

PACKET

JUNE 5

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

Monday, June 5, 2017

7:00 p.m.

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

REVISED Proposed Agenda

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

- 7:00 pm 1.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 7:02 pm 2.) Public Comment
- 7:10 pm 3.) Vote to Adopt Proclamation that June 11, 2017, will be Race Amity Day in the Town of Wayland, and Vote to Adopt Tolerance Pledge for the Town of Wayland
- 7:15 pm 4.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, relative to Property and Development located off 400-440 Boston Post Road; 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 (1)(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 a Discussion of Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, and a Discussion of a Pending Action Regarding 20 Millbrook Road, and a Discussion of 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 Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), a Discussion of Strategy with Respect to Negotiations with Non-union Personnel, Town Administrator, because a Public Discussion of these Matters may have a Detrimental Effect on the Negotiating, Litigating or Bargaining Position of the Town:

APPROVE AND RELEASE: March 24, 2017, and March 31, 2017

APPROVE AND HOLD: April 24, 2017, and May 1, 2017

BOARD OF SELECTMEN

**Monday, June 5, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland**

REVISED Proposed Agenda Page Two

- 7:45 pm 5.) Board Comments on Wayland Real Asset Planning (WRAP) Committee Report
- 7:55 pm 6.) Vote to Approve Line Item Transfers; Review Reserve Fund Transfers
- 8:05 pm 7.) Adopt Special Town Meeting Schedule
- 8:20 pm 8.) Adopt Governance Guidelines and Review Distribution Process
- 8:35 pm 9.) Discuss Annual Town Meeting Date
- 8:50 pm 10.) Review Board of Selectmen Meeting Schedule
- 9:00 pm 11.) Discuss Town Administrator Evaluation Process
- 9:10 pm 12.) Discuss Appointment/Reappointment Process
- 9:20 pm 13.) Minutes: Review and Vote to Approve Minutes of May 15, 2017
- 9:25 pm 14.) Consent Calendar: Review and Vote to Approve (See Separate Sheet)
- 9:30 pm 15.) Review Correspondence (See Separate Index Sheet)
- 9:40 pm 16.) Report of the Town Administrator
 - 1. CPA Grant Agreement
 - 2. Plastic Bag Bylaw
 - 3. IT Update
 - 4. 40B Process
 - 5. Public Records Guidelines
 - 6. Correspondence
- 9:50 pm 17.) Selectmen's Reports and Concerns
- 10:00 pm 18.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:05 pm 19.) Adjourn



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Race Amity Day Proclamation

WHEREAS racism is a major barrier to the achievement of a just and peaceful world and a blight to human progress; and,

WHEREAS America has made great progress in racial justice in the past century, but still faces many challenges in the 21st century; and,

WHEREAS our national motto, *E Pluribus Unum* (from many, one), points us to move beyond mere tolerance to genuine friendship across racial lines; and,

WHEREAS starting in 2011 the National Center for Race Amity, on the second Sunday in June, began celebrating *The Other Tradition* – the history of cross racial, cross cultural friendships that brought people together to advance equity and social justice; and,

WHEREAS in 2016 the Massachusetts legislature passed a bill, signed into law by Governor Baker, making the second Sunday in June always “Race Amity Day” in the Commonwealth of Massachusetts; and

WHEREAS in 2017 each town in the Commonwealth is encouraged to celebrate “Race Amity Day” in its own way;

NOW THEREFORE, BE IT RESOLVED that the Wayland Board of Selectmen recognizes the second Sunday in June as “Race Amity Day” and encourages the citizens of Wayland to celebrate the racial, cultural, and religious diversity of our community on Sunday, June 11, 2017.

Lea T. Anderson, Chairwoman

Cherry C. Karlson, Vice Chairwoman

Mary M. Antes

Louis M. Jurist

Douglas A. Levine



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Tolerance Pledge

Residents of the Town of Wayland, along with citizens across the country, have viewed divisive conversation related to intolerance and discrimination on the national political stage, and experienced incidents of this nature on a more regional and local level. In support of Wayland's collective efforts to promote a welcoming environment for all, at its meeting on June 5, 2017, the Board of Selectmen adopted the following pledge:

The Wayland Board of Selectmen reaffirms its position that Wayland is a town that highly values diversity, dignity and respect for all individuals. Wayland strives to be a welcoming town; therefore, the Board opposes expressions of hate, intolerance and discrimination. The Board encourages the entire Wayland community to continue to exhibit caring and supportive actions in support of our diversity.

Lea T. Anderson, Chairwoman

Cherry C. Karlson, Vice Chairwoman

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

DATE: JUNE 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: SELECTMEN'S COMMENTS ON WRAP REPORT

REQUESTED ACTION:

PROVIDE COMMENTS ON THE WRAP REPORT

BACKGROUND

Please provide your comments on the WRAP report. The WRAP report is in the Selectmen's Dropbox and is available to the public on the Town website under Boards and Committees, WRAP. The Board's comments will be incorporated into a memo from the Chair and immediately submitted to WRAP so that the committee can complete its work.

I would like to offer two comments:

- The recommendation for a Capital Planning Committee should receive near term attention from the Selectmen and should be considered as part of the Community Compact Collins center Study on financial policies and management structure.
 - The recommendation on a Master Scheduler for space in public buildings should be considered as part of a new and broader discussion / project on the current use of public spaces and should include participation by staff and board members from Recreation, Selectmen's Office, School Department, Children's Way, Facilities, and Library.
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(6) TRANSFERS

DATE: JUNE 5, 2017
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
RE: FY17 LINE ITEM TRANSFER REQUEST

BOARD ACTION REQUESTED:

1. **VOTE TO APPROVE LINE ITEM TRANSFERS:**
 - **\$7,500 FROM CONSERVATION OPERATING BUDGET PERSONNEL SERVICES TO EXPENSES FOR DESIGN OF AQUEDUCT PEDESTRIAN CROSSINGS**
 - **\$12,353 FROM IT OPERATING BUDGET PERSONNEL SERVICES TO EXPENSES FOR PROVISION OF E-MAIL ADDRESSES TO BOARD AND COMMITTEE MEMBERS**

2. **VOTE TO CONFIRM PREVIOUS VOTE TO FUND LIBRARY DRAINAGE PROJECT, SPECIFICALLY TO TRANSFER \$87,300.71 FROM GENERAL INSURANCE TO LIBRARY DRAINAGE ACCOUNT**

BACKGROUND:

NEW LINE ITEM TRANSFERS

1. AQUEDUCT PEDESTRIAN CROSSINGS DESIGN
2. EMAIL ADDRESSES FOR BOARD AND COMMITTEE MEMBERS

AUTHORITY TO MAKE LINE ITEM TRANSFERS

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 fund the **Aqueduct Pedestrian Crossings Design, Board and Committee members' email addresses, and 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.

DESCRIPTION OF EACH PROJECT

1. AQUEDUCT PEDESTRIAN CROSSING DESIGN

The Massachusetts Water Resources Authority (MWRA) has granted the town access to the Aqueduct Trail, subject to the town installing pedestrian crossings. Currently the trail is accessible to the public, though MWRA is in the process of improvements to some of the gates. Pedestrian Crossings are required for safety when accessing the trail. This project provides for design of Aqueduct pedestrian crossings located on Stonebridge Road and Old Connecticut Path near Rice Road and adjacent to the High School. Design is planned for FY17 and construction is estimated to cost between \$75,000 and \$90,000 and projected to begin in FY18, subject to funding and/or availability of in-house services. There is a potential for the two Old Connecticut Path crossings to be constructed using in-house resources, however, the Stonebridge Road crossing requires a contractor.

2. EMAIL ADDRESSES FOR BOARD AND COMMITTEE MEMBERS

Board and Committee members have requested town email addresses for use while serving the town. Town email provides archiving capability, critical to the town's need for response to Public Records Requests. Implementation will begin in FY17 and be completed by fall of FY18. The annual per user software licensing cost to provide email addresses to board and committee members is \$19,800. The cost for FY17 is \$12,500 based on a partial year (the software licensing year begins in April). Funding of \$19,800 for FY18 will be required and is currently recommended through a Fall Town Meeting request.

CONFIRM SPECIFICS OF LIBRARY DRAINAGE LINE ITEM TRANSFER

The Board previously authorized payment and is now asked to confirm previous vote to fund Library Drainage project, via a line item transfer of \$87,300.71 from the General Insurance account to the Library Drainage account.

REVIEW RESERVE FUND TRANSFERS

Reserve Fund Transfers must be approved by the Town Administrator and the Finance Committee. Board of Selectmen approval is not required. This information is provided to the Board for informational purposes only.

See attached for Legal Reserve Fund Transfer request.

OTHER NEEDS:

IT – WEBSITE UPGRADE

There is a need to upgrade the Town website to a more recent version of the software. This cost will be funded from the FY17 IT Operating Budget.

DPW – OFFICE RECONFIGURATION & EQUIPMENT

There is a need to reconfigure DPW offices and purchase equipment to accommodate new staff. These costs will be funded from Capital funds appropriated for the construction of the DPW Building.

DPW – STORMWATER TECHNICAL ASSISTANCE

There is a requirement to secure services for stormwater technical assistance. The current recommendation is to fund \$30,000 for these services through a Fall Town Meeting request.

FAC - TOWN BUILDING OFFICE SPACE REORGANIZATION

There is a need for improved work flow and customer service in the Town Building lobby and land use offices, as well as the Wayland Cares offices. The current recommendation is to fund these costs through a Fall Town Meeting request.

DATE: JUNE 5, 2017
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
RE: STATUS OF FY17 LEGAL BUDGET

BOARD ACTION REQUESTED:

NONE AT THIS TIME – PURPOSE IS TO PROVIDE AN UPDATE ON FY17 LEGAL BUDGET AND \$25,000 FINANCE COMMITTEE RESERVE FUND TRANSFER REQUEST TO COVER DEFICIT

BACKGROUND:

- In Fiscal Year 2017 a number of Town projects required more legal services than usual. Legal expenses are projected to exceed the original appropriation of \$175,000 by approximately \$50,619 which represents a 29 percent increase. Year to date \$164,828 was expended, with additional expenditures of \$60,791 estimated by fiscal year end, bringing the total projected legal expenditures to \$225,619. **Note that, while these are our best estimates, May and June legal invoices have not been received, therefore, amounts may change.**
- Alternate funding sources were identified and requested (May 3 Attachment). Commitments totaling \$25,619 were received as follows:

Funding Source	Amount	Matter
Library Planning & Design	\$ 4,000	Library
CPA Administration	\$ 8,610	Mainstone Farm *
Town Center Gift Account	\$ 6,996	Town Center
Wastewater Management	\$ 1,013	Wayland Commons
Assessor operating budget	<u>\$ 5,000</u>	Wayland Gun Club ATB
TOTAL	\$ 25,619	

NEXT STEPS:

- A Finance Committee Reserve Fund Transfer of \$25,000 is requested on June 5, 2017.

Attachments:

May 3, 2017 Alternate Funding Request memo
June 5, 2017 Reserve Fund Transfer request to Finance Committee

*This commitment is subject to CPC approval in June. If not approved, an additional \$8,610 Finance Committee Reserve Fund Transfer will be requested.

DATE: MAY 3, 2017
TO: AIDA GENNIS, GRETCHEN SCHULER, LEA ANDERSON, FRED KNIGHT, ELLEN BRIDEAU
FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
RE: FUNDING REQUEST FOR LEGAL COSTS

In Fiscal Year 2017 a number of Town projects required more legal services than usual, contributing overall to a projected legal budget deficit of approximately \$35,895. Attached is a detailed list of the legal services provided to your department or project in Fiscal Year 2017, as well as a listing of the Town's major legal matters, estimated costs and possible alternate funding sources.

Departments or projects with available funds are being asked to contribute to help bring the Legal budget into balance. Please respond by May 11 and let me know if your department can make a one-time payment adjustment for legal services in the amount listed below.

<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	

Thank you very much for your consideration in this important matter. Please let me know if I can answer any questions you may have.

Sincerely,



Elizabeth Doucette
508-358-6821



TOWN OF WAYLAND REQUEST FOR TRANSFER FROM THE RESERVE FUND

To the Finance Committee of the Town of Wayland, request is hereby made for the following transfer from the Reserve Fund in accordance with Ch. 40, Sec. 6 of the Massachusetts General Laws:

1. Amount requested: \$ 25,000.00 *
2. Department name: Legal
3. To be transferred to MUNIS account: 10151002-52108
4. Present balance in the appropriation: \$ 10,171.57
5. The amount requested will be used for (give specific purpose):
Legal services through June 30, 2017

6. This expenditure is extraordinary and/or unforeseen for the following reasons:
In Fiscal Year 2017 a number of Town projects required more legal services than usual.

7. Is your next year's budget affected by this request? If yes, explain.
No. The FY18 budget accommodates anticipated legal expenses.

Ken Balmer
Signature of Department Head
6/1/17
Date

Ken Balmer
Approved by Town Administrator
6/1/17
Date

Approved by Finance Committee
Date of Meeting
Transfer voted in sum of \$

Chair, Finance Committee

Date

***Request should be made and transfers voted before any
expenditure is incurred in excess of the appropriation.***

2017 SPECIAL TOWN MEETING SCHEDULE

(Schedule for fall STM to begin on TUESDAY, NOVEMBER 14, 2017)

August 21	Selectmen vote on August 21 st to open warrant for Special Town Meeting;
August 23	Warrant open Wednesday, August 23, 2017 at 8:30 a.m. through Thursday, August 30, 2017 at 4:30 p.m.
August 30	Last day to submit articles for Special Town Meeting at 4:30 p.m. Petitioners' articles must be submitted to the Selectmen's office with at least 100 signatures. Article text must be in final form subject to Town Counsel review.
September 5	Finance Committee: Special Town Meeting Article Hearing
September 11	<u>Deadline for submission of petitioner's comments on STM articles at 4:00 pm.</u>
September 18	Selectmen begin to review, order and vote on articles
October 17	<u>Deadline for submission of Special Town Meeting article comments from Finance Committee</u>
October 20	Compilation of Warrant completed and all changes made; Final Warrant copied and delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director; <u>Warrant sent to printer.</u>
October 26	Motions for articles submitted by Town Counsel and provided to Moderator and Town Clerk. Draft motions posted for public review.
October 30	Selectmen meet to sign warrant
October 31	Date by which warrant will be posted by Constable and mailing of warrants. (Town Code 36-2A, MGL c. 39, s. 10 - No later than 14 days before TM)
November 6 by 8:00 p.m.	Last day before Town Meeting to register to vote (No earlier than 10 days before STM).
November 6	Selectmen review revised motions ; Selectmen conduct Special Town Meeting Warrant Hearing with Moderator, 7:15 p.m. Large Hearing Room, Town Building.
November 14	Moderator's instructions to tellers and list of non-resident employees provided to Moderator and Town Clerk; Warrants, final errata sheets and supplemental material prepared, printed and delivered to Town Meeting site for distribution.
November 14	SPECIAL TOWN MEETING, TUESDAY 7:00 PM WAYLAND HIGH SCHOOL
November 15	Second day of Special Town Meeting, Wednesday 7:00 pm.

PROPOSED MEETING DATES - JUNE - NOV 2017

365 January 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	1	2	3	4	5	6	7
2	8	9	10	11	12	13	14
3	15	16	17	18	19	20	21
4	22	23	24	25	26	27	28
5	29	30	31				

365 February 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
5				1	2	3	4
6	5	6	7	8	9	10	11
7	12	13	14	15	16	17	18
8	19	20	21	22	23	24	25
9	26	27	28				

365 March 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
9				1	2	3	4
10	5	6	7	8	9	10	11
11	12	13	14	15	16	17	18
12	19	20	21	22	23	24	25
13	26	27	28	29	30	31	

365 April 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
13							1
14	2	3	4	5	6	7	8
15	9	10	11	12	13	14	15
16	16	17	18	19	20	21	22
17	23	24	25	26	27	28	29
18	30						

365 May 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
18		1	2	3	4	5	6
19	7	8	9	10	11	12	13
20	14	15	16	17	18	19	20
21	21	22	23	24	25	26	27
22	28	29	30	31			

365 June 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
22					1	2	3
23	4	5	6	7	8	9	10
24	11	12	13	14	15	16	17
25	18	19	20	21	22	23	24
26	25	26	27	28	29	30	

365 July 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
26							1
27	2	3	4	5	6	7	8
28	9	10	11	12	13	14	15
29	16	17	18	19	20	21	22
30	23	24	25	26	27	28	29
31	30	31					

365 August 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
31			1	2	3	4	5
32	6	7	8	9	10	11	12
33	13	14	15	16	17	18	19
34	20	21	22	23	24	25	26
35	27	28	29	30	31		

365 September 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
35						1	2
36	3	4	5	6	7	8	9
37	10	11	12	13	14	15	16
38	17	18	19	20	21	22	23
39	24	25	26	27	28	29	30

365 October 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
40	1	2	3	4	5	6	7
41	8	9	10	11	12	13	14
42	15	16	17	18	19	20	21
43	22	23	24	25	26	27	28
44	29	30	31				

365 November 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
44				1	2	3	4
45	5	6	7	8	9	10	11
46	12	13	14	15	16	17	18
47	19	20	21	22	23	24	25
48	26	27	28	29	30		

365 December 2017

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
48						1	2
49	3	4	5	6	7	8	9
50	10	11	12	13	14	15	16
51	17	18	19	20	21	22	23
52	24	25	26	27	28	29	30
1	31						

- 1 Jan New Year's Day
- 16 Jan Martin Luther King Day
- 12 Feb Lincoln's Birth-day
- 14 Feb Valentine's Day
- 20 Feb Presidents Day
- 28 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

Calendar & Holidays



(8) GOVERNANCE GUIDELINES

DATE: JUNE 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: GOVERNANCE GUIDELINES

REQUESTED ACTION:

VOTE TO ADOPT GOVERNANCE GUIDELINES FOR THE BOARD OF SELECTMEN AND BOARDS AND COMMITTEES APPOINTED BY THE BOARD OF SELECTMEN

BACKGROUND

The Selectmen asked that the Town Administrator provide a list of uses for the Governance Guidelines. The following are some suggestions. The Guidelines would be provided:

1. Re-issued annually after review by the Board of Selectmen to all Board and Committee Chairs including those not ;
2. Provided to new members upon appointment;
3. Posted on the Town website for general reference along with the Selectmen's policies.
4. Provided for discussion as part of any town wide volunteer meetings.

**TOWN OF WAYLAND
GOVERNANCE GUIDELINES FOR
THE BOARD OF SELECTMEN AND
APPOINTED BOARDS, COMMITTEES, COMMISSIONS
ADOPTED-----**

1.0 Volunteer Appreciation

The Board of Selectmen thanks the members of all Boards, Committees and Commissions for giving their valuable time and effort to the improvement of the Wayland community.

2.0 Authority and Purpose of These Guidelines

The Wayland Board of Selectmen adopts these Guidelines for the governance of the Board of Selectmen and its appointed Boards, Committees and Commissions, referred to in this document as "public bodies". It is understood that elected public bodies including the Board of Assessors, Board of Health, Library Board of Trustees, Board of Public Works, Planning Board, Recreation Commission and School Committee possess independent authority to adopt separate Governance Guidelines consistent with law.

The purpose of these Guidelines is to promote among the Town's public bodies decision-making that is open, thoughtful, fact-based, respectful and fair, in compliance with Town bylaws and with all state and federal laws.

These Guidelines are superseded when in conflict with any federal or state law or Town by-laws.

The Board of Selectmen will review, revise and distribute the Guidelines annually.

3.0 Organization

3.1 Annual Organization Meeting: Public bodies must organize annually at the first meeting scheduled after Annual Town Election and Meeting. Public bodies will elect a Chair and any other necessary officers such as a Vice-Chair or Co-Chair, Clerk and Assistant Clerk.

3.2: Assignment to Department: Each public body will be assigned to a department of the Town which will provide a secure location to maintain minutes and records.

3.3: Responsibilities under Charge and Local and State Law: Each appointed public body will conduct its business under a Town by-law, state statute or under a charge adopted by the Board of Selectmen.

3.4 Annual Reports: Under Chapter 53 of the Town Code, all boards, commissions, committees, officers and agents of the Town shall submit a report to the Selectmen, not later than September 30 after the end of each fiscal year for publication each December in the Annual Town Report. The Selectmen shall notify all officers and agents of the Town and the Chairmen of all boards, commissions and committees of the final date for submitting such reports for publication. This notice shall be given by letter mailed in May of each year. If an appointed board, commission or committee of the Town, other than those created under the General Laws of the commonwealth, does not submit its written report on or before such final date for publication in the Annual Town Report, it shall be dissolved, except in such instances where the creating vote specifically provides that it is to report at longer given intervals, or unless the Town at the next annual Town meeting, by vote naming the board, commission or committee, continues it in existence.

Every Annual Report shall contain a section entitled "Current Debt," which shall provide the following information for the debt funded by the Town, with debt remaining and/or with as yet unfunded grants from the commonwealth or the federal government: (1) name of the debt; (2) funds appropriated by identified Town meeting article(s); (3) cumulative funds expended at fiscal year-end; (4) cumulative interest paid at fiscal year-end; and (5) anticipated final cost to the Town, including principal and interest after receipt of funded grants, if any, and date when all financing will have been paid off or otherwise completed.

3.5 Rules of Procedure and Voting: Public bodies must establish a quorum before any meeting is called to order. Each public body may establish rules of procedure and voting consistent with local, state and federal law. The rules of procedure should include when public comment may be allowed by the Chair.

3.6 Advisory Committees: The Board of Selectmen may appoint advisory committees for a specific purpose under a temporary charge.

4.0 Role of Members: A member of any public body will:

1. Respect the role of the Chair in setting agendas and facilitating meetings.
2. Respect decisions of the public body and recognize that members take action as part of a public body and may not conduct Town business independently of the public body except as authorized by a vote of the public body.
3. Recognize that action at an official legal meeting is binding and that an individual member cannot bind the public body outside of such meeting.

4. Not make statements or promises about how he / she will vote on matters that come before the public body until he / she has had an opportunity to hear the pros and cons of the issue during the body's public meeting.
5. Uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Session, holding it in confidence.
6. Assume a high level of integrity, striving toward fact - based and objective public statements and deliberations. Make decisions only after all facts on a question have been presented and discussed.
7. As a general rule, work with Town staff at the direction of the public body so that Town staff are not subject to conflicting direction.
8. If appointed by a majority of the public body, serve as a liaison to other public bodies.
9. Fulfill any training the Board of Selectmen may require so members can effectively fulfill their duties. Training may be provided at Town building, over the internet, or may require out of Town travel or require multiple sessions. Whenever training is required by the Town so that a volunteer can serve on a public body, the Town will pay for the costs of tuition and travel. All such costs must be approved in advance by a Department Head before the costs are incurred.
10. Be sworn in by the Town Clerk or Assistant Town Clerk after appointment or election and submit a letter of resignation to the Office of the Town Clerk when no longer willing or able to serve. New members of public bodies cannot vote until sworn in by the Town Clerk or Assistant Town Clerk. If a member wishes to resign before the end of a term he or she must submit to the Office of the Town Clerk a signed letter of resignation. The resignation is effective upon receipt by the Office of the Town Clerk unless a different date is specified. Upon expiration of a term, appointed members will continue to hold office until a successor is appointed.

5.0 Role of Chair and Vice Chair: The Chair will set meeting agendas, convene all meetings, and execute documents as authorized by the public body. The Chair will act only under authority provided by a quorum of the public body. The Chair will serve as the public body's primary contact with Town staff. As a general rule, the Chair will solicit the opinions of all members prior to stating his or her personal opinion on any agenda item before the public body. The Chair will be responsible for ensuring the proper preparation and disposition of all minutes under the Open Meeting Law. The Vice Chair will fulfill the duties of the Chair in his or her absence.

6.0 Role of Clerk: Although Town staff may record minutes for some public bodies, the public body is encouraged to elect a Clerk or individual member who takes responsibility for ensuring minutes are recorded, created and submitted for approval and

filed along with supporting documents as a permanent record in the office of the assigned Town department.

6.0 Open Meeting Law

6.1 Requirement to comply with the Open Meeting Law: Public bodies must comply with all parts of the Open Meeting Law. Public bodies subject to the Open Meeting Law include any sub-committee of two or more members assigned by the public body to conduct business. Please refer to the MA Attorney General's Open Meeting Law Guide which is available on the Town website and through the Wayland Town Clerk and includes the following information important for members to know:

1. Definition of a public body
2. Definition of a meeting / 5 exceptions to the definition
3. Definition of a meeting quorum
4. Requirements for posting meetings
5. Ten legal purposes for executive sessions
6. Requirements to allow remote participation
7. Required public participation.
8. Required records for Open and Executive Sessions
9. Open Meeting Law complaint process

The Town Administrator is available to provide or obtain assistance on Open Meeting Law questions. You may also contact the Division of Open Government at (617) 963-2540 or e-mail openmeeting@state.ma.us.

6.2 Meeting Notices: All public bodies must comply with the Open Meeting Law, including but not limited to filing meeting agendas with the Town Clerk at least 48 hours in advance of the meeting. Saturdays, Sundays and legal holidays are excluded in the calculation of the 48 hours. The agenda may be filed with the Town Clerk in person or e-mailed to the Town Clerk at Townclerk@wayland.ma.us. Agendas must be received by the Town Clerk at least 30 minutes before the end of business in order to be posted the same day. Agendas received after the close of business will not be posted until the next day. Please contact the Town Clerk's office if you have a late filing. The agenda must include a list of topics that is sufficiently specific to reasonably inform the public of the items to be discussed at the meeting. The agenda must also include any Executive Sessions planned, citing one of the 10 legal purposes for calling an Executive Session.

6.3 Revised Agendas: If an agenda item is received by the Chair within 48 hours of a posted meeting, and the agenda item could not be reasonably anticipated by the Chair more than 48 hours before the meeting, the Chair may revise the posted agenda to include the new agenda item. It is preferred that agendas are revised only when the agenda item arises because of an emergency, which is defined as a sudden and generally unexpected occurrence or set of circumstances, demanding

immediate action. All other matters should be heard at a later meeting of the public body. If you are filing a revised agenda it should be marked "REVISED" and any changes or additions should be highlighted.

6.4 Requirement for Meeting Minutes: The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. The Public Records Law requires that existing minutes be made available to the public within 10 days upon request, whether these minutes have been approved or are in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within 10 days of request.. Minutes of all staffed public bodies will be posted to the website by departmental staff. Minutes of all other public bodies will be emailed to mdinapoli@wayland.ma.us to be posted on the Town website.

6.5 Contents of Minutes: Minutes must include the name of the public body, the date, time, and place of the meeting, the names of members present and absent, the names of staff present, and the substance of all discussion including all subjects acted upon or heard. Minutes must include a full and complete record of all motions proposed for vote and will include the exact vote, the names of the mover and the seconder for each motion, and the names of those voting against each motion. A verbatim record of meetings is not required.

6.6 Draft Minutes: Once created, draft regular meeting minutes are a public record available to the public, even if the minutes have not been presented at a meeting.

6.7 Executive Session Minutes: Minutes must be created for all Executive Sessions. Executive Session Minutes must not be released to the public until the reason for calling an Executive Session has ended, after which Executive Session Minutes must be reviewed and voted for approval and release by the public body.

6.8 Recording of Meetings: Any member of the public has the right to make an audio or video recording of an open session of a public meeting, but must notify the Chair before recording. The Chair must inform attendees of any such recording at the beginning of the meeting including that the meeting will be broadcast on the Way-Cam government access channel. The Chair may impose reasonable requirements regarding audio or video equipment so recording does not interfere with the meeting.

6.9 Public Participation: Under the Open Meeting Law, the public is permitted to attend open meetings of public bodies. The public is excluded from an executive session that is called for a valid legal purpose cited in the agenda. The amount of time a member of the public will be allowed to speak to a public body will be determined at the discretion of the Chair. While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at

the request of the Chair, all members of the public will be silent. If after clear warning, a person is disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a police officer to remove the person.

6.10 Remote Participation at Meetings: The Town of Wayland permits remote participation. Members of Town boards and committees can participate and vote by teleconference, audio-conference or other means that allows all persons present, including the audience and the member participating remotely, to hear the proceedings. Acceptable reasons for remote participation under the regulations include personal illness, personal disability, emergency, military service and geographic distance.

All votes taken at such meetings where a member participates remotely must be taken by roll call vote and a quorum of members must otherwise be present, not including the remote participant. No remote participant can chair a meeting.

6.11 Open Meeting Law Complaint Process: Individuals who allege a violation of the Open Meeting Law must first file a complaint with the public body alleged to have violated the OML within 30 days of the date of the violation or the date the complainant could have reasonably known of the violation. The full complaint process, including the required response of the public body to the complainant within 14 days of receipt of the complaint is included in the Attorney General's Open Meeting Law Guide. Please provide a copy of all Open Meeting Law complaints to the Town Administrator's Office.

Within 14 business days of the date on which the complaint was filed, the public body must review the complaint and send to the Attorney General's Office (AGO) a copy of the complaint along with a description of any action taken to resolve the issue that was raised by the complaint. Within seven business days of the date that the complaint was filed, the public body may request additional information from the person making the complaint if necessary to resolve the complaint. The person making the complaint shall provide the additional information to the public body within 10 business days, and the public body shall have 10 additional business days (total 24 business days from the date complaint was originally filed) to act on the complaint and notify the AGO.

The public body may request additional time to consider taking remedial action and must make that request in writing to the AGO, to the Attention of the Director of the Division of Open Government. The AGO may, at its discretion, grant additional time to the public body if it determines there is a showing of good cause to grant the extension.

7.0 Use of E-Mail to Conduct Business

7.1 E-Mail and Public Records Law: E-mail communication created or received by a member of a public body while acting in his or her capacity as a member of the public body, is considered a public record and is subject to a public records request under the Public Records Law even if the e-mail is received by or created on a private computer or sent to only one individual. Over time, the Town will assign an e-mail address to all members of appointed and elected boards and committees. It is requested that any volunteer who does not have a Town e-mail address create a new separate e-mail account to be used for Town business only.

7.2 E-Mail and Open Meeting Law: Whenever one member of a public body uses e-mail to discuss the public body's business (except for administrative matters such as scheduling and the transmission of documents) with a quorum of the members, it constitutes "deliberation" and is in direct violation of the Open Meeting Law. E-mail communication between less than a quorum of a public body is also in violation of the Open Meeting Law if the e-mail between less than a quorum of members is later forwarded to or discussed with additional members outside of a public meeting, thus unintentionally creating a quorum.

7.3 Board of Selectmen Guideline on E-Mail: To avoid violations of the Open Meeting Law and the Public Records Law, it is preferred that e-mail between members of the Town's public bodies be restricted to scheduling meetings and distribution of agendas, documents and reports.

8.0 Code of Ethics and Code of Conduct

8.1 Code of Ethics: All members of public bodies are sworn in by the Town Clerk to uphold all state and local laws applicable to the public body's jurisdiction. Members must comply with the state ethics law (MGL Chapter 268A) regarding the conduct of public officials. Members must complete required ethics training and on-line tests. A member is required under the law to not vote on any matter in which the member or an immediate family member has a financial interest. Members are encouraged to recuse themselves if there is an "appearance" of a conflict of interest.

8.2 Standard of Conduct: All members will treat the public, applicants before the public body, Town employees and other members with respect and courtesy. The members and Chair of a public body should take time to listen to individuals speaking to the body. The Chair should make sure members of the public who are present also accord those speaking with respect and an opportunity to be heard uninterrupted.

Bullying by public officials (including committee, board and commission members and staff) while in the course of public business is not tolerated. Bullying is the repeated

use of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, that:

1. Causes physical or emotional harm to another party or that party's property;
2. Places another party in reasonable fear of harm or of damage to his or her property;
3. Creates a hostile environment within Town Building or other Town workplace;
OR
4. Materially and substantially disrupts the work of the multi-member body, Town departments or the orderly process of government.

8.3: Absences: The absence without appropriate explanation of any member of an appointed body from a majority of meetings held over a one year period or from three consecutive meetings may serve to vacate the office. The decision to recommend that the office be vacated will be made by a majority vote of other members of the public body and then transmitted to the Board of Selectmen.

8.4 Members are Bound by Applicable Personnel Policies and Law: Members of public bodies, when acting in their official capacity, are subject to any applicable state law and Town policies including those prohibiting sexual harassment, discrimination and workplace violence. Any allegation of misconduct made by the public, Town staff or a fellow member will be reported immediately to the Town Administrator.

8.5 Litigation against Town by a Member of an Appointed Public Body: An appointed member of any appointed public body may be temporarily suspended by the Board of Selectmen during a lawsuit filed by the member against the Town in a court of competent jurisdiction in the state of MA.

8.6 Removal under this Section: The Board of Selectmen, under such procedures it may adopt, may remove a member from a public body for violations of this section.

9.0 Town Meeting and Public Bodies: Upon a majority vote, public bodies may sponsor and submit to the Board of Selectmen articles for the Board's consideration for inclusion in Annual and Special Town Meeting warrants. Articles submitted by committees that are advisory to the Selectmen shall be submitted and sponsored by the Board of Selectmen.

10.0 Policy on Legal Services

All requests for legal opinions will be made through the Town Administrator under the Board's policy on legal affairs of the Town.

SUPPLEMENTAL POLICIES REFERENCED ABOVE:

1. Remote Participation Policy; 2. Legal Affairs Policy

DATE OF ADOPTION: _____

(9) ANNUAL TOWN MEETING 2018

DATE: June 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
SUBJECT: DISCUSSION ON SPRING 2018 ANNUAL TOWN MEETING DATE

Recommended Action: Discussion on potential dates for Annual Town Meeting to allow for a vote to set the date at a future meeting.

Selectman C. Karlson assisted with gathering the information below. She contacted the Moderator, Town Clerk, Facilities, Assessors, Finance Director and Finance Committee Chair, and School Department (HS, Fine Arts, Athletics). Information is pending from the local Clergy Association.

Current Constraints on Setting the First Day of 2018 Annual Town Meeting *

By Town Code: Warrant closes on January 15th
Town Meeting must start between April 1 – May 15th
Annual town election is held 2-7 days before the start of ATM

Friday, March 30 – Saturday, March 31	1 st and 2 nd Nights of Passover
Sunday, April 1	Easter
Friday, April 6 – Saturday, April 7	7 th and 8 th Nights of Passover
Sunday, April 8	Greek Orthodox and Coptic Easters
Saturday, April 14 – Sunday, April 22	School April Vacation Week
Monday, May 7 – Friday, May 18	HS AP Exams in the Field House
Sunday, May 13	Mother's Day

Fine Arts Events – not held in the Field House, but community wide events

Tuesday, April 10; Wed, April 11	HS Orchestra and Chorus Concerts
Tuesday, April 24	A Cappella Concert
Thursday, April 26	HS Band Concert
Thurs, May 3 – Sat, May 5	HS Spring Play
Thurs, May 17 – Sat, May 19	Window Dance Ensemble

**The local Clergy Association will respond as soon as possible to confirm other religious holidays. The High School is checking the need to use the Field House for the second week of AP exams.*

Possible 2018 Annual Town Meeting Schedules

1. Election: Tuesday March 27
Town Meeting begins: Monday April 2, continues that week

2. Election: Tuesday April 3
Town Meeting begins: Monday April 9, then Tues and Wed (If more than 3 nights, then last day of ATM may be after school vacation week)

3. Election: Tuesday April 24
Town Meeting Begins: Thursday, April 26 OR Sunday, April 29 OR Monday April 30

4. Election: Tuesday May 8
Town Meeting begins: Monday, May 14th (IF the Field House is available the second week of AP exams), continuing that week

April 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat	7
Easter Passover begins Friday, March 30	1	2	3	4	5	6	7 Passover ends
Greek Orthodox and Coptic Easter	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	School Vacation Week						
Earth Day	22	23	24	25	26	27	28
	29	30					

May 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4 Cinco de Mayo
	6 AP Exams in Field House	7 AP Exams in Field House	8	9	10	11
13 Mother's Day	14 AP Exams in Field House	15	16	17	18	19
20	21	22	23	24	25	26
27 Memorial Day	28	29	30	31		

(II) TA EVALUATION

DRAFT

June 5, 2017

Town Administrator Evaluation: Background Information and Process September 2016 - August 2017

Requirement - Town Administrator Employment Contract:

The full contract is available at:

http://www.wayland.ma.us/Pages/WaylandMA_HR/TA2017.pdf

XI. Performance Evaluation.

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

The Town Administrator job description is available at:

http://www.wayland.ma.us/Pages/WaylandMA_HR/desc/ta.pdf

Nan Balmer's Goals, Objectives and Actions document, dated January 9, 2017, is available at:

http://www.wayland.ma.us/Pages/WaylandMA_Admin/BOSgoals.pdf

ICMA (International City/County Management Association) guidelines:

Excerpts from their website

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

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

Public Discussion:

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

Proposed process:

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

- One board member is tasked with coordinating and overseeing the evaluation process. *Due: June 19.*
- The board will review, discuss, modify and accept a 2016-2017 evaluation form. *Due: July 10.*
- Each board member completes the form and brings their written comments to an open meeting. (These documents become public record and will be listed on the "pink" sheet in the next BoS packet.) *Due: July 31.*
- A composite evaluation is created by the coordinating board member and brought to a public session. (It may be emailed in advance of the meeting with the caveat that no discussion may occur until the next meeting. It becomes a public record.) *Due: August 21.*
- The board will review, discuss, modify and accept a completed composite evaluation (may occur over multiple sessions). *Begin discussion: August 21.*
- The board delivers the composite evaluation to the Town Administrator. *Completed by September 5.*
- The Town Administrator prepares a written response to the evaluation, if so desired.

Evaluation template:

L. Anderson will bring a draft template to the meeting on *July 10*. It is a composite form created using ICMA suggested formats and the town administrator's goals for the previous year.

(12) APPOINTMENT/
REAPPOINTMENT

DATE: JUNE 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: APPOINTMENT / REAPPOINTMENT PROCESS

REQUESTED ACTION:

DISCUSS PROCESS INCLUDING WHETHER TO INTERVIEW INDIVIDUALS SEEKING RE-APPOINTMENT TO CONSERVATION COMMISSION, FINANCE COMMITTEE, PERSONNEL BOARD, AND THE ZONING BOARD OF APPEALS.

1. Deadline to Notify regarding non reappointment was May 31;
 2. Not seeking Reappointment: Audit Committee (1), Senior Tax Relief (1), Finance (1), Wastewater Management District Commission (1), Conservation (1), Personnel Board (1); Cultural Council (1), Economic Development Committee (1);
 3. All openings posted at Town Building, on website and submitted to local media noting terms expire June 30th. No new applicants at this time. Chairs were asked to comment if they wish on re-appointments;
 4. Board's policy is to interview applicants who are new to town government. Board may at its discretion interview those seeking re-appointment for Finance, Conservation, Personnel, and Zoning. This year these volunteers include:
 - Finance: David Watkins, George Uveges
 - Conservation Commission: John Sullivan, Joanne Barnett
 - Personnel Board: Maryanne Peabody
 - Zoning Board of Appeals: Aida Gennis, Shaunt Sarian (Associate)
-

Name	Appointing Authority	Board/Committee	Term
Carolyn Bargoot	Selectmen	Audit Committee (representing Finance Committee)	three
Inna Kisseleva-Deeley	Selectmen	Audit Committee	three
John Sullivan	Selectmen	Community Preservation Committee (representing Conservation Commission)	three
Maureen Cavanaugh	Selectmen	Community Preservation Committee	three
Roger Backman	Selectmen	Conservation Commission	three
Joanne Barnett	Selectmen	Conservation Commission	three
John Sullivan	Selectmen	Conservation Commission	three
Evelyn Ekmejian	Selectmen	Council on Aging	three
Carol Glick	Selectmen	Council on Aging	three
Ellen Scult	Selectmen	Council on Aging	three
Robert Morrison	Selectmen	Cultural Council	three
Brenda Stevens Ross	Selectmen	Cultural Council	three
Jonathan Saxton	Selectmen	Cultural Council	three
Phyllis Jean Milburn	Selectmen	Economic Development Committee	three
Seth Roman	Selectmen	Economic Development Committee	three
Tom Sciacca	Selectmen	Energy Initiatives Advisory Committee	three
Ellen Tohn	Selectmen	Energy Initiatives Advisory Committee	three
David Watkins	Selectmen	Finance Committee	three
George Uveges	Selectmen	Finance Committee	three
Nancy Funkhouser	Selectmen	Finance Committee	three
Alice Boelter	Selectmen	Historic District Commission	three
Gretchen Schuler	Selectmen	Historic District Commission	three
Christine DiBona	Selectmen	Housing Partnership (representing School Committee)	three
Kathleen Boundy	Selectmen	Housing Partnership	three
Rachel Bratt	Selectmen	Housing Partnership	three
Mary Antes	Selectmen	Housing Partnership	three
Mary Antes	Selectmen	Metrowest Regional Collaborative Comm	one
Mary Antes	Selectmen	Municipal Affordable Housing Trust Fund Board	two
Bob Duffy	Selectmen	Municipal Affordable Housing Trust Fund Board (representing Planning Board)	two
Susan Weinstein	Selectmen	Municipal Affordable Housing Trust Fund Board (representing Housing Authority)	two
Michael Gitten	Selectmen	Permanent Municipal Building Committee	two
James Riley	Selectmen	Permanent Municipal Building Committee	two
Maryanne Peabody	Selectmen	Personnel Board	five
Rebecca MacGregor	Selectmen	Senior Tax Relief Committee	three
Joan Bradford	Selectmen	Senior Tax Relief Committee (representing Council on Aging)	three
Charles (Toni) Moores	Selectmen	Surface Water Quality Committee	three
Michael Lowery	Selectmen	Surface Water Quality Committee	three
Sam Potter	Selectmen	Wastewater Management District Commission	three
Sarah Greenaway	Selectmen	Youth Advisory Committee	two
Aida Gennis	Selectmen	Zoning Board of Appeals	three
Shaunt Sarian	Selectmen	Zoning Board of Appeals (Associate)	three



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

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

**Board of Selectmen
Meeting Minutes
May 15, 2017
7:00 p.m.**

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

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine
Also Present: Town Administrator Nan Balmer

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

M. Antes announced that the Police Association is hosting a breakfast for seniors this Saturday to talk about scams and identity theft. L. Anderson reminded everyone that on Saturday, May 20th, the DPW will have an open house from 8:00 a.m. to 11:00 a.m. She said it will be a good opportunity for people to come down and hear about current initiatives and projects as well as take a tour of the DPW and Water facilities.

A2. Public Comment A. Landry, 85 Old Connecticut Path, discussed the work of the National Center for Race Amity. She discussed the bill that declared the second Sunday in June to be Race Amity Day in the Commonwealth of Massachusetts and encouraged Wayland to celebrate that day.

M. Lowery, Lakeshore Drive, urged the Board of Selectmen to support the School Committee's request to issue an RFP to find parking for the school buses. He expressed his concerns about the project as a member of the Dudley Pond Association and as a Water Commissioner on the Board of Public Works Commission.

A3. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Whether the Town should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, relative to Property and Development located off 400-440 Boston Post Road At 7: 14 p.m., L. Anderson moved, seconded by C. Karlson, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss whether the town should pursue legal proceedings with respect to the town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the Town. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer.

The Board returned to open session at 7:28 p.m.

A4. Discuss and Vote to Adopt Governance Guidelines N. Balmer read aloud the content changes made to the Governance Guidelines from the last meeting, along with some format changes. M. Antes asked some questions about the guidelines and changes. N. Balmer said she will check up on her comments and bring answers to the Board at the next meeting. C. Karlson asked what process the Board

will follow to distribute the guidelines when they are adopted. N. Balmer said she can come back with a recommendation about how best to use and distribute the guidelines at the next meeting.

A5. Discuss and Comment on Wayland Real Asset Planning (WRAP) Committee Report

C. Karlson stated that the WRAP Committee has a forum on Wednesday night to present its final draft report and get feedback from the community. Gretchen Schuler, member of WRAP, joined the board. She briefly described how the forum will be conducted and noted that they have received comments from the Planning Board, Conservation Commission, and a few individuals. She said some of the comments will be integrated into the report but every comment will be available to the public. The Board went over the report and asked questions about certain sections. Some of the Board members stated that they are planning on attending the forum. L. Anderson suggested that if Board members have any additional ideas or information about the report or the forum to send that information to N. Balmer.

A6. Discuss School Bus Parking with Chair of School Committee and Vote to Authorize Issuance of RFP

Ellen Grieco, Chair of the School Committee, came before the Board to discuss the school bus parking issue and RFP. N. Balmer stated she asked Town Counsel for a legal opinion on behalf of the School Committee, and Town Counsel stated that the School should not authorize the RFP. E. Grieco stated that she is here now on behalf of the School Committee to ask the Board of Selectmen to vote to authorize issuance of the RFP and to do the procurement for the school bus parking. E. Grieco said commercial entities that have parking available close to Wayland are the types of RFP respondents they are expecting, and they are looking for a cheaper solution. She also noted that any site within Wayland will have capital costs.

C. Karlson moved, seconded by L. Jurist, that the Board of Selectmen authorize the School Committee to issue the RFP for a leased space to park and store school buses and manage the procurement process on its behalf, and report back with a recommendation subject to the Board's approval. The lease will be executed by the Board of Selectmen, and the RFP will clearly state that any lease by the Town will be subject to appropriation and approval by Town Meeting. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A7. Discuss and Vote to Adopt Revisions to Board Policy on Appointments to Town Boards and Committees

L. Anderson said she sat down with M. DiNapoli and went over suggested changes. The Board agreed that the revised policy picked up all the points from the last meeting and now makes it clear that reappointment is not guaranteed.

L. Jurist moved, seconded by C. Karlson, to accept the Appointments to Town Boards and Committees Policy Statements. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Update on Police Chief Recruitment Process and Provide Direction

J. Senchyshyn, Assistant Town Administrator and Human Resources Director, referenced his memo sent to the Board regarding the Police Chief recruitment. He stated that a similar process to that which the town went through with the Fire Chief recruitment could be done for the Police Chief recruitment. He also brought up the option of hiring a consultant, which would be an additional cost of around \$12,000-\$15,000. J. Senchyshyn seeks direction from the Board with this process so he knows how to word the job advertisement. D. Levine said he feels strongly about having a search for internal and external candidates. L. Jurist asked how other towns the size of Wayland handles searches like this. J. Senchyshyn said they do it all different ways. C. Karlson said she was comfortable with approach in the April 24th memo, with joint internal and external

searches. M. Antes stated that if the town has good candidates internally then they have an even stronger chance. C. Karlson said she agreed as well. The Board decided to go with the process discussed in the April 24th memo.

A9. Reallocation of Land Use Staff J. Senchyshyn and N. Balmer discussed their plan for the reassignment of the Town Surveyor to work at the DPW Building and report to the DPW Director with the new Town Engineer. N. Balmer said this set up is common in municipalities. She said they are also working on a transfer of the GIS Coordinator to the IT Department. She stated that they hope to have this plan functional by mid-summer and the DPW Director is working to get the space set up for the Surveyor.

A10. Vote to Set Special Town Meeting Date; Discuss Schedule

The Board discussed the new version of the Special Town Meeting schedule provided by the Chair of the Finance Committee, which has the warrant opening and closing a week earlier, with an earlier Finance Committee hearing and a change in telling petitioners that all articles should come in with comments completed. L. Jurist stated that he thinks it's not fair to have the warrant close so early in August. J. Senchyshyn said the early closing date for the warrant will also have an effect on collective bargaining. He said Town Counsel has said the article to fund collective bargaining agreements can be done two ways, and he explained both ways. The Board discussed possible solutions to the schedule. N. Balmer stated that there needs to be careful supervision of future Planning Board Articles. C. Karlson suggested N. Balmer send the message through a department head meeting that there can't be any placeholder articles.

L. Jurist moved, seconded by C. Karlson, to set Tuesday November 14, 2017, as the first day of Special Town Meeting. L. Jurist amended that the first day is November 14 and the second day would be the 15th if needed, seconded by C. Karlson. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

N. Balmer said she will summarize this discussion about scheduling and bring it forward to the Finance Committee.

A11. Minutes: Review and Vote to Approve Minutes of April 24, 2017, and May 1, 2017 M. Antes moved, seconded by D. Levine, to approve the minutes of April 24, 2017, and May 1, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Review and Approve Consent Calendar (See Separate Sheet) L. Jurist moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. C. Karlson recognized board and committee members who have resigned and thanked them for their service. The Board recognized the letter from Public Ceremony Committee Chair Richard Turner regarding the Memorial Day Ceremony and Parade. L. Anderson said she is planning on attending. C. Karlson said the Board of Assessors have already taken their first step to fill a vacancy on their Board. L. Anderson noted that the Fire Department's monthly report was fantastic. The Board asked if the state's Open Meeting Law presentation that was sent to committee chairs can be put up on the website.

A14. Report of the Town Administrator

1. FY17 Legal Bills Update

N. Balmer reported that there has been some success with identifying other sources of funding for the legal bills. She said there will be a follow-up request to the Finance Committee for a Reserve Fund Transfer or line item transfer after the staff determines which boards and committees are willing to fund excess costs. She said she expects the over-run to be about \$44,000 and that it will be reduced to about \$25,000 after board and committee contributions. She said the town will review for FY18 when it is appropriate to request that boards and committees fund unanticipated legal costs throughout year.

2. FY17/FY18: Additional Costs

N. Balmer went over new a table provided in the packet that summarized some FY17 unplanned costs the Board of Selectmen and/or Finance Committee will be asked to consider at a future date. She briefly went over each item. C. Karlson brought up a concern that doing it this way wouldn't allow town meeting to decide if the town needs these things. C. Karlson stated that the town very well might need these things, she just wants to make sure residents get a say in these big decisions. N. Balmer noted the point and said that is something they can talk about. She stated this is a way to get everyone on board about what's coming up in the future regarding costs.

3. Housing Consultant

N. Balmer stated that 25 volunteers from numerous boards and committees met and provided input on the Board of Selectmen's CPA funded project to hire a Housing Consultant. She said the next step is for the Housing Authority staff, as one alternative, to work with her to determine if all the priority work can be under the WHA. N. Balmer said she is requesting to put together a work group with a representative from the Housing Partnership, Affordable Housing Trust and Board of Selectmen to work with her to review alternative ways to get this done so when it comes back to the Board, they have a recommendation ready to go. L. Anderson said that seems like a good idea.

4. Finance Committee: Requests from Town Administrator

N. Balmer said the Community Compact Project will discuss financial policies tomorrow with the Steering Committee, the Chair of the Finance Committee and Chair of the Board of Selectmen. She said there are key policies that they need to adopt.

The Board discussed the schedule with the Finance Committee members who were present (G. Uveges, C. Martin). C. Karlson discussed a solution for the schedule for the Special Town Meeting in which there would be seven weeks between when the Special Town Meeting Warrant closes and it goes to print.

A15. Selectmen's Reports and Concerns D. Levine said he worked with Police Chief Irving to strengthen the language in the letter to the State about paving Route 20. He said they listed the DPW Director as the contact and hopes to send it off soon. C. Karlson said the Rivers Edge Land Development Agreement continues to be discussed; there will likely be another extension, but they are working hard. She said she received a suggestion from a committee chair that the Open Meeting Law training contain specifics on drafting agendas. The Board said that was a very useful suggestion. C. Karlson mentioned that the Race Amity Day information in Public Comment reminded her of the Tolerance Pledge that M. Antes brought to the Board's attention and suggested there might be a way to bring these two topics together. M. Antes agreed. C. Karlson also pointed out that there is no Board liaison for health care. M. Antes said that Youth Services asked if the Board of Selectmen would be interested in a special election related to marijuana in the fall. She said the Town Clerk said it would cost about \$10,000. The Board said they do not have an interest now for a special election in the fall for marijuana.

A16. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
N Balmer said she received an email over the weekend from J. Harper, Energy and Climate Committee, relative to Eversource proposing consolidating electricity rate classes which would greatly impact solar rates. Letters are due before the next Board meeting on June 5th. The Board agreed that N. Balmer should sign on to the letter.

A17. Adjourn There being no further business before the Board, C. Karlson moved, seconded by M. Antes, to adjourn the meeting of the Board of Selectmen at 9:34 p.m. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 15, 2017

1. Draft Meeting Schedule for Board of Selectmen, April 18-August 7, 2017
2. Memorandum of 5/8/17 from Susan Bottan, School Business Administrator, to School Committee, re: Bus Parking Update
3. Email of 5/11/17 from Nan Balmer, Town Administrator to Finance Committee re: Comments on Finance Committee Agenda
4. Email of 5/15/17 from Michael Lowery to Board of Selectmen re: Comments on Use 47D-058C (Land North of Middle School Driveway) for School Bus Parking
5. Wayland Town Crier, June 9, 2011, "Residents Hope for Racial Harmony"

Items Included as Part of Agenda Packet for Discussion During the May 15, 2017 Board of Selectmen's Meeting

1. Memorandum of 5/15/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Police Chief Recruitment and Reallocation of Land Use Staff
 2. Memorandum of 5/15/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Special Town Meeting Date
 3. Memorandum of 4/28/17 from Ellen Grieco, Chair, School Committee, to Board of Selectmen, re: RFP for Lease of Land for School Bus Parking
 4. Town of Wayland Governance Guidelines
 5. Redlined Draft Board Policy on Appointments to Town Boards and Committees
 6. Draft Minutes of April 24, 2017, and May 1, 2017
 7. Report of the Town Administrator for the Week Ending May 12, 2017
-

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JUNE 2, 2017**

CPC GRANT AGREEMENT AND PR RESTRICTION

The Board of Selectmen will be asked to execute a grant agreement between the Town and the Trinitarian Congregational Church. The Church will also be asked to sign a preservation restriction as a condition for acceptance of CPA funds. Gretchen Schuler will be available at the meeting to provide background on the purpose of this standard agreement and restriction.

PLASTIC BAG BY-LAW

The Health Director provided the attached draft letter to town businesses regarding the plastic bag by-law, modelled after the Board of Health letter regarding the by-law on styrofoam. The Health Director is communicating now out of concern that Wayland businesses may incur unnecessary costs for these materials if not advised by the town soon about enforcement of these two by-laws. The Board may want to schedule a discussion on enforcement of the by-law with the petitioner at a future meeting.

STATUS REPORT FROM IT DIRECTOR

Please see attached report. The IT Director is available to attend the June 19 meeting, if asked, for further discussion.

40 B PROCESS

Staff is assisting the Chair of the Zoning Board of Appeals on a plan to respond to any 40 B applications including that: 1) The Building Commissioner through support staff will act as the town's point of contact and will provide routine administrative support such as advertisement, distribution of documents, management of the applicant's escrow account and maintenance of files; 2) Town Counsel will, if requested by the ZBA, provide an orientation to 40 B for ZBA members, be available for legal consultation through the Chair, represent the ZBA at hearings and write the ZBA decision; and, 3) If possible a consultant specializing in 40 B will be identified to assist the ZBA.

PUBLIC RECORDS GUIDELINES

Town Counsel provided the attached required guidelines which will be posted to the website. The Board will be asked to appoint the new School Superintendent as a Public Records Officer.

NOTES ON CORRESPONDENCE

Items # 5-8: Glezen Lane: Note that the Plaintiff's motion for attorney's fees was denied and that Town Counsel is seeking to clarify the Town's continuing obligations under the Glezen Lane judgment.

Item 9: Cell Tower: Note letter from attorney for Verizon regarding proposed location for cell tower and Town Administrator's response requesting more information on town owned locations that Verizon would request to use.

PLASTIC CHECKOUT BAG REDUCTION BYLAW IN WAYLAND

June 5, 2017

Dear Wayland Business Owner or Manager:

On April 3, 2017, the Town of Wayland adopted a bylaw that bans the use of thin film plastic checkout bags. The full text of the bylaw is online at <put URL here> .

As part of the process the bylaw must be approved by the Massachusetts Attorney General's office and is currently under review. Similar bylaws or ordinances have already been approved in 40 other municipalities, therefore we feel that approval for Wayland is likely. We expect to hear a decision from the Attorney General's Office sometime in June or July 2017 and once we receive formal communication it will be posted on our website: [XXXXXXXXXXXXXXXXXX](#) .

Until we have a formal decision making this bylaw official we do not have the ability to provide firm dates of when the bylaw is effective however the expected effective date is January 1, 2018. If approval is later than June 30th, the effective date will be 6 months following the approval date.

The purpose of this letter is to communicate to affected businesses that thin film plastic checkout bags will be banned from being used from retail and grocery stores in Wayland. We want to ensure that you have as much notice as possible to use up your existing inventory and be able to plan ahead by making arrangements with a supplier for alternative products before the effective date. If you have a hardship and difficulty meeting the effective date, the bylaw contains a hardship provision under which you can apply for an extension of up to 6 months. Please contact the Wayland Board of Selectmen if you need to apply for an extension.

Once the ban is in place representatives of the Board of Selectmen (the enforcing authority) will be conducting rounds of compliance checks to ensure these products are not being used or in stock. Utilizing thin film plastic **checkout** bags in Wayland **will not** be allowed after the identified effective date and will be enforced. Penalties for non-compliance are as follows: 1st offense – Warning; 2nd offense - \$50 per day; 3rd and each subsequent offense - \$100 per day. We look forward to a smooth transition process with your establishment and appreciate your cooperation to avoid warnings and fines.

The remainder of this letter provides assistance for you and your staff regarding the ban and conformance with the bylaw.

The ban eliminates the use of plastic checkout bags that are less than 4.0 Mils in thickness. The plastic bags commonly offered by retail stores and restaurants are affected by the ban. In the unlikely case that you offer thick plastic bags please check the packaging or ask your supplier about the thickness.

The scope of the bylaw is limited to plastic checkout bags. Other uses of plastic bags are not affected, such as those containing dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise.

The bylaw allows two alternatives:

- Paper bags that are 100 percent recyclable and contain at least 40% post-consumer recycled content, and display the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.
- Reusable checkout bags. These are bags with handles that are specifically designed and manufactured for multiple reuses and are polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 Mils in thickness.

Please consider reusable bags. Reusable bags could be offered for sale, and the outside of the bag allows you to advertise your business. If customers bring their own bags your costs are also reduced and customers benefit from reusable bags as they are stronger than either plastic or paper and it is better for the environment as it will reduce plastic pollution.

Reusable bags are washable, and meat or produce can be placed in a meat bag or produce bag for extra protection. Many merchants no longer provide plastic checkout bags and businesses in many other municipalities have readily conformed to a ban such as the one adopted by Wayland.

We appreciate your proactive compliance with this likely bylaw and will provide information on our website as soon as it becomes available. If you have any questions please feel free to contact us at: (plug in website).

Sincerely,

The Wayland Board of Selectmen

Information Technology Department Update

June 5, 2017

Over the last 8 months the Information Technology Department has been working to address many of the items identified in the *Town IT Rapid Assessment* and *Storage and Automated Patch Management Assessment* reports completed by RSM in late 2015 and early 2016. Below is a brief overview and status of each item. The items noted relate to the item references within the RSM report.

Patch Management (Item 1H)

The Heat LanRev solution has been purchased and deployed. Client enrollments and management is ongoing. Complete implementation will not be complete until late August when the schools take possession of new school clients. This implementation should be viewed as an iterative process with the IT team improving the overall patch management process over time.

Firewalls (Item 1C)

Palo Alto firewalls are in place within the Town and School networks. The Palo Alto firewalls have the Global Protect, Threat Prevention, URL Filtering and Wildfire subscriptions.

VMware Environment and VDI (Items 1I, 4B)

Town and School VMware environment has been redesigned and reconfigured to comply with VMware best practices. All VDI desktops have been rebuilt according to VMware best practices using desktops based on Windows 10. New VDI thin client units (hardware) are in process of being purchased. End users in both Town and Schools will be moved to new VDI desktops by the end of the summer.

Server Infrastructure (Item 4B)

The server infrastructure replacement is budgeted for within FY18 IT budget. The stated goal is to have the new server infrastructure in full production by early fall 2017.

Network Infrastructure (Item 4B)

A review of existing and future network needs, including wireless, has been completed. The IT Department is preparing to solicit quotes and develop a plan for funding and replacing the network. This will be part of a future budget request.

Town Website (Item 5D)

The IT Department has reviewed the available options for an upgraded website. After considering various content management systems (CMS) the solution offered by Virtual Town Hall has been deemed as the best overall solution. We are currently identifying funding sources to move ahead with a website upgrade using the latest VTH platform with an expected completion date of September or October.

Document Management System (Item 3A)

The IT Department has begun the upgrade of the Town and School document management systems. It is anticipated to be complete late fall of 2017.

Financial Systems Improvements (Items 1F, 2A, 4C)

The Town has hired a Business Systems Analyst and work has begun on several improvements to the Munis financial system. Currently we are working to properly implement role based access controls. This will allow for proper levels of employee access to applications, functions and accounts within the financial system. We are also working on correcting and improving the business rules and workflows within several modules including purchasing, accounts payable and payroll. The roles based access control work should be complete by September of 2017. The overall financial systems improvements are an ongoing project.

Payment Processing Procedures (Item 5B)

The IT Department has worked with the Treasurer and Recreation Departments to improve the cash handling and payment processing procedures at the Town Beach. The IT Department will continue to work with the Health and Building Departments to implement point of sale systems for improved payment processing within those areas.

DATE: June 5, 2017
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **NEW PUBLIC RECORDS LAW – POSTING GUIDELINES**

REQUESTED MOTION:

NONE AT THIS TIME. A VOTE TO ACCEPT THE GUIDELINES AND APPOINT A NEW RECORDS ACCESS OFFICER FOR THE SCHOOL DEPARTMENT WILL BE ADDED TO THE JUNE 19, 2016 AGENDA.

BACKGROUND:

An Act to Improve Public Records, Ch. 121 of the Acts of 2016 was signed into law on June 3, 2016 and became effective January 1, 2017. Since the passage of the Act, the Board of Selectmen appointed 5 Records Access Officers (RAOs). In addition, KP Law conducted 3 training sessions in early January 2017: one for RAOs, one for staff and one for board/committee members. Since the beginning of the year, the Town has received approximately 700 requests for records in varying degrees. The vast majority of the requests are simple, over-the-counter transactions.

The next milestone under the Act will be to post the Town's Public Records Access Guidelines on the website. Posting the Guidelines is a requirement under Ch. 121. The Guidelines address various aspects of the law and are intended to provide general information to individuals seeking to access Public Records. The Guidelines also identify reasonable fees, links to exemptions under the law and the appeals process set forth by law.

The proposed Guidelines were developed by KP Law to ensure that they are compliant with Ch. 121. The Guidelines are being provided in advance of the June 19th Selectmen's Meeting so that the Board members have adequate time to review the information.

With the retirement of School Superintendent Dr. Paul Stein, a new RAO will need to be appointed for the School Department. I ask that the Board appoint the new School Superintendent, Dr. Arthur Unobskey as School RAO effective July 1, 2017.



Town of Wayland Public Records Access Guidelines

Effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26), provides that a municipality must, within 10 business days (Monday through Friday, excluding legal holidays), respond to a request for records by providing access to or a copy of such records, or explaining any delay or denial. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Town of Wayland.

General Information:

1. **Business Hours.** The regular business hours of the Town of Wayland are Monday from 8:00 a.m. to 7:00 p.m., Tuesday through Thursday from 8:00 a.m. to 4:00 p.m., and Friday from 8:00 a.m. to 12:30 p.m.
2. **Records Access Officers.** The following Records Access Officers ("RAO") have been designated:

General Government

Assistant Town Administrator John Senchyshyn
Board of Selectmen's Office
41 Cochituate Road
Wayland MA 01778
508-358-3623 FAX 508-358-3627
jsenchyshyn@wayland.ma.us

General Government

Executive Secretary MaryAnn DiNapoli
Board of Selectmen's Office
41 Cochituate Road
Wayland MA 01778
508-358-3621 FAX 508-358-3627
mdinapoli@wayland.ma.us

School Department

School Superintendent Arthur Unobskey
Wayland Public Schools
41 Cochituate Road
Wayland MA 01778
508-358-3774 FAX 508-358-3627
arthur_unobskey@wayland.k12.ma.us

Fire Department

Fire Chief David Houghton
Wayland Fire Department
38 Cochituate Road
Wayland MA 01778
508-358-6910 FAX 508-358-6920
dhoughton@wayland.ma.us

Police Department
Police Chief Robert Irving
Wayland Police Department
38 Cochituate Road
Wayland MA 01778
508-358-1710 FAX 508-358-1777
chief@wayland.ma.us

Records Access Officers are available to answer questions concerning and help facilitate the making of public records requests. Contact information for RAOs is also posted on the town website at http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/PublicRecords and at public offices.

3. Public Records Law Information. General information about the public records law and public records requests is found in the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, found online at: www.sec.state.ma.us/prepdf/guide.pdf.

Making Public Records Requests:

4. Public Records Requests. Any person may make a public records request:
 - a. In person at the Wayland Town Building, 41 Cochituate Road, Wayland, or the Wayland Public Safety Building, 38 Cochituate Road, Wayland
 - b. by first class mail addressed to the RAO at the RAO's business address set forth above;
 - c. by facsimile addressed to the RAO at the business facsimile number set forth above;
 - d. or by e-mail addressed to the RAO at the e-mail address set forth above.
5. Requests Encouraged to be in Writing. Although not required, it is strongly encouraged that public records requests be in writing to ensure the most efficient and accurate response. All written public records requests, including via email and facsimile, shall be addressed/directed to an RAO, and contain the requester's name and contact information, so that the RAO is able to provide the required response.
6. Contact Information. Individuals making in-person requests will not be requested or required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the RAO or department from which records are sought, or requesters may voluntarily provide contact information. Voluntary Public Records Request Forms shall be available in all municipal offices.
7. Specificity of Requests. To facilitate timely responses to public records requests, requests should be as specific as possible, detailing, if known, records custodian(s), and date and subject matter parameters. The more specific the request, the better able the Town of Wayland will be to respond, as broad requests often require more extensive staff efforts to locate, review and copy all possibly responsive records.
8. Receipt of Requests. Written requests received during normal business hours, as defined in paragraph 1 above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the following

business day. Business days shall not include Saturdays, Sundays, and legal holidays.

9. Purpose of Request. The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

Responses to Public Records Requests:

10. Fees. If fees will be assessed, a written estimate of the same will be provided to the Requester.
11. Response if Longer than 10 Days or Denial in Whole or in Part. If a full response, including provision of records, cannot be made within ten business days of receipt of the request, the RAO or designee will respond to the requester in writing; explaining the anticipated time frame for complete response; identifying any records that the Town of Wayland does not have in its custody; identifying records which the Town of Wayland does not expect will be provided, or that will be redacted, specifying the relevant exemption and its application to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.
12. Clarification of Request. Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for the Town of Wayland to respond fully to the request.
13. Time for Response. Typically, a complete response will be provided within 25 business days of receipt of the requests. If, due to the scope of the request, the need for redactions, or other complications, the Town of Wayland is concerned that it will not be able to provide a complete response within that time frame, the Town of Wayland may ask the requester for an extension of time to comply or petition the Supervisor of Public Records or additional time.
14. Publicly Available Records. The Town of Wayland maintains a searchable website at www.wayland.ma.us where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on the Town of Wayland's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in a usable electronic form.
15. Electronic Records Delivery Preference. To the extent feasible, the RAO or designee will provide public records in response to a request by electronic means unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format.
16. Request for Records to be Mailed. Should a requester seek to have responsive records provided by mail, the requester will be charged the actual cost of postage, using the least expensive form of mailing possible, unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
17. Creation of Records. The Town of Wayland is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request.

18. **Answering Questions.** The Town of Wayland is not required to answer questions in response to a public records request.
19. **Supplementing Responses.** The Town of Wayland is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.
20. **Unique Right of Access.** Pursuant to the provisions of 950 CMR 32.06(1)(g), if a requester or requester's representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a G.L. c.66 §10 public records request.

Categories of Records:

21. Attachment "A" provides a general list of records commonly requested and maintained by the various Town of Wayland departments. For a complete list, you may also refer to the Municipal Records Retention Schedule, Quick Guide, which schedule identifies various categories of records maintained by municipal departments and so-called "records in common:"
https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf.

Whereas there is a relationship between the Public Records Law and the Open Meeting Law regarding requests for public meeting minutes, such requests will be included in the tracking of Public Records requests.

Exemptions:

22. **Exemptions/Redaction/Withholding.** Some public records, or portions of records, may not be provided in response to a public records request because the Town of Wayland has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at <http://www.sec.state.ma.us/pre/prepdf/guide.pdf>

Fees:

23. **Reasonable Fees.** In some circumstances, the Town of Wayland may assess a reasonable fee for the production of public records.
24. **Categories of Permissible Charges.** Permissible charges include, but are not limited to:
 - a. five cents (\$0.05) per page of black and white printouts or copies;
 - b. four dollars (\$4.00) per map;
 - c. actual cost for storage devices or materials such as CDs or thumb/flash drives;
 - d. actual cost for duplication of records not susceptible to ordinary means of reproduction, such as color copies and large format plans;
 - e. postage fees (where applicable; see paragraph 15, above); and
 - f. fees for employee time required to satisfy a public records request (see paragraph 26 below).
 - g. No copying fee will be charged for records provided in electronic form.

25. **Employee Time for Locating and Segregating Records.** A fee may be charged for employee time necessary to identify, locate, and compile the records requested. A fee may also be charged for employee time necessary to review, and, as applicable, segregate and/or redact information exempt from public disclosure. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour, unless the Town of Wayland has obtained the approval of the State Supervisor of Public Records to charge a higher hourly rate. Depending upon the nature of the request, different rates may be charged for different types of work (i.e., a different hourly rate for search time and a different hourly rate for segregation/redaction time).
26. **Small Municipality Exception.** As of the 2010 Decennial Census, the Town of Wayland had 12,994 residents. See <https://www.sec.state.ma.us/census2020/middlesex.htm>. In accordance with 950 CMR 32.07(2)(m)(2), therefore, the Town of Wayland may assess fees for all employee time, including the first two hours.
27. **Requests for Commercial Purposes.** Said fee limitations may not apply when a request for records is for a commercial purpose as determined by the Commonwealth's Supervisor of Records.
28. **Petition for Higher Fee.** In certain circumstances, the Town of Wayland may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25.00.

Appeals:

29. If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt.
30. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.
31. For further information on appeals, see the Secretary of the Commonwealth's "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at www.sec.state.ma.us/pre/prepdf/guide.pdf

ATTACHMENT A

The following is a general list of records commonly requested and maintained by the various Town of Wayland departments. For a complete list of records, you may also refer to the Municipal Records Retention Schedule, Quick Guide, which identifies various categories of records maintained by municipal departments and so-called "records in common." The Quick Guide can be found online here: https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf

Whereas there is a relationship between the Public Records Law and the Open Meeting Law regarding requests for public meeting minutes, such requests will be included in the tracking of Public Records requests.

Department/Board	General Description of Public Records Maintained
Documents Common to Most Boards and Departments	Agendas and Minutes, Emails, Contracts, Operating Budgets, Capital Budgets
Assessors	Granted Abatements, Tax Maps, Property Record Cards
Building	Building Permit Files, Zoning Files
Conservation	Project Plans, Engineering Drawings, Environmental Data Forms, Orders of Conditions, Permit Applications
Council on Aging	Grant Files, Monthly Statistics
Facilities/Procurement	Bids for Contracts, Contract Files
Finance	Quarterly Statements, Audit Reports, Budgets
Fire Department	Ambulance Call Records, Permit Records, Reports of Building Fires, Fire Alarm Records, Inspection Reports, Incident Reports
Health Department	Septic Plans, Title V Records, Inspection Reports, Building approvals, Subdivisions, Housing, Non-building/Septic Permits, Wastewater Treatment Plan Information
Human Resources	Payroll and Personnel, Insurance policies
Information Technology	All town electronic records, IT inventory
Library	Library Master Plan Documents
Planning Department	Development Applications, 40B Proposals

Police Department	Accident Reports, Incident Reports, Permits and Applications
Department of Public Works	Street & Sidewalk Opening Permits, Physical Alteration Permits, Water Service Records, Cemetery Records
Recreation	Field Plans, Programs
School Department	Please see Schol Retention Schedule online here: https://www.sec.state.ma.us/arc/arcpdf/Municipal_Retention_Schedule_20161109.pdf
Board of Selectmen	Correspondence, Licenses and Permits, Annual Reports
Town Maps - GIS	Maps
Town Clerk	Vital Records, Dog Licenses, DBA Certificates, Annual and Special Town Meeting Minutes, Voter Records, Resident Lists, Meeting Notices, Historical Records
Treasurer/Collector	Bonds, Loans, Debt Records, Tax Abatements
Wastewater Management District Commission	Water Service Records, Quarterly Billing, Title V Design Flow and Change in Use Applications, Wastewater Management District Commission 's Rules and Regulations, Betterment/Debt Information



TOWN OF WAYLAND
41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

PUBLIC RECORDS REQUEST

The Town of Wayland provides this form to assist the public in making a request for public documents or records. Use of this form is optional, and it is offered only as a convenience to the public. Any request for public records, whether verbal, written, or on this form, or written in some other format, will be acknowledged and replied to as per law.

Name	
Full Address	
Telephone	HOME
	MOBILE
Fax (optional)	
Email Address (optional)	
Description of Request <i>Attach Additional Documentation if necessary</i>	

FOR TOWN USE ONLY		
Date Request Received:	Method of Delivery:	Date Request Passed on to Custodian of Records:
Signature of Individual Receiving Request:		
Department:		



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

Monday, June 5, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

REVISED CONSENT CALENDAR

1. Vote the Question of Approving and Signing the Weekly Payroll and Expense Warrants
2. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through April 30, 2017, Invoice 188, Account 5673-01M: \$320.00
3. Vote the Question of Approving the Invoice from KP Law, P.C., May 24, 2017, Invoice No. 112023, Wayland Tax, for Services Through April 30, 2017: \$129.50
4. Vote the Question of Approving the Invoice from KP Law, P.C., May 25, 2017, Invoice No. 112101, for Services Through April 30, 2017: \$9,938.39
5. Vote the Question of Approving the Invoice for River's Edge Special Counsel Anderson & Krieger LLP, dated May 24, 2017, for Legal Services Rendered through April 30, 2017, Reference # 121312/5415-001: \$5,432.50
6. Vote the Question of Approving the Invoice dated May 31, 2017, for Special Town Counsel Mark J. Lanza for Services through May 31, 2017: \$3,917.30
7. Vote the Question of Approving and Signing a Letter to the Massachusetts Department of Transportation District 3 Regarding the Resurfacing of Route 20
8. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for the Wayland Children and Parents Association Family Picnic from June 6-10, 2017, and for the Wayland Dads/Wayland Rec Campout from June 11-17, 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
9. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs for Pam's Run 2017, from September 3-10, 2017, and again from October 8-15, 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
10. Vote the Question of Approving the Application to Sell Wine at the Wayland Summer Farmers' Market at Russell's Garden Center, 397 Boston Post Road, for Aaronap Cellars, Noel Powell, Manager, on Wednesday, July 12, August 2, and August 23, 2107, from 12:00 p.m. to 5:00 p.m.
11. Vote the Question of Approving the Order to Direct an Alteration in the Location of One (1) Existing Pole # 32/5, so that hereafter said Pole, together with such Fixtures as may be Necessary to Sustain or Protect the Wires of the Line, shall be Located Substantially as Shown on the Plan made by A. Debenedictis, dated April 24, 2017, and filed herewith upon, along, and across the Following Public Way of Said Town of Wayland: West Plain Street – Northerly Side Approximately 408± feet West of Main Street (Work Order 2200022)

RECEIVED

MAY 15 2017

Board of Selectmen
Town of Wayland

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

INVOICE FOR LEGAL SERVICES

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

Page 1
05/11/2017
Account No. 5673-01M
Invoice No. 188

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	320.00
BALANCE DUE	<u>\$320.00</u>

RECEIVED

MAY 26 2017

Board of Selectmen
Town of Wayland

KP LAW, P.C.

KP LAW, P.C.
101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

INVOICE NO. 112023

MS. NAN BALMER
TOWN ADMINISTRATOR
WAYLAND TAX
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH APRIL 30, 2017
MAY 24, 2017

TOTAL FEES:	129.50
TOTAL COSTS:	<u>0.00</u>
BALANCE DUE:	<u>129.50</u>

KP LAW, P.C.

KP LAW, P.C.
101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

RECEIVED

MAY 30 2017

**Board of Selectmen
Town of Wayland**

INVOICE NO. 112101

BOARD OF SELECTMEN
WAYLAND TOWN HALL
41 COCHITUATE ROAD
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH A PRIL 30, 2017
MAY 25, 2017

TOTAL FEES: 9,583.00

TOTAL COSTS: 355.39

BALANCE DUE: 9,938.39

ANDERSON KREIGER

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

May 24, 2017

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

Reference # 121312 / 5415-001

In Reference To: River's Edge Special Counsel

Total Current Billing:	<u>5,432.50</u>
Previous Balance Due:	1,147.10
Total Now Due:	<u>6,579.60</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 - 5/31/2017

SUMMARY

FEE CALCULATION: 21.7 HOURS X \$175.00 PER HOUR =	\$ 3,797.50
DISBURSEMENTS (See below for detail)	119.80
TOTAL 5/31/17 INVOICE.....	<u>\$3,917.30</u>

DISBURSEMENTS

Postage	6.80
Copying	7.50
Recording Fee - Mainstone Farm Land Mort. Disch.	79.00
MBTA Fares - 5/23/17 - WR&GC ATB Case	16.50
Parking - WR&GC ATB Case	10.00
Total Disbursements	<u>\$ 119.80</u>



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
CHERRY C. KARLSON
LOUIS M. JURIST
DOUGLAS A. LEVINE

June 5, 2017

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

RE: Route 20 Resurfacing in Wayland

Dear Director Gulliver,

We write to request that the Massachusetts Highway Department fulfill its intention from almost two years ago to resurface Route 20 through our town.

In an August 25, 2015 letter to the Board of Selectmen, you indicated that you anticipated full resurfacing work on Route 20 in Wayland could be completed in the spring of 2016, provided that funds were available. The town was disappointed when that work was not initiated in 2016, especially considering that the road had recently been resurfaced in our bordering towns of Sudbury and Weston. You noted in your letter that you agreed with the town's assessment from 2015 that the road was in need of resurfacing. That need has only increased over the last two years, with many parts of the surface in serious need of repair.

On September 19, 2016, the Board wrote a second letter to request an update on the project and to urge that it be completed as soon as possible. As we have not received a response, we again ask that the project be scheduled. The Board remains very concerned about the deteriorating condition of significant portions of Route 20, one of the major thoroughfares in our town, and we look forward to hearing back from you soon. We realize that it is necessary for the town and utilities to complete as many projects as possible, which require road opening trenches, prior to resurfacing.

Please advise when the resurfacing project will be scheduled. If you have any questions or need any further information please contact Tom Holder, Director of the DPW, at (508) 358-3678, or email tholder@wayland.ma.us.

Thank you for your assistance.

Respectfully,
Board of Selectmen

Lea T. Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

DiNapoli, MaryAnn

From: DiNapoli, MaryAnn
Sent: Monday, May 22, 2017 8:21 AM
To: 'Samantha Richter'
Subject: RE: WCPA Sandwich Board Request

Good morning Samantha. The Board of Selectmen isn't meeting again until Monday, June 5. I can get an approval that night for a partial week before the picnic, and the full week before the campout. But there's no time to request approval for the golf tournament.

MaryAnn

From: Samantha Richter [<mailto:samantha.d.richter@gmail.com>]
Sent: Friday, May 19, 2017 2:58 PM
To: DiNapoli, MaryAnn
Subject: WCPA Sandwich Board Request

Hello MaryAnn,
I hope all is well.

On behalf of the Wayland Children and Parents Association, I would like to request permission to place our sandwich boards for the events listed below. I would appreciate your help in getting this request on the agenda for next Monday's meeting.

Wayland Dads Golf Tournament June 4th: Boards placed May 28 - June 3

WCPA Family Picnic June 10th: Boards placed June 4-10

Wayland Dads/Wayland Rec Campout Jun 17th: Boards placed June 11-17

We are requesting to place the boards at the following 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).

We appreciate the board's consideration of these requests and thank you for your assistance with this matter.

Best,
Samantha Richter
WCPA President

DiNapoli, MaryAnn

From: Jayme Nowland <jayme.nowland@gmail.com>
Sent: Wednesday, May 17, 2017 11:42 AM
To: DiNapoli, MaryAnn
Subject: Request for Sandwich Boards

I am requesting approval to place sandwich boards in the 4 designated town areas for Pam's Run 2017. We would like to place the signs the week of September 3 and again the week of October 8.

Thank you,

Jayme Nowland
Pam's Run Co-Director

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

May 1, 2017

Noel Powell
Aaronap Cellars
28 Carlisle Rd.
Westford, MA 01886

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

Dear Mr. Powell:

Please be advised that your application for certification of the Wayland Summer Farmers' Market, on Wednesdays from June 28th 2017 to October 11th 2017 from 12:00 pm to 5:00 pm as an agricultural event pursuant to M.G.L. c. 138, Section 15F has been approved.

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

Sincerely,

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

John Lebeaux, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F

*To be completed by the licensed farm-winery and returned to:
By Mail: Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114
By Email: Rebecca.Davidson@State.ma.us with the subject line "Agricultural Event Certification"
(A separate application must be completed for each event)

In order for your application to be considered complete, you must include the following documents. Incomplete applications will not be accepted.

- Signed and dated application with farm-winery license number
- List of vendors with brief descriptions of products for current year/season
- Event operational guidelines or rules for current year/season
- Resume of event manager or description of experience
- Plan depicting the premises and specific location where the license will be exercised. See Template 1.
- Approval letter from event management including the name of the licensed farm-winery and the day(s), month and year of event. See Template 2.

1. Applicant Information

Name of Licensed Farm-Winery		Aaronap Cellars LLC			
Farm-Winery License Number		FW-LIC-000084	State of Issue	MA	
Contact Person	Noel A Powell				
Address	28 Carlisle Road				
City	Westford	State	MA	Zip	01886
Phone Number	617-401-5535	Email	noel@aaronapcellars.com		
Correspondence preference		<input type="checkbox"/> Regular Mail		<input checked="" type="checkbox"/> Email	
<i>Note: Approval/denial letters will be sent regular mail.</i>					
Do you intend to sell, sample, or both? Check all that apply.					
<input checked="" type="checkbox"/> Sell		<input checked="" type="checkbox"/> Sample			

2. Event Information

Name of Agricultural Event		Wayland Summer Farmers Market			
Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy)	<input checked="" type="checkbox"/> Farmers Market (as defined by MDAR policy)	<input checked="" type="checkbox"/> Other Agricultural Event		
If you selected "Other Agricultural Event", how does this event promote local agriculture?					
Event Address	397 Boston Post Road				
City	Wayland	State	MA	Zip	01778
Event Phone Number	508-358-2283	Event Website	www.facebook.com/Wayland-Summer-Farmers-Market-216269755070032/		

3. Event Description			
What are the date(s) and time(s) of the event?			
Start date	06 / 28 / 2017	End date	10 / 11 / 2017 Time 12:00 to 5:00 PM
	<small>Month Day Year</small>		<small>Month Day Year</small>
If this is a weekly event, on what day of the week does the event occur? Wednesday			
If the event is an agricultural fair, does the event include competitive agriculture?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
	If yes, identify:		

4. Event Management			
Name of Event Manager	Peg Mallett		
Email Address	mallettpeg@gmail.com	Phone Number	508-355-2283 x336
Is this person the on-site manager?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, identify on-site manager (include contact information):			
If there are multiple managers, list them and include contact information:			
<p>Attach on-site manager(s) resume(s) <u>or</u> list any credentials or training of the on-site manager(s): <i>Relevant credentials include, but are not limited to, experience as a market manager, attendance at any market manager workshops, and experience with other agricultural events.</i></p> <p>Peg Mallett has been the market manager of the Wayland Summer Market since 2005 and the manager of the Wayland Winter Market since 2010.</p>			

5. General

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

See attached premise plan

<u>Noel Powell</u> Signature of Applicant	<u>04/13/2017</u> Date
<u>Noel A Powell</u> Name (please print)	<u>Owner/Winemaker</u> Title (please print)
<u>FW-LIC-000084</u> Farm-Winery License Number	<u>MA</u> State

FOR DEPARTMENT USE ONLY

APPROVAL

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

<u>[Signature]</u> Signature	<u>5/11/17</u> Date
---------------------------------	------------------------

DENIAL

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

_____ Signature	_____ Date
--------------------	---------------

Congratulations!

You have successfully completed the ServSafe Alcohol® Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at ServSafe.com.

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,



Sherman Brown

Senior Vice President, National Restaurant Association Solutions



ServSafe
NATIONAL RESTAURANT ASSOCIATION

ID # 11451829
CARD # 1248087

ServSafe Alcohol® CERTIFICATE

BRIDGETTE BOLDUC
NAME
6/20/2015
DATE OF EXAMINATION
Card expires three years from the date of examination. Local laws apply.



Sherman Brown
Sherman Brown
Senior Vice President, National Restaurant Association Solutions

This certificate confirms completion of the ServSafe Alcohol® responsible alcohol service program.

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In Alaska you must laminate your card for it to be valid.

NOTE: You can access your score and certification information anytime at ServSafe.com with the class number provided on this form.

If you have any questions regarding your certification please contact the National Restaurant Association Service Center at ServiceCenter@restaurant.org or 800.765.2122, ext. 6703.

NATIONAL
RESTAURANT
ASSOCIATION

175 West Jackson Boulevard,
Suite 1500
Chicago, IL 60604-2814
1 800 SERVSAFE
312.715.1010 In the Chicago area
ServSafe.com

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May 1, 2017

RECEIVED

MAY 11 2017

Board of Selectmen
Wayland Town Hall
Wayland, MA 01778

**Board of Selectmen
Town of Wayland**

RE: West Plain Street
Wayland, MA 01778
W.O. #2200022

No Hearing Required

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for the purpose of obtaining a Grant of Location to relocate pole # 32/5.

This work is necessary to accommodate driveway entrance/curb cut to 160 Main Street, Wayland.

If you have any further questions, contact Chris Cosby @ (508) 305-6989. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,



Kelly Ann Correia,
Supervisor, Rights and Permits

KAC/zj
Attachments

2017 MAY 15 PM 5:06
RECEIVED
TOWN OF WAYLAND
TOWN CLERK

DiNapoli, MaryAnn

From: Larsen, Geoffrey
Sent: Tuesday, May 16, 2017 10:02 AM
To: Balmer, Nan; DiNapoli, MaryAnn; Holder, Thomas; Sarkisian, Sarkis
Cc: Berry, Alfred
Subject: RE: Eversource Petition to Move Pole at 160 Main Street

Good morning,

Building/Zoning good faith input:

Eversource petition (dated 5.1.17) includes proposed new pole location plan dated 4.24.17 that appears to match the proposed new pole location on the approved plans for the CVS store. (see UTILITY PLAN sheet 5 prepared/sealed 3.25.13 & revised 5.8.15)

Geoff Larsen
Geoffrey S. Larsen, CFM
Building Commissioner
Town of Wayland, MA
glarsen@wayland.ma.us

From: Balmer, Nan
Sent: Monday, May 15, 2017 4:59 PM
To: DiNapoli, MaryAnn; Larsen, Geoffrey; Holder, Thomas; Sarkisian, Sarkis
Subject: RE: Eversource Petition to Move Pole at 160 Main Street

Also of BOPW needs to review please also let me know

From: DiNapoli, MaryAnn
Sent: Monday, May 15, 2017 4:56 PM
To: Larsen, Geoffrey; Holder, Thomas; Sarkisian, Sarkis
Cc: Balmer, Nan
Subject: Eversource Petition to Move Pole at 160 Main Street

The Board of Selectmen has received the attached petition from Eversource to relocate Pole #32/5 in order to accommodate a curb cut at 160 Main Street.

Could you please forward any opinions, comments, or background information on the petition to the Town Administrator, nbalmer@wayland.ma.us, for review by the Board before approval?

Thank you - MaryAnn

DiNapoli, MaryAnn

From: Holder, Thomas
Sent: Thursday, June 01, 2017 12:10 PM
To: Balmer, Nan
Cc: DiNapoli, MaryAnn; Doucette, Joe
Subject: FW: NStar Work Order at 160 Main Street
Attachments: EversourceApplication160Main.pdf

Hi Nan – We have reviewed this proposed pole relocation in association with a designed curb cut for the CVS project and have no objections to the pole relocation.

Thanks.
Tom

Thomas Holder | Director
Department of Public Works

66 River Road
Wayland, MA 01778
508-358-3678

PETITION OF NSTAR ELECTRIC COMPANY d.b.a. EVERSOURCE ENERGY AND OTHER COMPANIES FOR ALTERATION OF JOINT OR IDENTICAL LOCATION FOR EXISTING POLES

Town of **WAYLAND**, Massachusetts

Respectfully represent **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY and VERIZON NEW ENGLAND, INC**, companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they have heretofore received a grant of joint or identical location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon, along and across the public way or ways hereinafter specified, and that it is desirable that the location of certain of said poles be altered.

WHEREFORE, your petitioners pray that the Board of Selectmen may by Order direct an alteration in the location of said existing poles so that hereafter said poles, together with such fixtures as may be necessary to sustain or protect the wires of the line, shall be located substantially as shown on the plan made by **A. Debenedictis**, dated **April 24 2017** and filed herewith upon, along and across the following public way or ways of said Town:

West Plain Street - Northerly side approximately 408± feet West of Main Street.

Relocate one (1) existing pole # 32/5

NO PUBLIC HEARING REQUIRED

Also for permission to lay and maintain underground laterals, cables, and wires in the above or Intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitoners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purpose

NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY

By *Kelly Ann Correia*
Kelly Ann Correia, Supervisor
Rights & Permits

VERIZON NEW ENGLAND, INC.

BY *[Signature]*
Albert C. Bessette
Right of Way Manager

Dated this 1st day May, 2017

Town of **Wayland**, Massachusetts.

Received and filed _____

Wayland Board of Selectmen

**ORDER FOR ALTERATION OF LOCATION
FOR EXISTING POLES**

TOWN OF WAYLAND

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC.** has heretofore been granted a location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways thereafter specified, and have petitioned for an alteration in the location of certain of said poles.

It is **DIRECTED** that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan made by **A. Debenedictis**, dated **April 24, 2017** on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

West Plain Street – Northerly side approximately 408± feet West of Main Street

Relocate one (1) existing pole # 32/5

NO PUBLIC HEARING REQUIRED

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

NO PUBLIC HEARING REQUIRED

All construction work under this Order shall be in accordance with the following conditions: Poles shall be of sound timber and located as shown on said plan. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND, INC.** wires and cables necessary for the conduct of its business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

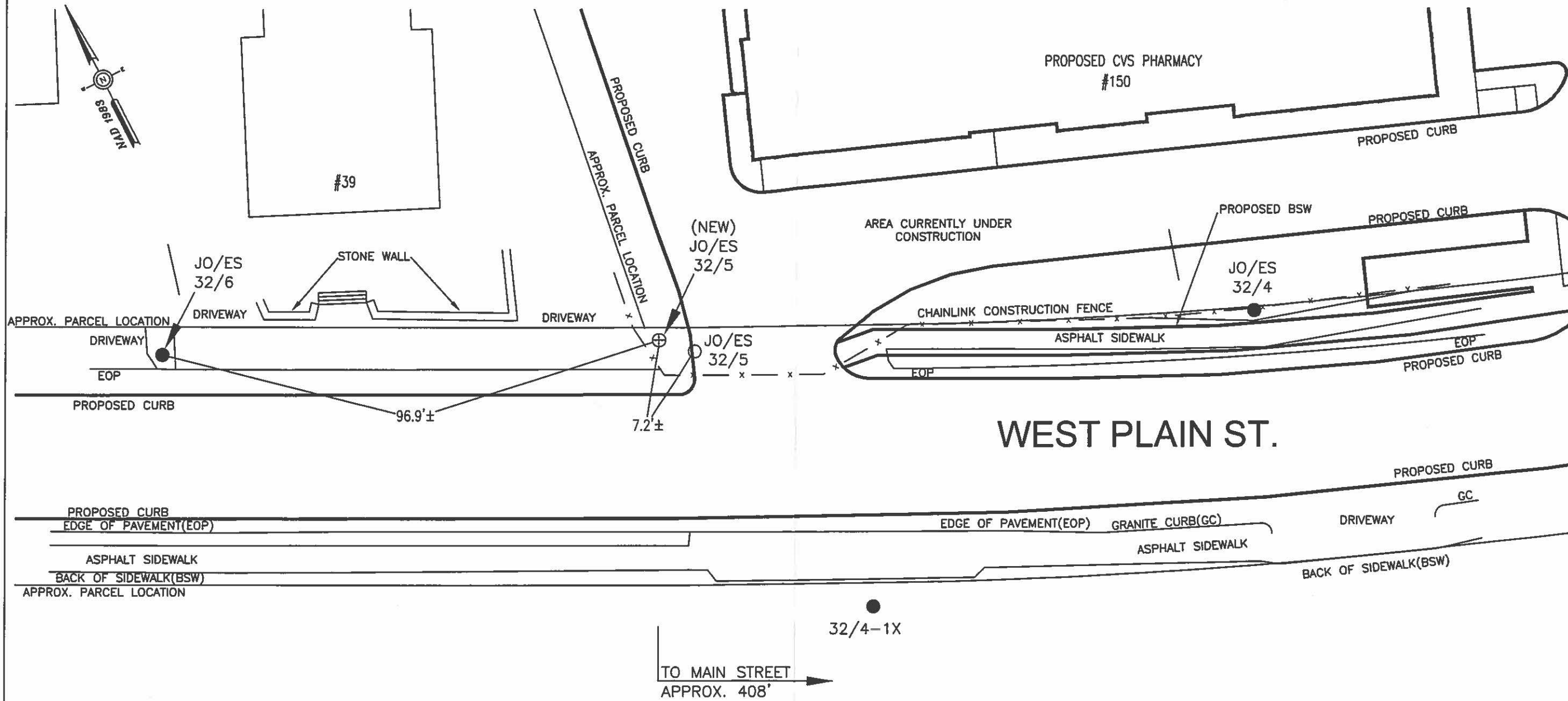
_____ Selectmen of
the Town of
WAYLAND

CERTIFICATE

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectmen** of the Town of **WAYLAND**, Massachusetts, duly adopted on the _____ day of _____, 2017 and recorded with the records of location Orders of said Town, Book _____, Page _____.

Attest: _____

Clerk of the Town of **WAYLAND**, Massachusetts



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus ⊕	C#	NSTAR EVERSOURCE ELECTRIC d/b/a 1188 MASSACHUSETTS AVE. DORCHESTER, MASS. 02128
Pole locations to be abandoned, shown thus ○	Ward #	
Proposed Anchor Guy shown thus T	Work Order # 2200022	Plan of WEST PLAIN ST., WAYLAND
Proposed Hip Guy shown thus T ₂	Surveyed by: TL/JF	Showing PROPOSED POLE LOCATION
Proposed Underground location shown thus —	Research by: SC	
Proposed Push Brace shown thus ⊕	Plotted by: JF	Scale 1"=20' Date APRIL 24, 2017
Existing Pole location shown thus ●	Proposed Structures: TL	
	Approved: A DEBENEDICTIS	SHEET 1 of 1
	P#	



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

**REVISED PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM MAY 12, 2017,
THROUGH AND INCLUDING JUNE 2, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR JUNE 5, 2017**

Items Distributed To the Board of Selectmen – May 19-June 2, 2017

1. Email of 5/15/17 from Michael Lowery to Board of Selectmen re: Comments on Use of 47D-058C (Land North of Middle School Driveway) for School Bus Parking
2. Email of 5/16/17 from Office of the Town Administrator to Board of Selectmen re: Invitation to Public Input Meeting, High School Athletic Facility Master Plan Update, May 23, 2017
3. Email of 5/27/17, Public Comment, Brookside Site Approval Application

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 15, 2017

1. Draft Meeting Schedule for Board of Selectmen, April 18-August 7, 2017
2. Memorandum of 5/8/17 from Susan Botta, School Business Administrator, to School Committee, re: Bus Parking Update
3. Email of 5/11/17 from Nan Balmer, Town Administrator to Finance Committee re: Comments on Finance Committee Agenda
4. Email of 5/15/17 from Michael Lowery to Board of Selectmen re: Comments on Use 47D-058C (Land North of Middle School Driveway) for School Bus Parking
5. Wayland Town Crier, June 9, 2011, "Residents Hope for Racial Harmony"

REVISED Items Included as Part of Agenda Packet for Discussion During the June 5, 2017 Board of Selectmen's Meeting

1. Tolerance Pledge and Race Amity Day Proclamation
2. Memorandum of 6/5/17 from Elizabeth Doucette, Financial Administrator, to Board of Selectmen, re: FY17 Line Item Transfer Request
3. Draft Special Town Meeting Schedule
4. Memorandum of 6/5/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Governance Guidelines
5. Memorandum of 6/5/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Discussion on Spring 2018 Annual Town Meeting Date
6. Draft, 6/5/17, Town Administrator Evaluation: Background Information and Process, September 2016-August 2017
7. Memorandum of 6/5/17 from Nan Balmer, Town Administrator to Board of Selectmen re: Appointment/Reappointment Process
8. Draft Minutes of May 15, 2017
9. Report of the Town Administrator for the Week Ending June 2, 2017



NAN BALMER
TOWN ADMINISTRATOR
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41 COCHITUATE ROAD
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BOARD OF SELECTMEN

Monday, June 5, 2017
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, Race Amity Day
2. Public Comment, Brookside Site Approval Application
3. Public Comment, Letter to Massachusetts Board of Library Commissioners regarding Wayland's Library Grant Application
4. Letter of 5/9/17 from Massachusetts Interlocal Insurance Association (MIIA) to Nan Balmer, Town Administrator, re: Participation Credits
5. Letter of 5/16/17 from KP Law to Attorney Jeffrey L. Roelofs, re: David Bernstein et al v. Wayland Planning Board et al, Opposition to the Plaintiffs' Motion for Award of Attorney's Fees and Costs
6. Email of 5/30/17 from Town Counsel Amy Kwesell, Esq., re: Denial of Plaintiff's Motion for Attorney Fees, David Bernstein et al v. Wayland Planning Board
7. Letter of 5/19/17 from Attorney Jeffrey L. Roelofs to Nan Balmer, Town Administrator, re: Notice of Default of Judgment on Count II of Plaintiffs' Amended Complaint in Bernstein et al v. Wayland Planning Board et al, and Response of 3/30/17 from KP Law
8. Letter of 5/12/17 from McLane Middleton Professional Association to Wayland Town Departments re: Proposed Wireless Communication Facility – Wayland Locations
9. Letter of 5/19/17 from Nan Balmer, Town Administrator, to McLane Middleton Professional Association, re: Response to Letter of 5/12/17 regarding Proposed Wireless Communication Facility
10. Letter of 5/30/17 from Nan Balmer, Town Administrator, to Department of Public Utilities, re: Comments on Petition of Eversource Energy, Approval of General Increases in Base Distribution Rates for Electric Service and a Performance Based Ratemaking Mechanism
11. Joint Letter, 5/31/17, from City of Newton, Towns of Arlington, Lexington, Natick, Wayland, Weston and Westwood, re: Comments on Petition of Eversource Energy
12. Director of Public Health Report, May 8, 2017

Minutes

13. Historic District Commission, March 16, 2017
14. Personnel Board, April 24, 2017
15. Public Ceremonies Committee, April 12, 2017, May 3, 2017

Region

16. Report from the 495/MetroWest Partnership, 5/25/17, "Fueling our Economic Engine: Positioning the 495/MetroWest Region for Continued Success"

State

17. Letter of 5/12/17 from Massachusetts School Building Authority to Nan Balmer, Town Administrator, re: Loker Elementary School

PART OF
4/5 AGENDA

MS

①

142 Glezen Lane
Wayland, MA 01778
May 21, 2017

RECEIVED

MAY 22 2017

Board of Selectmen
Town of Wayland

Dear *Nan Balman,*

We want to let you know that Sunday, June 11, is Race Amity Day. As you may know, the second Sunday in June has been this commemorative day in Massachusetts for the past five years. What is different this year is that it will now be a commemorative day automatically into the future. The project is working on making this a national day also.

Enclosed are some materials that will help clarify what this all means. The key quite simply lies in the meaning of the word "amity," which is friendship. As we all have more and more cross cultural friendships, we come to experience ever more deeply what we know about the human family – that experience of oneness helps to solidify what we believe to be one human family. As the experience of human oneness increases in the world, we are moving ever closer to world peace.

The History of Race Amity Day is an info sheet. The display mentioned is 5 large posters telling stories of cross cultural friendships and it is at the Town Building.

The Other Tradition is the tradition of cross cultural friendships that happened all along in our history and are all around us today.

The Proclamation was sent by the Governor to all governing bodies. We have asked the members of our Select Board to declare June 11, Race Amity Day in Wayland, as they have in the past.

The story of the friendship between O'Connell and Douglass is one of the five story posters.

At this early stage we want to be sure Wayland is aware of this Day. We value you as an important point of leadership in town. We appreciate whatever you can do this June and in years to come, with activities small and large, to further the spirit of this new Day. If you have any questions or would like to offer specific assistance, feel free to contact us.

Sincerely,

Judy Orloff

Judy Orloff, member

(judyorloff@comcast.net)

2017 Wayland Race Amity Day Planning Committee

Ann Landry

Fran Pollitt

Janot Reine Mendler deSuarez

The History of "Race Amity Day"

The National Center for Race Amity (NCRA) was founded by Dr. William Smith and is housed at Wheelock College.

In 2011 the NCRA began hosting a yearly event on the Rose Kennedy Greenway on the second Sunday in June where we came together each year to celebrate what we called "Race Amity Day". On those Sundays we celebrated cross racial, cross cultural friendship through music, art and just plain fun. At the heart of each event, though, was our effort to introduce what we call "The Other Tradition".

The Other Tradition, as noted above, is a part of American History that existed parallel to racism. This history of cross cultural, cross racial friendships brought people together who collaborated in their efforts to advance equity and social justice. Unfortunately, this positive side of our American racial history is not well known.

For each of the first five events, the sitting Governor of Massachusetts was asked, and he issued, a proclamation declaring that particular second Sunday in June, "Race Amity Day in Massachusetts". Last year, though, for our sixth Race Amity Day Celebration, one of our goals was reached when a bill was passed and signed by Governor Baker declaring that going forward, the Second Sunday in June would always be "Race Amity Day" in the Commonwealth of MA.

The Governor's office will be sending to the governing boards of all towns and cities a reminder that this year JUNE 11 is RACE AMITY DAY and encouraging each town to celebrate this day in its own way.

This display here exemplifying The Other Tradition is part of our celebrating Race Amity Day in Wayland...

Interracial Amity and Cooperation: “The Other Tradition”

The Tradition of Racism

This is the tradition that everyone knows. The portrait of a racist “white” America oppressing human beings of a different color permeates and stains the view that many hold of our nation. For centuries, the world has watched and studied the worst side America’s racial history. The dramatic images of this oppression and the fight to maintain it are indelible: slavery, beatings, lynchings, the Civil War, segregation, police brutality, black slums, suppression of earned rights... we all know the depressing tales. And there is no doubt that racism continues to be a formidable problem in America, e.g. Rodney King, Trayvon Martin. The nation’s obsession with this tradition, while understandable, may betray a misguided belief that the past can only show us the brutality of human nature, the failures of policies, the lack of political will, the inevitability of racial conflict, or all the above. Unfortunately, the historical and educational emphasis on the tradition of “racial oppression” overwhelms the positive and hopeful story of “the other tradition,” a fact this project can help correct, and in the process, offer strengths we can collectively emulate and draw on to bridge the racial divide.

The Other Tradition

While the tradition of racial oppression was unfolding, a parallel tradition, largely hidden and poorly understood, was demonstrating some of the most positive qualities to be found in American history. And the actions that resulted contributed significantly to the dismantling of racial oppression. Throughout our history, courageous African Americans, Hispanic-Americans, Asian-Americans, Native Americans, and Euro-Americans chose to stand shoulder to shoulder to ride the antislavery circuits, hide slaves, march together against racial discrimination, fight court battles, and too often end up persecuted, brutalized, even murdered. Together they have built racially integrated labor unions and political coalitions and worshipped together during times of profound racial conflict, disproving the notion that the races cannot live and work in harmony.

We highlight five examples here of historical cross cultural, cross racial friendships. Their stories provide Americans today with essential lessons that are vital for us to survive in a world that continues to shrink into a neighborhood of increasing interdependency.

A Proclamation

Whereas Massachusetts supports the Great Seal of the United States of America which bears the inscription, E Pluribus Unum, which translates from Latin as "Out of many, one"; and

Whereas H 2745, Chapter 163 of Acts of 2015 of the Commonwealth of Massachusetts establishes the Second Sunday in June Annually as Race Amity Day; and

Whereas The greatest asset of the Commonwealth of Massachusetts is its people; and

Whereas The Commonwealth of Massachusetts is comprised of multicultural, multiethnic and multiracial citizens; and

Whereas Friendship, collegiality, civility, respect, and kindness are commonly shared ideals of the collective citizenry of the Commonwealth of Massachusetts; and

Whereas The Towards E Pluribus Unum Initiative has invited communities across the United States of America to join in introspection and reflection on the beauty and richness of the diverse peoples of this great nation while reaching out with a spirit of amity toward one another annually on the second Sunday in June; and

Whereas H 2745, Chapter 163 of Acts of 2015 of the Commonwealth of Massachusetts establishes the Second Sunday in June Annually as Race Amity Day,

Now, Therefore, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, do hereby proclaim June 11th, 2017, to be,

RACE AMITY DAY

And urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

Given at the Executive Chamber in Boston, this Twentieth Day of March, in the year two thousand and seventeen, and of the Independence of the United States of America, the two hundred and forty-first.

BY HIS EXCELLENCY

CHARLES D. BAKER
GOVERNOR OF THE COMMONWEALTH

KARYN E. POLITO
LT. GOVERNOR OF THE COMMONWEALTH

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

God Save the Commonwealth of Massachusetts

TWO STRONG VOICES, ONE CLEAR MESSAGE:

FREEDOM AND JUSTICE FOR ALL!

Two men from different continents, of different skin color and backgrounds were joined in a spiritual quest as they raised their voices protesting both social injustice in their own countries as well as social injustice everywhere.

DANIEL O'CONNEL

1775-1847



O'Connell, Irish politician, known as The Liberator, was a revered leader in the Catholic Emancipation from the Church of England. He was well known across Ireland, England and the United States as the staunchest abolitionist of that time. He was considered radical even by many other abolitionists and was very outspoken in his opposition and rhetoric. In an 1829 anti-slavery meeting in London, he declared "of all men living, an American citizen who is the owner of slaves is despicable." O'Connell, so strong in his conviction, would actually return any donation he received for the cause of Irish Emancipation, from an Irish man living in the United States, if he discovered that the money came from a slave owner.

His reputation as a great orator was unmatched. O'Connell was a large man, over six feet four, with a booming eloquent voice. His voice was called "musical". Douglass, himself a great orator, after hearing O'Connell speak, wrote that he was overwhelmed by him and had never heard any equal. "...It seems to me that the voice of O'Connell is enough to calm the most violent passion. ...There is a sweet persuasiveness in it, beyond any voice I ever heard. His power over an audience is perfect."

"The principle of my political life ... is that all amelioration and improvements in political institutions can be obtained by persevering in a perfectly peaceable and legal course, and cannot be obtained by forcible means, or if they could be got by forcible means, such means create more evils than they cure, and leave the country worse than they found it."

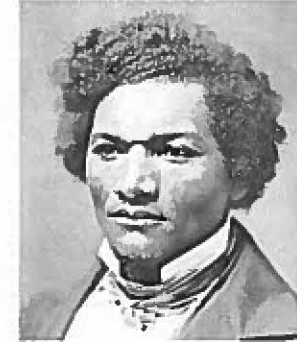
-Daniel O'Connell, The Nation newspaper, 1843

"I see much here (in Ireland) to remind me of my former condition, and I confess I should be ashamed to lift up my voice against American slavery, but that I know the cause of humanity is one the world over. He who really and truly feels for the American slave, cannot steel his heart to the woes of others; and he who thinks himself an abolitionist, yet cannot enter into the wrongs of others, has yet to find a true foundation for his anti-slavery."

-Frederick Douglass, letter to William Lloyd Garrison, 1845

FREDERICK DOUGLASS

1818-1895



Douglass first learned of O'Connell when he heard his master curse the name of the Irishman. He later wrote "my master hated him so I knew I would love him." As a slave doing his master's bidding, Douglass had a chance encounter with some Irish sailors (his first connection to Ireland). They encouraged him to run for freedom, and Douglass, in 1838, did indeed escape slavery in Maryland by running North.

In 1845, as Ireland was plunging into the despair of the Great Famine, Douglass arrived for a four month speaking tour at the invitation of the Quaker Community there and was hosted by members of the Hibernian Anti-Slavery Society. Douglass had recently published his autobiography, "Narrative of the Life of Frederick Douglass, An American Slave". An Irish edition of his book was about to be published and his anti-slavery lectures across Ireland were meant to raise funds for the abolitionist movement in the United States.

Douglass was greeted by enthusiastic crowds in Dublin, Belfast and Cork and in Ireland he formed many friendships. The most significant of which was his relationship/ friendship with Daniel O'Connell, which came about when in Sept. 1845, at a rally in Dublin, the two great men and orators shared a stage for the first and only time. At the time of their meeting O'Connell was seventy and Douglass twenty-eight. The two men retained a mutual respect and admiration for each other until O'Connell's death less than two years later. And for the rest of his life, Douglass acknowledged O'Connell's influence on his philosophy and world view.

It was from O'Connell that Douglass learned that it wasn't enough to work only for the emancipation of the American slave. He became a "world citizen" and would spend the rest of his life working for social justice anywhere injustice was found. So upon arriving back in America he immediately went to New York to offer his services to the Suffragist Movement - he had come to embrace the concept of universal suffrage so eloquently expressed and practiced by his new friend, O'Connell.

7/83 (2)

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Thursday, June 01, 2017 12:51 PM
To: DiNapoli, MaryAnn
Subject: FW: Significant errors in the PEL application from Eden Management - 'Brookside' development in Wayland
Attachments: Brookside - Site Approval Application - June 2016.pdf

From: Our Members [<mailto:protectwayland@gmail.com>]
Sent: Saturday, May 27, 2017 2:32 PM
To: MFdev@masshousing.com
Cc: Balmer, Nan; Anderson, Lea; Antes, Mary; Jurist, Louis; Karlson, Cherry; Levine, Doug; Sarkisian, Sarkis; Hansen, Linda
Subject: Significant errors in the PEL application from Eden Management - 'Brookside' development in Wayland

Hello:

We reviewed the PEL application submitted to MassHousing in June, 2016 by Eden Management -- and found a number of significant errors.

A copy of their original application is attached. Would it be helpful if we sent you an annotated version highlighting the major errors?

Thank you!

7/2/15
3

Michael P. Lowery

120 Lakeshore Drive, Wayland MA 01778 | 508-397-8828 | lowery.mike@gmail.com

Massachusetts Board of Library Commissioners
98 North Washington St., Suite 401
Boston, MA 02114

Subject: MBLC action on Wayland's library grant application

Commissioners:

I ask that you defer Wayland's library building grant application until Wayland has determined a lawful use for its public library at 5 Concord Road, Wayland, MA.

During public presentations of its plans, the Wayland Library Board of Trustees kept from the public the fact that its existing library can legally only be used for library purposes. They obtained three legal opinions affirming this, but it was not generally understood by the town until I presented it at Wayland Town Meeting.

Until Town Meeting no one spoke against this project. The motion was a no-cost affirmation to submit an application. Our Library Board of Trustees told the town, in effect, "let's see if they will give us the money – *then* we'll worry about whether we can afford it." Despite the no-obligation vote almost one third of TM voters voted against the proposal.

If MBLC grants this application, our Library Board of Trustees will seek to have Probate Court set aside the thrice-affirmed public charitable trust created by the donor – limiting the land and buildings use as a library. This action will be legally opposed by at least 10 citizens. There will be legal uncertainty and wrangling which will not be conducive to Wayland voting to fund its portion of the project with a \$19,000,000 bonding.

Wayland citizens are now organizing to oppose this bonding. They are very fond of our historic library.

I urge that MBLC to defer action on Wayland's application until the legal status of Wayland's existing library is settled. It is unlikely that Wayland town meeting would authorize a \$19,000,000 bonding by a 2/3 vote when there is a cloud of legal uncertainty over the disposition of our well-loved current library.

Please find attached the three legal opinions, and my presentation from our last town meeting opposing this project. This presentation is summarized below:

1. **Reuse of 5 Concord Road - restricted**

Per three legal opinions: the land and buildings of the Wayland Library cannot be repurposed for non library uses without a legal action before Probate Court which has little chance of success.

2. **Undesirable site location**

The present WPL is in the center of Wayland, on our rail trail, and walkable from commercial centers. The proposed site is at the far end of town, making use difficult for those in North Wayland.

3. **Better alternative uses for site**

The proposed site would be better used as either a recreational field, or a combined Senior/Community Center and branch library.

4. **Out of Scale & Out of Character on the proposed site**

The lure of state funding and following state standards has led to a design scale which is not what the town itself would build, is out of character for Cochituate Village, and is 2.5x the size we have now. Unless the existing library can be repurposed, we will have more than tripled our library space.

5. **Huge Cost & Effects on Borrowing**

Even after reimbursement, Wayland will be spending limiting town's ability to borrow for other and unforeseen needs. If Wayland borrows \$19,000,000 that is more than \$2000 of debt for every household. Wayland can't afford this.

6. **Effects on other town needs**

We've been warned our borrowing is too high to maintain our bond rating. Borrowing this much may limit Wayland's ability to borrow for other worthy projects – such as a Senior/Community center, and field upgrades at WHS and elsewhere.

7. **Questionable needs / mission creep**

Organizations naturally seek to expand their own missions, and perceived nice-to-haves become necessities. This proposed structure dedicates significant space for meeting spaces and non-library functions. These functions should be part of a senior/community center, not subsumed into a public library. As society shifts to electronic information distribution, one would expect the need for physical books to diminish.

Very truly yours,



Michael Lowery, Wayland, MA

Copies by email:

Ms. Aida Gennis, Wayland Library Board of Trustees
Ms. Nan Balmer, Wayland Town Administrator
Ms. Lea Anderson, Chair, Wayland Board of Selectmen
Ms. Ruth Urell, MBLC - Head of Library Advisory & Development
Ms. Amy Clayton, MBLC -Administrative Coordinator



NFB

One Winthrop Square
Boston, MA 02110
TEL (800) 799-6442
www.emiaa.org

4

May 9, 2017

RECEIVED

MAY 11 2017

Board of Selectmen
Town of Wayland

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

Dear Nanette:

It gives us great pleasure to announce the distribution of participation credits to our members! The members of the MIIA Board of Directors approved an additional participation credit of \$2.8 million bringing the total distribution of additional participation credits since 2009 is \$30 million!

These participation credits are returned to members of the Property & Casualty Group for the current fiscal year. Also, these new participation credits are *in addition* to all other credits and discounts you will receive as part of your renewal pricing for July 1, 2017. Participation credits recognize the long-term loyalty and commitment of the MIIA membership. Below you will see the amount of the new participation credit granted to you by MIIA:

Property & Casualty: \$25,647

MIIA will issue this additional participation credit amount on your renewal invoice for July 1, 2017.

While continuous distribution of these credits is not guaranteed, this latest participation credit is a reflection of the MIIA Board's ongoing practice of reviewing the program's financial position on a quarterly basis.

We at MIIA seek to embrace both the long-term financial health of the MIIA program *and* our members' need for high-quality coverage at the most affordable price. To that end, at each of its meetings, the MIIA Board reviews the pool's financial picture, looking at past and present performance to determine if additional credits can be provided. If sufficient contingency reserves are available, determined after a thorough review with MIIA's actuaries, the Board will release funds through participation credits. For most members, these credits have typically offset all or a significant portion of any increase in premium contributions. In recent years, however, these additional participation credits may not fully cover the workers' compensation rate changes because of the need for higher premiums to cover increasing losses. Nevertheless, the credits provide significant relief that would otherwise be unavailable from other marketplace options.

The bottom line and most important point is that MIIA's costs continue to be well below commercial insurance alternatives, and the announcement of this new \$2.8 million in participation credits enhances MIIA's value to you and the communities of Massachusetts!

We are extremely pleased to be able to offer these cost-saving measures and real-dollar savings. As always, your participation and commitment to MIIA is very much appreciated.

Sincerely,



Rocco Longo
Chairman, MIIA
Manager
Town of Marshfield



Geoffrey Beckwith
President, MIIA
Executive Director, MMA



Stanley J. Corcoran
Executive Vice President, Town
MIIA

NFB
5

May 16, 2017

Amy E. Kwesell
akwesell@k-plaw.com

Jeffrey L. Roelofs, Esq.
Law Offices of Jeffrey L. Roelofs, P.C.
44 Merrimac Street
Newburyport, MA 01950

RECEIVED

MAY 18 2017

Board of Selectmen
Town of Wayland

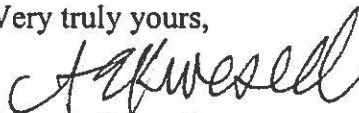
Re: David Bernstein, et al. v. Wayland Planning Board, et al.
Middlesex Superior Court, C.A. No. 0881CV00552

Dear Mr. Roelofs:

Enclosed are one original and one copy of the Town of Wayland's Opposition to the Plaintiffs' Motion for Award of Attorney's Fees and Costs. Kindly file the originals with your motion in accordance with Superior Court Rule 9A.

Thank you for your attention to this matter.

Very truly yours,



Amy E. Kwesell

AEK/smm

Enc.

cc: Town Administrator
Board of Selectmen
Planning Board
Mark J. Lanza, Esq.
John Harkavy, Esq.

583024/WAYL/0040

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 0881CV00552

DAVID BERNSTEN, ET AL.,

Plaintiffs,

v.

WAYLAND PLANNING BOARD, et al,

Defendants.

HELEN N. SKEEN and
DOUGLAS SCARA,

Intervenors.

DEFENDANTS' OPPOSITION TO THE
PLAINTIFFS' MOTION FOR AWARD
OF ATTORNEY'S FEES AND COSTS

I. INTRODUCTION

On May 29, 2015, Defendants, Town of Wayland and the Wayland Planning Board, William Steiner, Albert I. Montague, Jr., Daniel Mesnick, Kevin Murphy, and Lynne Dunbrack, as members of the Wayland Planning Board, and Annette Lewis as associate member of the Wayland Planning Board ("Defendants" or "Town") filed a Motion for Temporary Relief from Judgment on Count II of Plaintiffs' Amended Complaint. The Judgment from which Defendants were seeking relief, was agreed to by the parties and entered by the Court in 2008 ("Consent Judgment"). On March 14, 2016, Defendants filed a Motion to Dismiss Plaintiffs' Complaint and a Motion for Further Temporary Relief from Judgment and For Permanent Relief from Judgment ("Motion for Permanent Relief"). In their Motion For Permanent Relief, Defendants specifically sought relief from Section I(G)(4) of the Consent Judgment that required the implementation of final traffic mitigation measures. By Memorandum of Decision dated March 27, 2017, the Court granted the Defendants' Motion for Permanent Relief as to Section 1(G)(4).

Plaintiffs David and Kathleen Bernstein and Jeffrey and Jill Porter (“Plaintiffs”) have now filed a Motion for Award of Attorneys’ Fees and Costs, claiming that they are entitled to their attorneys’ fees under Section II.B. of the Consent Judgment for having to defend against Defendants Motion for Temporary Relief from Judgment, Motion to Dismiss and Motion for Permanent Relief. Plaintiffs seek their attorneys fees under this provision of the Consent Judgment despite the fact that they did not bring a claim against Defendants for breach of the Consent Judgment, despite the fact that there is no Court finding that the Defendants breached the Consent Judgment and despite the fact that they did not prevail in their defense of Defendants’ Motion for Permanent Relief.

As will be further set forth below, Defendants hereby oppose Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs on the grounds that; 1) Section II.B. is not triggered because there was no finding that Defendants breached the Consent Judgment, and 2) Plaintiffs did not prevail in their defense against Defendants’ Motions.

II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND¹

In 2008, Plaintiffs filed a lawsuit challenging the Town’s permitting of the Wayland Town Center Project and seeking 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, the parties came to an agreement for Judgment on Count II of the Plaintiffs’ Amended Complaint, the Consent Judgment. As part of the Consent Judgment, the Town was required to conduct ongoing traffic monitoring and to implement additional traffic mitigation measures over the years in the event that agreed upon traffic volume maxima was exceeded. Section I(G)(4) of the Consent Judgment, contained additional traffic mitigation

¹ The facts contained in this section are taken from the Court’s Memorandum of Decision and Order on Town of Wayland Defendants’ Motion to Dismiss and Motion for Permanent Relief From Judgment, the Court’s Memorandum of Decision and Order on Town of Wayland’s Motion For Permanent Relief From Judgment, the Court Docket as well as the Consent Judgment.

measures to be taken if traffic volumes exceeded the agreed upon maximum levels based on agreed upon data collection measures. Among those mitigation measures were permanent turn prohibitions to and from Glezen Lane and physical restrictions effectively prohibiting such turns. Over the years, the data collected showed that traffic volumes did exceed the maximum levels. The Town objected however, to implementing the final traffic mitigation measures contained in Section I(G)(4) of the Consent Judgment due to safety concerns due to safety concerns. Due to these valid safety concerns, the Town first filed motions for temporary relief from the consent judgment and then filed its Motion for Permanent Relief. The concern raised, and relief requested, by the Town in all of its motions was the implementation of the traffic mitigation contained in Section I(G)(4) of the Consent Judgment.

The Court initially granted the Town's Motion for Temporary Relief on August 26, 2015. Plaintiffs filed a Motion for Reconsideration and Motion to Stay the Court's Order on the Town's Motion for Temporary Relief. The Court denied Plaintiff's Motion for Reconsideration by decision dated September 29, 2015. Plaintiffs appealed the Court's decision. On March 14, 2016, Defendants filed a Motion to Dismiss Plaintiffs' Complaint and a Motion for Further Temporary Relief from Judgment and For Permanent Relief from Judgment. In their Motion for Permanent Relief, Defendants sought relief from having to implement the additional traffic mitigation measures contained in Section I (G) (4) of the Consent Judgment.

By Order dated November 9, 2016, the Court denied Defendants' Motion to Dismiss and denied, in part Defendants Motion for Permanent Relief from Judgment. Specifically, Defendants had sought to dismiss the 2008 Amended Complaint pursuant to Mass. R. Civ. P. 12(b)(1) on the grounds that the Plaintiffs did not have standing to bring this action to begin with. The Court denied Defendants Motion to Dismiss finding that the Defendants could not challenge at this stage subject matter jurisdiction through a motion to dismiss. The Court's

denial of Defendants' Motion to Dismiss did not resolve the matter. In addition to requesting dismissal of the Amended Complaint, Defendants sought relief from the Consent Judgment pursuant to Mass. R. Civ. P. 60(b)(6). In their Motion for Relief from Judgment Defendants argued that the Town had no legal authority to enter into the Consent Judgment. The Court rejected that argument as well and again rejected the Town's challenge to Plaintiffs' standing. However, the Court reserved its decision on whether to modify the provisions of Section I(G)(4) – the specific substantive relief the Town was seeking – until after an evidentiary hearing. The Court sought additional evidence on the issue of whether the final mitigation measures called for in Section I (G)(4) of the Consent Judgment created unanticipated safety risks constituting exceptional circumstances warranting relief.

Following an evidentiary hearing, the Court allowed the Defendants' Motion for Permanent Relief as to Section I (G)(4) of the Consent Judgment. As a result, the Town was afforded the relief requested first in its Motion for Temporary Relief from Judgment on Count II of Plaintiff's Amended Complaint and its subsequent Motion for Permanent Relief from Judgment. At no time did the Plaintiffs bring a claim against Defendants for breach of the Consent Judgment. More important here, at no time did the Court find that Defendants breached the Consent Judgment.

III. LEGAL ARGUMENT

A. Plaintiffs Are Not Entitled to Attorneys' Fees Under Section II.B. of the Consent Judgment

Plaintiffs do not assert, nor could they, that they are entitled to their attorneys' fees and costs for having to defend against Defendants' recent motions seeking relief from the Consent Judgment based on statutory or constitutional grounds. Rather, Plaintiffs argue that an award of their attorneys' fees is warranted under the agreed-upon cost shifting provision set forth in

Section II. B of the Consent Judgment itself. The insurmountable hurdle for Plaintiffs in their request, is that the plain language of the Consent Judgment makes clear that it is not triggered by the underlying facts here because the Court did not find that Defendants breached the Consent Judgment. Section II. B. of the Consent Judgment relief states in relevant part as follows:

Defaults and Remedies

In any action for breach of this Judgment, the party who prevails or substantially prevails shall be entitled to recover from the other party(ies) their reasonable attorneys fees, interest, expert fees and costs, in addition to any other legal and equitable relief to which they are entitled, provided the Court finds that the non-prevailing party breached the Judgment without a reasonable basis for believing that its actions or inactions would not constitute a breach.

As clearly set forth in Section II.B. above, to recover attorneys fees under the Consent Judgment, there must be a Court finding that the non-prevailing party breached the Judgment. Not only is there no Court finding that Defendants here breached the Judgment, but the Plaintiffs never brought an action for breach of the Consent Judgment. Defending against Defendants' request for relief from the Judgment is not the same. Rather than breach the Judgment, Defendants filed their Motions first for temporary relief and then for permanent relief, specifically seeking relief from having to implement the final mitigation measures contained in Section I(G)(4) of the Consent Judgment so as not to be in breach. While the Plaintiffs objected to the Defendants request for relief, they admit that they never brought an enforcement action against Defendants. Regardless, they cannot dispute that the Court never found that the Defendants breached the Consent Judgment. Because there is not such finding of breach, Section II.B. of the Consent Judgment is not triggered and Plaintiffs' Motion for Award of Attorneys' Fees and Costs should be denied.

B. Plaintiffs Are Not Entitled to An Award of Attorneys' Fees Because They Are Not the Prevailing Party

In addition to requiring that there be a Court finding that Defendants breached the Consent Judgment for Section II.B. to be triggered, the party from whom attorneys' fees are sought must also be the "non-prevailing party." In other words, in order for Plaintiffs to be awarded attorneys' fees under Section II.B., they would have had to be the prevailing party. Here, Plaintiffs did not prevail on the main issue that was the subject of the recent litigation, whether the Town had to implement the additional traffic mitigation measures contained in Section I(G)(4) of the Consent Judgment. While the Defendants had several different legal theories on why they should be granted the relief sought, not all of which were successful, in the end, the Court granted the Town's request for relief from Section I(G)(4) of the Consent Judgment, the very relief sought by Defendants.

Recognizing this, Plaintiff's argue that they "substantially prevailed" in their efforts to defend against the Town's various challenges to the Consent Judgment because they prevailed on the Town's "motion to dismiss this action from its inception and on its alternative motion to have the Consent Judgment vacated in its entirety." Plaintiff's however, did not prevail on keeping the Defendants from obtaining the substantive relief requested, relief from having to implement the additional traffic mitigation measures contained in Section I(G)(4) of the Consent Judgment. While Defendants did not prevail on several of their legal theories, Defendants did achieve the benefit they sought in bringing the motion. See, Draper v. Town Clerk of Greenfield, 384 Mass. 444, 452-53 (1981). Unlike in Draper, the case cited by Plaintiffs in support of their assertion, Plaintiffs did not achieve some or any of the benefit Plaintiffs sought in defending against Defendants Motion for Relief from Judgment. Again, the core issue of the recent motion practice was whether the final mitigation measures called for in Section I (G)(4) of the Consent

Judgment created unanticipated safety risks constituting exceptional circumstances warranting relief. There can be no dispute that the Defendants prevailed on that core issue. While Plaintiffs defeated a motion to dismiss and alternative legal theories asserted by Defendants in an attempt to obtain the relief being requested, Plaintiffs did not substantially prevail on any significant issue that kept Defendants from achieving the core benefit of what they were seeking in the filing of their Motions for Relief from Judgment.

In their Motion for Award of Attorneys' Fees and Costs, Plaintiffs appear to be claiming that the Defendants, by filing their Motions seeking relief from the Consent Judgment, breached the Consent Judgment. Such an argument is nonsensical. The Defendants filed the motions in order to avoid any such breach. Regardless, even if the Plaintiffs' defense against Defendants' Motions for Relief from Judgment could be construed as an enforcement action, as set forth above, Plaintiffs were not the prevailing party. Accordingly, Section II.B. of the Consent Judgment is not triggered. Irrespective of this, Plaintiffs, incredibly state that "[i]t is undisputed that the Town has breached the Consent Judgment, knowingly, in several respects since 2014 when the requirement to implement the Final Measures was triggered – by, among other things, delaying the implementation of the Final Measures, filing a motion for temporary relief in order to take traffic measurements that were irrelevant to the agreed-upon traffic mitigation program, publicly opposing the Consent Judgment, encouraging intervention by residents to challenge the Consent Judgment, and filing subsequent motions seeking to have the consent Judgment dismissed or vacated in its entirety." See Plaintiff's Motion For Award of Attorneys' Fees and Costs, at pp. 9-10. Plaintiff's Motion, p. 9. Not only is it disputed that the Town breached the Consent Judgment, but a motion for an award of attorneys' fees is not the proper mechanism for seeking a ruling by the Court that such a breach occurred. Even if it were, the Plaintiffs request for a finding that such a breach occurred would not be successful. It is undisputed that

Defendants filed their motions seeking first temporary relief from Section I.(G)(4) of the Consent Judgment, and then permanent relief, based on safety concerns raised. These issues were addressed at the evidentiary hearing and in the Court's decision granted Defendants request for relief. Had the Plaintiffs actually brought an affirmative claim against Defendants the outcome would have been the same. Plaintiffs would not have prevailed. In their Motion, Plaintiffs seek to re-litigate why they believe Section I(G)(4) containing Additional Traffic Mitigation Measures should be enforced. A motion for attorneys' fees is simply not the proper mechanism to further litigate the matter.

As is clear from the above, Plaintiffs should be denied their request for an award of attorneys' fees and costs under Section II.B. of the Consent Judgment because the Court did not find that the Defendants' breached the Consent Judgment and the Plaintiffs are not the prevailing party. Accordingly, Plaintiffs' Motion for Award of Attorneys' Fees and Costs should be denied.

C. An Award of Attorney's Fees and Costs is Not Warranted Where the Town Parties' Claims and Defenses Were Not Insubstantial, Frivolous or Advanced in Bad Faith.

Relying on the Supreme Judicial Court's holding in the case of Police Commissioner v. Gows, 429 Mass. 14, 17-19 (1999) and M.G.L. c. 231, § 6F, the Plaintiffs also assert that they are entitled to an award of attorney's fees and costs in connection with their efforts to enforce certain terms of the Consent Judgment. Their reliance on these authorities is misplaced.

As discussed above, the Court did not issue an order against the Town for breaching any of the terms of the Consent Judgment. Further, there is no evidence that the Town Parties' claims or defenses were insubstantial, frivolous or advanced in bad faith. "An award of attorney's fees should be reserved for rare and egregious cases." Gows supra at 429 Mass. 19.

There is nothing in the record to support a finding that the Town Parties' post-Consent Judgment actions were such a case.

D. The Attorneys' Fees and Costs Incurred by Plaintiffs Were Not Warranted and Reasonable

If the Court should decide that the Plaintiffs' are entitled to attorneys' fees and costs for having to defend against Defendants' Motions to Dismiss and Motion for Temporary Relief from the Consent Judgment and Permanent Relief from the Consent Judgment, the amount of attorneys' fees and costs incurred by Plaintiffs' Counsel was clearly excessive, unwarranted and unreasonable. At best, the Plaintiffs prevailed in their defense against Defendants' Motion to Dismiss. Even that success however, did not provide Plaintiffs with the relief they sought, the implementation of the additional traffic mitigation measures.

The basic measure of a reasonable fee award is the fair market rate for time reasonably spent. Fontaine v. Ebtec Corp., 415 Mass. 309, 325 (1993) (quoting Stratos v. Department of Public Welfare, 387 Mass. 312, 322 (1982)). The Supreme Judicial Court has adopted the lodestar approach for determining a reasonable fee award, under which a fee award is determined by multiplying the total number of hours reasonably spent by a reasonable hourly rate. See Fontaine, 415 Mass. at 325; Haddad v. Wal-Mart Stores, Inc., 455 Mass. 1024, 1025 (2000).

Calculation of reasonable hourly rates should consider the average rates in the attorney's community for similar work by attorneys of similar experience, or the "prevailing community rate." Haddad, 455 Mass. at 1025; Stratos, 387 Mass. at 323. The rate may be modified if good reason appears for doing so. Stratos, 387 Mass. at 324. In determining the reasonableness of the hours spent, the Court should consider whether the time documented by the attorney was reasonable in light of the difficulty of the case and the results obtained. Stratos, 387 Mass. at 323. Hours which were duplicative, unproductive, excessive, or otherwise unnecessary should

be deducted. Haddad, 455 Mass. at 1028. The issue of costs is not subject to the lodestar calculation. Rather, the costs requested should be assessed if they are reasonable and bear a rational relation to the extent of the litigation. Alfonso v. Aufiero, 66 F.Supp.2d 183, 201 (D.Mass. 1999).

Here, time spent by Plaintiffs Counsel was not reasonable in light of the results obtained. First, the Plaintiffs should not be awarded attorneys' fees for time spent defending against Defendants' Motions for Temporary Relief from Judgment, or for time spent pursuing an appeal of the Court's Order granting the Defendants' Motions for Temporary Relief from Judgment. Plaintiffs did not prevail on those endeavors. Likewise, Plaintiffs should not be awarded attorneys' fees for opposing a Motion to Intervene and for appealing the Court's Order granting that Motion. Again, Plaintiffs did not prevail. Further, Plaintiffs' should not be awarded attorneys' fees for defending against Defendants' Motion for Permanent Relief because as discussed above, Plaintiffs did not prevail.

Accordingly, if the Court is inclined to grant Plaintiffs any attorneys' fees, the only time Plaintiffs arguably should be compensated for is time spent opposing Defendants Motion to Dismiss on standing grounds. From the invoices attached to Plaintiffs' Motion for Award of Attorneys' Fees and Costs, the time spent on defending against Defendants' Motion to Dismiss is limited to time spent between the dates of February 2016 and November 14, 2016. Even then, it is clear that most of the time spent during that nine month period was not spent addressing Defendants' assertion that the matter should be dismissed on standing grounds. In fact the only time entries that appear to be related to the "standing issue" are those entries between February 2, 2016 and February 22, 2016. The time Plaintiffs' Counsel spent drafting the opposition from March 1st through 4, 2016 does not appear to have been spent addressing the issue of standing, but rather, appears to have been spent on opposing the Defendants' request for relief from the

Consent Judgment. Regardless, the time spent is clearly excessive. The only additional time that could arguably be attributed to Plaintiffs' defense against the Defendants' Motion to Dismiss is the attendance at the hearing on the Motion, but there again, much of the time spent was on Plaintiffs' attempt to defeat the Defendants' request for relief from having to implement the additional traffic mitigation measures contained in Section I.(G)(4) of the Consent Judgment. Finally, Plaintiffs should not be awarded their costs for time spent by their expert, Mr. Hazarvartian. Plaintiffs did not prevail on the issue on which Mr. Hazarvartian testified. Accordingly, if the Court is inclined to grant the Plaintiffs an award of attorneys' fees, that award should be strictly limited to time spent by Plaintiffs' Counsel on defending against Defendants' standing argument contained in Defendants Motion to Dismiss. Those attorneys' fees amount to no more than approximately twenty (20) hours of time spent.²

² If the Court is inclined to grant Plaintiffs' Motion for Award of Attorneys' Fees and Costs, Defendants request fourteen (14) days from the date of the Court's Order to file specific objections to Plaintiffs' Counsel's time entries on the invoices attached to Plaintiffs' Motion for Award of Attorneys' Fees and Costs so as to specify which entries are objectionable and to accurately calculate the amount of fees attributable to Plaintiffs' defense against Defendants' Motion to Dismiss.

IV. CONCLUSION

For all of the reasons set forth above, Plaintiffs' Motion for Award of Attorneys Fees and Costs should be denied.³

DEFENDANTS,

WAYLAND PLANNING BOARD, et al

By their attorneys,

Date:

May 16 2017

A E Kwesell

Amy E. Kwesell (BBO# 647182)

KP Law, P.C.

Town Counsel

101 Arch Street, 12th Floor

Boston, MA 02110-1109

(617) 556-0007

akwesell@k-plaw.com; and

Mark J. Lanza

Mark J. Lanza (BBO#549994)

Special Town Counsel

9 Damonmill Square – Suite 4A4

Concord, MA 01742

(978) 369-9100

mjlanza@comcast.net

WAYL/583005/0040

³ In the alternative, the amount awarded to Plaintiffs in attorneys fees and costs should be significantly reduced from the amount being requested and should include attorneys' fees only for time spent by Plaintiffs' Counsel in defending against Defendants Motion to Dismiss on the grounds of lack of standing.

CERTIFICATE OF SERVICE


I, Amy E. Kwesell, hereby certify that on the below date, I served a copy of the foregoing Defendants' Opposition to Plaintiffs' Motion for Award of Attorney's Fees and Costs by first-class mail, postage prepaid, to the following counsel of record:

Jeffrey L. Roelofs, Esq.
Law Offices of Jeffrey L. Roelofs, P.C.
44 Merrimac Street
Newburyport, MA 01950

John Harkavy, Esq.
Law Office of John B. Harkavy
89 Woodside Avenue
Wellesley, MA 02482

Mark J. Lanza, Esq.
9 Damonmill Square
Suite 4A4
Concord, MA 01742

Dated: May 16 2017



Amy E. Kwesell

6
SPM

From: Amy E. Kwesell [<mailto:AKwesell@k-plaw.com>]
Sent: Tuesday, May 30, 2017 12:01 PM
To: Balmer, Nan
Cc: Carolyn M. Murray; Deborah I. Ecker
Subject: FW: Wayland - Bernstein

Hi Nan – please see attached.
Bernstein's Motion for Attorney's Fees was denied.
Thanks,
Amy

Amy E. Kwesell, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1811
F: (617) 654 1735
C: (857) 378 9218
akwesell@k-plaw.com
www.k-plaw.com

opp. sth

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552

DAVID BERNSTEIN, et al.
Plaintiffs,

v.

WAYLAND PLANNING BOARD, et al.
Defendants,

HELEN N. SKEEN and
DOUGLAS SCARA,
Intervenors.

405

FILED
IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF MIDDLESEX
MAY 22 2017
CLERK

PLAINTIFFS' MOTION FOR AWARD OF
ATTORNEY'S FEES AND COSTS

NB

Plaintiffs David and Kathleen Bernstein and Jeffrey and Jill Porter ("Plaintiffs") hereby move this Court for an award of attorney's fees and costs (included expert fees and interest) incurred by them to defend against the Town of Wayland's several motions in 2015 and 2016 challenging the Judgment entered in this action in 2008 pursuant to the parties' Agreement for Judgment (the "Consent Judgment" or "Judgment").¹ As discussed below, awarding Plaintiffs their reasonable fees and costs is warranted under the agreed-upon fee shifting provision set forth in the Consent Judgment. Although the Court granted the Town limited relief from a portion of the Consent Judgment, the Plaintiffs substantially prevailed in their defense of the Consent Judgment against the Town's motions, the primary objective of which was to secure an order

¹ Plaintiffs put the Town on notice of their intent to pursue recovery of attorney's fees and costs incurred to enforce or defend the Consent Judgment in the formal Notices of Default that they sent to the Town in November 2014, April 2015 and June 2015 (see Exs. E and F to previously-filed May 2015 Bernstein Affidavit and Ex. A to the June 2015 Supplemental Bernstein Affidavit - as identified in footnote 2 below). Plaintiffs also included requests for their attorney's fees and costs in their oppositions to the Town's various motions in 2015 and 2016, and also articulated those requests at the various hearings before the Court, including at the conclusion of the Court's December 1, 2016 evidentiary hearing (Transcript, pp. 130-131, included in Exhibit 6 hereto). The Court did not rule on those requests.

DENIED: The posture of this case does not trigger the provision of the Consent Judgment allowing for attorney's fees & costs. This Court has not found the Δs in breach of the agreement and the Ts did not prevail on the remaining issue of the validity & enforceability of Section I(G)(4) of the Judgment. *File it on 5/24/17*

1103
7

Jeffrey L. Roelofs
44 Merimac Street
Newburyport, MA 01950

Office 978-462-7600
Cell 978-376-1396
Fax 978-462-7610
jr@roelofslaw.com
www.roelofslaw.com

RECEIVED

MAY 22 2017

Board of Selectmen
Town of Wayland

May 19, 2017

By Certified Mail,
RRR # 7012 2210 0001 8827 9758
Beth R. Klein, Town Clerk
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

By Certified Mail,
RRR # 7012 2210 0001 8827 9765
Nan Balmer, Town Administrator
Wayland Town Hall
41 Cochituate Road
Wayland, Massachusetts 01778

Re: Notice of Default of Judgment on Count II of Plaintiffs' Amended Complaint in Bernstein, et al. v. Wayland Planning Board, et al., Middlesex Superior Court Civil Action Number 08-0552

Dear Ms. Klein and Ms. Balmer:

This Notice of Default is provided on behalf of David and Kathleen Bernstein ("Plaintiffs") pursuant to Sections II(B) and (D) of the Judgment on Count II of the Plaintiffs' Amended Complaint issued in the above-referenced civil action (the "Consent Judgment"). This Notice of Default is supplemental to Plaintiffs' previous Notices of Default to the Town dated June 25, 2015, April 10, 2015 and August 27, 2014.

The Town of Wayland has further breached the Judgment by (1) serving and filing with the Superior Court in 2016 a motion to dismiss the action in which the Consent Judgment was issued and an accompanying motion for permanent relief from the Consent Judgment seeking an order vacating the Consent Judgment in its entirety, and (2) by failing to promptly implement the traffic mitigation measures that the Court upheld in its November 9, 2016 decision – being all of the measures required by the Consent Judgment except the permanent turn prohibitions and physical restriction set forth in Section I(G)(4).

Through its November 9, 2016 ruling, the Court denied the Town's motion to dismiss and its motion for permanent relief from judgment except as to the Section I(G)(4) Permanent Turn Prohibitions and Physical Restrictions. The Court concluded, among other things, as follows:

- That the Town's motion to dismiss, filed eight years after the parties entered into the Consent Judgment, was untimely (pp. 3-4);
- That "it seems unfair to Plaintiffs and contrary to important considerations of finality, to vacate the Consent Judgment so many years after it was agreed upon" and "after the Town had fully received the benefit of its bargain" (pp. 4-5);

- That the Town cannot challenge Plaintiffs' standing after entry of judgment given that it is a "quasi-jurisdictional determination" that can only be challenged during pendency of the case or on appeal (p. 6);
- That standing is an issue that "must be assessed as of the time the action was commenced; not in light of subsequent circumstances" and, "thus, to the extent that the basis for the Town's challenge to the Plaintiffs' standing is the recent 2015-2016 traffic studies, it fails" (p. 6);
- That there were sufficient facts alleged in the Amended Complaint to support a finding that plaintiffs had standing, that is, that "they have a credible injury that is distinct from a matter of general interest to the public" (pp. 6-7);
- That, at the time the Consent Judgment was entered, "the Town did not question the plaintiffs' standing and the Town has not identified any new facts that existed in 2008 that would affect that judgment" (p. 6), noting further that "the Town explicitly agreed in the Consent Judgment that 'measures set forth in [the Consent Judgment] are warranted and appropriate to address through traffic on Glezen Lane in the Town of Wayland generated by the Town Center Project, and are consistent with valid municipal planning purposes to promote public health, safety, and welfare in the Glezen Land [sic] area of Wayland.'" (p. 6).

On December 1, 2016, the Court conducted an evidentiary hearing on the limited issue of whether the measures called for in Section I(G)(4) of the Consent Judgment presented public safety concerns. On March 27, 2017, the Court issued a Memorandum of Decision and Order (Exhibit 8 hereto) allowing the Town's Motion for Relief from Judgment only "as to Section I(G)(4) of the Consent Judgment, i.e., as to the Final Measures."

Plaintiffs disagree with the Court's 2017 ruling, but opted not to appeal. The Town also decided not to appeal the Court's 2016 or 2017 decisions. Accordingly, those decisions are now final and the Town remains bound to implement all of the traffic mitigation measures called for by the Consent Judgment, except the Section I(G)(4) permanent restrictions. Promptly after the Court's 2016 ruling, the Town was obligated to, among other things, reinstall and enforce the signed turn restrictions for the 9 AM – 6 PM period.

The Town's failure to reinstall and enforce the signed turn restrictions for the 9 AM – 6 PM period is inexcusable and amounts to bad faith and a breach of the Consent Judgment.

Pursuant to Section II(B), if Plaintiffs are required to "institute proceedings to enforce this Judgment and to compel specific performance," Plaintiffs will seek to recover from the Town all attorney fees and costs incurred by Plaintiffs in connection with their enforcement of the Judgment.

Sincerely,



Jeffrey L. Roelofs

cc: **Mark J. Lanza, Special Town Counsel (By Certified Mail, RRR #70122210000188279789)**
Amy E. Kwesell, Town Counsel (By Certified Mail, RRR #70122210000188279772)
David and Kathleen Bernstein (by email)

May 30, 2017

Amy E. Kwesell
akwesell@k-plaw.com

BY FEDERAL EXPRESS

Jeffrey L. Roelofs, Esq.
Law Offices of Jeffrey L. Roelofs, P.C.
44 Merrimac Street
Newburyport, MA 01950

RECEIVED

JUN - 1 2017

Board of Selectmen
Town of Wayland

Re: David Bernstein, et al. v. Wayland Planning Board, et al.
Middlesex Superior Court, C.A. No. 0881CV00552

Dear Mr. Roelofs:

We are in receipt of your purported Notice of Default dated May 19, 2017 to the Town Clerk and Town Administrator for the Town of Wayland ("Town") on behalf of David and Kathleen Bernstein ("Plaintiffs"). Your letter purports to supplement previous Notices of Default of the Consent Judgment issued in the above-referenced civil action ("Consent Judgment") sent by the Plaintiffs to the Town. As you are aware however, the Court did not find in favor of the Plaintiffs on their previous Notices of Default. In fact, the latest purported Notice of Default is nothing more than a regurgitation of the arguments contained in Plaintiffs' recent Motion for Award of Attorney's Fees and Costs filed in the above referenced civil action, which Motion was denied by the Court on May 24, 2017.

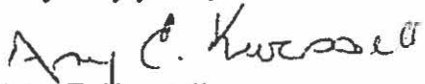
The only allegation contained in the May 19, 2017 Notice of Default that was not raised in Plaintiffs' Motion for Attorney's Fees and Costs appears to be Plaintiffs' accusation that the Town has failed to re-install and enforce the sign turn restrictions for the 9AM - 6 PM period. As you are aware, signs were removed in order to conduct traffic monitoring studies provided for under the Consent Judgment. The removal of the signs was authorized by the Court's August 26, 2015 decision allowing the Town's Motion for Temporary Relief from Judgment. Replacement of at least some of the signs as set forth in the Consent Judgment would be inconsistent with the Court's March 27, 2017 decision granting the Town's Motion for Permanent Relief from Judgment as to Section I(G)(4), which decision was based on safety concerns raised by the Town. It is not clear from your May 19, 2017 purported Notice of Default which signs the Plaintiffs now seek to have re-installed. Please provide a list of the signs the Plaintiffs are requesting be re-installed. Such clarification will assist the Town in addressing the matter and providing a more detailed response. In the meantime, we will discuss the matter with the Town and seek to determine which of the signs removed in August, 2015 if replaced would be consistent with the Court's order and would not pose a safety risk to the Town's first responders.

KP | LAW

Jeffrey L. Roelofs, Esq.
May 30, 2017
Page 2

Please do not hesitate to contact me if you would like to discuss this matter further. Thank you for your attention to this matter.

Very truly yours,


Amy E. Kwesell

AEK/DIE/eon

cc: Town Administrator
Board of Selectmen
Planning Board
Mark J. Lanza, Esq.
John Harkavy, Esq.

584077/WAYL/0040

MCLANE
MIDDLETON

RECEIVED

MAY 15 2017

**Board of Selectmen
Town of Wayland**

NKA

8

CHRISTOPHER A. SWINIARSKI
Admitted in MA and NH

McLane Middleton, Professional Association

45 School Street, 6th Floor
Boston, MA 02108

900 Elm Street
Manchester, NH 03105

Email: christopher.swiniarski@mclane.com

May 12, 2017

Via certified mail, return receipt requested

Nan Balmer
Office of the Board of
Selectmen
41 Cochituate Road
Wayland, MA 01778

Kenneth "Ben" Keefe
Facilities Department, 2nd Floor
41 Cochituate Road
Wayland, MA 01778

Board of Public Works
41 Cochituate Road
Wayland, MA 01778

Sarkis Sarkisian, Town Planner
41 Cochituate Road
Wayland, MA 01778

Dr. Paul Stein
Superintendent of Schools
41 Cochituate Road
Wayland, MA 01778

Geoffrey Larsen
Building Commissioner
41 Cochituate Road
Wayland, MA 01778

RE: Proposed Wireless Communication Facility – Wayland Locations

Ladies and Gentlemen:

This firm represents Celco Partnership, d/b/a Verizon Wireless ("Verizon") in connection with developing wireless communications facilities in various areas of the country. Verizon currently has several gaps in coverage in the Town of Wayland that it is trying to address and remedy. Verizon has been searching diligently for the most viable alternative to address the aforementioned gaps in coverage, and that search includes, among other things, contacting various departments of municipal officials in Wayland to locate a facility on a property owned by the town or on a property preferred by the town. A table of the attempted communications made by Verizon to work with the town in siting facilities is attached hereto as Exhibit A.

From our numerous attempts to gain input from the town regarding siting locations to address our gaps in coverage, it appears to us that the town does not have an interest in offering input or suggestions to our siting locations. Nevertheless, we are sending you this communication as a final request and attempt to confirm the same. Specifically, we would be interested in siting facilities at the town owned sites set forth on Exhibit B, and would welcome your input on any other locations, municipal or private, that would be preferable to the town. We would greatly appreciate a meeting to discuss these matters with any of you, or any input that you may want to share.

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

We are moving forward with the permitting process on the first of our privately owned locations, and hope to hear from you with any input. Thank you for your attention, and please feel free to contact me at the email address set forth above with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'CS' or similar initials, written in a cursive style.

Christopher Swiniarski
Attorney for Verizon Wireless

EXHIBIT A
Table of Attempted Communications with Town of Wayland Officials

Type	Date	Sent From	Sent to	Purpose
Email	2/25/2015	David Tivnan	Nan Balmer	Inquire about RFP for town land
Email	6/29/2016	Chris Swiniarski	Sarkis Sarkisian; Nan Balmer	Introduction to set up time to meet
Phone	8/31/2016	Chris Swiniarski	Ben Keefe	Coordinate meeting with town
Email	8/31/2016	Chris Swiniarski	Ben Keefe	Follow-up on phone call
Email	9/7/2016	Chris Swiniarski	Ben Keefe	Set-up dates to meet to discuss proposal
Phone	9/8/2016	Ben Keefe	Chris Swiniarski	Set-up dates to meet to discuss proposal
Email	9/8/2016	Chris Swiniarski	Ben Keefe	Confirm meeting date & time
Phone	9/19/2016	Ben Keefe	Chris Swiniarski	Request for materials prior to meeting with Town
Meeting	9/22/2016	n/a	n/a	Chris Swiniarski and Dave Tivnan meet with Ben Keefe regarding proposal - all other officials cancelled day of meeting
Email	10/4/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	10/21/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	11/21/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Email	11/28/2016	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Email	1/16/2017	Chris Swiniarski	Ben Keefe	Follow-up regarding input from town officials
Phone	3/27/2017	Tyler Haynes	Sarkis Sarkisian	Introduction re proposal and to set up time to meet
Phone	3/29/2017	Sarkis Sarkisian	Tyler Haynes	Introduction re proposal and to set up time to meet
Email	4/3/2017	Tyler Haynes	Sarkis Sarkisian	Confirm moving forward with location and attempt to set up meeting
Phone	4/6/2017	Sarkis Sarkisian	Tyler Haynes	Returning call; stated "not worth meeting with town"
Phone	4/23/2017	Tyler Haynes	Geoffrey Larsen	Call per Mr. Sarkisian's suggestion
Phone	4/23/2017	Geoffrey Larsen	Tyler Haynes	Returning call
Phone	4/24/2017	Tyler Haynes	Geoffrey Larsen	Call per Mr. Sarkisian's suggestion to discuss application

EXHIBIT B

Municipally Owned Properties where Verizon has Interest in Siting Facilities

1. Northern side of Wayland high School Campus – Baseball Field Area
2. Southern side of Wayland high School Campus – South or Southeast of Soccer Fields
3. Pod Meadow fields and Surrounding Areas
4. Wayland Middle School – Lands surrounding Campus
5. Town Owned Land South of Sandy Burr Country Club and East of Sudbury River
6. Town Owned Land South of Sandy Burr Country Club and West of Sudbury River
7. Town Owned Land South of Sandy Burr Country Club and South of Sudbury River
8. Town owned parcels surroundings Clay Pit Hill Road and Glezen Lane Area
9. Any Other Town Owned Land Preferable to the Town

NFB 9



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

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

May 19, 2017

Mr. Christopher Swinarski, Esq.
McLane Middleton Professional Association
45 School Street, 6th Floor
Boston MA 02108

Dear Mr. Swinarski,

I am responding to your correspondence of May 12, 2017, on behalf of Cellco Partnership, d/b/a Verizon Wireless, referencing a "Proposed Wireless Communication Facility" in the Town of Wayland.

Included in your correspondence is a list of eight municipally owned properties which are of interest to Verizon as a place to site wireless facilities. Until the date of your letter, the Town was not informed of your interest in these eight locations. Please provide more information showing specifically where Verizon would site a cell tower at each location. The Town has a GIS system with layers through which you can accurately show the locations on the town owned sites. Please also provide a description about the facilities you propose to site, including whether other wireless providers will co-locate antennae.

Please also refer to Wireless Communications District - Article 15 of the Town's Zoning Bylaw, which regulates the siting of wireless communications facilities in Wayland.

Please be in touch with me with additional information on your proposal. Thank you.

Sincerely,

Nan Balmer
Town Administrator

cc: Ben Keefe, Facilities Director
Sarkis Sarkisian, Town Planner
Geoffrey Larsen, Building Commissioner
Paul Stein, Superintendent, Wayland Public Schools
Board of Selectmen



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TOWN OF WAYLAND

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28 10

BOARD OF SELECTMEN

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

May 30, 2017

Mark D. Marini, Secretary
Department of Public Utilities
One South Station, 5th Floor
Boston MA 02110

RE: Comments of the Town of Wayland

D.P.U. #17-05, Petition of NSTAR Electric Company and Western Massachusetts Electric Company, each doing business as Eversource Energy, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of General Increases in Base Distribution Rates for Electric Service and a Performance Based Ratemaking Mechanism

Dear Secretary Marini:

The Town of Wayland is writing to express our concerns about two core components of Eversource Energy's petition to the Department of Public Utilities ("DPU"). First, the proposal to replace Rate T-1 (or B5 rate) with Rate G-1 will adversely affect municipal finances associated with Wayland's four existing municipal solar projects. Second, the proposed new Monthly Minimum Reliability Charge ("MMRC") for new net metering customers will be a significant barrier to additional residential solar installations, which we are encouraging as part of our Department of Energy Resources ("DOER") Solarize program. Detailed comments related to these issues are provided below.

Background

In 2010, the Town of Wayland ("Wayland") committed itself to be a Green Community. Since then, Wayland has undertaken major initiatives to reduce our town's fossil fuel energy consumption. These include major energy efficiency improvements to our five schools and our Town Building, a 2012 Solarize program that installed over 300kW of residential solar systems, and the installation in 2016 of 1.3MW of solar capacity on Town property under a long-term power purchase agreement ("PPA") with a local company. This year, Wayland is launching a new Solarize campaign to encourage still more solar installations by our homeowners,

small business, and non-profits, and a new program for energy efficiency and sustainability measures. These efforts are consistent with the Commonwealth's legal obligations and policy commitments to mitigate climate change.

Eliminating the B5 rate would weaken Wayland's finances and our green commitments

Wayland objects to Eversource's proposal to replace Rate T-1 (or B5 rate) with Rate G-1. Like many Massachusetts towns and non-profit entities, Wayland hosts several solar net metered facilities under a PPA. Wayland delivers excess power to the grid from the solar arrays and receives net metering credits. The net metering credits are expected to be about equal to a quarter of the Town's municipal energy consumption. Wayland's PPA was reviewed and approved by the Department of Energy Resources. **Replacing Rate T-1 with Rate G-1 would all but eliminate the economic value of Wayland's solar projects by significantly reducing the net metering credits received by the town. If the DPU approves this proposal, we strongly urge the DPU to grandfather existing projects.**

The proposed MMRC is not justified and would slow new residential solar installations.

Wayland believes the proposed new Monthly Minimum Reliability Charge for new net metering customers would be a significant barrier to additional residential solar installations. While a 2016 law allows utilities to propose a MMRC, we oppose Eversource's proposed MMRC for net metering customers after 2017 for several reasons:

- **Imposition of a MMRC would decrease new energy efficiency and solar installations by Wayland homeowners.** Traditional rates based on consumption are easily understandable and provide clear signals for customers to manage their bills. A homeowner is charged for the electricity consumed. The longer the light is on, the more the homeowner is charged. By contrast, a fixed MMRC would provide no incentive to control costs by managing usage. A MMRC would reduce a resident's financial interest in undertaking measures to reduce consumption or install solar. Eversource's related proposal to lower volumetric kilowatt hour charges will reduce further the financial rationale for homeowners considering such measures. Any Wayland resident that considers installing solar under our planned Solarize campaign will have to take into account the possibility of a MMRC; the end result will be less solar power installed. This runs counter to Wayland's Green Community goals. It also conflicts with the Commonwealth's legal obligations and policies to mitigate climate change.
- **A MMRC would hurt low income Wayland residents.** Low income residents are currently less likely to realize the economic and environmental benefits of

hosting self-generation. Given their lower energy use, low income customers seeking to install solar would be disproportionately affected by a MMRC. The combination of the fixed charge and the lower volumetric rates could result in those residents paying higher bills.

- **Any reliability charge for solar net metering customers should reflect the overall financial, environmental, and social costs and benefits.** An objective value of solar study is necessary to assess not just the costs, but also the benefits of adding distributed solar to the grid. Such a study would also provide a potential justification for the appropriate point at which a MMRC could be justified. Once the amount of solar reaches this point, Eversource could evaluate multiple potential strategies to reduce any burden solar is then placing on its grid.
- **Treating new net metering customers differently than other customers for drawing the same amount of electricity is bad public policy.** A MMRC for new net metering customers would set a bad precedent. Whether a homeowner reduces their electric load by conserving electricity or by generating electricity from a solar array, this change should be treated equally on their bill. Moreover, charging different rates to those installing solar this year and after 2017 would only create tension among neighbors. Any net costs of incremental solar production should be shared by all ratepayers as part of our collective efforts to mitigating climate change.

If the DPU does approve the MMRC, Wayland asks that existing net metering customers be grandfathered in under their current rates. It would be unfair to retroactively change a homeowner's rate simply because they are a net metering customer. Wayland understands that the DPU may exempt existing net metering customers from an MMRC through 2020. The current Eversource proposal does not clearly state whether existing net metering customers would be exempt from the proposed MMRC after 2020. If the MMRC is approved, Wayland urges the DPU to explicitly extend the exemption for existing net metering customers beyond 2020.

Thank you for your consideration of our comments and requests.

Very truly yours,



Nan Balmer
Town Administrator



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

May 31, 2017

Mark D. Marini, Secretary
Department of Public Utilities
One South Station, 5th Floor
Boston, Massachusetts 02110

RE: Joint Comments of the City of Newton and the Towns of Arlington, Lexington, Natick, Wayland, Weston and Westwood

D.P.U. #17-05, Petition of NSTAR Electric Company and Western Massachusetts Electric Company, each doing business as Eversource Energy, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of General Increases in Base Distribution Rates for Electric Service and a Performance Based Ratemaking Mechanism

Dear Secretary Marini:

The City of Newton and the Towns of Arlington, Lexington, Natick, Wayland, Weston, and Westwood (referred to hereafter as the "Municipalities") strongly urge the Department to reject Eversource's proposed elimination of Rate T-1 (also known as Rate B-5 and referred to herein only as Rate T-1) and its replacement with Rate G-1, effective as of January 1, 2019. At a minimum, Rate T-1 should be grandfathered and remain available to net metered (mainly, and perhaps exclusively, solar) facilities that were under contract prior to the DPU's approval of this provision of the Eversource rate filing.

The Municipalities submitting these Comments are hosts to solar net metered facilities on their properties, thereby delivering power to the grid and receiving net metering credits as a result. Each has entered into solar power purchase agreements ("PPAs," also called "energy management service agreements") predicated on the existence of Rate T-1.

Under the Eversource proposed replacement of Rate T-1 with Rate G-1, the net metering credits received by the Municipalities will drop from 22 cents per kWh to 13 cents per kWh. This represents a 41% decrease, and, in some cases, falls below the rates

1000 Commonwealth Avenue Newton, Massachusetts 02459

^[1]
www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

being paid to developers under existing PPAs. In other words, many of these solar projects will become uneconomic from the perspective of the Municipalities.

The need for the T-1 rates to remain is crucial from the Municipalities' perspective. A 41% decrease in expected municipal net metering revenues every year for 20 years would have a profound impact on the Municipalities and, presumably, on other cities and towns who may yet not even be aware of this aspect of the Eversource rate proposal. Based upon the information we currently have, a relatively small number of Eversource accounts are on Rate T-1. Grandfathering the rate would have a negligible impact on Eversource and its other customers, whereas the Municipalities and other cities and towns similarly situated would be disproportionately harmed by the failure to do so.

The City of Newton provides an example. Based upon existing Rate T-1 and proposed Rate G-1, and using the kilowatt-hours of solar output from its existing facilities subject to PPAs, the City would lose about \$365,000 annually in net metering credit benefits. The current PPA rate for seven of its projects is 15.2 cents per kWh and escalates over the term of the PPA. A net metering credit of 13 cents per kWh does not cover PPA costs and fully eliminates the net metering credit benefits that have existed under Rate T-1.

The direct testimony of Acadia Center witness Mark LeBel at pp. 32-33 speaks to the problem caused by the elimination of Rate T-1:

There are over 12MW of stand-alone net metering facilities on the T1 rate in Greater Boston. Net metering credit values for these facilities include substantial on-peak transmission per-kWh that would be eliminated if the facilities are assigned to either the proposed G-1 demand rate or the new optional G-5 rate. Again, such a change could have a significant impact to the economics of projects that are currently serving municipalities or community solar subscribers (emphasis added).

Based upon the facts presented by the Acadia Center, replacement of the T-1 rate with the G-1 rate would have a cost impact of over \$1.3 million per year in lost revenues to cities and towns. By contrast, grandfathering Rate T-1 would have almost no impact on Eversource or its other customers.

There are sound policy reasons to grandfather Rate T-1 for solar net metered projects that are now under contract.

First, principles of rate continuity strongly militate in favor of grandfathering. A net metering credit reduction of 41%, particularly where customers have made long-term investment decisions in reliance on the original rate, subject to routine adjustment, is seriously inconsistent with DPU precedent.

Second, electric companies should not be allowed to change rates in a way that undermines solar net metered projects that are already subject to long-term contracts. Long-term contracts for solar projects are highly dependent upon rate structure and policy stability.

Third, it is much more than a decrease in revenues that is implicated: this kind of instability in policy threatens the confidence communities—and others—can have in making many types of investment decisions. Certainly if there is an area in which the Commonwealth should not be projecting that kind of instability, it is with regard to the development of renewable resources. The elimination of Rate T-1 would cast doubt on the dependability of the State's renewal energy programs writ large. The Global Warming Solutions Act evidences a commitment to meet certain greenhouse gas emissions requirements, which cannot be met without clear and consistent policies to facilitate the development of solar electricity and other forms of renewable resources. The Supreme Judicial Court has recently confirmed and underscored the importance of the Act's requirements (we emphasize: requirements, not targets).

And fourth, at least in the case of Newton, the grandfathering of Rate T-1 is needed to avoid the elimination of a new, successful low-income solar project. The project, developed together with ABCD and Eversource, allocates a portion of solar net metering credits from a municipal project on Rate T-1 to low-income Eversource customers served under Rate R-2.

The attached chart sets forth in summary fashion the solar net metered projects of the Municipalities that we know to be impacted by the Eversource proposed elimination of Rate T-1. Again, we emphasize not just the monetary impacts on the Municipalities, but equally as important, the impact on the confidence that investors in renewable projects can have going forward in the face of the proposed rate instability.

(Attachment to comments from the City of Newton and the Towns of Arlington, Lexington, Natick, Wayland, Weston, and Westwood)

Chart 1.0

DPU Docket #17-05: Annual Lost Net Metering Revenue to Several Municipalities due to Proposed Changes to the Eversource B5 (T1) Rate

Municipality	Number of projects on the B5(T1) Rate	MW	Annual kWh generated by projects on the B5(T1) rate	Annual Lost Revenue due to proposed changes to the B5(T1) rate
Arlington	6	0.72	820,966	\$ 73,886.94
Lexington	7	3.3	4,136,390	\$ 372,275.10
Natick	6*	2.4	3,335,729	\$ 300,215.61
Newton	8**	3.46	4,050,854	\$ 364,576.86
Wayland	4	1.29	1,535,000	\$ 138,150.00
Weston	2	2.45	3,152,000	\$ 283,680.00
Westwood	4	0.62	755,462	\$ 67,991.58
Totals		14.24	17,786,401	\$ 1,600,776.09

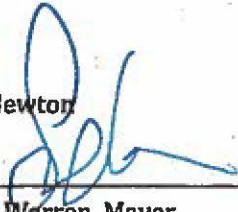
* Natick has 2.1 MW of projects under contract but not yet on line.

** Newton has one 2.1 MW project mechanically complete but not yet on line.

Thank you for your consideration of our comments and request.

Very truly yours,

City of Newton



By: Setti Warren, Mayor

Town of Arlington



By: Adam Chapdelaine, Town Manager

Town of Natick



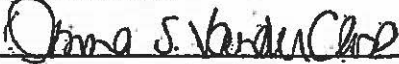
By: Martha L. White, Town Administrator

Town of Wayland



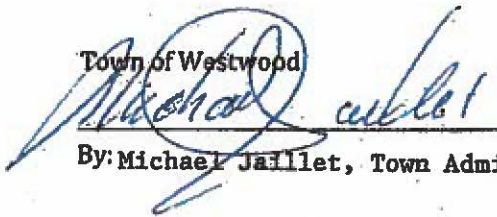
By: Nan Balmer, Town Administrator

Town of Weston



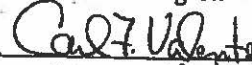
By: Donna S. VanderClock, Town Manager

Town of Westwood



By: Michael Jallet, Town Administrator

Town of Lexington



By: Carl F. Valente, Town Manager



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BoS
12

Julia Junghanns, R.S., C.H.O.
DIRECTOR OF PUBLIC HEALTH
TEL. (508) 358-3617
www.wayland.ma.us

Wayland Board of Health Director's Report May 8, 2017

File alley project update: We have started to work on this space again and our next step is to consolidate the large files and dispose of unnecessary paper copies through the required process of request for disposal if applicable. At the same time we are planning to reorganize the files for easier access and improved organization.

Tobacco retail-Food inspector Beth Grossman conducted inspections of our retail tobacco stores and corrections were made by retailers regarding signage.

Septic work and building approvals- we are getting busier with building approvals. Soil testing appointments are starting to pick up and there are still many visits to our office by residents, builders/engineers, and for project submittals. We also continue to have numerous meetings with residents to provide guidance for potential home renovations/septic projects.

Camps-We are beginning to receive applications for camp season. There are at least 7 camps to be inspected and permitted that Darren identified this year that were not previously brought to our attention by the operators. This brings our total potential camp permits to 13 for this season.

Land Use meeting- I coordinated the agenda for this meeting, sent the invites, and assisted with facilitating the meeting. Projects were discussed: Site visit to Lexington on permit program and update from Sarkis on grant application, Whittemore Place Subdivision-update from Sarkis, Update on Mahoney's 40B, 24 School Street, and River's Edge, information on downgradient property status-former Raytheon Property, Lobby area changes-questions& Health Dept (Conservation) Town building signage, Any follow up from Listening Sessions report, Health Dept/SWQC Dudley Pond abutter letter, fyi and questions on new BoH approval forms (building and private wells), Fire Dept sign offs, Pot and Plastic next steps, Public access to Weston aqueduct, In the future we will be consolidating this meeting to cover other similar topics: Land Use, At risk roundtable and Vacant Properties.

Fees collected so far in 2017(6/30 is fiscal year end), compared to FY2016:

Disposal works installers and haulers:	FY17 25,233	FY16 26,185	FY15 29,285
Food permit fees:	FY17 23,790	FY16 20,320	FY15 19,975
Building approval fees:	FY17 20,800	FY16 19,200	FY15 21,050
Septic permit fees:	FY 1746,532	FY16 61,482	FY15 55,255

Smoking complaint at 106 Main Street-we received a complaint from a tenant regarding smoke drifting up and into their apartment window. Our new Tobacco Regulations don't specify this scenario.

188 Commonwealth Road-Royal Wayland Nursing Home-we have scheduled soil testing to verify the elevation of the watertable to assist us with determining whether the system is/can function properly.

Health Dept. Building approval form-we are in the process of updating and improving our form to be more customer friendly to assist our customers in understanding the workflow/permitting process.

Meeting about hoarding strategies and resources-Many department heads attended this meeting to learn about resources available and methods to remedy and assist. We will be reconvening to discuss what we learned and how it can help us in Wayland.

Sewer breakout-there was an incident of a sewer breakout at Moodz on April 14th. Health Dept. staff conducted a site visit and met with the pumping repair company and had conversations with Facilities Director and WWMDC staff. The situation was under control and the pump was repaired. No further breakouts have been reported or seen.

Mosquito Control-the helicopter larvicide treatments were done successful. It was finished in one day with no problems. Usually the helicopter company provides 3 helicopters but this time only two, still they were finished by 4 PM. A few people called to ask about the low flying helicopter. They received one phone call from a Wayland resident, from Oak Hill Rd. who was not happy that we can't treat the wetlands on the Wildlife Refuge. Our next step is catch basin treatments with altocid briquettes. We are in the process of ordering product (there was some product left over from last year), and once the catch basins are cleaned by DPW the EMMCP staff will do the treatments.

Tick and Mosquito Press releases-I am in the process of updating our press release from last year on personal protection and helpful tips for residents on ticks and mosquitoes. Also I will be attending the upcoming educational seminars scheduled in June on Lyme Disease and Tick-borne illnesses (hopefully including emerging tick-borne illnesses, i.e. Powassan virus).

Special Town Meeting dates have been identified: Nov 14, 15, 16. The Recreational Marijuana moratorium extension may be presented again for vote at this meeting. The Mass Health Officer's Assoc. 50th Anniversary Annual Educational Conference dates

are Nov 15, 16, 17, I am the Title-5 Track Chair for the conference and will need to be in attendance to help run the conference (Falmouth, Ma).

New sign boards-Department Assistant, Patti White is working on ordering sign boards for advertising Household Hazardous Waste Day and possibly our Flu clinics also.

Septic system installations-8 Glezen Lane-the new septic system has been installed, Certificate of Compliance issued, and a property exchange has taken place. 150 Main Street-CVS-the septic system installation is almost completed.

Seasonal Pools-we are in the process of conducting our annual inspections to open the seasonal pools. Typically they are all completed for opening on Memorial Day weekend (6 seasonals).

Housing-we received 2 complaints from the same resident regarding overflowing trash containers and the condition of the yard at a residential property on Shore Drive (by the River). The trash has since been picked up. Department staff has been in contact with the owner and we have conducted site visits of the outside property. We are in the process of preparing a legal order to the owner regarding the condition of the yard.

Dudley Pond letter to abutters-I have been working with the SWQC and our BoH member Susan Green to update/improve the draft copy of the letter. A good amount of time has been spent on improving the letter and we are working on the final draft which I plan to complete hopefully by tomorrow or Wednesday this week.

FY17 Budget- Department Assistant Patti White and I have been reviewing the budget to see where we are at for FY17 and end of year. We will be identifying any potential turn-backs and reporting this information back to the Finance Department as they have requested. During this process we will also identify the potential shortfall for the substitute nursing line item, as we had expected earlier in the year.

Permit fee surveys-Staff and interns are working on surveying other towns on septic permit fees, private well permit fees, and Camp Permit fees.

Whole Foods – the area formerly occupied by Whole Foods is doing prep work for construction; including asbestos survey and abatement. We have not received plans yet for tenant fit out but we are expecting that Fresh Market will be submitting plans in the near future.

Respectfully,

Julia Junghanns, R.S., C.H.O.,
Director of Public Health

WHDC Meeting
March 16, 2017
Selectmen's Room, Town Building

Members present: Gretchen Schuler (presiding), Margery Baston, Alice Boelter, Marji Ford, Seema Mysore

Others: John Moynihan, Special Projects manager, Caitlin Ahern, John Thompson

Public Comment: John Moynihan spoke of two additional signs in the Depot parking lot to parking spaces for the Wayland Depot. The signs would be 10 by 14 inches on wooden poles

New Member: Seema Mysore was introduced as the new member on the HDC. (Seema fills the spot vacated by Kevin Crowley.)

Minutes of January 1, 2017 were approved. (5-0-0)

7:35 pm. Continued Public Hearing: One Cochituate Road - Wayland Depot. Installation of wooden guard rails in parking area and wooden fencing rail trail at Depot. John Moynihan reported that the rail trail fencing currently in the Depot parking lot could be dropped from 54 inches to a height of 42 inches, which matches the top of the middle rail (board) currently. John hopes this work can be completed by the end of April.

Wayland Passenger Station - aka Wayland Depot. Relocation of sign. Margery explained that the post for the Depot sign situated currently close to Route 27 north of the driveway entrance needs replacement, given the rot in the post-below grade. She asked if the sign could be relocated farther from the road on the enlarged, grassy traffic "island" that rings the Pin Oak near the front of the Depot parking lot. Because this would be just a relocation of the current sign - an HDC hearing would not be required. However, Margery said that she would report back to the HDC before such a change was made to delineate exact sign placement and its visibility.

First Parish Church, Informal discussion of possible location of a bench. John Thompson was present to discuss the possible placement of a bench on the grounds of the First Parish Church. It would be a gift in memory of Lauren Astley made by her parents. With a couple of locations mentioned, the one most favorably received by everyone was that next to the east side of the new addition where there is a small garden or courtyard. The bench could be of granite and large enough to accommodate two people. John offered to provide the HDC an image or sketch-along with a confirmed location.

Demolition Delay Bylaw Article 15 - HDC Position for ATM 2017. Gretchen noted some resistance to this Article and she offered to write a letter to the *Town Crier* to explain its importance and indicate HDC support.

Annual Election of Chair, Vice Chair, and Clerk. There was a motion that the current slate remains the same (with Gretchen as chair, Alice as vice chair and Margery as clerk). This received a positive unanimous vote. (5-0-0)

Design Guidelines - final review. Desmond McAuley was absent, but had submitted recommendations. There was some discussion of wording and pictures. The Guidelines are just about finished. The final version will be shared with the Commission and posted on the website before a public hearing is held.

The meeting adjourned at 8:35.

Respectfully submitted,
Margery Baston

RECEIVED

MAY 16 2017

Board of Selectmen
Town of Wayland

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Minutes
April 24, 2017 7:00 pm

14

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

Also Present: J. Senchyshyn (JS); M. Moore (MM)

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

Public Comment

None.

Review of Background Checks

JS reviewed the process by where new employee’s pre-employment background checks are completed. He suggested that the Board consider the use of a service for a more thorough process. He noted that CORI checks are limited to instances that occur in the Commonwealth. A service would be able to provide a more in-depth analysis. He stated that MM had been researching potential vendors. MM shared her data with the Board. One MA firm, Creative Services, Inc. was identified and of interest. MP indicated that she was familiar with the firm. Members posed a number of questions including the availability of court records. JS suggested that Creative Services, Inc. be brought in for further discussion. JS and MM would report back to the Board.

MM left the meeting

Minutes of 3/6/17

The Board removed a name from the draft minutes.

MJ moved to approve the minutes of 3/6/17. PS seconded the motion. Four members having voted in the affirmative, the motion passed. MP abstained as she did not attend the meeting.

Minutes of 3/13/17

MJ moved to approve the minutes of 3/13/17. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Youth & Family Services (Y&FS) Proposed Restructuring

Y&FS Director Lynn Dowd (LD) and Youth Advisory Committee member Sarah Greenaway (SG) joined the Board. LD asked if there were any follow-up questions to the response she provided the Board regarding the last meeting. Members posed a number of questions. Discussion included a non-clinician’s ability to be briefed on counseling concerns, the possible need for medical oversight and potential related liability issues. JS indicated that he would follow-up with the Town’s insurer to see if such a move does have liability issues. JS also wanted to discuss the proposed reorg with members of the Y&FS department. JS would report to the Board at the next meeting.

LD and SG left the meeting.

Policy Updates

JS reviewed the comments from the AFSCME 2 and Library unions regarding the updates to the Drug Free Workplace Policy and Standards of Conduct Policy. The Board discussed the unions’ concerns,

proposed edits and resulting effects on the policies. Members agree upon several updates. JS would follow-up with the unions and bring the policies back to the next meeting for a final review, comment and vote.

Annual Town Meeting Review and Potential Fall Town Meeting Items

JS reviewed questions posed prior to, at and following Town Meeting regarding the compensation of the Town Clerk. Topics included: How was the Town Clerk's level of compensation determined; Why doesn't the Town Clerk receive step increases as other non-union employees; Why isn't the Town Clerk position evaluated and included on the non-union N-scale? JS expected that the Town Clerk discussion would resurface before fall Town Meeting requiring some degree of Board action.

Meeting with Town Counsel – Funding Contracts

DC reviewed the meeting with Town Counsel regarding the funding process for settled contracts at Town Meeting. Counsel advised that under M.G.L. 150E, Section 7(b), funding for the initial year of the contract is to be approved by Town Meeting. Several options are available for presenting the contract costs for the first year. Town Counsel would provide templates for the presentation of the contract costs. She noted that Town Meeting is limited to approval of monetary items, not contract language.

Starting Wage Rate for Town Engineer

JS reviewed the resume of Town Engineer candidate Paul Brinkman. JS requested a starting rate of N-9, Step 5, \$83,700. He also requested that the Board consider starting Brinkman at the 3 week vacation accrual level.

MJ moved to approve a starting wage rate for the Town Engineer, Paul Brinkman of N-9, Step 5, \$83,700 and to approve a starting vacation accrual rate of 3 weeks. PS seconded the motion. Five members having voted in the affirmative, the motion passed.

Executive Session

DC moved that the Personnel Board enter executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations for the Police, Fire, AFSCME 1, AFSCME 2, Library and Teamsters Unions; Review and Potential Vote to Approve Memorandum of Agreement with Police Union regarding a Pending Arbitration; Potential Vote to Approve Executive Session Minutes of 3/6/13 and 3/13/17; Potential Vote to Release Executive Session Minutes of 12/19/16, 1/23/17, 2/13/17 and 3/6/17 and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2) to Discuss Strategy for Upcoming Negotiations with Non-Union Employment Contracts for the Town Administrator, Asst. Town Administrator and Finance Director as an open discussion might have a detrimental effect on the town's negotiating position.

JS noted that the strategy discussion for non-union employment contracts was new from the posted agenda and resulted from an earlier executive session with the BOS.

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

MJ seconded the motion.

DC took a roll call vote:
Member Schneider Aye
Member Jones Aye

Member Green Aye
Vice Chair Peabody Aye
Chair Cohen Aye

DC announced that the Board will reconvene in open session in approximately 30 minutes.

The Board entered Executive Session at approximately 8:30 pm.

The Board returned to Open Session at approximately 8:55 pm.

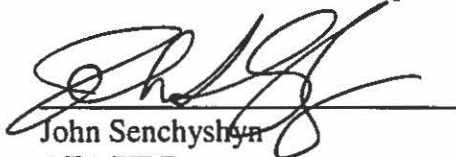
Topics Not Anticipated 48 Hours in Advance

JS stated that DPW Sr. Foreman was recommended to fill the vacancy of DPW Superintendent. The promotion moves Doucette from the Teamsters bargaining unit to the AFSCME 1 bargaining unit. JS requested a starting wage rate for Doucette of Grade G-9, Step 7 in the amount of \$85,749.

MJ moved to approve the starting wage rate for J. Doucette at a Grade G-9, Step 7 in the annual amount of \$85,749. MP seconded the motion. Five members having voted in the affirmative, the motion passed.

The Board scheduled its May meeting for 5/15/17 at 7:00 pm.

MJ moved to adjourn the meeting at 9:10 pm. PS seconded the motion. Five members having voted in the affirmative, the motion passed.


John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

April 24, 2017

Document:

Brinkman Resume
Creative Services Brochure
Draft Minutes of 03/06/17 and 03/13/17
Policy Draft - Drug Free Workplace
Policy Draft - Standards of Conduct
Y&FS Response to Proposal Questions

PUBLIC CEREMONIES COMMITTEE
Minutes of meeting on April 12, 2017

- 1) The committee meeting was called to order at 7:00 p.m.
In attendance: Richard Turner (RT), Steven Streeter (SS), George Bernard (GB) and John Dyer (JD). Not Present: Dennis Berry and Carl Bernardo
- 2) Public Comment: No Public Comment
- 3) Old Business approved from February 8, 2017.
- 4) New Business:
 - Richard is checking into Purple Heart signs for entering Wayland. Richard is waiting to hear from Tom Holder on the procedure for obtaining Purple Heart signs.
 - No progress by Carl on Military Vehicles for Memorial Day parade.
 - Have meeting on March 29 for the sole purpose of discussing the Lydia Maria Child award. Deadline for nominating people for the Child award is March 16.
 - Memorial Day
 - George to check on status of Natick Soldier Systems Center (NSSC) speaker for Memorial Day.
 - George to check on Chaplain at NSSC doing Invocation/Benediction for Memorial Day.
 - CPT Steven Kinney to be guest speaker for Veterans Day, November 11, 2017.
 - Richard to check on street light for WWII park.
 - Per Kevin Delaney email to George, Freedom prize on schedule for Memorial Day.
 - Chief Robert Irving to fly American flag at WWII to see if it is lit at night.
 - Richard Turner Ordered (2) 50 foot cables from the guitar center the total for the (2) cables was \$33.98.

Meeting adjourned at 8:45 P.M.
The next WPCC meeting is scheduled for Wednesday, March 29, 13 at 7:00pm.

Respectfully submitted
George Bernard 4/11/2017

PUBLIC CEREMONIES COMMITTEE
Minutes of meeting on May 3, 2017

- 1) The committee meeting was called to order at 7:00 p.m.
In attendance: Richard Turner (RT), George Bernard (GB), Carl Bernardo (CB) and John Dyer (JD) and Steven Streeter (SS). Not Present: Dennis Berry (DB)
- 2) Public Comment: No Public Comment
- 3) Old Business approved from April 12, 2017. The minutes were inadvertently entitled March 8 but were the minutes from April 12 at previous meeting.
- 4) New Business: All the new business had to do with the Memorial Day parade and program on Monday, May 29, 2017.
 - RT to work with the Girl Scouts to put up flag markers at an estimated 1400 graves at the various cemeteries in Wayland.
 - John Dyer working on finding a grand marshal for Memorial Day. Grand marshal to ride in Ford 1978 LTD State Police Cruiser.
 - There will be a Ford 1978 LTD State Police Cruiser in the parade. CB working on military vehicle and will know by May 4 if it is available.
 - RT stated that Carriage House Assisted Living will have a van with Veterans ride in the green section of the parade. RT to contact Traditions and Sunrise Assisted Living facilities to determine if their vans with Veterans will also be in the parade.
 - Unanimous decision to send remaining WPCC funds of current fiscal year in the amount of \$1,260.00 for new flags at Cochituate and Wayland Centers.
 - RT to show SS where podium and speaker system will be set up at Lakeview Cemetery on Memorial Day. SS to run sound system at Lakeview Cemetery on Memorial Day.
 - Parade applications due May 21. Parade to have a green section for Veterans and a Yellow section for Non-Veterans. CB to line up green section and GB to line up yellow section at Wayland Middle School at 10:30 on Memorial Day.
 - GB and JD to work on Freedom Prize. Currently waiting for Kevin Delaney, Chairman of Wayland High School social studies department to supply an estimated ten finalist papers for three judges to review. The judges have been selected and are ready to review the essays.

- Kevin Delaney has provided a high school student to read the “Gettysburg Address” at the Lakeview Cemetery program.
- Chaplain Major Woodford, Natick Soldier Systems Center (NSSC) has agreed to perform the Invocation and Benediction for the Lakeview Cemetery program and COL Charles H. May (NSSC) will be the guest speaker. Both SS and GB to meet with the chaplain and colonel at Natick Labs around mid-May to go over the requirements for the parade and program. Col May has 5 – 10 minutes to speak.
- RT to check with Joe Oneschuk of WHS for music on Memorial Day.
- Next meeting is Wednesday May 24 for final review of all details of the Memorial Day parade/program.

Meeting adjourned at 8:05 P.M.

Respectfully submitted
George Bernard 5/13/2017



495/MetroWest Market Overview

MARKET HIGHLIGHTS

The 495/MetroWest market extends along the I-495 interstate from Westford in the north, to Foxborough in the south, with a wide extension in the middle, along Interstate 90, from Natick in the east to Shrewsbury in the west. The area has morphed from an industrial past into a center of modern business, marked by a growing inventory of Office buildings. The commercial real estate inventory consists of 43.3 million sf of Office, Laboratory, Flex, Warehouse and Manufacturing space spread across 449 properties. The Office market, consisting of 22.3 million sf in 232 properties, has grown in size by 19 percent since 2004, in response to generally buoyant conditions being experienced in the Greater Boston area.

495/MetroWest enjoys a combination of cost advantages and superior transportation connections unique within Eastern Massachusetts. The submarket is situated less than 30 minutes from the Central Business Districts of Boston and Worcester, and along the 495 interstate, an area which has among the highest population growth in the state. 495/MetroWest has a diverse mix of industries including technology, life sciences, medical device manufacturing and energy. The region has been successful drawing both large tenants attracted by the ability to secure large blocks of space as well as mid-size companies enticed by the submarket's 37 percent discount compared to neighboring areas closer to Boston.

MARKET BEAT

The 495/MetroWest area continues to benefit from Greater Boston's robust real estate market and improved economic conditions.

The 495/MetroWest West snapped a two-quarter negative absorption streak, positively absorbing 19,000 sf to start 2017.

Vacancy dropped 0.1 percentage points to 19.5 percent, while the average Class A asking rent rose to \$22.02.

Leasing activity included Speedline Technologies taking nearly 40,000 sf at 35 Parkwood Drive in Hopkinton, and Disruptor Beam for 30,600 sf at 100 Pennsylvania Avenue in Framingham.

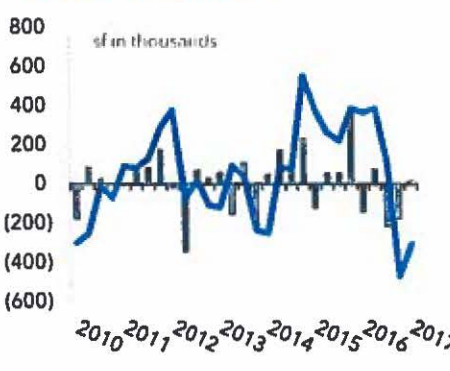
The Framingham/Natick market experienced 25,000 sf of positive absorption, dropping the vacancy 0.6 percentage points to 11.1 percent.

With 41,000 sf positively absorbed this quarter, The Boroughs (Marlborough, Northborough, Southborough, Westborough) have experienced positive absorption in 9 out of the last 12 quarters, amassing 1.1 MSF over that time.

Interest by large-block tenants for the region's premium assets should continue to drive leasing velocity throughout 2017.

ABSORPTION

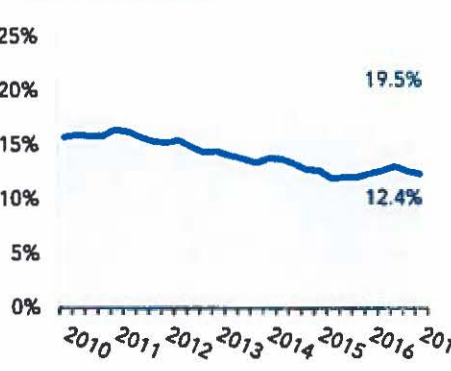
quarterly absorption
four-quarter trailing absorption



Quarterly absorption was positive ...

VACANCY

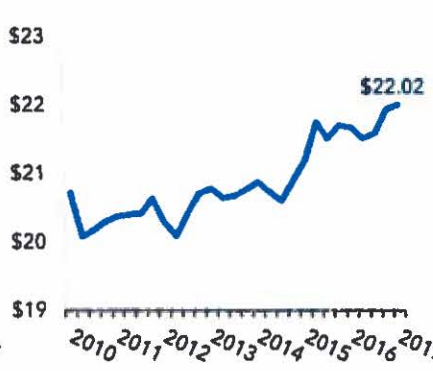
495 west vacancy
greater boston vacancy



Decreasing vacancy 0.1 percentage points ...

RENTS

class a asking lease rates



As average Class A asking lease rates remained high.



Unless otherwise noted, all data as of or for the quarter ended March 31, 2017.

LARGEST OCCUPANTS

Office space occupied only; not including future commitments

TENANT	LARGEST PRESENCE	TOTAL SF
Dell-EMC	50 Constitution Blvd, Franklin	1,681,000
Bose	100 Mountain Rd, Framing.	1,450,000
Sanofi-Genzyme	1-5 Mountain Rd, Framingham	1,285,782
TJX Companies	770 Cochituate Rd, Framingham	1,271,000
MathWorks	1 Boston Scientific Pl, Natick	1,149,592
Intel	75 Reed Rd, Hudson	1,020,205
Staples	500 Staples Dr, Framingham	675,000
Boston Scientific	Boston Scientific Way, Marlb.	608,666

LARGEST OWNERS

Largest property owners; office properties only

OWNER	LARGEST ASSET	TOTAL SF
Dell-EMC	50 Constitution Blvd, Franklin	1,906,000
Carruth Capital	4400 Computer Dr, Westbo.	1,859,000
TJX Companies	770 Cochituate Rd, Framing.	1,520,000
Bose	100 Mountain Rd, Framing.	1,206,000
Saracen Properties	Clock Tower Pl, Maynard	1,043,000
Atlantic Management	200 Forest St, Marlborough	745,000
Staples	500 Staples Dr, Framingham	675,000
Normandy Real Estate	Nickerson Rd, Marlborough	573,000



LARGEST CONTIGUOUS AVAILABILITIES

Contiguous blocks, one listing per property

ADDRESS	AVAILABLE SF	DIR/SUB
4400 Comp. Dr, Westborough	382,000	Direct
111 Powdermill Rd, Maynard	287,037	Direct
9 Technology Dr, Westborough	250,812	Sublet
5 Clock Tower Pl, Maynard	192,429	Direct
2 Results Way, Marlborough	160,494	Direct
251 Locke Dr, Marlborough	154,584	Direct

NOTABLE SIGNED LEASES

Recent representative transactions

TENANT	CITY	SF LEASED
Wegman's	Natick	274,000
Acacia Communications	Maynard	165,759
Colonial Systems	Littleton	150,000
Life Time Fitness	Framingham	135,000
Stop & Shop	Milford	68,125
Jack's Abby Brewing LLC	Framingham	63,000
DHL Global Mail	Westborough	60,520
Stop & Shop	Milford	54,764
Globalforce	Framingham	52,144
Whole Foods Market	Marlborough	50,000
Babcock Power	Marlborough	46,061
Sierra Trading Post	Framingham	43,629
Verizon Communications	Medway	42,777

MARKET INTERESTING FUN FACTS

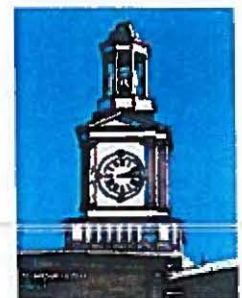
Named after Benjamin Franklin in 1778, The Franklin Public Library is considered America's first public library. Franklin was asked to donate a bell for the town's church steeple. Acknowledging that "sense" was preferable to "sound", Dr. Franklin responded with an offer of books for the use of the town's residents.



The Boston Marathon, also known as Patriots Day, falls on the third Monday of April and is legally a holiday in Massachusetts. This year, more 30,000 people ran in the race, starting in Hopkinton and running the first 12 of 26.2 miles through the 495/MetroWest district, passing through Ashland, Framingham, and Natick.



The Clock Tower at Mill & Main in Maynard, while still used today, needs to be wound by hand. (90 times, once a week, every week)





STRENGTH IN NUMBERS: 2017 EDITION

Demographic Data for the 495/MetroWest Region

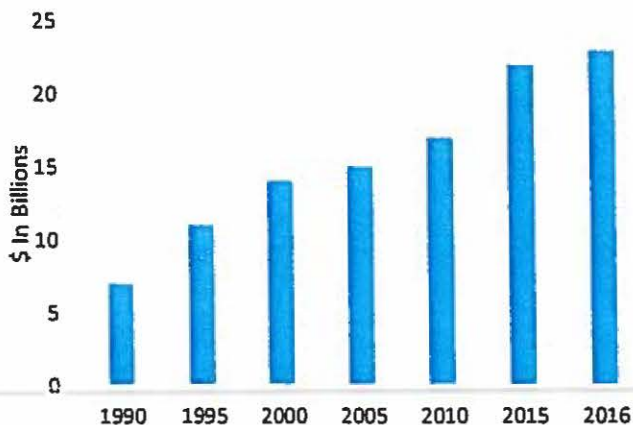
The **495/MetroWest Partnership** was founded in 2003 by business executives, municipal officials, legislators, and other leaders as a public-private economic development initiative, focused on securing needed policy decisions and infrastructure investments for our regional economy. At our founding, the Partnership worked with 32 communities, but reflective of our communities' prosperity, growing regional identity, and organizational accomplishments, our service area has expanded to 35 municipalities. The Partnership produces an annual update on the 495/MetroWest region's numbers, demonstrating the value of our 35 communities to the overall economic strength of the Commonwealth.

Whether considering our educated workforce, payroll numbers, jobs or employers, the 495/MetroWest region continues to offer a high return on investment for the Commonwealth, employers, and residents; a vibrant and diverse employment base; and an excellent quality of life. The 495/MetroWest Partnership is pleased to aggregate these important statistics in our effort to ensure the region's continued economic success and prosperity.

OVER \$23 BILLION ANNUAL PAYROLL

For the period between July 2015-June 2016, the total wages disbursed across all sectors of the economy in Massachusetts amounted to \$231.1 billion with approximately \$23.1 billion being generated within the 495/MetroWest region, equating to approximately **1 in every 10 payroll dollars**. Although the statewide payroll has declined by just over \$5 billion within the previous twelve months, the 495/MetroWest region gained approximately \$600 million during the same time.

Total Regional Payroll



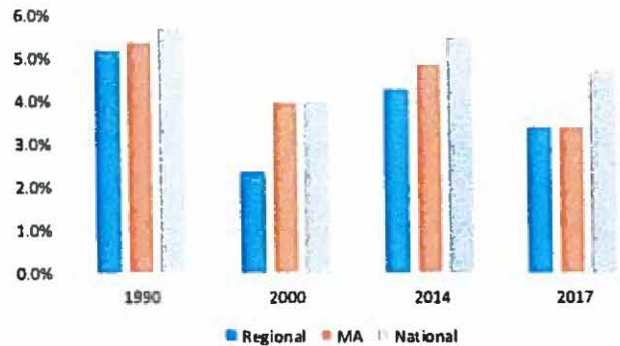
EMPLOYMENT: 1 IN 11 JOBS

The 35 communities in the 495/MetroWest region are home to approximately 1 in every 11 jobs in Massachusetts. According to the Massachusetts Department of Labor and Workforce for the period of July 2015-June 2016, a total of 3,413,350 individuals were employed across all sectors in the Commonwealth, with the 495/MetroWest region responsible for 330,822 jobs. This is an increase from 326,440 jobs, which continues to trend upward, reflective of our region's and the state's consistent job growth over the last twelve months.

UNEMPLOYMENT: CONTINUES POSITIVE TREND

The 495/MetroWest region's unemployment rate has continued to outperform the nation, and recently aligned with the Commonwealth. As of February 2017, both Massachusetts and 495/MetroWest's average unemployment was 3.4%, while the national unemployment rate was 4.7%. Compared to February 2016, the regional unemployment rate continued its positive trend, down from 3.68%.

Unemployment Rate



REAL ESTATE ADVANTAGES: PRICING, LOCATION, SUPPLY

With a key location granting access to Boston, Central Massachusetts, and Rhode Island, 495/MetroWest offers crucial advantages to employers. As noted in a market analysis by Transwestern for the Partnership, our region offers over 43.3 Million SF of office, lab, manufacturing, warehouse, and flex space, with office properties growing by 19% since 2004. In addition to location and supply, our region has a significant pricing advantage, offering a 37% discount when compared to properties in the Boston area.



NEARLY 7% POPULATION GROWTH

The 33 towns and the cities of Franklin and Marlborough comprising the 495/MetroWest region, stretch from Westford to Foxboro and Shrewsbury to Natick. Over a five-year period, the region has experienced a substantially higher increase in total population at 6.91% when compared to the state average of 3.77%. The 2010 Census reported a 495/MetroWest population of 584,197. In 2015, the population of the region is estimated to be 624,598.

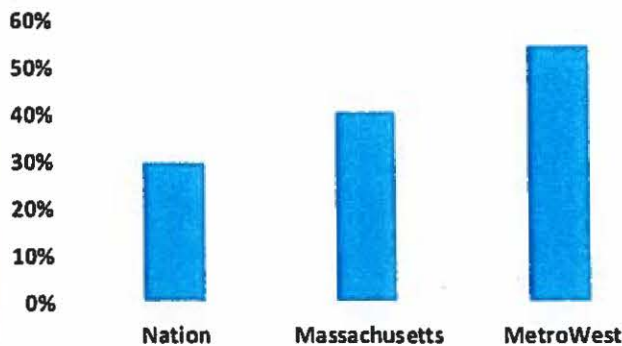
SINGLE-FAMILY HOMES: COMPETITIVELY PRICED

According to the Warren Group, the median selling price for a single-family home in February 2017, within the 35 communities, was \$437,658. While higher than the median price for the state (\$319,000), the region continues to be more affordable than the Metro-Boston area.

WORKFORCE: HIGHLY EDUCATED

The 495/MetroWest region has a very well educated workforce with 54.82% of the population in possession of a bachelor's degree or higher. According to the U.S. Census Bureau, 40.5% of the Commonwealth's residents hold a bachelor's degree or higher for the same time frame and age group. Both Massachusetts and the 495/MetroWest region have higher levels of educational attainment than the nation-at-large at 29.8%.

Bachelors Degree or Higher



EMPLOYERS: HOLDING STEADY

The 495/MetroWest region's employers range from small independent operations to family businesses, large employers and corporate headquarters. In the 2nd Quarter of 2015, there were a total of 20,581 reported establishments. By the 2nd Quarter of 2016, the number grew slightly to 21,013, which is a 2.1% change over the twelve-month period. While the pace of growth has slowed, the overall numbers demonstrate a sustainable trend.

BUSINESS CONFIDENCE: 70% FEEL POSITIVE

In September 2016, the Partnership, in collaboration with Framingham State University and MetroWest495 BIZ, conducted our third annual *495/MetroWest Business Climate Survey*. This employer survey was developed to provide insights into our regional employers' perspective on the regional economy, and was distributed throughout 495/MetroWest, with additional outreach from the Corridor Nine, Marlborough Regional, MetroWest, Milford Area, and United Chambers of Commerce. Based on the findings, more than two-thirds of responding employers believe the economy will improve in 2017; 41% plan to hire during the next year; and 14% plan to expand their facilities.

CONCLUSION:

While these numbers do not tell the whole story as to why the 495/MetroWest region is a premiere location for employers and residents, these statistics demonstrate our region's multiple strengths. The 495/MetroWest Partnership's work with municipal governments, employers, the Baker/Polito Administration, legislators, chambers of commerce, and other key stakeholders on behalf of the region utilizes our competitive advantages to leverage both public and private sector investment, ensuring continued economic prosperity for years to come.

If communities, employers, or others in the 495/MetroWest region are interested in further information or specific town data, please contact the Partnership staff at the number below or at info@495partnership.org.



200 Friberg Parkway, Suite 1003
Westborough, MA 01581
(774) 760-0495
www.495partnership.org

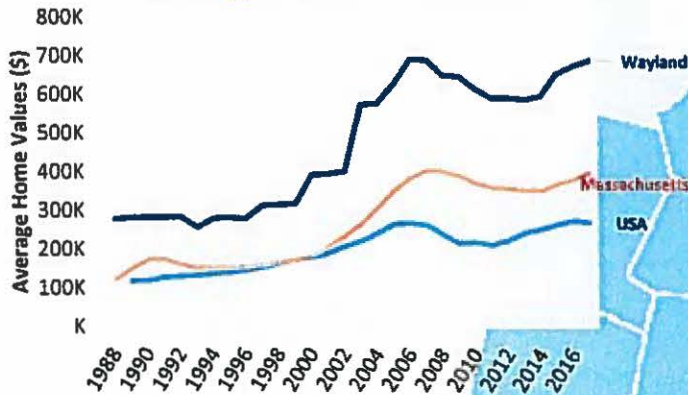
The 495/MetroWest Partnership is a public-private economic development organization that fosters our region's continued economic success and growth by advocating for needed investments and sustainable policy in transportation infrastructure, water resources and infrastructure, housing, and economic development.

For more information, visit www.495partnership.org.

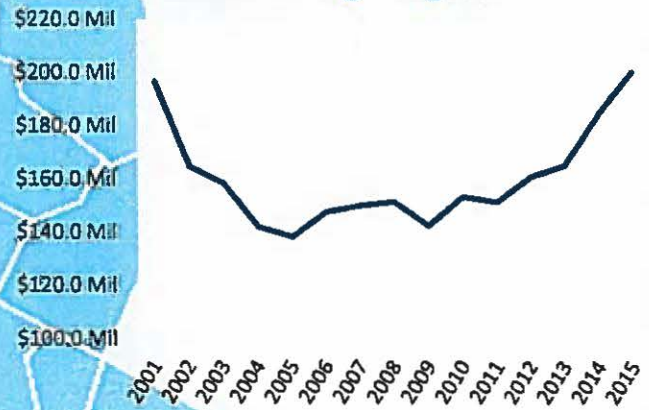
Data is from the following sources: www.census.gov, Secretary of the Commonwealth, the U.S. Department of Commerce (Census), the MA Executive Office of Labor and Workforce Development, the MA Department of Revenue, the Warren Group, *MetroWest 495/BIZ*, Dr. Michael Harrison of Framingham State University, Mass.gov Labor and Workforce Development, U.S. Census Bureau "2011-2015 American Community Survey 5-Year Estimates", UMASS Donahue Institute "2015 Census Bureau Sub-County Population Estimates for Massachusetts", and Transwestern.

Researched and prepared by Anthony Brookes and Zach Ramsfelder, both of the Northeastern University Co-op Program, in coordination with Partnership staff.

Rising Home Values



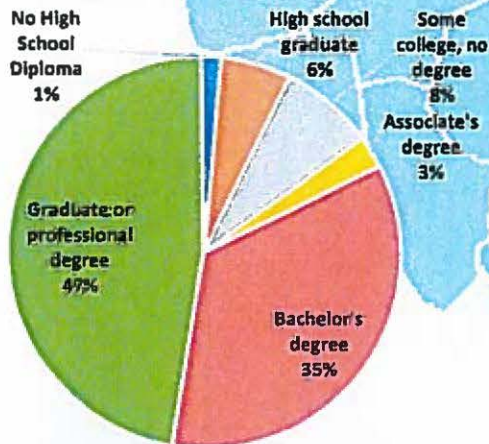
Increasing Payroll



Beyond the year to year averages, in February 2017, the median single family home in Wayland sold for \$435,000¹. This is much higher than the state median sale price for the same month which was \$319,000¹ and the national median for February which was \$228,200².

From Q2 2015 to Q2 2016, the payroll for all places of employment in Wayland was \$205,398,525.³ As the town has recovered from the recession the payroll has increased significantly in the last few years.

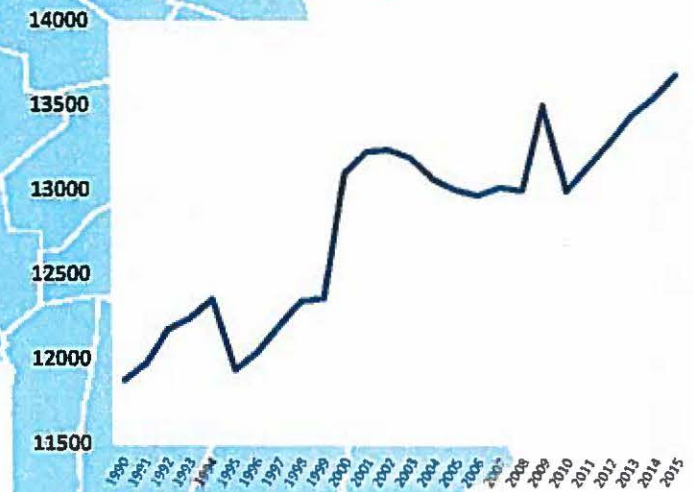
Highly Educated



2011-2015 ACS (U.S. Census Bureau)

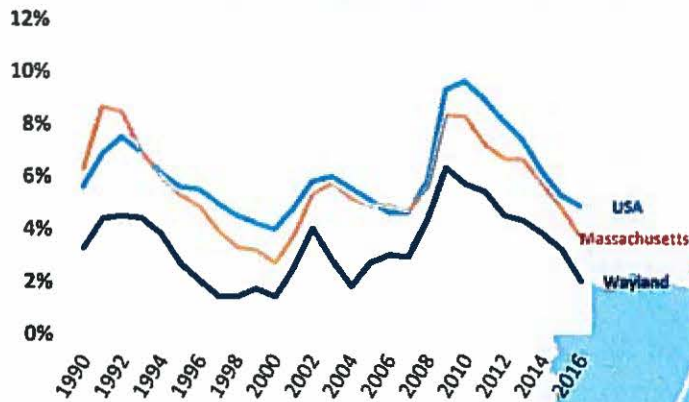
Wayland has a highly educated population compared to the state and to the nation with 82% of residents having a bachelor's degree or higher. During the same time 40.5% of people in Massachusetts had a bachelor's degree or higher, while only 29.8% of all people in the U.S. had one.⁴

Growing Population

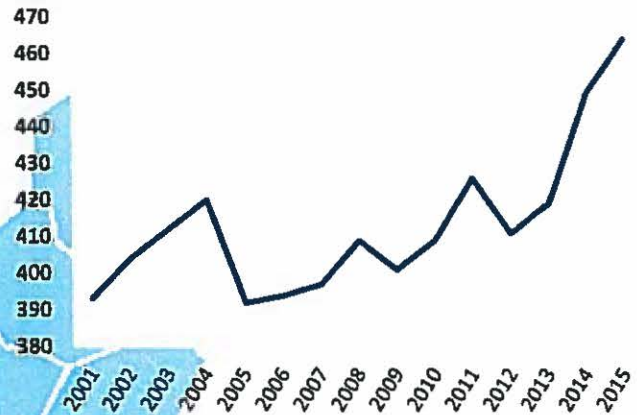


The population of Wayland has been increasing slowly. In 2000, the population of Wayland was 13,100 this decreased slightly to 12,994 by 2010, and in 2015, the population of Wayland was estimated to be approximately 13,684.⁵

Low Unemployment



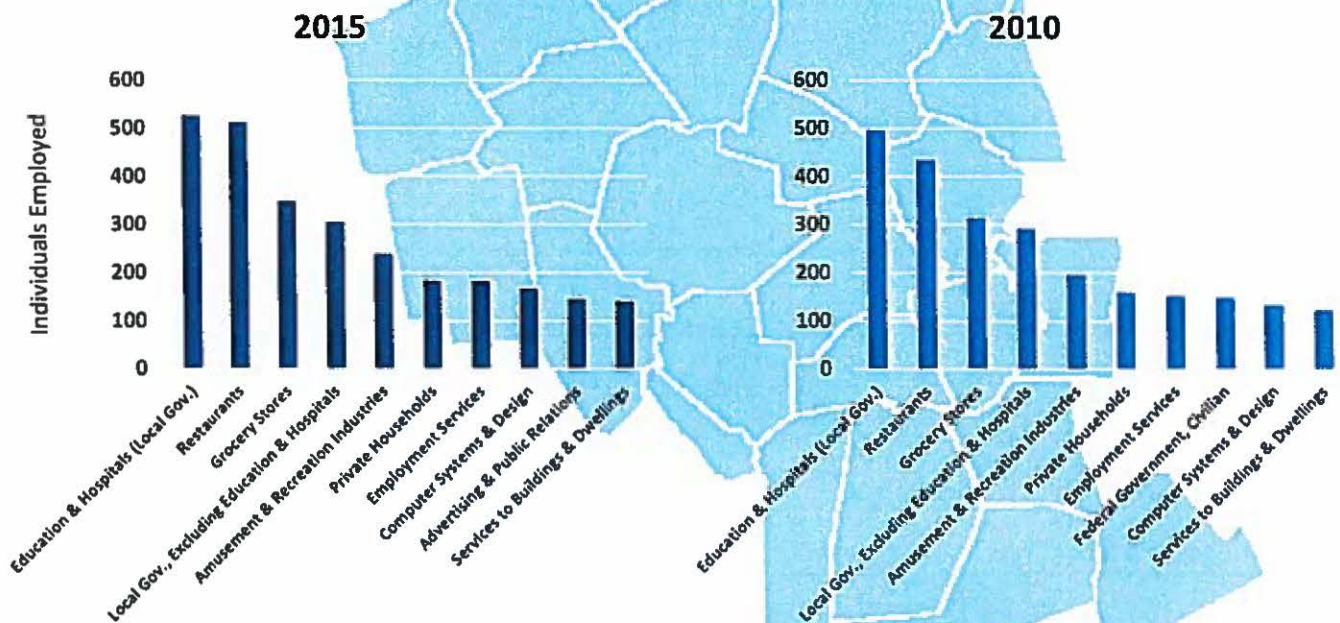
Expanding Employers



Beyond the year to year averages, in February 2017, the unemployment rate in Wayland was 2.9%. This is lower than the state and 495/MetroWest regional unemployment rates, which were both 3.4%, and much lower than the national unemployment rate of 4.8%³

The number of employers in Wayland has been increasing at a steady rate. In 2001, there were 393 employers in the town, and by Q2 2016 this number had increased to 464.³

Top Ten Industries In Wayland



Top Ten Industries data and analysis conducted by the Public Policy Center at UMass Dartmouth for the 495/MetroWest Partnership in support of the 495/MW Suburban Edge Community Commission utilizing 2014 US Census Bureau Local Employment Dynamics. For more information on these data sets please visit <http://lehd.ces.census.gov/>

Sources:

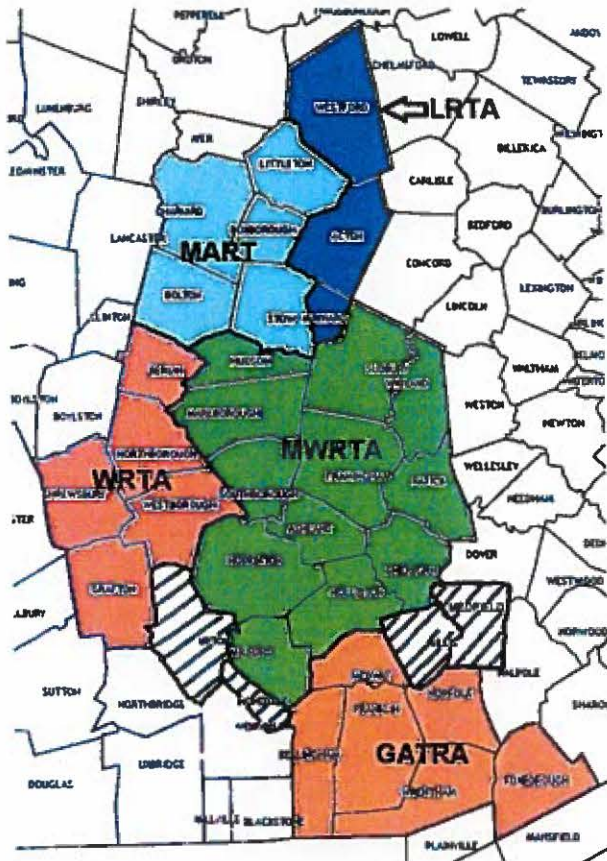
- Mass.gov Municipal Databank <http://www.mass.gov/dor/local-officials/municipal-databank-and-local-aid-unit/databank-reports-new.html> (for graph municipal data)
 1. The Warren Group <http://www.twgstats.com/tssub/start.asp> 2. Ycharts Average US Home Values https://ycharts.com/indicators/sales_price_of_existing_homes
 3. Mass.gov Labor and Workforce Development http://www.mass.gov/lehd/economic_data/ 4. US Census Bureau <http://www.census.gov/> 5. UMass Dartmouth Institute <http://www.donahue.umassp.edu/news-events/institute-news/new-population-estimates-for-mass-released-interactive-map-available>



495/METROWEST ON THE GO

Regional Profile

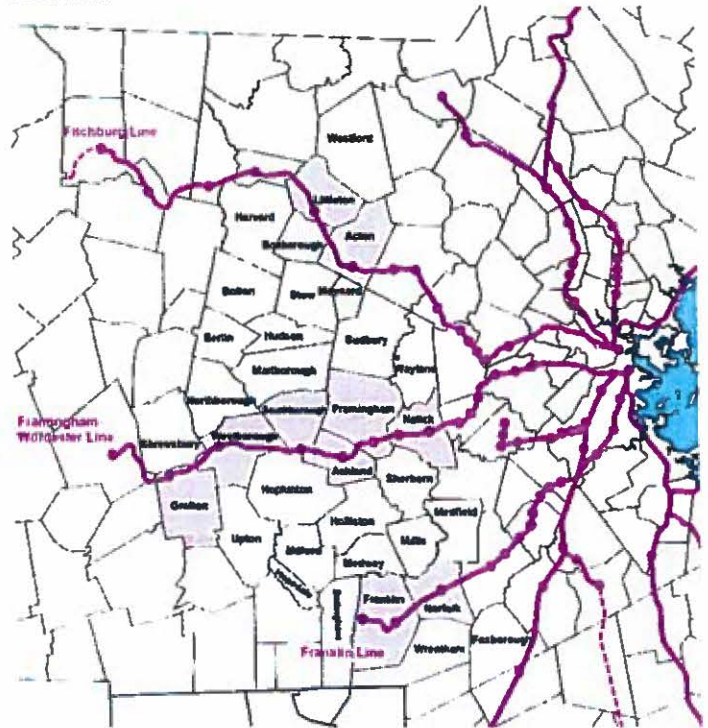
Regional Transit Authorities



The 495/MetroWest region has an extensive network of Regional Transit Authorities (RTAs) that cover nearly every community in the 495/ MetroWest region. The regional transit authorities seen here are: the [Greater Attleboro-Taunton RTA¹](http://www.gatra.org/), the [Lowell RTA²](http://lrrta.com/), the [MetroWest RTA³](http://www.mwrta.com/), the [Montachusett RTA or MART⁴](http://www.mrta.us/), and the [Worcester RTA⁵](http://www.therta.com/). Please note that the Lowell RTA has one route (#15 Chelmsford/Westford) which makes a final stop at IBM in Littleton.

MBTA Commuter Rail

The 495/MetroWest region is home to numerous commuter rail stations. The [Fitchburg Line⁶](http://www.mbta.com/schedules_and_maps/rail/lines/?route=FITCHBURG) stops in the towns of Acton and Littleton. The [Framingham-Worcester Line⁷](http://www.mbta.com/schedules_and_maps/rail/lines/?route=WORCSTER) stops in the towns of Natick, Framingham, Southborough, Westborough, and Grafton, and the [Franklin Line⁸](http://www.mbta.com/schedules_and_maps/rail/lines/?route=FRANKLIN) stops in the towns of Norfolk and Franklin with an MBTA pilot program proposed for limited weekday commuter service to the existing Foxborough station. These MBTA stations are also accessible to many other communities that do not have a station within their borders.



¹ <http://www.gatra.org/>
² <http://lrrta.com/>
³ <http://www.mwrta.com/>
⁴ <http://www.mrta.us/>
⁵ <http://www.therta.com/>

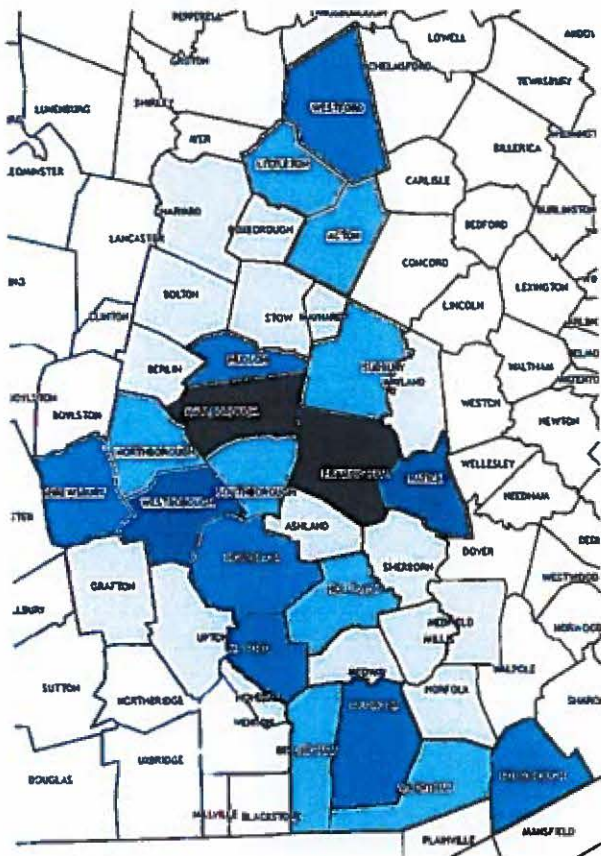
⁶ http://www.mbta.com/schedules_and_maps/rail/lines/?route=FITCHBURG
⁷ http://www.mbta.com/schedules_and_maps/rail/lines/?route=WORCSTER
⁸ http://www.mbta.com/schedules_and_maps/rail/lines/?route=FRANKLIN



495/METROWEST ON THE GO

Regional Profile

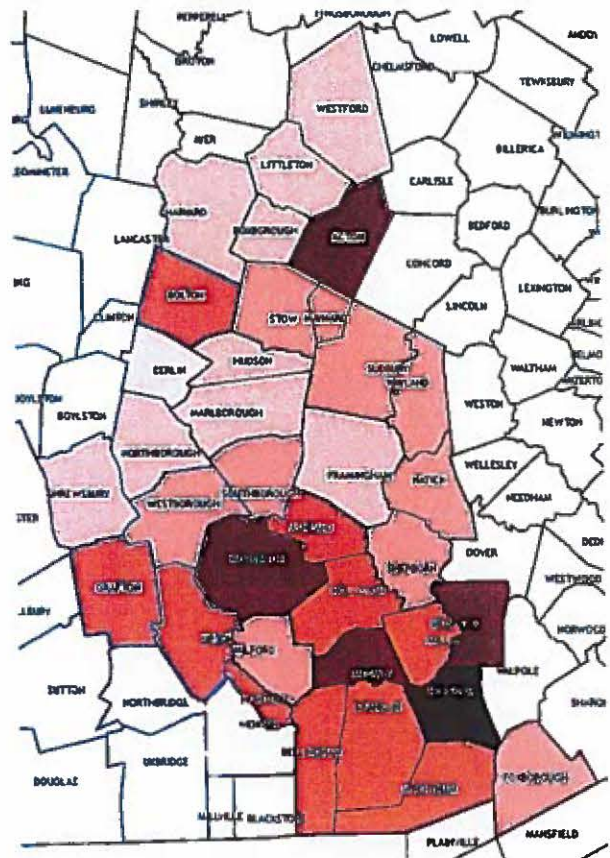
Where People Commute to in the 495/MetroWest Region by Density of Employees



Key for Density of Employees

- Below 5,000 Employees
- 5,000 – 9,999 Employees
- 10,000 – 14,999 Employees
- 15,000 – 19,999 Employees (Franklin and Milford)
- 20,000 – 24,999 Employees (Westborough and Natick)
- 25,000 and Over (Framingham and Marlborough)

Commute Times by Community from Home to Work



Key for Average Commute Times

- 24 – 26 Minutes
- 26 – 28 Minutes
- 28 – 30 Minutes
- 30 - 32 Minutes
- 32 – 34 Minutes
- 34 – 36 Minutes

Data and Analysis conducted by the Public Policy Center at UMass Dartmouth for the 495/MetroWest Partnership in support of the 495/MW Suburban Edge Community Commission utilizing 2014 US Census Bureau Local Employment Dynamics. For more information on these data sets please visit <http://lehd.ces.census.gov/>

Data for this visualization was collected from MAPC Regional Indicators (2010 – 2014) http://www.regionalindicators.org/topic_areas/2#land-use-and-transportation



495/METROWEST ON THE GO

Town of Wayland Commuting Data

Regional Transit Authority: MWRTA

Where do Wayland's Workers Live?

TOP 10 POINTS OF ORIGIN (Number of Commuters)

1. Wayland.....12.4% (483)	6. Sudbury.....2.9% (114)
2. Framingham.....9.9% (384)	7. Waltham.....2.9% (113)
3. Boston.....6.6% (256)	8. Newton.....2.7% (106)
4. Natick.....4.9% (190)	9. Hudson.....1.7% (67)
5. Marlborough.....4.0% (154)	10. Ashland.....1.5% (60)

Total Employed in Wayland: 3,880

Where do Wayland's Residents Work?

TOP 10 DESTINATIONS (Number of Commuters)

1. Boston.....20.0% (1,278)	6. Cambridge.....5.1% (323)
2. Wayland.....7.6% (483)	7. Wellesley.....3.6% (233)
3. Waltham.....6.1% (388)	8. Burlington.....2.2% (139)
4. Framingham.....5.7% (363)	9. Sudbury.....1.9% (124)
5. Newton.....5.3% (340)	10. Needham.....1.7% (107)

Total Commuting from Wayland: 6,386



Old Town Bridge



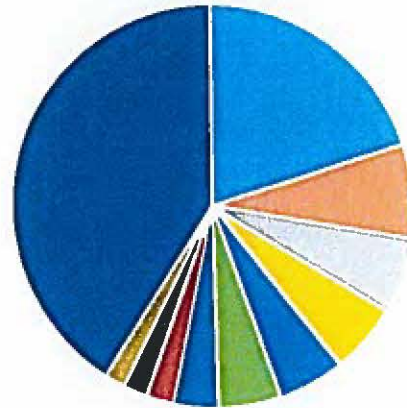
Data and Analysis conducted by the Public Policy Center at UMass Dartmouth for the 495/MetroWest Partnership in support of the 495/MW Suburban Edge Community Commission utilizing 2011 US Census Bureau Local Employment Dynamics. For more information on these data sets please visit <http://lehd.ces.census.gov/>

495/METROWEST ON THE GO

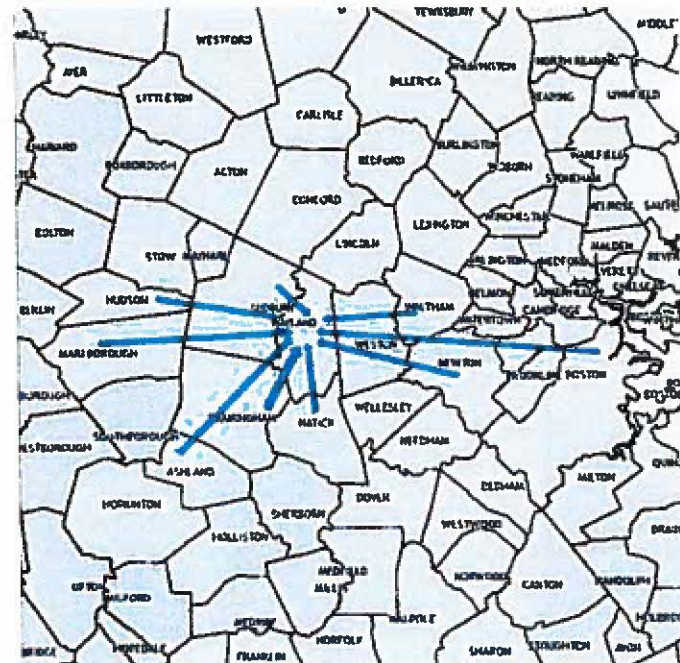
Town of Wayland Commuting Data



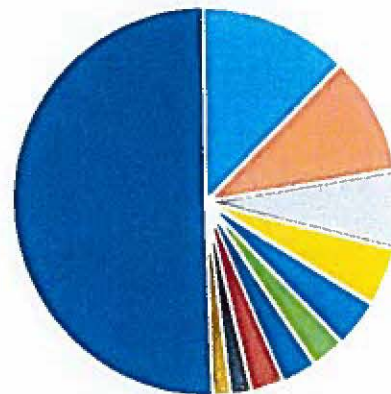
Where Wayland's Residents Work



- Boston
- Wayland
- Waltham
- Framingham
- Newton
- Cambridge
- Natick
- Wellesley
- Burlington
- Sudbury
- Other



Where Wayland's Workers Live



- Wayland
- Framingham
- Boston
- Natick
- Marlborough
- Sudbury
- Waltham
- Newton
- Hudson
- Ashland
- Other

495/MetroWest Suburban Edge Community Commission

The state's bipartisan, inter-institutional examination of the development challenges facing suburban communities and how the Commonwealth's initiatives and programs can address their needs.

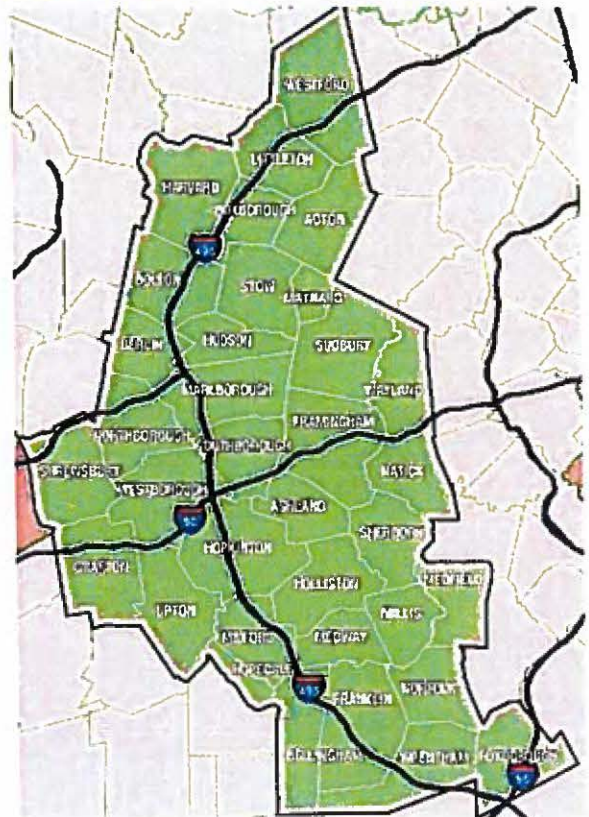
Leadership:

CoChair Representative Kate Hogan
CoChair Senator Karen Spilka
CoChair Assistant Secretary of Communities and Programs Juan Vega

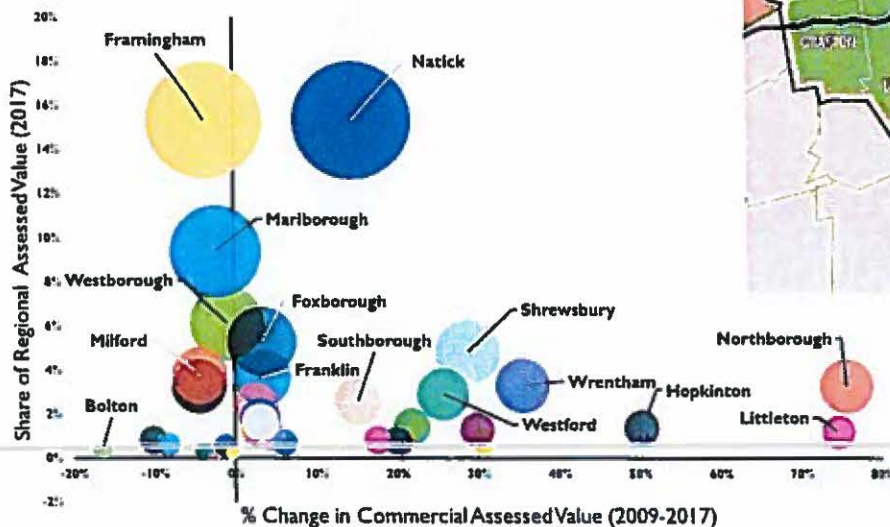
Membership including:

- Legislators
- Municipal officials
- State agency representatives
- Private sector development experts
- Academics
- Planners
- Public Works representatives

Research and analysis is ongoing on transportation, commercial growth, housing, downtown redevelopment, water resources, energy, telecommunications, and their inter-relationship with development in thirty-five communities as a pilot for action statewide.



The regional tax base is dominated by its largest communities but some smaller towns are experiencing rapid growth.



Staffed by the 495/
 MetroWest Partnership
 with research by UMass
 Dartmouth's Public Policy
 Center

495/METROWEST SECC MEETINGS TO DATE:

July 2016—Inaugural Meeting

Sept. 2016—Transportation

Oct. 2016—Downtown Revitalization

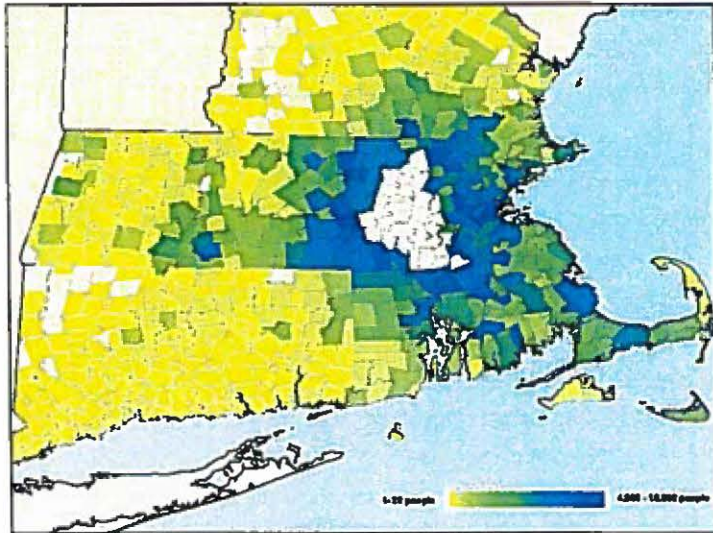
Nov. 2016—Housing

Jan. 2017—Water Resources

Feb. 2017—Commercial Development

March 2017—Industrial & Employment Base

April 2017—Energy

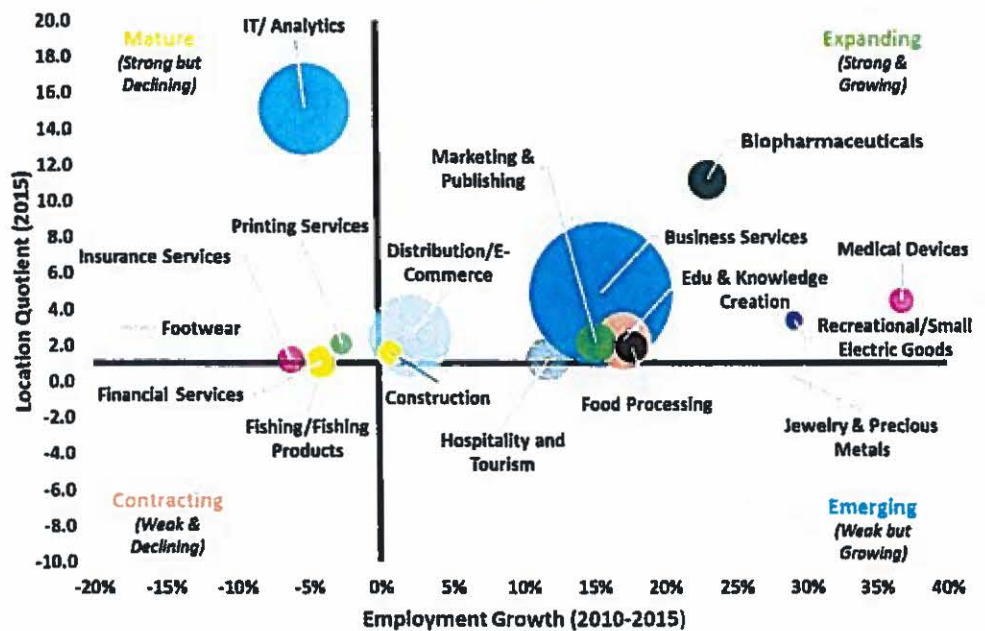


314,142 jobs in the region

As well as a net importer of labor as shown in the map -
Total Number of Commuters Traveling into 495/MetroWest

495/ MetroWest Traded Industry Clusters By Location Quotient and Employment Growth, 2010 to 2015

Source: EMSI- Industry Group Comparison, 2010 -2015 and Author's Cal-



Given the complexity of examining the interrelationship between these issues and development, along with the task of developing recommendations for state action, additional work remains.

Ben

(17)
NFB



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Interim Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

May 12, 2017

RECEIVED

MAY 17 2017

**Board of Selectmen
Town of Wayland**

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

Re: Town of Wayland, Loker Elementary School

Dear Ms. Balmer:

I am pleased to report that the Board of the Massachusetts School Building Authority (the "MSBA") voted to approve the Proposed Accelerated Repair Project (the "Proposed Project") in the Town of Wayland (the "Town") for a window and door replacement project at the Loker Elementary School.

The Board approved an Estimated Maximum Total Facilities Grant of \$576,797, which does not include any funds for potentially eligible owner's or construction contingency expenditures. In the event that the MSBA determines that any owner's and/or construction contingency expenditures are eligible for reimbursement, the Maximum Total Facilities Grant for the Proposed Project may increase to \$604,843. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the Town, in accordance with the MSBA's regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than \$576,797.

Pursuant to the terms of the MSBA's Accelerated Repair Program, the Town has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope and timeline for the Proposed Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the Town will execute a Project Funding Agreement which will set forth the terms and conditions pursuant to which the Town will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the Town will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

Page 2
May 12, 2017
Wayland ARP Project Funding Agreement Board Action Letter

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the Proposed Project in the Town of Wayland for a window and door replacement project at the Loker Elementary School, and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Sincerely,



John K. McCarthy
Executive Director

Cc: Legislative Delegation
Lea Anderson, Chair, Wayland Board of Selectmen
Ellen Grieco, Chair, Wayland School Committee
Dr. Paul Stein, Superintendent, Wayland Public Schools
Alan Minkus, Owner's Project Manager, Colliers International
Michael Teller, Designer, CBI Consulting, Inc.
File: 10.2 Letters