, under consideration to balance the legal budget:

<u>Funding Source</u>	<u>Amount</u>	<u>Matter</u>
Library Planning & Design	\$ 7,952	Library
CPA Administration	\$ 8,610	Mainstone Farm
Town Center Gift Account	\$ 6,996	Town Center
Wastewater Management	\$ 3,919	Wayland Commons
Assessor operating budget	<u>\$ 5,000</u>	Wayland Gun Club ATB
TOTAL	\$ 32,477	

* An additional \$2,500 in legal costs funded by the Planning Capital account for River's Edge

** An additional \$5,000 in legal costs funded by the CPA Admin account for Mainstone Farm



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
DOUGLAS A. LEVINE

BOARD OF SELECTMEN

Tuesday, April 18, 2017
Wayland Town Building
Selectmen's Meeting Room
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 Placement of Four Temporary Sandwich Board Signs for the Wayland METCO Walk Run from May 6-13, 2017, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street
3. Vote the Question of Approving the Invoice of March 24, 2017, for Special Town Counsel Anderson & Kreiger LLP for Legal Services in Reference to River's Edge Special Counsel, Reference #120695/5415-001: \$3,147.22
4. Vote the Question of Approving the Invoice dated March 31, 2017, for Special Town Counsel Mark J. Lanza for Services from January 1, 2017, through March 31, 2017: \$8,823.04

DiNapoli, MaryAnn

From: Rena Santillo <rena_santillo@wayland.k12.ma.us>
Sent: Thursday, April 13, 2017 9:02 AM
To: DiNapoli, MaryAnn
Cc: Mary Ann Borkowski
Subject: Re: Signs

Thank you MaryAnn I believe that is what Maryann B would like so I am going to say yes. I will copy her in on the e-mail.

Thank you for your help.

Rena

On Thu, Apr 13, 2017 at 8:51 AM, DiNapoli, MaryAnn <MDiNapoli@wayland.ma.us> wrote:

Hi Rena! I can put the request on the Board agenda for April 18. Do you want to use all four locations? Below the permanent signs at Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27).

And you can place the signs for seven days - do you want to request May 6-13?

Thanks, MaryAnn

From: Rena Santillo [mailto:rena_santillo@wayland.k12.ma.us]
Sent: Monday, April 10, 2017 10:02 AM
To: DiNapoli, MaryAnn
Cc: Mary Ann Borkowski
Subject: Signs

Good Morning,

On behalf of Mary Ann Borkowski she would like to request the week of May 7 to reserve the A Frames for the METCO Walk Run which will be held on May 13th.

Please advise if I need to complete any paperwork.

Thank you

ANDERSON
KREIGER

Anderson & Kreiger LLP
50 Milk Street, 21st Floor
Boston, MA 02109
(617)621-6500
EIN: 04-2988950

March 24, 2017

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

Reference # 120695 / 5415-001

In Reference To: River's Edge Special Counsel

Total Current Billing:	<u>3,147.22</u>
Previous Balance Due:	6,722.50
Total Now Due:	<u>9,869.72</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

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

INVOICE - TOWN OF WAYLAND - 3/31/2017

SUMMARY

FEE CALCULATION: 39.2 HOURS X \$175.00 PER HOUR =	\$ 6,860.00
DISBURSEMENTS (See below for detail)	1,963.04
TOTAL 3/31/17 INVOICE.....	<u>\$8,823.04</u>

DISBURSEMENTS

Postage	18.34
FAXing (978) 369-9916 & (978) 261-5034	0.00
Copying	15.50
Copying - Boelter OML Case 2/2/17	67.47
Court Rptr. Fee 1/6/17 Glezen Ln. Case	690.23
Mileage: 1/9/17 52 @ \$.50 =	26.00
Parking 1/9/17	28.00
Tolls 1/9/17	5.00
Mileage: 1/12/17 52 @ \$.50 =	26.00
Parking 1/12/17	28.00
Tolls 1/12/17	5.00
Brief Printing 2/15/17 - Boelter OML Case	1,035.50
Mileage 3/7/17 36 @ \$.50	18.00
Total Disbursements	<u>\$1,963.04</u>

Monthly Subtotals

January, 2017	-	\$2,871.23
February, 2017	-	\$1,278.81
March, 2017	-	\$4,673.00



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN
LEA T. ANDERSON
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DOUGLAS A. LEVINE

**REVISED PUBLIC DOCUMENTS PROVIDED TO
THE BOARD OF SELECTMEN FROM MARCH
24, 2017, THROUGH AND INCLUDING APRIL
13, 2017, OTHERWISE NOT LISTED AND
INCLUDED IN THE CORRESPONDENCE
PACKET FOR APRIL 18, 2017**

Items Distributed To the Board of Selectmen – March 24-April 14, 2017

1. None

**Items Distributed for Information and Use by the Board of Selectmen at the
Meetings of March 27, March 31, April 2, and April 3, 2017**

1. Record of Vote of the Wayland Board of Selectmen, March 20, 2017, to Extend the Period for Execution of the River's Edge Land Development Agreement
2. Revised Draft Errata for the Annual Town Meeting
3. Revised Draft Motions for the Annual Town Meeting
4. Email of 3/27/17 from Metropolitan Area Planning Council to Board of Selectmen re: Request for Letter of Collaboration for a MetroWest Health Foundation Grant
5. Report of the Board of Selectmen Listening Session Subcommittee
6. Letter from Alicia Winokur, 21 Bow Road, re: New Library
7. Email of 4/2/17 from Tom Holder, DPW Director, to Board of Selectmen, re: Revised Request for Snow and Ice Current Year Transfer
8. Email of 3/31/17 from American Progressive Bag Alliance to Chair, Board of Selectmen, re: Plastic Bag Legislation in Wayland
9. Annual Town Meeting Motions, Redlined as of April 1, 2017, and Bluelined as of April 2, 2017
10. Amendment of Motion 1 of 3, Article 6, FY2018 Omnibus Budget

**REVISED Items Included as Part of Agenda Packet for Discussion During the April
18, 2017 Board of Selectmen's Meeting**

1. Board of Selectmen Policy on Officers and Meetings, and Portfolio Assignments
2. Letter of Interest and Résumé of Caitlin Ahern for Appointment to Historic District Commission
3. Memorandum of 4/18/17 from Zoe Pierce, Treasurer/Collector, to Board of Selectmen re: Treasurer's Presentation
4. List of Actions to be Taken After 2017 Annual Town Meeting
5. Email of 3/26/17 from Energy Initiatives Advisory Committee re: Requests for Board of Selectmen
6. Memorandum of 4/18/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Request to Finance Committee to Fund Shortfall for Library Drainage Project
7. Proposed Board of Selectmen Meeting Dates to August 7, 2017
8. Draft Meeting Minutes, Board of Selectmen, March 20, 2017, March 27, 2017, March 31, 2017, April 2, 2017, and April 3, 2017
9. Report of the Town Administrator for the Week Ending April 14, 2017



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DOUGLAS A. LEVINE

BOARD OF SELECTMEN

Tuesday, April 18, 2017
Wayland Town Building
Selectmen's Meeting Room

REVISED CORRESPONDENCE

Selectmen

1. Public Comment, 3/18/17, 24 School Street
2. Public Comment, 3/27/17, Keeping the Name Board of Selectmen
3. Public Comment, 3/30/17, School Bus Parking
4. Public Comment, 4/6/17, Proposed Development for the Mahoney Garden Center Site
5. Public Comment, 4/9/17, Preparation for the Sale of Marijuana
6. Public Comment, 4/11/17, School Computers Missing Apple Security Patches
7. Letter of 3/22/17 from Town Counsel Carolyn Murray, KP Law, to Michael Staiti, re: 104 Plain Road, Wayland – Special Permit, and Response from M. Staiti
8. Letter of 3/27/17 from Nan Balmer, Town Administrator, to Metropolitan Area Planning Council, re: Letter of Collaboration, Grant Application
9. Email of 4/3/17 from Special Town Counsel Mark Lanza to Nan Balmer, Town Administrator, re: Glezen Lane Case, Memorandum of Decision and Order of Town of Wayland's Motion for Permanent Relief from Judgment
10. Email of 4/4/17 from Ben Gould, CMG, and Letter of 4/4/17 from Environmental Resources Management, re: Legal Notification, Downgradient Property Status Opinion, Former Raytheon Facility
11. Letter of 4/4/17 from Tom Largy, Surface Water Quality Committee, to Nyanza Trustees, re: Grant for Heard Pond, Wayland
12. Email of 4/8/17 from Steve Curtin, Wayland Little League Baseball and Softball, re: Annual Parade and Picnic on Saturday, May 6
13. Email of 4/13/17 from East Middlesex & Suffolk County Mosquito Control Projects re: Helicopter Bti Application to Control Mosquito Larvae
14. Monthly Report, Animal Control, March 2017
15. Monthly Report, Police Department, March 2017

Minutes

16. Electronic Voting Implementation Subcommittee, November 15, 2016
17. Finance Committee, March 6, 2017
18. Board of Selectmen Listening Session Subcommittee, March 23, 2017
19. Wayland Real Asset Planning (WRAP) Committee, March 15, 2017

State

20. Letter of 3/31/17 from MassHousing to Chadwick Homes, LLC, re: Winsor Place
21. Email of 4/12/17 from State Ethics Commission re: Conflict of Interest Law Bi-Monthly Seminars
22. Letter of 4/13/17 from George H. Harris to Office of the Attorney General, 4/13/17, re: Open Meeting Law Complaint Dated February 21, 2017, Zoning Board of Appeals

March 18, 2017

Members of the Board of Selectmen, Conservation Commission, and School Department,

We recently learned that school owned property, namely the Middle School, parcel 47D-058B has been encroached upon by the owners of 24 School Street. In a letter dated March 15, 2017, enclosed in the BOS packet and written by BOS Chair Cherry Karlson and addressed to the Mass Housing Authority, it was stated that "a major wetland violation and encroachment on Town owned property was observed during the site visit of 24 School Street." That major violation was supported by information on the existing conditions plan submitted by the developer for the proposed development project at 24 School Street.

The map below, submitted by the developer who intends to put up 12 apartments on this parcel, marks features of the existing conditions. It shows a stone wall, built by the previous owners, a lumber pile, a stockade fence, gravel, and a mulch pile all located on Town owned land (shaded in yellow). Gravel, and possibly fill, were added to an area marked "Swansea muck on reputable soil surveys. It appears they have illegally dumped garbage and debris into the wetland area as well.

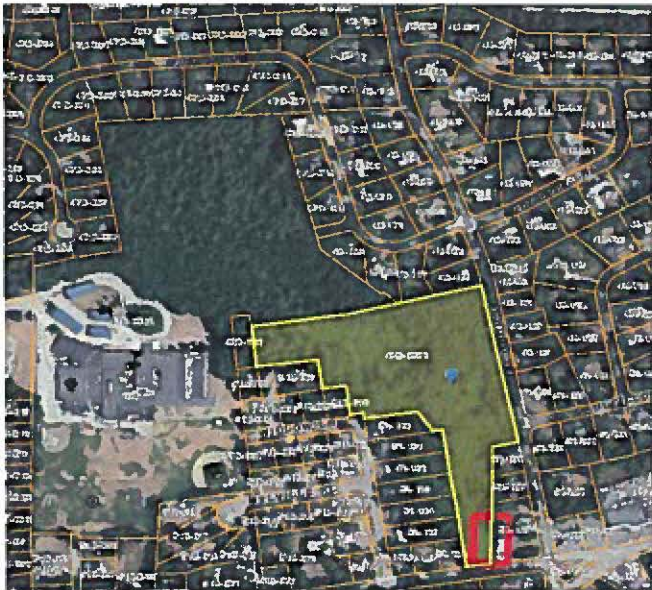
We ask that you contact the appropriate authorities in order to investigate and address this issue. This land belongs to the School Department and it has been encroached upon and has been compromised. We ask that you take appropriate action to remedy the situation and to assure that any impacted wetlands be restored and that the Town owned land and the stream are not impacted by the proposed development.

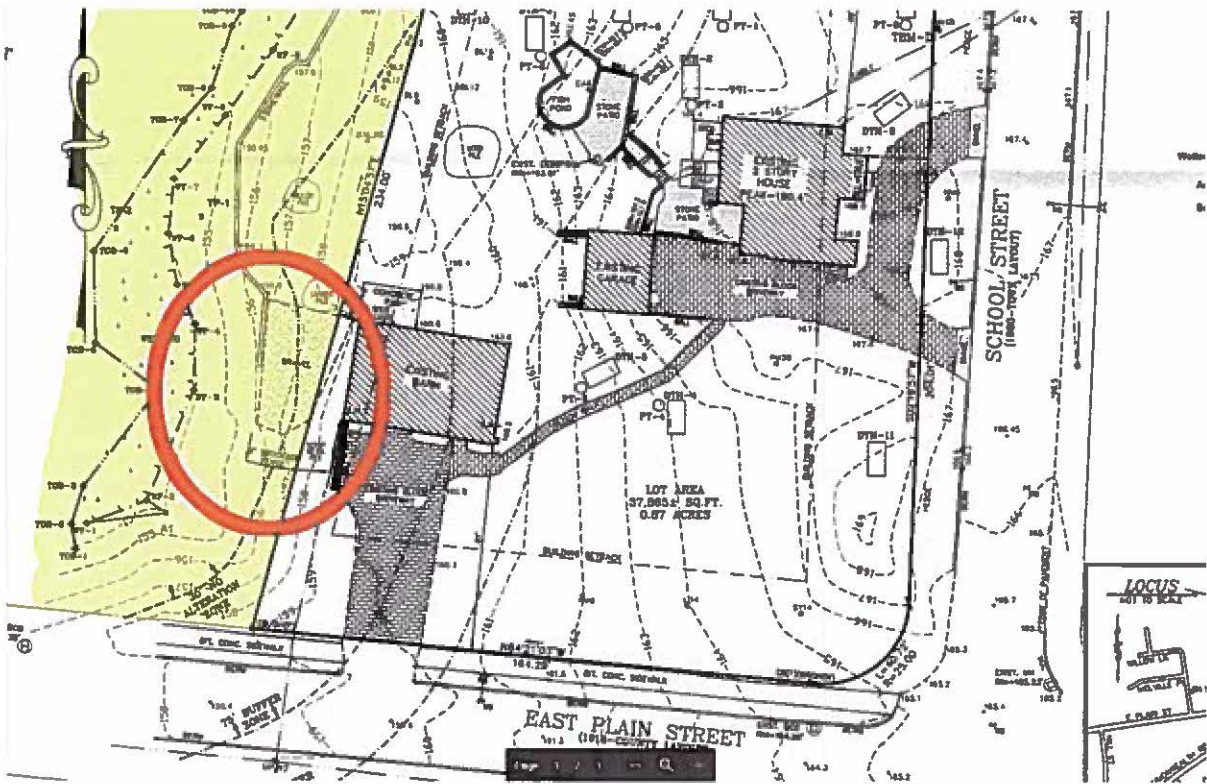
We want to express our support of your taking action to protect Town owned Land and we thank you in advance for doing so.

	Name	Address
1.	Kamal Najrou	2 MeadowHew Rd.
2.	Linda Grubstein	19 Joyce Rd.
3.	Don Ward	106 School St.
4.	Judy Keller	22 Highland Circle
5.	Marilyn Scimone	20 Joyce Rd. Wayland
6.	Shirley Carol	18 Joyce Road
7.	Alex C	18 Dean Rd Wayland
8.	Carol Reposa	14 Dean Rd. Wayland
9.	Richard Reposa	14 DEAN RD. WAYLAND
10.	Mary J. Bunker	21 School St. WAYLAND

11.	John Flaherty	Maguire Road
12.	Molly Upton	Bayfield Road
13.	Gretchen Dresens	Main Street
14.	Paul Dresens	Main Street
15.	Ed Warner	Joyce Road
16.	Janet Warner	Joyce Road
17.	Robyn Miller	Keith Road
18.	Ed Miller	Keith Road
19.	Amy Michaels	Joyce Road
20.	Harvey Michaels	Joyce Road
21.	Paul Rufo	Old Tavern Road
22.	Susan Rufo	Old Tavern Road
23.	Josh Hymen	Caulfield Road
24.	Felicia Hymen	Caulfield Road

- | | | |
|-----|---------------------|-------------------|
| 25. | Carolyn Bernard | East Plain Street |
| 26. | George Bernard | East Plain Street |
| 27. | Allyson Peller | Brooks Road |
| 28. | Aaron Powers | Brooks Road |
| 29. | Carole Plumb | Bald Rock Road |
| 30. | Christina Rodrigo | Wayland |
| 31. | Anthony Christakis | Joyce Road |
| 32. | Gina Christakis | Joyce Road |
| 33. | Doug Kroncke | Caulfield Road |
| 34. | Olivia Kroncke | Caulfield Road |
| 35. | Igor Lisak | Joyce Road |
| 36. | Inna Lisak | Joyce Road |
| 37. | Christopher Sansone | Caulfield Road |
| 38. | Aracely Sansone | Caulfield Road |





Middlesex County, Massachusetts (MA017)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
51A	Swansea muck, 0 to 1 percent slopes	1.4	26.4%
52A	Freetown muck, 0 to 1 percent slopes	1.0	20.1%
253C	Hinckley loamy sand, 8 to 15 percent slopes	1.0	20.4%
415B	Narragansett silt loam, 3 to 8 percent slopes	0.6	12.3%
624B	Haven-Urban land complex, 0 to 8 percent slopes	1.1	20.8%
Totals for Area of Interest		5.1	100.0%



2

142 Glezen Lane
Wayland, MA 01778
March 24, 2017

RECEIVED

MAR 27 2017

Board of Selectmen
Town of Wayland

Secretary
Select Board
Town Building
41 Cochituate St.
Wayland, MA 01778

Dear Secretary,

I send our appreciation to you and the whole team for all the time, energy, creativity, knowledge and civility you give to this fine town of Wayland.

I am sure this matter has been discussed in town; to keep the name Board of Selectmen or go to Select Board, as more and more towns are doing. I understand that in Selectmen, the meaning tone of men is the general meaning of people – not the masculine designation. I am just ending my encouragement to go to Select Board member at this time. It is especially clear when we see all these fine women on the Board and in pictures in the newspaper – the change to Select Board member would be common sense.

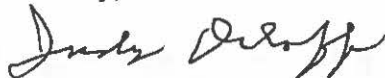
I am of the retired generation. But the younger generations as you know see it as even more inappropriate. Here is a story I heard last week about our 8 year old grandson that points this out. The supper conversation was just about firemen and such, a common topic for elementary school aged boys. But Douglass just said that "it is fire fighters because the word firemen was when people did not think girls could do anything!"

And then the conversation flowed on about fire fighters. It was not a big thing. He was not on a soap box. It was just obvious to him (to that generation) that the word "firemen" is silly. A new dimension of man is arising (and I use man as general, people). It is happening with or without us.

Sure it takes a bit of time to get used to saying a Select Board member. And some forms and letter heads have to be changed, budgeted. Change is with us. We live in transitional times we are told. We are tough and resilient we are told; surely we can manage to make this change. In 25 years do we think it will be Selectmen? Then why not join the trend, the common sense approach, and shift and get on with it so the younger generations coming up do not just think we are silly.

I appreciate your consideration of this encouragement.

Sincerely,



Judy Orlof

ELECTION

From Page A1

Committee and Board of Selectmen.

"I feel like all of my volunteer work has prepared me to be here," she said.

Karlson said she is eager to share her experience and knowledge of town government. She hopes to work on energy, financial, facilities and other initiatives.

She said she brings a "practical, pragmatic approach" to accomplishing tasks.

Levine, who currently works for the state Executive Office of Public Safety and Security and serves on Wayland's Economic Development Committee, highlighted a career in state and federal government, including time as a Middlesex County assistant district attorney. His jobs have also required him to be a mediator, he said.

"I believe when we all come to the table we can find common ground," Levine said.

Levine would strive to represent all residents.

"What unites all of us is we all love this town and we all want to see it prosper," he said.

Namou, a recent UMass Amherst graduate, said he brings the perspective of younger residents and is in touch with the schools because he attended them. He said he would bring a non-biased approach to serving as a selectman.

"I want to give back to the community that raised me and I want to bring it



Moderator Jo-Ann Berry



Selectman candidate Cherry Karlson



Selectman candidate Kamal Namou



Selectman candidate Douglas Levine



School Committee candidate Jeanne Downs



School Committee candidate Nathaniel Buffum



Jennifer Steel, candidate for associate member of Planning Board



William Catlin, candidate for associate member of Planning Board

RECEIVED

APR - 4 2017

Board of Selectmen
Town of Wayland

March 30, 2017

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

Dear Members,

I am writing to express my concern regarding your continued interest in using school property for school bus storage and parking. As I understand it, in addition to your ongoing discussions about the practicality of using either the Middle School or Claypit properties for such activity, you plan to submit an article for the Fall Warrant requesting funds to explore various bus parking alternatives. The article would essentially repeat the material in your FY 18-FY 22 Capital Appropriation Request; "to create a parking lot for 21 school buses, 23 personal parking spaces and a trailer at a site within Wayland". That also mentions several school sites among the properties to be investigated.

For several reasons I believe the zoning laws prohibit the use of school sites for such purposes. As the Building Department has noted some provisions of the Zoning By-Laws included in MGL 40A, paragraph 3 clause "...subject to reasonable regulation" are applicable to exempt users such as yourself. While the term "reasonable regulation" is not specifically defined I believe the courts would agree with the following argument.

First, according to the Land Use Guide Plan included as part of the Wayland Master Plan the five existing primary facilities and two potential school sites are located in underlying residential zones. That zoning seems to apply to the parking situation. In fact, I believe, most, if not all, of your facilities were built after the underlying zones were developed. The department and the Town should have been aware of what it was doing.

Although non-profit educational properties are generally exempt from zoning regulation paragraph 198-203.1 of the Town laws does require that the "use...shall not derogate from the character of the neighborhood" or "be detrimental or offensive because of noise,...fumes,... or other objectionable features". Also, Paragraph 198-802.1 states "It is the intent of this Zoning Bylaw to prohibit in any district any use which is not specifically permitted,". Your proposal is in conflict with all of these provisions.

Lastly, paragraph 198-901.1.1.3 specifically excludes business activity in a Single Residence District. Neither the Town nor the School Department owns the buses in question. As provided in the School Department's contract with First Student, the later party owns and operates the equipment on behalf of the school department. First Student, Inc is part of First Group PLC, a for-profit British

company registered on the London stock exchange. The zoning paragraph clearly prohibits a private business from operating in a residential district and it appears that the School Committee would be aiding and abetting a business operation were it to proceed. Further proof of the prohibition rests with the probable rejection of any application from an individual citizen requesting authority to conduct a similar busing business from his home.

As a result I urge you and all others who are concerned with Wayland's residential environments to reverse your course before submitting a faulty warrant article whose legality will surely be questioned at the Town Meeting and, if necessary, in the courts. In addition, ending further consideration of the subject school sites will save you time and money in finding an acceptable solution to the parking problem.

Thank you.

Yours truly,



William E. Hearne
16 Keith Rd
Wayland, Ma 01778

Cc: Wayland Board of Selectmen
Wayland Financial Committee
Wayland Building Department

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Thursday, April 06, 2017 4:07 PM
To: DiNapoli, MaryAnn
Subject: FW: Positive solution for the Mahoney Garden Center site
Attachments: Letter to Mahoney Group LLC - FINAL - 4.6.2017.pdf

correspondence

From: Our Members [<mailto:protectwayland@gmail.com>]
Sent: Thursday, April 06, 2017 3:07 PM
To: rachel.bratt@tufts.edu; bboggia@waylandhousing.com; lpoisson@waylandhousing.com; Sarkisian, Sarkis; Larsen, Geoffrey; Reef, Elizabeth; Karlson, Cherry; Anderson, Lea; Antes, Mary; Jurist, Louis; Levine, Doug; Balmer, Nan; Hansen, Linda
Subject: Re: Positive solution for the Mahoney Garden Center site

As you know, Steven Zieff proposed a very large 40B development at the Mahoney Garden Center site in Wayland with 89 bedrooms, 4 stories and 10,000 gallons of sewage per day - next to Pine Brook.

Working with Metro West Collaborative Development, we have been working on a positive alternative: a not-for-profit solution that could create more affordable housing, without negative environmental impacts, consistent with Wayland planning and zoning. This would also help the Mahoney family successfully sell their land.

Attached is a copy of the letter that we sent to Thomas Mahoney with Mahoney Group LLC in Winchester, outlining this proposal. We hope to hear from Mr. Mahoney, and will keep you posted if things progress.

ProtectWayland.org

On Thu, Apr 6, 2017 at 3:01 PM, Our Members <protectwayland@gmail.com> wrote:
As you know, Steven Zieff proposed a very large 40B development at the Mahoney Garden Center site in Wayland, with 89 bedrooms, 4 stories and 10,000 gallons of sewage per day -- next to Pine Brook.

Working with Metro West Collaborative Development, we have been working on a positive not-for-profit solution that could create more affordable housing, without negative environmental impacts, consistent with Wayland planning and zoning -- and help the Mahoney family successfully sell their land.

To: Thomas E. Mahoney
Mahoney Group LLC
242 Cambridge St.
Winchester, MA 01890

From: ProtectWayland.org

RE: The large development proposed at 115 Boston Post Road in Wayland

Date: 6 April, 2017

Dear Mr. Mahoney and members of the Mahoney family:

We are neighbors of the Mahoney Garden Center in Wayland and are concerned about the large development proposed by Steven Zeiff – with 89 bedrooms, 4 stories and 10,000 gallons of sewage every day. The current plan includes extensive construction within 100 feet of Pine Brook and wetlands, which would be contrary to MassDEP and Wayland regulations. Plus 90+ toilets, sewage and contamination would be adjacent to Pine Brook, one of only two cold water streams in Wayland and directly upstream from the Sudbury River and Great Meadows National Wildlife Refuge.

We are aware that the Mahoney family has been trying to sell this property for some time. A series of developers presented plans – which always include a large structure so they can make sufficient profit. These plans have failed.

So... we have been working on a positive concept that would fit the limitations of this site and be acceptable to the Mahoney family.

Here are some thoughts:

- Although a commercial development would be very difficult at this site, a smaller not-for-profit project could fit – e.g. a small group of homes or townhouses for low-income residents.
- This smaller project would satisfy MassDEP and neighborhood residents, and permit the sale of the land by the Mahoney family at a reasonable price.
- The Town of Wayland has funds available that are dedicated to low-income housing development.
- The Wayland Housing Collaborative suggested that we contact a number of non-profit groups to see if they are interested in supporting this project.

Metro West Collaborative Development (MWCD) agreed to support this effort. They will work with you, the Wayland community, Wayland Town Planning Board and Conservation Commission to craft a plan that will meet MassDEP regulations, Town zoning regulations and neighborhood concerns, without an adversarial process. This could ensure the successful sale of your property.

Our group made a donation to MWCD to help fund an initial study. We hope to bring people together and turn this into a very positive outcome for the Mahoney family and our Wayland community.

For more info on MWCD see: www.MetrowestCD.org

Are you presently 'locked in' to a contract with Mr. Zieff or would you be willing to discuss this not-for-profit option? We hope to have the opportunity to work with you and the Mahoney family.

We look forward to your reply. Please email us at: ProtectWayland@Gmail.com or give Mark Hays a call at 508.661.9733 if it is more convenient. Thank you.

Who we are...

Neighbors who live near the Mahoney Garden Center:

- Kerry-Ann and Brent Kendall
 - Stewart Smith and Kim Woods
 - Tom Nuspl
 - Kevin & Kristen FitzPatrick
 - Marie Winter
 - Rita and Richard Tse
 - Mark and Nadine Hays
 - Peter and Sue Keller
 - Tonya and Rick Peck
 - Michelle Leinbach and Rob Travis
 - Jasmine and Jim Newland
 - David and Emily Weinshel
 - Tom and Lee Raymond
 - Christopher and Katie Riffle
 - Joseph and Laura Schwendt
 - Garrett Larivee
 - David and Emily Weinshel
 - Aina Lagor
-

142 Glezen Lane
Wayland, MA 01778
April 9, 2017

RECEIVED

APR 12 2017

5

Dear *Select Board,*

I appreciated learning more about the many aspects of getting marijuana up and running for sale in Wayland at Town Meeting. I am totally in favor of the benefits of marijuana for medicinal use. I am also aware of the abuses of regulations at all points that come with the general retail availability of marijuana, as many states have already experienced.

In general over the years we have done a good job with regulations and monitoring the following of the regulations for the sale and use of alcohol. I am grateful for all the work and budget that go into that.

Likewise no discussion of policy, regulations of any aspects of setting the infrastructure of how to set up retail sale of marijuana in Wayland or other aspects can be complete or realistic unless it includes budget for added staff time to be sure the regulations are being FOLLOWED. We are well aware that in many areas, regulations are meaningless unless fines are regularly handed out where the regs are not being followed. Any regs will not be followed in general with marijuana unless the monitoring of that system is visible and present. This takes money. It takes hiring in some cases sustained into the future, as we have seen with for instance alcohol. We can't use the excuse 5 years from now that there was not funds to do thus and so to handle the over all impact of marijuana in Wayland. The time to get the complete infrastructure plans in place with budget is NOW.

I thank you and the total team for all the time, knowledge, caring and wisdom that you are putting into this present day happening, whether we are "for it or not."

This transformational time we are living in is ever present and will continue to take up our energies and resources for some time to come. No one can totally visualize what the future will look like in 1 year, in 20 years. But we know what principles to keep in place at the foundation going forward.

Sincerely,

Judy Orloff
Judy Orloff
Retired teacher

6

Begin forwarded message:

From: Mark Hays <markallenhays@gmail.com>
Date: April 11, 2017 at 2:49:01 PM EDT
To: "Karlson, Cherry" <ckarlson@wayland.ma.us>, "Anderson, Lea" <landerson@wayland.ma.us>, "Nolan, Joseph F." <jnolan@wayland.ma.us>, "Antes, Mary" <mantes@wayland.ma.us>, "Jurist, Louis" <ljurist@wayland.ma.us>
Cc: "Balmer, Nan" <nbalmer@wayland.ma.us>, "Pazos, Jorge" <jpazos@wayland.ma.us>, Dave Watkins <davidvwatkins@gmail.com>, AHL <AHL20815@protonmail.com>
Subject: WPS computers missing major Apple security patches - again

Dear members of the Wayland Board of Selectmen:

We are disappointed to be writing to you again, on the same subject. We found that Mac computers used by Wayland teachers, staff and students are missing a major security update from Apple that was released two weeks ago.

In addition, security patches for iTunes that were released on 21 March and security patches for Logic Pro and Garage Band that were released in February have not been installed.

This is a very poor IT management practice that puts confidential information for Wayland students, families and teachers at significant risk. This also exposes Town management and Wayland taxpayers to significant potential liability.

Please take effective action and insist that WPS IT install these critical updates immediately.

A letter is attached along with a copy of the US CERT / Department of Homeland Security report.

1

Let us know if you have any questions.

Mark Hays

RECEIVED

MAR 24 2017

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

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March 22, 2017

Mr. Michael J. Staiti
25 Sage Hill Road
Wayland, MA 01778

Carolyn M. Murray
cmurray@k-plaw.com

Re: 104 Plain Road, Wayland - Special Permit

RESPONSE FROM MR. STAITI IS ATTACHED

Dear Mr. Staiti:

This firm serves as Town Counsel to the Town of Wayland (the "Town"). I have been requested to contact you regarding the Conservation Cluster Development Special Permit for 104 Plain Road (the "Property"), dated February 18, 2015, recorded with the Middlesex South District Registry of Deeds in Book 65115, Page 465 (the "Special Permit"), which approved the creation of two (2) buildable lots and open space in the Conservation Cluster Development District (the "Development") as shown on a plan entitled "104 Plain Road Conservation Cluster Site Plan in Wayland, MA," recorded with the Registry of Deeds in Plan Book 213 of 2015 (Sheet 2 of 2) (the "Plan"). The Town has concerns as to whether the Development complied with the requirement that the Property contain five acres, a requirement for issuance of a special permit in the Conservation Cluster Development District, as well as adherence with Paragraph III(B)(5) of the Special Permit, under which the Planning Board approved the dedication of 2.89 acres of the Property as permanent open space.

In reviewing the proposed Quitclaim Deed to the Conservation Commission for the open space which you prepared, this firm noted that the property to be conveyed to the Town consisted of 2.39 acres, more or less – rather than the 2.89 acres specified in Paragraph III(B)(5) of the Special Permit. In reviewing records with the Registry of Deeds, it was noted that two instruments were recorded affecting "Open Space 'B' 13,135.91 s.f." ("Parcel B") as shown on the Plan. By Quitclaim Deed dated March 25, 2015, recorded March 26, 2015 with the Registry of Deeds in Book 65115, Page 474, Stanley W. Shelton and Dorothy F. Shelton conveyed Parcel B to you. By Quitclaim Deed dated March 25, 2015, recorded March 26, 2015 in Book 65115, Page 482, you re-conveyed Parcel B to Stanley W. Shelton and Dorothy F. Shelton, Trustees of the Plain Road Open Space B Realty Trust, subject to certain restrictions.

It appears that at no point in time did the Development consist of five acres, as Parcel B was acquired and disposed of by instruments recorded at the same date and time (March 26, 2015 at 1:22 p.m.) and prior to the date when you acquired the remainder of the Property (May 5, 2015). This is contrary to the spirit, if not the letter, of the Conservation Cluster Development District.

More significantly, the Planning Board issued the Special Permit with the understanding that land comprising 2.89 acres, being both "Open Space 'A' 112,631.96 s.f." ("Parcel A") and Parcel B, would be conveyed to the Conservation Commission. Parcel A contains only 2.59 acres. Conveyance to a private party, in this case the Shelton Realty Trust, does not confer the same

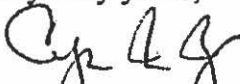
KP | LAW

Mr. Michael J. Staiti
March 22, 2017
Page 2

protections on Parcel B as a transfer to the Conservation Commission. Although the deed to the Shelton Realty Trust recites Massachusetts General Laws Chapter 40, Section 8C and Article 97 of the Articles of Amendment of the Massachusetts Constitution, neither applies when the grantee is not a governmental entity, i.e., the Conservation Commission. Moreover, although the deed states that the restrictions are "perpetual," under G.L. c. 184, §26, they will terminate thirty (30) years from the date of the deed.

The Town anticipates that you will comply with the representations made in connection with the issuance of the Special Permit, specifically that both Parcel A and Parcel B, together containing 2.89 acres, be conveyed to the Conservation Commission. I would be happy to discuss this matter at your convenience. In any event, I would appreciate your advising as to your intentions within ten (10) days from the date of this letter.

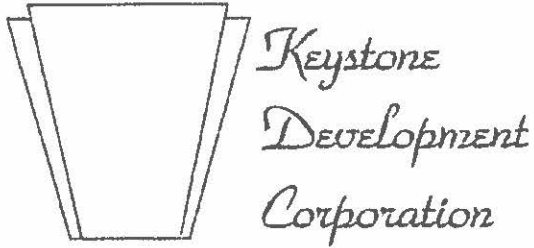
Very truly yours,


Carolyn M. Murray

CMM/KLK/lem

cc: Board of Selectmen
Planning Board
Conservation Commission ✓

577627/WAYL/0129



March 29, 2017

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

Re: 104 Plain Road Conservation Cluster

Dear Ms. Balmer,

I'm writing in response to the letter dated March 22, 2017 from Wayland Town Counsel, Attorney Carolyn Murphy. There are two issues raised by Ms. Murphy regarding the Conservation Cluster that was approved by the Planning Board on March 3, 2015. First, did the property consist of at least 5.0 acres at the time it was permitted? Second, how many acres will actually be conveyed to the Wayland Conservation Commission.

I think it would be helpful to give you a brief history of the development of the property so you can see how we arrived at the final approved project. I originally put 104 Plain Road, consisting of 4.7 acres, under agreement with the intent to develop a three lot subdivision under conventional subdivision rules. After meeting with the direct abutters it was readily apparent that they would not be in favor of three units on this property. However, the neighbors proposed selling me .3 acres so the project could be permitted under Wayland's Conservation Cluster Bylaw. In exchange, I would only develop two lots consisting of the existing house and one new house where I reside with my family. The concept was presented to Sarkis Sarkisian, Town Planner, who was also in favor of this approach. A Purchase and Sale agreement was executed with Stan and Dotty Shelton at 110 Plain Road for the sale of approximately .3 acres of land so I would have the requisite 5.0 acre minimum to apply for a Conservation Cluster permit. The Purchase and Sale was submitted to the Planning Board and I was told reviewed by Town Counsel at the time. A copy of the Purchase and Sale is attached as Exhibit A. I should also note that the 4.7 acres at 104 Plain Road was also under legal control through a valid Purchase and Sale agreement at the time of permitting.

In December of 2014 plans along with letters of support from neighbors were submitted to the Planning Board and after meetings with the Planning Board and Conservation Commission, the Conservation Cluster was approved on February 18, 2015 and the special permit was signed on March 3, 2015.

Under the Conservation Cluster bylaw, a minimum of 30% of the land has to be placed under a conservation restriction and donated to a qualified land trust or the Town of Wayland's Conservation Commission. I decided to place 58% of the land (2.9 acres) under a conservation restriction of which 52% (2.6 acres) is to be donated to the Wayland Conservation Commission, far in excess of the 30% required by the bylaw. The conservation land was divided into two parcels (Parcel A and B) through an ANR approval on March 3, 2015 with the intent of Parcel A (2.6 acres) being donated to the town and Parcel B (.3 acres) remaining in a separate trust with a conservation restriction placed on it. The .3 acres the neighbors sold me was always intended to be placed under a conservation restriction however, that parcel was never intended to be donated to the town. In discussions with the Town Planner and Town Counsel it was decided the easiest way to handle this was to create two parcels, A and B, with one parcel being donated to the town and the other to simply have a conservation restriction placed on it. Given that I was donating far in excess of the required 30%, everyone was comfortable with this approach. See Exhibit B and C showing the parcels as well as letter dated March 17, 2015 describing the ANR process and the intent on handling of each parcel.

In regards to issue one, did the property consist of five acres during permitting, I would argue the intent of the bylaw was met. Parcel B along with the original 4.7 acres at 104 Plain Road constitutes just over 5.0 acres and both were under my legal control through valid Purchase and Sale agreements. Admittedly, Parcel B was acquired by me on March 26, 2015 and placed into the trust on the same date. While technically I never owned both parcels at the same time, at all points in the permitting process I had full legal control over 5.0 acres as required under the Conservation Cluster Bylaw. In addition, the spirit of the approval received from the Planning Board on February 18, 2015 has been completed with and, subject to me conveying Parcel A this year, I believe all conditions have been met.

If full legal ownership of the parcels was required during permitting, this was missed by my lawyers, Town Counsel and the Planning Board. Everyone involved with the permitting of this site at the time was comfortable with the legal control exhibited through the valid Purchase and Sale agreements presented to the town as part of the permitting process.

In regards to how many acres will be donated, approximately 2.6 acres will be donated as approved by the Planning Board on March 3, 2015 as evidenced in Exhibit B. I do apologize for dragging my feet on the donation. I will start work on this with the hopes of making this donation this calendar year.

I look forward to meeting on March 30th to discuss any questions still remaining.

Sincerely,



Michael J. Staiti

Such deed is to be delivered into escrow within seven (7) days of the date that Buyer has both finalized a plan showing the portions of the lots to be conveyed pursuant to this Agreement, and filed for a Special Permit for a Cluster Subdivision with the Town of Wayland. The Deed is to be held by Seller's attorney in escrow. It is agreed that time is of the essence of the agreement. Buyer shall have the right to record said deed prior to or simultaneously with the date Buyer acquires title to the premises known as 104 Plain Road, Wayland, MA, and obtained approval from the Town of Wayland, beyond any applicable Appeal Period, provided that the Seller has obtained any required partial release from their Mortgagees of record, as set forth herein, or within six (6) months of the date hereof whichever is first. Both parties shall make best efforts to close this transaction via first class mail rather than attending a closing. This transaction is contingent upon the Buyer receiving all the necessary approvals from the Town of Wayland for a two-lot conservation cluster subdivision, and the deeds placed into escrow with the Seller's attorney shall only come out of escrow to be recorded in the Middlesex South District Registry of Deeds, upon the prior recording of an approved conservation cluster subdivision plan from the Town of Wayland.

8. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof as the case may be, in which event the time for performance hereof shall be extended for a period of not more than thirty (30) days.

9. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

10. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefor the purchase price without deduction, in which case the SELLER shall convey such title.

11. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

12. ADJUSTMENTS

NONE

SELLERS agree at the closing to execute a statement under oath to any title insurance company issuing a policy to BUYERS and/or BUYERS' mortgagee to the effect that: (1) there are no tenants, leases or parties in possession of the Premises, except as set forth herein, if at all, and (2) SELLERS have no knowledge of any work having been done to the Premises which would entitle anyone now or hereafter to claim a mechanic's or materialmen's lien on the Premises.

20. **INTERNAL REVENUE CODE SECTION 1445**

SELLERS certify that SELLERS are not foreign persons and therefore, the BUYERS are not required under Section 1445 of the Internal Revenue Code to withhold any taxes upon the disposition of the Premises to the BUYERS, and SELLERS agree to execute an affidavit to this effect at the closing.

21. **TITLE STANDARDS**

Any matter which is the subject of a title, practice or ethical standard adopted by the Massachusetts Real Estate Board Association at the time of delivery of the deed shall be governed by said standard to the extent applicable.

22. **Intentionally Deleted**

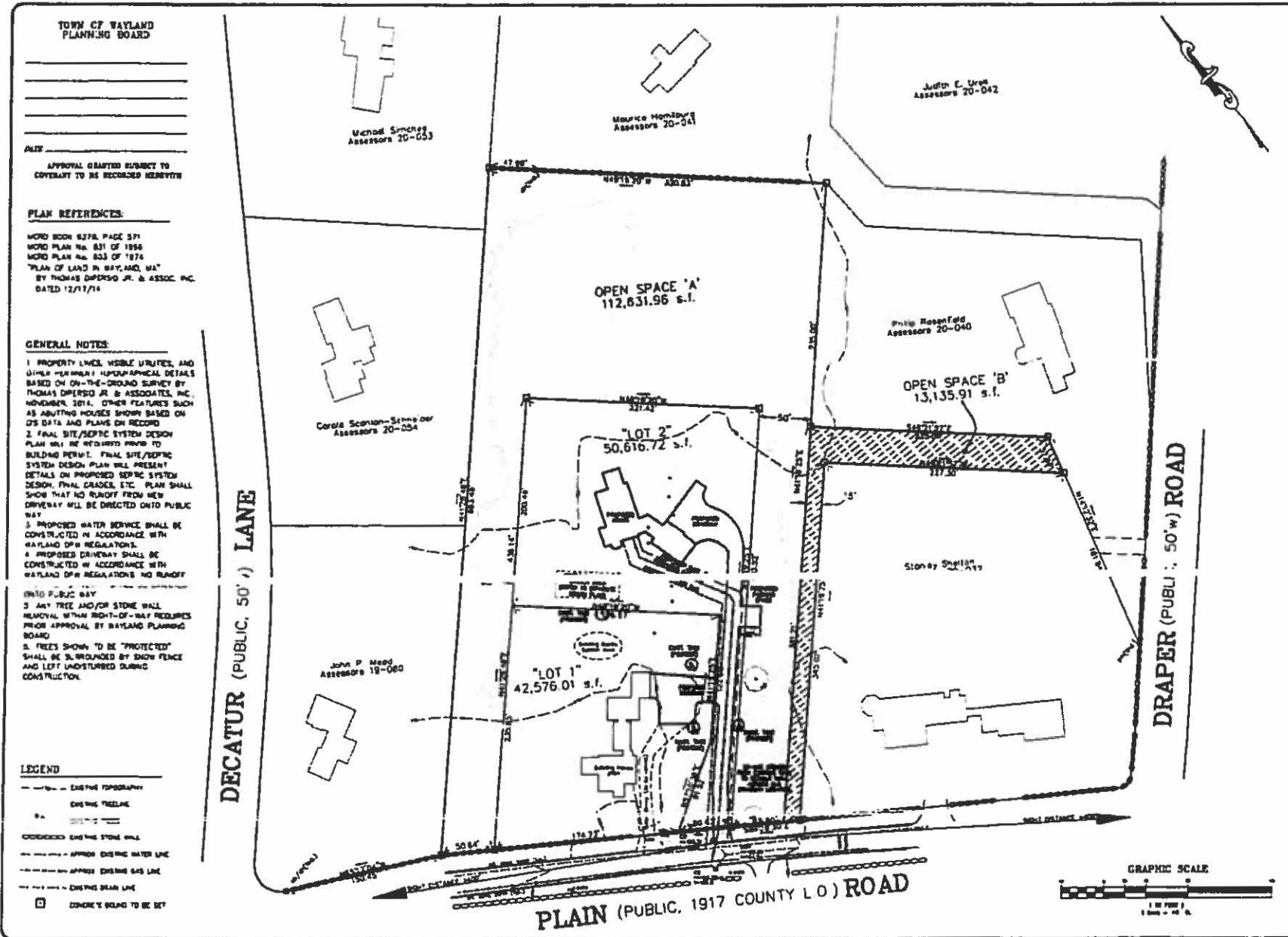
23. **104 PLAIN ROAD, WAYLAND, MA**

This Agreement is contingent upon Buyer acquiring title to 104 Plain Road, Wayland, Massachusetts pursuant to a separate Purchase and Sale Agreement dated October 27, 2014 (attached hereto as Exhibit B). In the event that Buyer does not so acquire title, this Agreement shall become null and void without further recourse to the parties and any deeds delivered to Buyer shall be returned.

24. **CLUSTER DEVELOPMENT SUBDIVISION**

An additional consideration for this Agreement. Seller has been advised that Buyer is acquiring the land hereunder to be added to the 104 Plain Road property and Buyer agrees to file with the Town of Wayland for a cluster development subdivision consisting of only two lots: one lot to contain the existing dwelling and one lot on which a single family dwelling will be constructed. Seller agrees to cooperate with Buyer in connection with the application process and authorizes Buyer to file all required applications with any municipal board or agency and to support the cluster development plan (after having first sent all submissions to Seller's attorney for review). In connection with the cluster development approval, the portions of the land conveyed by Sellers will, subject to the approval and requirements of the Planning Board and any other municipal board having jurisdiction, become conservation land and shall be added to the 50 foot buffer zone required by the cluster development bylaw so as to increase the width of the buffer zone. Buyer has provided Sellers with copies of the site plan showing lot sizes, lot shapes, location of proposed house, location of proposed common drive and location of septic and Seller, as of the signing of this agreement, has accepted said plan. If Buyer makes changes to said plans of any material nature then Buyer shall provide Seller, final submittal plans to approve prior to filing with the Town of Wayland. Seller shall not withhold said approval unless said changes affects Sellers enjoyment of their property or material encroaches on Seller's privacy.

Exhibit C



TOWN OF WATLAND
PLANNING BOARD

APPROVAL GRANTED SUBJECT TO
COVENANT TO BE RECORDED HEREWITH

PLAN REFERENCES:
WORD BOOK 8278, PAGE 371
WORD PLAN No. 831 OF 1956
WORD PLAN No. 823 OF 1974
"PLAN OF LAND IN WATLAND, MA"
BY THOMAS DIPERSO JR. & ASSOC. INC.
DATED 12/17/74

GENERAL NOTES:

- PROPERTY LINES, MOBILE UTILITIES, AND OTHER NECESSARY ALPHABETICAL DETAILS BASED ON ON-THE-GROUND SURVEY BY THOMAS DIPERSO JR. & ASSOCIATES, INC., NOVEMBER, 1974. OTHER FEATURES SUCH AS ADJUTING HOLES SHOWN BASED ON OS DATA AND PLANS ON RECORD.
- FINAL SITE/SEPTIC SYSTEM DESIGN PLAN WILL BE REQUIRED PRIOR TO BUILDING PERMIT. FINAL SITE/SEPTIC SYSTEM DESIGN PLAN WILL PRESENT DETAILS ON PROPOSED SEPTIC SYSTEM DESIGN, FINAL GRADES, ETC. PLAN SHALL SHOW THAT NO RUNOFF FROM NEW DRIVEWAY WILL BE DIRECTED ONTO PUBLIC WAY.
- PROPOSED WATER SERVICE SHALL BE CONSTRUCTED IN ACCORDANCE WITH WATLAND OPR REGULATIONS.
- PROPOSED DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH WATLAND OPR REGULATIONS. NO RUNOFF ONTO PUBLIC WAY.
- ANY TREE AND/OR STONE WALL REMOVAL WITHIN RIGHT-OF-WAY REQUIRES PRIOR APPROVAL BY WATLAND PLANNING BOARD.
- TREES SHOWN TO BE "PROTECTED" SHALL BE SURROUNDED BY SNOW FENCE AND LEFT UNDISTURBED DURING CONSTRUCTION.

LEGEND

- EXISTING TOPOGRAPHY
- EXISTING FENCE
- EXISTING STONE WALL
- APPROX. EXISTING WATER LINE
- APPROX. EXISTING GAS LINE
- EXISTING SEWER LINE
- CONCRETE FOUND TO BE SET



Date	Description
8/2/74	Planning Board submission. Shows open space areas.
8/21/74	Proposed layout. Trees to be protected.
1/2/75	Final site/septic system design. Final grades, etc. Plan shall show that no runoff from new driveway will be directed onto public way.

30 SICE HILL ROAD
WATLAND, MA

VILLIAM C. COLEMAN
104 PLAIN ROAD
WATLAND, MA



104 PLAIN ROAD
CONSERVATION CLUSTER
SITE PLAN

SCALE	1" = 40'
GROUP	35
DESIGNER	THOMAS DIPERSO JR.
DATE	1/2/75

SHEET 1 OF 1

2 719177

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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

March 27, 2017

Karen Adelman
Communications Strategist and
Coordinator of the MetroWest Regional Collaborative
Metropolitan Area Planning Council
60 Temple Place
Boston MA 02111

RE: Letter of Collaboration

VIA E-MAIL: KAdelman@ mapc.org

Dear Ms. Adelman,

The Board of Selectmen met on March 27, 2017, and agreed to provide the Metropolitan Area Planning Council with this letter of collaboration to accompany MAPC's grant application to the MetroWest Health Foundation for the healthy aging project.

The Town agrees to collaborate by providing information and will take part in discussions and convene stakeholders.

Thank you for including Wayland in this project.


Nan Balmer
Town Administrator

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DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Monday, April 03, 2017 12:01 PM
To: DiNapoli, MaryAnn
Subject: FW: Glezen Lane Case
Attachments: GlezenLaneTctrProjMSPAAppealMotforPemRelfromJudgmentDec.pdf

From: Mark J. Lanza [<mailto:mjlanza@comcast.net>]
Sent: Monday, April 03, 2017 11:37 AM
To: Balmer, Nan
Cc: Amy E. Kwesell; Irving, Robert; Houghton, David
Subject: Glezen Lane Case

Hi Nan –

Good news ! I just downloaded the attached decision from the Superior Court's website. In sum, Judge Kazanjian allowed the Town parties' Motion for Permanent Relief from the Consent Judgement as to the permanent turn restrictions on entering and exiting Glezen Lane. The turn restriction signs need not be reinstalled. The Glezen Lane-Old Sudbury Rd. Intersection modifications need not be made. However, the other traffic measures (speed humps and speed bumps) must remain in place.

The decision was entered on March 31, 2017. The Bernstein's and Porters have until April 10, 2017 to file a motion for reconsideration and until April 30, 2017 to appeal the decision. Hopefully, they will be satisfied with the traffic measures that are in place and put this matter to rest once and for all.

Thanks,

Mark

43

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**SUPERIOR COURT
CIVIL ACTION
No. 0881CV00552**

**DAVID BERNSTEIN, KATHLEEN BERNSTEIN, JEFFREY PORTER, JILL PORTER, SUSAN REED, WILLIAM PETRI, ARLENE PETRI, TIMOTHY MARSTERS, L. HOWARD HARTLEY, MARCIA ANNE HARTLEY, RICHARD MIKELS, DEBORAH MIKELS, and MICHAEL BATE,
Plaintiffs**

vs.

**WAYLAND PLANNING BOARD, WILLIAM STEINBERG, ALBERT I. MONTAGUE, JR., DANIEL MESNICK, KEVIN MURPHY, and LYNNE DUNBACK, as members of the Wayland Planning Board, ANETTE LEWIS, as an associate member of the Wayland Planning Board, TOWN OF WAYLAND, WAYLAND BOARD OF SELECTMAN, and WAYLAND BOARD OF ROAD COMMISSIONERS, and TWENTY WAYLAND, LLC
Defendants**

and

**ELEANOR FARWELL AND WILDON FARWELL, MD
Intervenors**

**MEMORANDUM OF DECISION AND ORDER ON TOWN OF WAYLAND'S
MOTION FOR PERMANENT RELIEF FROM JUDGMENT**

The present case arises from a 2008 dispute regarding an increase in through-traffic on Glezen Lane in Wayland, where the plaintiffs reside. The concern about increased traffic was generated by a proposed project, by which the Town of Wayland (the "Town") sought to develop a 56-acre parcel of land consisting of commercial, residential, and municipal building space (the "Town Center Project"). The plaintiffs are residents of Glezen Lane, a residential road that runs between Routes 27 and 126, and is a short distance north from the Town Center Project.¹

¹ The plaintiffs closest to the project site are approximately .7 miles away.

On February 6, 2008, the plaintiffs commenced their appeal pursuant to G.L. c. 40A, § 17 of the Wayland Planning Board's (the "Board"), January 17, 2008 decision granting special permits and site plan approvals for the Town Center Project. The plaintiffs amended their Complaint, adding the Town's Board of Selectmen and Board of Road Commissioners as parties. In this lawsuit, the plaintiffs challenged the Town's permitting of the Town Center Project and sought a declaratory judgment that the Town had a legal obligation to develop a traffic mitigation plan to safeguard the plaintiffs from project-related traffic impacting Glezen Lane.

On July 16, 2008, after extensive negotiations, the parties entered into a consent judgment (the "Consent Judgment") which required that the Town implement a variety of traffic mitigation measures over time. All of the traffic mitigation measures, except the final ones set forth in Section I (G)(4) of the Consent Judgment, have been implemented. The final traffic mitigation measures include permanent turn prohibitions and physical restrictions at the intersection of Glezen Lane and Route 27 (the "Final Measures"). In 2015, seeking a way to avoid having to comply with this final aspect of the Consent Judgment, the Town filed a Rule 60(b) motion for relief from judgment.² Only four of the original plaintiffs – David Bernstein, Kathleen Bernstein, Jeffrey Porter and Jill Porter – oppose this motion.³

On November 9, 2016, the court denied in part the Town of Wayland's Motion for Permanent Relief from Judgment. The court sought additional evidence on the issue of whether the Final Measures presented public safety concerns, constituting exceptional circumstances. An evidentiary hearing was held on December 1, 2016. After carefully considering all of the evidence submitted in connection with this issue, including the parties' stipulations, affidavits,

² In the alternative, the Town moved to dismiss the amended complaint. The court denied that motion.

³ The Court will refer to these four plaintiffs as the "plaintiffs" throughout this decision.

exhibits and testimony, the court **ALLOWS** the Town's Motion for Relief from Judgment as to Section I (G)(4) of the Consent Judgment.

I. FACTUAL FINDINGS

Kevin Dandrade, a civil engineer, credibly testified at the hearing for the Town. Mr. Dandrade has been working with the Town since the inception of the Town Center Project. He commenced the design work for the Final Measures by preparing preliminary designs or concept plans. These preliminary designs were based on his understanding that the intent was to have a raised hard surface to prohibit cars from turning left off of Glezen Lane onto Route 27, or right onto Glezen Lane from Route 27. According to Mr. Dandrade, the addition of hard surfaced curbs to permanently restrict turning would create "an acute geometry", or a "skewed angle" between Glezen Lane and Route 27.

Mr. Dandrade is of the opinion that the Final Measures create safety concerns for fire trucks and school buses attempting to make turns at that intersection. In order to negotiate the turn around the raised curbs, fire trucks and school buses would have to move into the oncoming traffic lane and swing wide. These maneuverability challenges would affect response times for large emergency vehicles, particularly if there are other cars waiting on Glezen Lane or traffic in the oncoming lane. Mr. Dandrade does not recommend that the Final Measures be implemented as he considers them to be contrary to industry guidance and guidance from the Massachusetts Department of Transportation ("MassDOT").

Mr. Dandrade was familiar with the alternative plans that the plaintiffs are proposing which would not involve a raised curb, but either flush pavement of a different color and texture, or a smaller 2 to 3 inch curb, both of which fire trucks and emergency vehicles could actually drive over. Mr. Dandrade agreed that this alternative plan would be easier to traverse, and thus,

safer, although there would still be some delays in travel time.⁴ However, Mr. Dandrade opined that such a design would be ineffective at preventing cars from making right turns onto Glezen Lane and left turns onto Route 27 from Glezen Lane, thus, not consistent with the intent of Section I (G)(4) of the Consent Judgment.

David Houghton, the Town Fire Chief testified that in addition to the physical turn restrictions described by Mr. Dandrade, the Final Measures require signs restricting vehicles from turning left onto Route 27 from Glezen Lane and right onto Glezen Lane from Route 27. Chief Houghton expressed credible safety concerns regarding both the physical restrictions and the signs. The physical restrictions create safety concerns for firefighters trying to negotiate the difficult turn, and the delay associated with having to negotiate the turn would impact response times, potentially affecting the Wayland Fire Department's ability to respond to fires.

Moreover, it is the policy of the Wayland Fire Department that emergency vehicles do NOT violate traffic regulations (i.e., they do not go down one-way streets the wrong way or turn in a direction that is otherwise prohibited). The reason for this is to insure the safety of everyone else on the road. Thus, in order to comply with the turn restrictions, emergency vehicles would have to take a longer route around to get to homes on Glezen Lane, resulting in delayed response times to those homes.⁵ Chief Houghton estimated that it would take minutes (not seconds) longer to respond to homes on Glezen Lane, and that these response times are significant in light of the fact that fires typically double every minute. With respect to other emergency vehicles, Chief Houghton noted that delayed response times could impact their ability to promptly get medical attention to residents in need.

⁴ A photograph and plan illustrating the traversable surface which currently exists at the intersection of E. Plain St., School St. and Route 30 in Wayland, MA, was introduced in evidence at the hearing.

⁵ The police and fire departments are located south of Glezen Lane.

Robert Irving, the Town's Chief of Police testified that he too was concerned about the delayed response times that would be associated with the implementation of the Final Measures.⁶ He also had concerns about school buses being able to safely make the turn with the restrictions in place. Chief Irving is also of the view that the Final Measures would place an undue burden on the Police Department to enforce compliance when they have needs throughout the Town.⁷ During the period of time that the turn restrictions were in place (although the physical restrictions were not installed)⁸, Chief Irving observed that since it was illegal to turn left onto Route 27 from Glezen Lane, motorists would turn right and then either make an illegal U-turn or turn around in one of the driveways along Route 27. These maneuvers are dangerous. With respect to school buses, Chief Irving explained that after the buses pick-up children on Glezen Lane, they need to head south to the schools. If they cannot turn left on Route 27, they have to turn around somewhere – either on Glezen Lane or on Route 27 – or they have to back-up on Glezen Lane. All of these options are unsafe. Regardless of whether there are any physical restrictions in place, Chief Irving believes that the turn restrictions in and of themselves present significant safety concerns for the Town.

The plaintiffs called Kim Hazarvartian, a civil engineer, currently working for TEPP, LLC. Ms. Hazarvartian has worked with the plaintiffs, to assist with the monitoring and mitigation measures that were required by the Consent Judgment. She testified regarding alternative configurations that would incorporate mountable curbs, rather than the 6 inch curbs depicted in Mr. Dandrade's preliminary design. Mountable curbs would permit authorized/emergency vehicles to make the turns on and off Glezen Lane that would otherwise

⁶ Like the Fire Department, the Wayland Police Department follows all traffic signals and restrictions.

⁷ Section F (8) imposes patrol requirements on the Police Department in order to enforce the turn restrictions.

⁸ The sign restrictions were in place for a period of time until this court allowed the Town's Motion for Temporary Relief from Judgment so that the Town could conduct further traffic studies.

be prohibited to the general public. It was Ms. Hazarvartian's opinion that this alternative design would not have a measurable impact on response times to residences on Glezen Lane.

Moreover, she disagreed with Mr. Dandrade that the wide swing necessary for large vehicles to turn onto Glezen Lane if non-traversable curbs were installed, was contrary to MassDOT guidelines.

II. ANALYSIS

A judgment may be vacated under Rule 60(b)(5) if it is no longer equitable, or under Rule 60(b)(6) if there are extraordinary circumstances. *See Owens v. Mukendi*, 448 Mass. 66, 71 (2006); *Doe v. Sex Offender Registry Bd.*, 82 Mass. App. Ct. 1116, 2012 WL 4856455, at *1 (2012) (1:28 decision); *see also Thibbitts v. Crowley*, 405 Mass. 222, 226 (1989) (relief from a judgment pursuant to Mass. R. Civ. P. 60(b)(5) is extraordinary and may be granted only upon a showing of exceptional circumstances). Courts have held that a consent decree which contains complex, ongoing injunctive relief may constitute exceptional circumstances warranting relief, where there are newly identified concerns which suggest the judgment is not accomplishing its intended purpose. *See Thibbitts*, 405 Mass. at 228-229 (citing *Philadelphia Welfare Rights Org. v. Shapp*, 602 F.2d 1114, 1120-1121 (3d Cir. 1979), and *King-Seeley Thermos Co. v. Aladdin Indus., Inc.*, 418 F.2d 31, 35 (2d Cir. 1969)).

The court finds that the implementation of the Final Measures raises significant safety concerns that were not fully considered at the time the parties entered into the Consent Judgment. In addition, certain observations relating to safety were made when the turn restrictions were temporarily in place. Finally, the purpose of the Consent Judgment was to address safety issues relating to increased traffic on Glezen Lane by permanently preventing vehicles from turning right onto Glezen Lane from Route 27, and left onto Route 27 from Glezen Lane. The

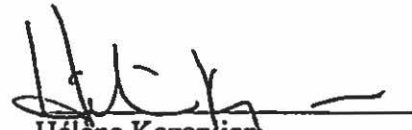
plaintiffs' proposed alternative designs that do not include a raised curb, would not achieve that purpose, and thus, would not be in compliance with Section I (G)(4). In any event, since the Town Fire and Police Department polices do not permit emergency vehicles from violating traffic restrictions, mountable curbs would not cure the safety problems, nor would they address Chief Irving's concerns about the turn restrictions generally or the safety issues associated with school buses.

In sum, the Court is satisfied that the Town has established that the implementation of the Final Measures would create significant safety risks that were unanticipated at the time the Consent Judgment was entered into, and that those safety risks constitute exceptional circumstances warranting relief from the judgment. Accordingly, the Town's Motion for Relief from Judgment as to Section I (G)(4) of the Consent Judgment is **ALLOWED**.

ORDER

For the reasons stated herein, the Town's Motion for Relief from Judgment is **ALLOWED** as to Section I (G)(4).

SO ORDERED.


Hélène Kazanjian
Justice of the Superior Court

DATE: March 27, 2017

10

Balmer, Nan

Subject: FW: Public Notice Letter - RTN 3-33752

From: Ben Gould [<mailto:BGould@CMGenv.com>]
Sent: Tuesday, April 04, 2017 4:44 PM
To: Balmer, Nan
Subject: RE: Public Notice Letter - RTN 3-33752

Hello Nan,
Yes, this letter has some significance to the former Raytheon property issues the Town has hired me to advise you on. I am aware of the Downgradient Property Status issue and have reviewed the DPS report which presents Raytheon's case that in addition to the chlorinated solvent contaminant plumes attributable to former Raytheon operations at what is now the Wayland Town Center, there are two smaller plumes of chlorinated solvent that appear to be migrating from a property to the southeast onto the Town Center parcel. The result of submitting this DPS opinion is that DEP will not require Raytheon to remediate contamination attributable to those two smaller plumes as part of their ongoing groundwater cleanup efforts. However, they are still responsible to address the two larger areas of chlorinated solvent issues (termed the 'Southern Area' and the 'Northern Area' in numerous past reports and public presentations). Would be happy to discuss this at greater length with you and/or the Board of Selectmen if you wish.

Thanks,
Benson R. Gould, LSP, LEP
Principal
CMG Environmental, Inc.
67 Hall Road
Sturbridge, MA 01566
Phone 774-241-0901
Fax 774-241-0906
Cell 508-320-0421
Reply to: BGould@CMGenv.com

**Environmental
Resources
Management**

One Beacon Street
5th Floor
Boston, MA 02108
+1 617 646 7800
+1 617 267 6447 (fax)

www.erm.com



4 April 2017
Reference: 0377766

Nan Balmer
Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Re: Legal Notification
Downgradient Property Status (DPS) Opinion
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts
Release Tracking Number 3-33752

Dear Ms. Balmer:

On behalf of Raytheon Company, Environmental Resources Management (ERM) will be submitting a Downgradient Property Status (DPS) Opinion for the portion of the Former Raytheon Facility (the "Subject Property") where Chlorinated Volatile Organic Compounds (CVOCs) in groundwater has come to be located. This DPS has been prepared in accordance with 310 CMR 40.0180 of the Massachusetts Contingency Plan (MCP) for the Subject Property covered under Release Tracking Number (RTN) 3-33752.

The DPS Opinion includes a technical evaluation of the hydrogeologic conditions under which CVOCs has migrated onto the Subject Property via advective groundwater flow from an unknown up gradient source area(s).

In accordance with 310 CMR 40.1400, the Chief Municipal Officer and the Board of Health must be notified of the report availability. Additional information regarding this submittal and copies of the document can be reviewed at the following location:

Massachusetts Department of Environmental Protection
Northeast Regional Office

205B Lowell Street
Wilmington, Massachusetts 01887
Main Phone: 978-694-3200

To find the document on the MassDEP website, go to <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> and search for RTN 3-33752.

A copy of the NOTICE OF DOWNGRADIANT PROPERTY STATUS OPINION is included with this letter. This legal notice will be published in the Wayland Town Crier on 23 March 2017.

Please direct any questions or correspondence to Louis J. Burkhardt, Raytheon Company, at (978) 858-1885 or the undersigned at (617) 646-7800.

Sincerely,



Lyndsey Colburn, P.G.
Principal Consultant

Enclosure: NOTICE OF DOWNGRADIANT PROPERTY STATUS
OPINION

cc: Louis J. Burkhardt, Raytheon Company

NOTICE OF A DOWNGRAIDENT PROPERTY STATUS OPINION

**FORMER RAYTHEON FACILITY
430 BOSTON POST ROAD, WAYLAND, MASSACHUSETTS
RELEASE TRACKING NUMBER: 3- 33752**

A Downgradient Property Status Opinion containing the elements required by 310 CMR 40.0180 was developed and submitted to the Massachusetts Department of Environmental Protection (DEP) for the above site pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000).

The DPS Opinion includes a technical evaluation of the hydrogeologic conditions under which Chlorinated Volatile Organic Compounds (CVOCs) has migrated onto the Subject Property via advective groundwater flow from an unknown upgradient source area.

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

Additional information regarding this submittal and copies of the document can be reviewed at the following location:

Massachusetts Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts 01887
Main Phone: 978-694-3200

To find the document on the MassDEP website, go to <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> and search for RTN 3-33752.

To obtain more information on this disposal site, please contact Louis J. Burkhardt, Sr. Environmental Engineer, Raytheon Company, 50 Apple Hill Drive, Tewksbury, MA 01876, (978) 858-1885.



Town of Wayland Massachusetts

April 4, 2017

To: Nyanza Trustees

Subject: Nyanza Trustees Grant, Heard Pond, Wayland

The Wayland Surface Water Quality Committee (WSWQC) would like to thank the Nyanza Trustees for the recently concluded grant for water chestnut control in Heard Pond in Wayland. The awarded monies, which totaled \$32,400 over a four-year period, were very useful for the first three years of the grant, and especially useful when extra funds were needed to combat a tremendous and unforeseen plant germination event in 2016.

As the attached reports for the 2016 harvesting season show, water chestnut infestations are very difficult to control, perhaps especially on riverine systems such as the Sudbury River and Heard Pond:

- The Wayland Surface Water Quality Committee report prepared by WSWQC member Tom Largy
- The report from SOLITUDE, the vendor who supplied the contracted harvesting services on the pond.

Unfortunately, the 2016 season was the most difficult season on the pond since the water chestnut control project commenced in 2003. The harvesting was incomplete and late, and likely many water chestnut seeds were dropped into the pond sediment, thereby adding to the "seed bank" of viable seeds which will continue the infestation into future seasons.

Although the Nyanza grant period has concluded, the WSWQC has been able to set aside funds to continue the Heard Pond project for 2017. However, the budgeted amount is only enough to cover what were thought to be "normal" harvesting years up until 2015, and not the extraordinary number of extra harvesting days that were needed in 2016. The hope is that most of the viable seeds that were in the pond sediment for many years have finally germinated and that whatever seeds that were dropped in 2016 are not enough to cause another 2016 like event. Time will tell.

Again, the WSWQC thanks the Nyanza Trustees very much for a grant that has been very helpful to the Town of Wayland in maintaining Heard Pond as an excellent natural resource which benefits a thriving wildlife community. Of course, Heard Pond, as a bit of suburban wilderness, is also a great place for humans.

Tom Largy, WSWQC
Heard Pond Project Manager

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DiNapoli, MaryAnn

From: Steve Curtin <scurtin22@gmail.com>
Sent: Saturday, April 08, 2017 2:58 PM
To: Karlson, Cherry
Cc: DiNapoli, MaryAnn; 'Steve Curtin'
Subject: Wayland Little League Baseball and Softball - Annual Parade and Picnic Saturday May 6 2017

Hello Cherry and MaryAnn,

As you may know, Wayland Little League Baseball and Softball will be having its annual Little League Parade and Picnic on Saturday May 6 from 10-1p.

We annually have over 300 participants (players K-8, parents, coaches) march in the parade (gathering at Wayland Middle School at 945 – leave approx. 10:15 to march to Cochituate Field for games, food, presentation, etc). It's a great time for all those involved and a great way to start the season. We end at 1p.

As such, I wanted to reach out to you on two fronts:

- 1) Any member of the board of selectman that would like to join us for this event would be most welcome. They can march with us or just simply be at the Cochituate ballfield at 1015 to participate in the ceremony. We start with welcomes, introductions and recognition of award winners, followed by ceremonial first pitches, National Anthem, etc.
- 2) If possible, I think it would be a wonderful gesture to recognize Saturday May 6 2017 as "Wayland Little League Baseball and Softball Day" by the Town/Board of Selectman. Wayland has a long history of youth baseball and softball programs and it would be really nice to have it officially recognized (perhaps even going forward – the first Saturday in May annually) as such. Would it be possible to have a "proclamation" created for this and presented at the Parade? I think it would mean a lot to the kids, parents, coaches and longtime volunteers in the program. With over 350 kids participating it would reach a number of families.

Please let me know on the above – happy to provide more info or speak over phone if need be.

Thanks!
Steve Curtin
President
Wayland Little League Baseball and Softball
C: 508.494.0776

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Thursday, April 13, 2017 4:12 PM
To: DiNapoli, MaryAnn
Subject: FW: Helicopter Bti application to control mosquito larvae

From: David Henley [<mailto:emmcp.dh@verizon.net>]
Sent: Thursday, April 13, 2017 12:10 PM
To: Heidi Porter; Angela Braun; Mike Blanchard; Kelly Pawluczzonek; MaryAnn O'Connor ; Ruth Clay ; bbracey@northreadingma.gov; Darlene Foley; Bill Murphy; Cindy Bilbilian ; Tom Creonte; Junghanns, Julia; Lenny Izzo; Rich Sullivan ; Wendy Diotalevi; Jennifer Murphy ; Gerard Cody
Subject: Helicopter Bti application to control mosquito larvae

To all,

The annual April helicopter Bti application to control mosquito larvae has been scheduled to start on either Wednesday, April 19 or Thursday, April 20. In preparation for that application, press releases were sent out last week to weekly newspapers. Those press releases should start appearing in newspapers today and Friday. In the press releases, the time frame for the application was described as between April 18 and April 27. Since then, we've determined that the start date will be April 19 or 20. With good weather, the application is typically completed in one day.

Notices to daily newspapers will be sent out later today.

If anyone has any questions about the application, let me know.

David Henley, Superintendent
East Middlesex & Suffolk County Mosquito Control Projects
11 Sun St., Waltham, MA 02453-4101
emmcp.dh@verizon.net
781-899-5730 (office), 781-647-4988 (fax)

TOWN OF WAYLAND
ANIMAL CONTROL SUMMARY REPORT
MARCH, 2017

14

TOTAL NUMBER CALLS HANDLED

48

Complaint Calls

1

Lost Dog Calls

4

Lost Cat Calls

Other Cat related calls

Animal / Wildlife Calls

1

Miscellaneous Calls

27

TOTAL # ANIMALS PICKED UP

4

Total # dogs not licensed

Total # dogs not claimed

still in dog officer custody

#surrendered to Humane Shelter

TOTAL # HUMAN BITE CALLS

2

TOTAL # ANIMAL -> ANIMAL BITE

1

10 Day Quarantine Order -Human Bite

Issued 2 / Released 2

10 Day Quarantine Order -Animal Bite

Issued 1 / Released 1

45 Day/6 Month Quarantine Orders

Issued 0 / 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 A. Condon
Animal Control Inspector/Officer



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update

March 2017

On March 7th, Wayland Police responded to a residential burglary on Windy Hill Lane. Upon arrival, officers checked the house and surrounding area but could not locate the intruder. It is believed the burglar(s) may have been scared off by the return of the home owner. Several items were removed from the home, including jewelry and electronics. Evidence indicates that three wheeled suitcases were taken from the residence and may have been used to hold other more valuable items. Police ask homeowners to secure their homes when they leave, set their burglar alarms if they have one and to immediately report any suspicious activity in their neighborhoods. If an unknown person knocks on your door and asks for directions or provides other excuses for them being there, it is possible that they are checking to see if someone is home before breaking in. This type of activity should immediately be reported to the police so we can attempt to identify the individuals. Vehicle descriptions and license plate numbers aid the police in investigating and identifying suspicious individuals. As jewelry is often the target of residential burglary, it is suggested that homeowners hide their jewelry or store it in a safe place. If a resident comes home and discovers that their home has been broken into, they should exit the home and contact the police so a thorough check of the house can be made by officers.

There were three arrests for Operating Under the Influence of Alcohol or Drugs during the month. On March 10th, Officer Tim Henderson observed a vehicle stopped in the middle of the travel lane. Upon investigation, he determined that the operator, a Wayland man, was intoxicated. The man failed sobriety tests at the scene and failed a subsequent test at the police department which showed he had a blood alcohol content above the legal limit. On March 18th, Officer Justen Kazan observed a vehicle operating erratically on West Plain Street. He stopped the vehicle and asked the operator, a Wayland woman, to perform field sobriety tests. The woman failed the tests and was placed under arrest. At the station the woman consented to an alcohol breath test which revealed that she had a blood alcohol content that was above the legal limit. On March 28th, Officer Lynnet Sloan stopped a vehicle that had been reportedly involved in a motor vehicle crash on Route #27 near Pequot Road. Officer Ken Davis and Officer Chris Custodie had begun the investigation of the hit and run accident. It was determined that the operator of the vehicle, a Mendon man, was intoxicated. He was placed under arrest and charged with O.U.I. Liquor, Leaving the Scene of a Property Damage Accident, Driving to Endanger and Open Container

Violation. The man submitted to a breath test at the police station and it was determined that his blood alcohol level was more than twice the legal limit.

During the month of March, an audit of the police department's evidence room was conducted by Millstone Consulting, LLC. The audit found that all evidence was accounted for and that the evidence room was "well run, clean, orderly, safe and secure." Detective Chris Cohen is in charge of the department's evidence room. Periodic audits are conducted by outside vendors to insure that all evidence is properly maintained by the police department.

On March 6th Officer Kenneth E. Davis was sworn in by Wayland Town Clerk, Beth Klein as the department's 23rd officer. Officer Davis graduated from the M. P.T.C. Reading Regional Police Academy's 26th Recruit Course on February 16th. Officer Davis graduated from Nashoba Regional High School in 2007. He joined the United States Army in August of 2007 and served for five years in the field of intelligence collection, including tours of duty in both Afghanistan and Iraq. While on active duty, Officer Davis received a number of awards and commendations, including the Army Commendation Medal, Army Good Conduct Medal, Global War on Terrorism Service Medal, and the Combat Action Badge. At the conclusion of his active duty, Officer Davis enlisted in the U. S. Army Reserves and is based out of Fort Devens.

Prior to joining the Wayland Police Department, Officer Davis was a deputy sheriff with the Worcester County Sheriff's Department and was responsible for prisoner transportation throughout Massachusetts.



Robert Irving
Chief of Police

Wayland Police Department Detective Division Report for March 2017

INVESTIGATIONS

Residential Burglary/Larceny over \$250 – Windy Hill
Commercial Burglary/Larceny over \$250 (2008 Case DNA Hit) – Main Street
Larceny over \$250/Mal-Mis – Boston Post Road
Larceny over \$250 – Oxbow Road
Larceny over \$250 – Andrew Avenue
Larceny over \$250 – Rich Valley Road
Larceny over \$250 – Lake Road
Flim/Flam – Andrew Avenue
Suspicious Activity – Main Street
Drug Investigation – Old Connecticut Path
Tobacco Compliance Checks

MEETINGS/TRAININGS

District 14 Arson Investigation Meeting
Youth Advisory Committee Meeting
RAD (Rape Aggression Defense) Training
In-service Training
Cameras (Wayland Public Schools)
Wayland High School Triage Meeting
Area wide School Resource Officer Meeting
Framingham District Attorney/Prosecutor Training
Homicide Investigation Training
Prosecutor meeting with Judge Cunnis

MISCELLANEOUS

Evidence Room Audit
School Safety Audit – All Wayland Public Schools
Happy Hollow ALICE
Framingham District Court MV/Criminal Hearings

COMMUNITY SERVICES

Wayland Middle School Pizza Day
Westford HS Lauren Astley Discussion
Wayland Business Association – Silver Alert Discussion
Congregation Or Atid – Safety talk
“Screenagers” movie – Wayland Middle School PTO

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

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

In-Service

MPTC
Boylston Academy

Lynnet Sloan	March 6-9, 2017
Seanna Lombardo	March 13-16, 2017
Mark Hebert	March 27-30, 2017

In-Service

MPTC
Reading Academy

Sean Gibbons	March 6-9, 2017
Sean Fitzgerald	March 6-9, 2017
Tim Henderson	March 13-16, 2017
Ed Walsh	March 20-23, 2017

Female Enforcers Current Cultural Issues for Career and Street Survival

Calibre Press
Boston Police Department

Lynnet Sloan	March 27, 2017
Jennifer Ordway	March 27, 2017

Conducting Homicide Investigations

NESPIN
Franklin, MA

Seanna Lombardo	March 27, 2017
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SWAT Command Decision Making and Leadership I

National Tactical Officers Association
Canton PD

Sean Gibbons	March 27-31, 2016
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Millstone Consulting, LLC

John Serson

Principal

4 Sherman Place

Woburn, MA 01801

(781) 572-4140

john@millstoneconsultingllc.com

Robert Irving

Chief of Police

Wayland Police Department

38 Cochituate Road

Wayland, MA 01778

March 31, 2017

Dear Chief Irving,

Thank you for the opportunity to conduct an audit of the Wayland Police Department evidence room. The audit was conducted on Tuesday March 22, 2017. A report of the audit follows this cover letter. Overall, the audit showed the evidence room is well run, clean, orderly, safe and secure.

I was assisted in the audit by Detective Christopher Cohen of your department. The evidence room is remarkably neat and organized and seems to reflect his attention to detail. The process itself was expedited by Detective Cohen's careful preparation. I appreciate his assistance.

I have also attached an invoice to this communication. You will note that the total is significantly less than that quoted in the proposal. The reasons are two-fold and result from my recent re-structuring of my fee schedule together with a quicker than expected completion due to Detective Cohen's preparation.

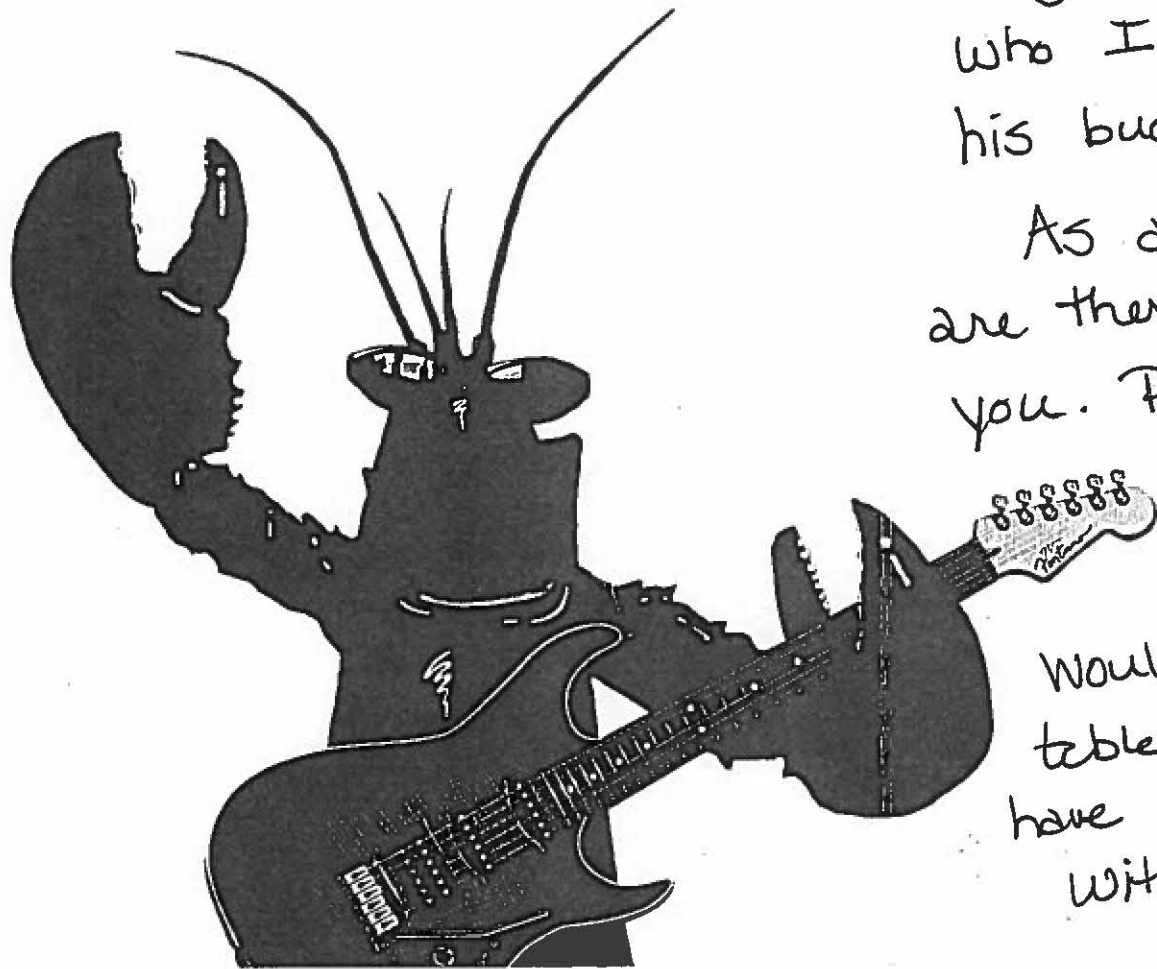
Thank you again for the opportunity to provide audit service to your department.

Sincerely,

John Serson



Thanks to ALL who
helped rescue my dog,
Chaz "Wanderlust" Hansen!
Chaz is a senior citizen
who I fear is working on
his bucket list!



As always, you guys
are there when I need
you. Please enjoy these
goodies from my
favorite bakery. These
would have been on your
table last week, but I
have been sick-in-bed
with gratitude,
Mambo Hansen | Loka
Pd. Tenn.

Minutes of the Electronic Voting Implementation Subcommittee Meeting of 2016-11-15

1. The meeting was called to order by Dave Bernstein at 6:47 pm in the High School Field House with Larry Krakauer, Alan Reiss, and Jon Sieber in attendance. Don Schuler arrived at 6:48 pm.
 2. Dave Bernstein was appointed Secretary pro tem
 3. There was no initial public comment
 4. Minutes from our 2016-05-26 meeting were unanimously approved
 5. ELVIS responsibilities during the Special Town Meeting were reviewed
 - o Scanning for handset failures during votes. providing a ballot and a replacement handset to each voter afflicted by a failed handset
 - It was noted that a voter whose handset displays “can’t vote yet” does not need a replacement handset
 - o Issuing replacement handsets to voters who report failed handsets
 - o Managing the “Manual Counting Section”
 - o Scanning for physical possession of multiple handsets, and bringing this to the Moderator’s attention by raising a point of personal privilege
 6. There was no final public comment
 7. The meeting was adjourned at 6:50 PM
-



Town of Wayland Massachusetts

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

**Finance Committee
 Final Minutes
 March 6, 2017**

Attendance: D. Watkins, G. Cliff, N. Funkhouser, C. Martin, and G. Uveges. Also attending Brian Keveny.

Call To Order:

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

Public Comment and Committee Members' Response

None

Report from the Finance Director:

Brian Keveny walked the Finance Committee through the 2nd Quarter Budget Status Report (see attachments):

- Revenues overall are on track. License and permits are a concern – the number of building permits being issued is similar to previous years but the value of the permits being issued is lower than in previous years.
- Expenditures are also on track. Turnbacks on health insurance are expected to be about \$0.1 million, significantly lower than prior years. The Reserve Fund balance is currently \$147,516 and there are a number of significant requests outstanding.
- Free cash is projected to end the year at \$6.2 million, or 7.9% of next year's operating budget.
- Enterprise and revolving funds appear to be in good shape.

Reserve Fund Transfer Requests:

John Moynihan provided an overview of the \$105,000 request related to the library drainage mitigation capital project (see attachments). John explained that the project had significantly higher expenses than planned due to unexpected site conditions, which made the work more difficult to perform. The original capital appropriation for the project was \$200,000 in 2012 which reflected partial funding for the project coming from a MEMA grant. G. Cliff noted that this was a capital project, which might require a different procedure before we can use the Reserve Fund which is generally used for operating budget issues. G. Cliff wondered if the procedures allow for a "Special Project Manager" to make a request. G. Cliff stated that he felt an item of more than \$10,000 should generally involve at least two meetings so the FinCom is not asked to vote on a financially material request the first meeting they are made aware of it. G. Uveges asked whether the usual procedure for an overrun on a capital project is to discuss it at the next Town Meeting. He wondered if there might be library funds available to cover the overage. C. Martin stated she was also concerned about the procedure being different for capital items. She also pointed out that the Reserve Fund has a relatively low balance and there are a number of requests outstanding. Finance Committee members discussed alternative approaches for dealing with this item. John pointed out the work has been done and the amounts are due and the contractor will be entitled to collect interest if we do not pay on time. D. Watkins described some alternative approaches that need to be evaluated prior to the next FinCom meeting on Mar 27.

Beth Doucette provided an overview of the \$35,000 request related to legal services (see attachments). Beth explained that the need is primarily related to legal expenses for special counsel associated with the River's Edge project. There was also some unanticipated expenses associated with investigating the potential to use 5 Concord Road for a non-library purpose. G. Cliff observed that the paperwork needs to be consistent - only River's Edge is noted on the request form but the backup includes other items. He stated that he is concerned about whether the Board of Selectmen has acted beyond its authority on River's Edge. He distributed a page from the 2014 warrant that the funds already appropriated should be sufficient to cover any further legal and closing costs (see attachments) and that this request shows that statement has proven not to be accurate. He stated it would be one thing for FinCom to recommend this expenditure but it is a very different thing for FinCom to OK the expenditure via a Reserve Fund transfer. G. Uveges said he wasn't concerned about that, but he is concerned about how many requests we are getting relative to the amount that we have left in the Reserve Fund. C. Martin noted that the level of Reserve Fund requests was unusual relative to her prior five years of experience on the FinCom. Rebecca Stanizzi, from the Rivers Edge Advisory Committee, gave some background on legal expenses and why the amount ended up being higher than was anticipated in 2014 - partly due to using special counsel more than town counsel given the transition in town counsel. D. Watkins asked a number of questions about how the expense relative to Rivers Edge would be managed and controlled going forward and whether there are options to push out the expenses to Special Town Meeting in the fall. FinCom members discussed options for how to handle this request. G. Cliff wondered whether this request, and perhaps a number of others, should have been handled as a current year transfer at Town Meeting rather than via a Reserve Fund transfer made by the Finance Committee. C. Martin agreed that she was concerned that we are being asked to approve expenditures that should instead get approved at Town Meeting. N. Funkhouser suggested we should investigate whether a Reserve Fund transfer is the best way to handle this item.

Beth Doucette provided an overview of the Revolving Fund Bylaw article. The Department of Revenue provided input that the prior version that the FinCom had voted needed to be revised. Since significant revisions to the article were made, the warrant doesn't include any FinCom comments. C. Martin stated that she will be working with Beth to produce a new Finance Committee report that we will review at our next meeting and include as a handout at Annual Town Meeting. Beth highlighted the major changes that were made. Finance Committee members discussed and were generally comfortable with the changes and will review and vote the updated Finance Committee report on the article at our March 27 meeting. There was some discussion about whether we should set up a separate beach revolving fund net year or leave it as part of the broader recreation revolving fund. G. Cliff and B. Keveny argued that we probably don't need a separate beach revolving fund.

Brian Keveny provided an overview of the \$10,837 request related to Board of Health (see attachments). Brian explained that the expense relates to extra nursing requirements at Claypit Hill. C. Martin asked whether the extra hours would result in creating a new benefits eligible position. Finance Committee members discussed and agreed that we need to get a bit more information but should be in a position to vote on this request at our next meeting.

FinCom members discussed the need to approach all Reserve Fund requests using a standard approach and analytical format. G. Uveges described a possible approach. N. Funkhouser noted that the request form should change to provide the information we need.

Discuss Articles and Potential Vote:

C. Martin provided an overview of the Street Acceptance article. Since the article has changed, no Finance Committee report on the article was included in the warrant. Finance Committee members agreed that we will discuss the article and finalize our report, if any, at our meeting on March 27th.

Finance Committee discussed the new information that on Feb 28th the Board of Assessors released an additional \$300,000 of overlay surplus. Finance Committee discussed various alternatives including doing nothing new - meaning that Free Cash would end up being \$300,000 higher- or increasing the current surplus overlay of \$200,000 to \$500,000, which would result in a \$300,000 decrease in our projected amount of property taxes. G. Cliff argued that we should give the taxpayer the benefit of lower taxes. Finance Committee members discussed the pros and cons of various options. D. Watkins stated that he was concerned that using overlay surplus to lower taxes rather than improve our free cash position might be viewed negatively by Moody's and represents a continuation of behavior we have said we want to discontinue. C. Martin argued that the overlay surplus is like the money we recapture when we close out capital items. G. Cliff argued that the additional \$300,000 was at least partly a function of our request for \$1.2-1.5 million of savings and that we need the amount to get to the \$1.2 million level.

G. Cliff moved that we change the amount of overlay surplus to \$500,000 (from \$200,000), recognizing that the change will result in amounts at Annual Town Meeting that are different than the amounts shown in the warrant in the Report of the Finance Committee and the motion in the omnibus budget article. N. Funkhouser seconded. Motion passed 4-1 (D. Watkins opposing).

Discuss Chair and Vice Chairs Update

D. Watkins explained that B. Keveny will send a draft version of the warrant by email and that a printed version should be sent to all residents in about a week. Finance Committee members discussed how to handle the Report of the Finance Committee given the change due to the increase in overlay surplus. G. Cliff observed that a February 22nd deadline was premature given that material for the warrant still was being revised. N. Funkhouser disagreed. C. Martin complimented D. Watkins on all the work he had done in making the Report of the Finance Committee easier to read and understand.

On restructuring 2018 workload, D. Watkins suggested we should consider finding a resource to help with taking notes - as many other committees have done. He also wondered if the Finance Committee should spend more time on the school budget. Finance Committee briefly discussed how we might do that.

D. Watkins raised the idea of articles in the Town Crier on the Moody's report and on the omnibus budget. FinCom members generally liked the idea and supported doing it. G. Cliff argued that we have an opportunity to communicate via our Report of the Finance Committee that goes in the warrant and that the Town Crier is only seen by some. N. Funkhouser disagreed, partly because she believes the Town Crier articles are a good way to reach people who may not get a chance to read the warrant. After discussion FinCom agreed that D. Watkins would write the budget article and that N. Funkhouser would write the Moody's article. G. Cliff argued that given that the deadline for both articles is prior to our next meeting that there wasn't time for the committee to review any of the proposed content. C. Martin moved that the Finance Committee authorize D. Watkins and N. Funkhouser to author the articles as proposed. N. Funkhouser seconded. G. Uveges offered to take lead responsibility on the article on Moody's and N. Funkhouser agreed. G. Cliff argued that it was unfair to write an article from the Finance Committee that he had no chance to review or provide input on. G. Uveges agreed it was a concern. Motion passed 3-2 (G. Cliff and G. Uveges opposing).

Meeting minutes

C. Martin reported that J. Gorke should have draft minutes for 2/6 available by the next meeting. FinCom members reviewed the draft minutes for 2/13 and suggested a few edits. C. Martin moved that we approved the minutes of 2/13 as amended. N Funkhouser seconded. Motion passed 5-0.

Adjourn: At 9:55 PM, C. Marin made a motion to adjourn. G. Uveges seconded. Motion passed 5-0.

Respectfully submitted,
Gordon Cliff

Attachments:

Budget Status Report, 2nd quarter
Request for Reserve Fund Transfer – library drainage
Request for Reserve Fund Transfer – legal costs
2014 Annual Town Meeting Warrant – page 86
Revolving Fund Bylaw article
Request for Reserve Fund Transfer – Board of Health



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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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
Meeting Minutes
March 23, 2017
3:15 p.m.
Wayland Town Building, Senior Center
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes

Call to Order Subcommittee members L Anderson and M. Antes called the meeting of the Listening Session Subcommittee to order at 3:16 p.m. in the Senior Center of the Wayland Town Building.

Public Comment There was no public comment.

Review and edit draft report M. Antes and L. Anderson read the summary report prepared in part by each and offered edits. They agreed to bring the edited report to the Board of Selectmen for discussion at the next meeting on March 27.

Approval of minutes M. Antes moved, seconded by L. Anderson to approve the minutes, as amended, of Listening Session #8 held on Feb. 22, 2017.

Adjourn Subcommittee members L. Anderson and M. Antes adjourned the meeting at 4:01 p.m.

Items Distributed for Information and Use by the Listening Session Subcommittee at the Meeting of March 23, 2017

1. Draft Report of the BoS Listening Session Subcommittee
2. Draft minutes of Listening Session #8 held on Feb. 22, 2017

Items Included as Part of Agenda Packet for Discussion During the January 13, 2017 Listening Session Subcommittee

There were none.

Respectfully submitted: Lea T. Anderson

Wayland Real Asset Planning Committee
PLANNING BOARD OFFICE
WAYLAND TOWN BUILDING,
41 COCHITUATE ROAD, WAYLAND MA

March 15, 2017 – 7:30 PM
APPROVED 3/22/17

Present. Anette Lewis (presiding), Tom Abdella and Gretchen Schuler. Ben Keefe, Ex-Officio.

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 March 2, 2017 were approved as amended by a vote of 3-0-0.

Condition of Existing Buildings. Ben Keefe, Public Buildings Director, explained his “Capital Replacement Costs” chart which was generated with a new computer program that analyzes all buildings and all systems to generate a cost of replacing the resources over 30 years. When looking at all categories (some of which do not apply) the replacement cost over 30 years came to \$172.3 million or \$5.8 million per year. This is not annual maintenance; it is major repair and replacement. Mr. Keefe said to get to a more realistic dollar figure he looked at costs differently isolating those factors that he believes are applicable to town-owned buildings. These include: fire alarm detection, ceiling finish, floor finish, and exterior doors, exterior windows, roofing, HVAC, controls and instruments and sprinklers and standpipes. Considering only those items the 30 year cost would be \$77.9 million or \$2.6 million per year that the Town should budget toward capital replacement. Mr. Keefe was asked what the annual cost is to maintain the buildings. He said that he would estimate that the current annual building maintenance budget is about 30% short of what is needed and they do as much “in-house” work as possible. Ms. Lewis asked if she could send the charts that Mr. Keefe provided to Finance Director, Brian Keveny and Town Administrator, Nan Balmer. Mr. Keefe agreed saying that he is comfortable with the accuracy of these numbers. Mr. Keefe also was asked about the escalation index that is used to calculate the cost of the replacement over 30 years. He said that for the Library building grant application the Trustees had used 5.5% and, for our purposes, he believes that 4% is appropriate. This would mean that annual replacement costs would rise from \$2.6 million in current day dollars to \$8.2 million in 30 years, and even at 2.5% escalation rate, it would rise to \$5.5 million. When discussing use of Town Building space, Mr. Abdella pointed out that so much space could be saved or put to better use if more records were digitized so that we would not be heating and cooling space taken up by stacks of metal file cabinets that house records. Mr. Abdella noted that it was likely 10% of the floor space in the Planning, Health and Conservation offices and nearly 50% of the floor space in the Building and Survey offices.

Major Capital Projects. Ms. Riley had sent the revised chart; however due to her absence from the meeting this item was set aside for the next meeting. Ms. Lewis noted that it would be good to compare the Five-Year Capital Plan in the warrant with that on the chart.

Outline For Town Counsel Concerning Restrictions, Best Practices, etc. Ms. Riley also provided members with a draft memo to be sent to Town Counsel regarding restrictions on properties and best practices for acquiring town-owned property in the future. Ms. Schuler had edits to the memo which she will send to Ms. Riley prior to the next meeting.

WRAP Final Report and Recommendations.

Capital Facilities Planning Committee Charge and Program Evaluation Review Technique (PERT): Ms. Lewis asked for edits to the Capital Facilities Planning Committee Charge and the PERT chart that she distributed. Mr. Abdella had no additional edits to the charge and recommended that the PERT chart have a horizontal arrow in the background showing the flow of work. There was a brief discussion about the note at the bottom

of the PERT chart: "Department of Public Works infrastructure for water, transfer station.....will not be subject to review by the Capital Facilities Planning Committee...." The meaning of "infrastructure" could include buildings; therefore it was determined that the meaning is "in the ground" infrastructure.

Section II. Municipal Property. Ms. Schuler reported on Section II for which she had prepared a revised draft introduction. Ms. Lewis had a number of edits and also suggested that the criteria used to determine which properties to consider in depth should be more clearly stated – properties that are one acre or more, yielding not many and then consideration of clusters of properties. Ms. Schuler will make changes and redistribute in time for the next meeting.

Section III. Siting Criteria and Section IV. Criteria for Establishing Priorities. Mr. Abdella will edit the introduction that Ms. Schuler distributed at the last meeting and will be adding information about the use of demographics in particular. Guidance as to which demographic sources should be used for various projects will be in the report as well as the recommendation that all studies and reports that use demographics must cite the source. Ms. Lewis wondered if we would be able to put together a baseline of demographic information. When discussing school demographics Mr. Abdella noted that while the enrollment decreased the costs increase. In this discussion Ms. Lewis reported that 8% of the student population does not reside in Wayland. This may be a significant figure that impacts need for additional school space. Sections III and IV will be flipped so that Siting Criteria will be discussed after Project Priorities Criteria. In these sections Mr. Abdella will add information about references used – other communities and states – to develop criteria matrices. He also will note that the first drafts were tried out at a forum and that the Library developed a complementary set of siting criteria when considering three sites for library expansion or new construction.

Section V. List of Current and Prospective Projects. Ms. Riley will write an introduction for this section for which she has prepared the draft chart of projects.

Section VI. Long Range Facilities and Capital Funding Plans. Ms. Lewis will write the draft for this section in which she will articulate the precepts upon which capital planning should be based:

- a) Outstanding debt should not exceed 100% of the current projected revenue;
- b) Annual debt should be no more than 10% of annual revenue;
- c) Major capital projects (greater than \$1 million) should be financed by exempt debt;
- d) Enterprise funds, CPA etc. with dedicated funding source are not included in outstanding debt % allowed.

Ms. Lewis will send information to the Finance Committee as it is essential that it embraces the precepts (most of which came from the Finance Committee's FY18 Report to Town Meeting) in order for WRAP to come up with a Financial Plan.

Section VII. Committee Summary and Recommendations. Ms. Schuler will start to write this section drawing on minutes and work products to date.

Bibliography. To date the bibliography that Mr. Sarkisian, Town Planner, has prepared is incomplete. In particular there is not sufficient information about each report included in the bibliography. Ms. Lewis will send another email to Mr. Sarkisian asking for a completed bibliography.

Dates for Next Meetings.

March 22, 2017 – 7:30 PM

March 30, 2017 – 7:30 PM

April 6, 2017 – 7:30 PM

Hand-Outs.

- 1) Draft Introduction to Section II of Final Report-revised (Gretchen Schuler, 3/03/17)
- 2) Capital Facilities Committee draft charge and PERT Chart - revised (Lewis, 3/09/17)
- 3) Anticipated Major Capital Projects Chart - revised (Riley – 3/15/17)
- 4) Draft Memorandum – Questions for Counsel (Riley – 3/15/17)

The meeting adjourned at 10:15 following a 3-0-0 vote.

Respectfully submitted,
Gretchen G. Schuler



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

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

March 31, 2017

Chris D'Antonio, Principal
Chadwick Homes, LLC
73 Pelham Island Road
Wayland, MA 01778

**Re: Winsor Place
Project Eligibility/Site Approval
MassHousing ID No. 922**

Dear Mr. D'Antonio:

This letter is in response to your application as "Applicant" for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 (the "Regulations") and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively with Chapter 40B and the Regulations, the "Comprehensive Permit Rules"), under the New England Fund ("NEF") Program ("the Program") of the Federal Home Loan Bank of Boston ("FHLBB").

Chadwick Homes LLC has submitted an application with MassHousing pursuant to Chapter 40B. You have proposed to build 12 units of rental housing (the "Project") on approximately 37,865 square foot (.87 acres) of land located on Boston Post Road (the "Site") in Wayland (the "Municipality"). The property is currently occupied by an existing single family home with a detached garage. In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility ("Site Approval") by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, "Housing Programs In Which Funding Is Provided By Other Than A State Agency."

MassHousing has performed an on-site inspection of the Site, which local boards and officials were invited to attend, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Comments

The Municipality was given a thirty (30) day period, in which to review the Site Approval application and submit comments to MassHousing. In response to a request from the Municipality, this period was extended to 45 days. Cherry Karlson, Chairman of the Wayland Board of Selectmen, submitted a letter (received by MassHousing on March 21, 2017) summarizing comments from municipal officials, staff, and members of the public. Also

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Board of Selectmen
Town of Wayland

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provided with the Selectmen's letter were copies of letters submitted to the Town Planner from several Town departments, including the Conservation Commission, Board of Health, Fire Department, and Police Department, and numerous Wayland residents. MassHousing also received, under separate cover, a binder of letters and background material submitted to the Selectmen by "Concerned Citizens of Cohituate," including, among other things, a petition written in opposition to the Project signed by nearly 200 individuals.

In summary, the Selectmen's expressed opposition to the Project on the basis that the proposed 12-unit development was simply "too intensive" for the proposed location, and would result in significant adverse traffic impacts, environmental, and quality of life issues for area residents.

The following specific comments and concerns were identified:

- The Selectmen's letter identified various municipal actions taken to facilitate the creation of affordable housing in Wayland in recent years, including the issuance of comprehensive permits for several mixed-income housing developments, the establishment of an inclusionary zoning by-law that has resulted in the creation of one unit to date; the establishment of a Municipal Housing Trust and the completion of a Housing Production Plan that was approved by DHCD in September, 2016. The Town also described ongoing efforts associated with River's Edge (a Town-sponsored, 188-unit, rental housing development proposed for an 8.4-acre parcel of town-owned land at 489-490 Boston Post Road).
- The Town expressed concerns about the Project's potential traffic impacts, noting that the three-way intersection (Commonwealth Road, East Plain Street, and School Street) where the Project is proposed to be located currently experiences heavy traffic volume and congestion. They explained that this intersection had only recently been reconfigured, which, while it did result in some improvement, did not take into account the proposed Project's driveway location and associated increase in traffic volume.
- Town Officials, and members of the community, expressed concern about the Project's size and density, noting that it seemed out of character with the surrounding, rural/suburban context of Cohituate, and would detract from the area's historic character.
- The Town, and numerous members of the community, identified numerous errors and inconsistencies in the Site Approval application itself, including the stated parcel size, and questioned the veracity of several specific written responses. (MassHousing notified the Applicant and obtained corrected information as necessary to proceed with our review).
- The Wayland Fire Chief voiced objection to the proposed gated emergency access on East Plain Avenue, suggesting instead that through traffic (limited to right turns in and out only) be allowed. The Chief also expressed concerns about the lack of snow storage and the proposed building numbering scheme.

- The Wayland Health Department expressed various concerns with the proposed design of the Septic system, and urged the Applicant to comply with *local* Board of Health Requirements, in addition to Title V.
- The Wayland Conservation Commission expressed concern that run-off and septic system leachate from the Project would threaten groundwater and surface water quality in the area. They expressed concern about potentially negative impacts on nearby wetlands. They pointed to the presence of what may be considered a perennial stream on the abutting lot, and identified the potential applicability of the state's Rivers Act, which imposes a 200' protective buffer.
- The Wayland Historical Commission expressed "grave concerns" with the Project, noting the historical significance of the existing house and property as one of the last remaining farmhouses in Cohituate.
- The Wayland Police Department expressed concern about the location and proximity of the proposed curb cut on East Plain Street to the East Plain/School Street intersection and the potential for off-street parking on area roadways. They also expressed concern about the Project's potential noise and light impacts.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality, the Applicant should be prepared to address the following issues in the local hearing process:

1. Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, and wastewater collection and treatment. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, and to discuss appropriate mitigation.
3. The Applicant should be prepared to address Municipal concerns relative to the massing, and density of proposed Project buildings, and to work with the Town to mitigate potentially negative visual impacts to abutting properties. Should the Applicant apply for a Comprehensive Permit, they should provide detailed building elevations, sections and a landscape plan to facilitate this discussion.

4. The Applicant should be prepared to address Municipal concerns relative to the design of the proposed septic system, and potential impacts to the groundwater supply, and to identify appropriate mitigation.
5. The Applicant should be prepared to respond to comments from the Wayland Police and Fire Departments relative to the proposed points of access/egress, the provision of emergency or secondary access, potential off-site parking impacts; noise and light impacts, and compliance with applicable public safety requirements.
6. The Applicant should be prepared to describe the project's potential environmental impacts on abutting wetlands, and work with Town officials to identify necessary mitigation.
7. The Applicant should be prepared to respond to Municipal concerns relative to the Site's property boundaries, and possible encroachments onto the abutting Town property.
8. The Applicant should be prepared to respond to the concerns of neighbors and the Wayland Historical Commission relative to the project's impact on the historical character and integrity of the surrounding area.
9. In their application for a Comprehensive Permit, the Applicant should provide information relative to snow storage, mail delivery, and trash pick-up.

This Site Approval is expressly limited to the development of no more than 12 rental units under the terms of the Program, of which not less than 25% (3) of such units shall be restricted as affordable for low or moderate income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units or a reduction in the size of the Site, you may be required to submit a new Site Approval application for review by MassHousing. Should you consider a change in tenure type or a change in building type or height, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) any appeals are filed.

Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a "final draft" of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katy Lacy at (617) 854-1098

Sincerely,



Timothy C. Sullivan
Executive Director

cc: Ms. Chrystal Kornegay, Undersecretary, DHCD
Cherry C. Carlson, Chairman, Board of Selectmen
Eric Goldberg, Chairman, Zoning Board of Appeals
Sarkis Sarkisian, Town Planner
Nan Balmer, Town Administrator

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
Section (4) Findings and Determinations

Winsor Place, Wayland, MA MH # 922

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) that the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development ("HUD"). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Wayland is \$73,050

Proposed affordable rent levels of \$1,472 (including utilities) for the three, 3-bedroom affordable units accurately reflect current affordable rent levels for the Boston-Quincy-Cambridge-Newton HMFA under the NEF Program.

A letter of interest was provided by The Village Bank, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development, that such use would be compatible with surrounding uses, and would directly address the local need for affordable housing. The Site is zoned for single-family residential development suggesting that it is generally appropriate for residential use. Water, gas and electricity are currently supplied to the Site; a private wastewater treatment facility is proposed.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality's actions intended to meet affordable housing needs. The Selectmen's letter identified various municipal actions taken to facilitate the creation of affordable housing in Wayland in recent years, including the issuance of comprehensive permits for several mixed-income housing developments, the establishment of an inclusionary zoning by-law that has resulted in the creation of one unit to date; the establishment of a Municipal Housing Trust and the completion of a Housing Production Plan that was approved by DHCD in September, 2016.

The Town also described ongoing efforts and progress associated with River's Edge (a Town-sponsored, 188-unit, rental housing development proposed for an 8.4-acre parcel of town-owned land at 489-490 Boston Post Road).

While MassHousing recognizes Wayland's efforts as meaningful, municipal actions to date have not been of a "character and scale to create significant opportunities as-of-right to meet the municipality's need for affordable housing as measured by the Statutory Minima." According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through December, 2014 Wayland has 198 Subsidized Housing Inventory (SHI) units (3.99 % of its housing inventory). (It should be noted that according to the Town of Wayland's July 2016 Housing Production Plan, the Town currently has 258 units of affordable housing (5.2%). The additional units have recently been submitted to DHCD for inclusion in the Inventory. If these units are added to the SHI, an additional 238 would be required for Wayland to achieve the 10% threshold of 496.)

U.S. Census data from the 2011-1015 American Community Survey (ACS) further supports the need to increase the supply of affordable housing in Wayland. According to the ACS, of the 5,162 households in the Town of Wayland, approximately 41.2% earned less than 80% of the 2016 AMI (\$98,100), 14.8% earned less than 30% AMI; 21.1% earned less than 50% AMI, and 23.7% earned less than 60% AMI. Additionally, Wayland's recently updated Housing Production Plan identified a need for additional rental housing, noting an 88.7% rate of homeownership as of 2010. They identify, as a goal, "the creation of a mix of rental and homeownership opportunities," and note the Town's commitment to "work with developers to create a diversity of housing types directed to different populations."

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail)

Relationship to Adjacent Building Typology (Including building massing, site arrangement, and architectural details):

The proposed 12-unit townhouse development is surrounded by a mix of building types, including traditional, single-family homes, low-density strip commercial structures, two, utilitarian gas stations and a 3-story brick office building. While larger than surrounding single-family development, the longest building façade (along School Street) is shorter than nearby commercial structures, and building height is capped at 32', with residential style dormers and a peaked roof. Proposed building elevations include a variety of traditional residential details, including clapboard-style siding (Hardie Plank), corner board details, horizontal bands, overhangs, dormers, trim details and crown moldings on the entrances.

Relationship to adjacent streets/Integration into existing development pattern

The surrounding area is characterized by a mix of uses, including traditional, two-story, wood-frame, capes and colonials on single-family lots to the north and west, and low-density commercial and multi-family development to the east and south. Visibly located

at a prominent intersection, the proposed lower-density, multi-family housing provides a compatible transition between the surrounding mix of uses.

Density

The Developer intends to build twelve, 1660 square foot homes on .87 acres. The resulting density will be 13.80 units per buildable acres. While denser than the single-family house lots to the north and west, the project's proposed lot-coverage will be similar to the commercial buildings to the east. A similarly-scaled, 12-unit, 40B development is located approximately 800 feet to the east on Decolores Drive, and Sunrise of Wayland (an assisted living and skilled nursing facility) is located 400' to the south.

Conceptual Site Plan

The Project consists of twelve, three-story, attached, "row" style townhouses in two, long rectangular buildings (five units in one building and seven in another), facing each other on either side of a central drive aisle. Individual units will have ground-level attached garages, small front and rear yard areas, and front and rear doors. A small guest parking area will be located on the northern side of the property on top of the proposed septic system.

Environmental Resources

The Site is located entirely outside of the floodplain, and does not include any wetlands or documented environmental resources within the Site boundaries. A small perennial stream and associated wetland area is located on Town-owned land to the west, but outside of the property boundaries. (It appears that the current property owner has encroached into this area.)

Topography

The Site slopes back gently from east to west, with a low point in the southwest corner. Proposed Site grading is generally level throughout the Site, making it even with existing elevations at the property boundary on School Street.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes 12 rental apartments to be financed under the NEF Program. There will be 9 market-rate units with proposed average rent levels of \$3,450 for the two-bedroom apartments, and \$3,900 for the three-bedroom units. A&M determined that the developer's proposed affordable rents and utility costs comply with 40B Guidelines, and market rents fall within the range of adjusted comparable market rents for both the two and three bedroom units.

MassHousing's Appraisal and Marketing Department (A&M) performed a preliminary analysis of Project feasibility based on market conditions and rental and vacancy rates at several comparable developments in the West/NW Suburban submarket; REIS, Inc. data (4th Quarter 2016) was also reviewed. Based on this review, A&M found that while the area's conventional apartment market has been expanding, occupancy rates have been rising, and noted

that a strong demand exists for both lower income and market-rate rental units in Wayland and the surrounding communities. A&M concluded that while the proposed project does not include many of the site amenities found in comparable newer properties in the region, that this location will attract interest given its suburban Boston location in Wayland.

A&M recommends that a full market study be conducted prior to Final Approval in order to determine the depth of the market for rental housing in this location at that time.

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$500,000. A preliminary review of the Project pro-forma indicates that the per-unit construction costs are within the normal range for similar multi-family developments in the suburban Metro Boston context. Based on a proposed investment of \$4,943,583 in private equity, the application pro forma appears to be financially feasible and within the limitations on profits and distributions.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions

(g) that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the Site by virtue of a Quitclaim Deed dated March 24, 2017, and recorded at the Southern Middlesex Registry of Deeds at Book 69050, Page 394.

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From: Giannotti, David (ETH) [<mailto:david.giannotti@state.ma.us>]
Sent: Wednesday, April 12, 2017 11:56 AM
To: Balmer, Nan
Subject: Conflict of Interest Law bi-monthly seminars- State Ethics Commission

To: Municipal Executives and Municipal Counsel:

The State Ethics Commission conducts bi-monthly seminars on the conflict of interest law at the Commission office. These seminars present an opportunity for agencies to have new hires, or public employees who were not able to attend seminars conducted at agency offices, to receive important conflict of interest law training on the restrictions imposed under General Laws chapter 268A.

Seminars are normally held every other month on the 4th Thursday of the month at 10:00 a.m. at the Commission office, unless otherwise indicated. The Commission is located on the sixth floor of the McCormack State Office Building at One Ashburton Place, room 619, Boston. Seminars have been scheduled for the following dates:

Thursday, June 1, 2017
Thursday, July 27, 2017
Thursday, September 28, 2017
Thursday, November 30, 2017

Space is limited. To attend a seminar at the Commission office, please call 617-371-9500 to register.

For agencies and employees located outside the Boston area, **the Commission offers the opportunity to attend a bi-monthly seminar via webinar.** To attend a seminar via webinar, please contact the Commission at 617-371-9500 to register and receive sign-in information.

If your agency hasn't hosted a seminar in a while, please consider scheduling one at your agency offices. Contact me at 617-371-9505 or David.Giannotti@state.ma.us for more information or to schedule a seminar. Additional information can be found on the Commission's website, www.mass.gov/ethics.

If someone has a disability and requires an accommodation in order to fully participate in the seminar, please contact me at 617-371-9505 or David.Giannotti@state.ma.us. Please provide as much notice as possible when requesting a disability accommodation. If the person no longer requires the accommodation after it has been arranged, contact me to cancel the request as soon as possible, since the Commission will incur expenses for failure to cancel the accommodation in a timely manner.

Thank you,



David Giannotti
Public Education and Communications Division Chief
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
617-371-9505
email: David.Giannotti@state.ma.us
www.mass.gov/ethics

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Board of Selectmen
Town of Wayland

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April 13, 2017

By U.S. Mail and Email

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 February 21, 2017 —
Wayland Zoning Board of Appeals

Dear Mr. Sclarsic:

Submitted herewith for your further review is a complaint that the Wayland Zoning Board of Appeals (Board) violated the Open Meeting Law, G. L. c. 30A, §§ 18-25. I am also responding to Attorney Carolyn M. Murray's letter to you dated March 16, 2017 (approved by member Jason Drori, an attorney).

The Complaint was Filed as Directed by the Attorney General

Ms. Murray contends that I did not properly file my complaint because I "e-mailed a copy of the complaint to the Board's chair [Eric B. Goldberg] at his personal work e-mail address with an electronic copy to the Wayland Town Clerk. *See Exhibit B.*" Mr. Goldberg does not deny receiving it on or about February 21, 2017, inasmuch as copies were disseminated to Board members, who discussed the complaint at their meeting on February 28, 2017.

Ms. Murray acknowledges that 940 CMR 29.05(3) states "the complainant shall file the complaint with the chair of the public body." She writes that "Mr. Harris did not later hand-deliver or mail a copy of the complaint to effect service or filing on the Board or Town Clerk."¹ Ms. Murray provides no source stating that service in such a manner is required. She appears to be operating under the false assumption that the Massachusetts Rules of Civil Procedure apply, and they do not.

¹ At the Board's February 28 meeting, members prevailed on Ms. Murray to make this argument. Four members of the Board are attorneys.

Ms. Murray may not be familiar with the Attorney General's "Instructions for completing the Open Meeting Law Complaint Form," which states that (1) "you must submit a copy of the complaint to **the chair of the public body AND to the municipal clerk,**" and (2) "Complaints may be filed by mail, **email,** or by hand." (Emphasis added.) In other words, my filing of the complaint directly with the chair by email was perfectly proper and consistent with guidance from the Attorney General.

Ms. Murray argues that my sending the complaint to chair Goldberg's personal (professional) email address was intrusive and improper. This part is particularly frivolous, unworthy, and annoying.

For background may I suggest that you listen to the audio recording of the Board's February 28 meeting, when it consulted at length with Ms. Murray. It may be found online at www.waycamtv/government-on-demand, select Zoning Board of Appeals, February 28, 2017, at elapsed time 45:20. It is an eye-opener that continues for fully 30 minutes (to time 75:00). It reveals how hostile the Board is to the Open Meeting Law, particularly to its enforcement.

Chair Goldberg, a litigation attorney, stridently complains that my email sent to his office is an unwarranted invasion of his personal privacy. He even says my emails are subversive. His claims are absurd. How could my emails be intrusive? Public officials should always control their emotions at meetings.

Since October 2016, I have sent 7 emails to Mr. Goldberg's business email address. He has responded 3 times to me using his business email. **Not once has he informed me that I should not use his business email address and should instead write to the Building Department.** If my emails were intrusive, why would he not tell me so?

Mr. Goldberg's business email address is readily available via Google. Furthermore, he and the Town of Wayland and the Building Department regularly communicate with one another via his business email. See Exhibit B. I have at least four emails from various town government employees bearing Mr. Goldberg's email address. His professional email address is not a secret in Wayland town government.

Ms. Murray writes that "Mr. Harris no doubt is aware that the Town of Wayland does not assign Board members e-mail addresses for the purposes of conducting town business." If Board members desire a town email address, they have only to ask. They have never asked. For example, members of the Board of Selectmen, Finance Committee, and School Committee have town email addresses; so do other public body members in Wayland.

She also writes that "indeed, Mr. Harris has filed [Board-related] OML complaints with the Building Department on prior occasions." I cannot recall any.

Ms. Murray concludes this portion of her letter as follows: "The Board respectfully requests that the February 21 complaint be deemed legally insufficient, and it welcomes guidance from the Division of Open Government to make clear that the OML does not sanction service by e-mail." I respectfully request that the Division make clear to Ms. Murray and the Board that they are completely mistaken.

Deficient Meeting Notices

The complaint relates that notices for Board meetings on January 24, 2017 and February 14, 2017 did not identify (by date) which meeting minutes would be deliberated.

There are several reasons why the OML requires that a notice specify which minutes will be deliberated at a meeting.

(1) The Open Meeting Law requires public bodies to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). The Attorney General generally considers a topic sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2011-44. In OML 2014-118, the AG found that the meeting notice should have identified the dates of the executive session meetings whose minutes were being reviewed. The same should hold for open session minutes. In that regard, the minutes for review at the January 24, 2017 meeting are particularly noteworthy in that six of them were delinquent. Accordingly, they (and other minutes) are the subject of an OML Complaint (late approval of minutes) filed with the chair on December 29, 2016, now before the Division of Open Government. For that reason, it was especially important to alert the public in the notice that these particular minutes would be reviewed for approval after such an extensive hiatus (3 delinquent for more than one year).

(2) Furthermore, in deciding whether to attend a meeting, members of the public need to know which specific minutes the public body intends to consider for approval because the OML imposes a 30-day deadline on the filing of a complaint pertaining to the adequacy of approved minutes. G.L. c. 30A, § 23(b). The public may wish to hear any discussion related to the minutes should those minutes later be challenged as to their accuracy or substance.

(3) The OML requires that minutes be created and approved "in a timely manner." G.L. c. 30A, § 22(c). By listing in the notice the dates of the meetings for which minutes are to be approved, members of the public can determine whether minutes are, in fact, being created and approved "in a timely manner." Withholding this information is detrimental to citizens' understanding of whether a public body is meeting its responsibilities under the OML. By not listing the delinquent meeting minutes in the notice, the Board obscured their status from the public.

(4) Consequently, the Attorney General recommends that minutes be approved at the next meeting of the public body whenever possible. At the time the notice for the Board's January 24, 2017 meeting was posted, **the backlog of unapproved minutes stood at twenty**, and at the time the notice for the Board's February 14, 2017 meeting was posted, **the backlog stood at thirteen**. If only one or two sets of minutes were unapproved, it might be reasonable to argue that the public did not need to be apprised of which meeting minutes were to be reviewed. But when more than two sets of minutes were outstanding, the public was entitled to know in advance which minutes would be reviewed for the reasons given above.

Ms. Murray writes that "Review and approval of meeting minutes is entirely ministerial, i.e., no *future* action by the Board is affected by its review, modification, and approval of minutes of *past* meetings." (Emphasis in original.) That is not what ministerial means. Ministerial means "relating to or being an act done after ascertaining the existence of a specified state of facts in obedience to a legal order without exercise of personal judgment or discretion," Merriam-Webster's Collegiate Dictionary 740 (10th ed. 2001). If approving minutes were merely a ministerial act, the minutes would be approved by the clerk who drafted them. The minutes are subject to the discretion of the Board. The Attorney General has never even hinted that approval of minutes is a ministerial act. I respectfully request that the Attorney General clarify this matter for the benefit of the Board.

Ms. Murray states that "Neither Mr. Harris nor any Wayland resident was deprived of the right or ability to meaningfully participate in the Board's review." In fact, there is no such right under the Open Meeting Law, and I have never claimed it.

I am pleased that, according to Ms. Murray, the Board will in the future **endeavor** to include in its meeting notices the date(s) of any meeting(s) from which minutes likely will be reviewed. However, compliance with the OML is compulsory, not discretionary.

Inaccurate Minutes

The approved minutes for the Board's January 24, 2017 meeting failed to record the Board's vote to approve six sets of minutes. The Board has since voted to revise the minutes. To avoid taking responsibility, the Board blames the error on inadvertent clerical oversight. In fact, the mistake was made by a quorum of the Board when it accepted inaccurate minutes.

Conclusion

My complaint was filed properly with the chair, in accordance with instructions issued by the Attorney General. The Board violated the OML as alleged by posting deficient meeting notices and by failing to create and approve accurate minutes.

Jonathan Sclarsic, Director
April 13, 2017
Page 5

Sincerely yours,

/s/ George H. Harris

Enc.: Open Meeting Law Complaint

cc: Carolyn M. Murray, Esq. (w/o Complaint, by email)
Wayland Board of Selectmen (w/o Complaint, by hand) ✓
