

PACKET

SEP 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
Tuesday, September 5, 2017
6:30 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.

6:30 pm 1.) Attend Finance Committee's Special Town Meeting Warrant Article Hearing

6:32 pm 2.) Call to Order by Chair
• Review Agenda for the Public; Announcements

7:00 pm 3.) Public Comment

7:10 pm 4.) Interviews and Potential Vote to Appoint to Boards and Committees
1. Cultural Council
• Adam Gutbezahl
2. Zoning Board of Appeals
• James Grumbach

7:30 pm 5.) Interview Lieutenant Patrick Swanick for the Position of Police Chief and Vote to Ratify Town Administrator's Appointment

8:00 pm 6.) Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), to Consider the Purchase, Taking, Lease or Value of Real Property in Regard to the Rivers Edge Project at 484-490 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(a)(3), 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 a Discussion of Strategy with Respect to Litigation in a Pending Action regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), a Discussion of Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, AFSCME 2, Library, Teamsters, Wayland Teachers' Association, Wayland Educational Secretarial Association, Custodial Union and Food Service Association

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REVISED Proposed Agenda Page Two

Representing Town and School Employees, and a Discussion of Strategy with Respect to Negotiations with the Police Union Regarding Withdrawing From Civil Service; 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 and Police Chief; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6), the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the Municipal Parcel at the Town Center Project, and the River's Edge Project at 484-490 Boston Post Road, and Wayland Meadows, LLC, Lot 8, Old Sudbury Road, and the Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town:

APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017

APPROVE AND RELEASE WITH REDACTIONS: August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015

- 8:20 pm 7.) Review Letter to Board of Library Trustees and Vote to Authorize Chair to Sign
- 8:30 pm 8.) Discuss and Assign all Submitted Special Town Meeting Articles Due Thursday, August 31, 2017, at 4:30 p.m.
- 8:45 pm 9.) Reorganization of the Office of the Town Administrator
- 9:00 pm 10.) Update on Town Administrator Evaluation
- 9:15 pm 11.) Executive Session Minutes: Vote to Approve and Hold the Executive Session Minutes of August 7, 2017, July 24, 2017, and May 15, 2017; Vote to Approve and Release with Redactions the Executive Session Minutes of August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015
- 9:20 pm 12.) Minutes: Review and Vote to Approve Minutes of August 21, 2017
- 9:25 pm 13.) Consent Calendar: Review and Vote to Approve (See Separate Sheet)
- 9:30 pm 14.) Review Correspondence (See Separate Index Sheet)
- 9:40 pm 15.) Report of the Town Administrator
1. Correspondence
 2. Board of Selectmen Meeting Calendar
 3. Capital Planning: FY19 Budget and Future Years
 4. River's Edge Advisory Committee
- 9:50 pm 16.) Selectmen's Reports and Concerns
- 10:00 pm 17.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:05 pm 18.) Adjourn

(4) APPOINTMENTS

DATE: SEPTEMBER 1, 2017

TO: BOARD OF SELECTMEN

RE: APPOINTMENT TO THE CULTURAL COUNCIL
APPOINTMENT TO THE ZONING BOARD OF APPEALS

VOTE: TO APPOINT ADAM GUTBEZAHN TO THE CULTURAL COUNCIL, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2018

Adam Gutbezahnl has expressed interest in serving on the Cultural Council. His letter of interest is attached. He is endorsed by the Chair of Cultural Council, Kara Brewton.

There are currently six members serving on the Cultural Council. According to Massachusetts General Laws Chapter 10, Section 58, local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the Board of Selectmen. Members of the local cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms.

There is currently a vacancy to fill a term that expires on June 30, 2018, which is a staggered term.

VOTE: TO APPOINT JAMES GRUMBACH TO THE ZONING BOARD OF APPEALS, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE ON JUNE 30, 2018

James Grumbach has expressed interest in serving on the Zoning Board of Appeals. His letter of interest is attached.

There is currently one vacancy to fill a term that expires on June 30, 2018, due to the resignation of Eric Goldberg.

DiNapoli, MaryAnn

From: Adam Gutbezahl
Sent: Wednesday, August 02, 2017 8:42 AM
To: DiNapoli, MaryAnn
Cc: Jonathan Saxton
Subject: Interest in Wayland Cultural Council Vacancy
Attachments: Adam Gutbezahl_Wayland Cultural Council.pdf

Ms. DiNapoli:

I am writing to express my interest in joining the Wayland Cultural Council. You may find my statement of interest attached to this e-mail. Please do not hesitate to contact me if you have any questions or if I may provide you with any additional information.

Thank you,

Adam Gutbezahl

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Adam Gutbezahl, Esq.
Juris Doctor, 2013, The George Washington University Law School
B.A. International Affairs, 2006, The George Washington University

Adam G. Gutbezahl

48 Rice Spring Lane, Wayland, MA 01778

August 2, 2017

MaryAnn DiNapoli
Executive Assistant
Wayland Board of Selectmen
41 Cochituate Road
Wayland, MA 01778

Dear Ms. DiNapoli:

I am writing to express my interest in filling a vacancy on the Wayland Cultural Council.

My wife and I recently moved to Wayland. She was born and raised in Wayland and I happily joined her return to the Bay State. Before moving to Massachusetts, I worked for the District of Columbia government. In that capacity, I held a legislative oversight position for the D.C. Commission on the Arts and Humanities. I oversaw the Commission's grant process and worked hard to increase its budget. I am therefore well acquainted with the grant process and the function of an arts council.

I also have experience as a performer and therefore appreciate and understand the value of the arts. I graduated from college with a minor in Theater and then pursued an acting career in New York. Art comes in various forms and they all benefit the artists, the audience, and the surrounding community.

I spoke with Jon Saxton, the outgoing Chair of the Wayland Cultural Council, about the Council's functions and the roles of its members. Our conversation only confirmed my interest in becoming a member. Mr. Saxton said that he would inform me of their upcoming meetings and I will be in attendance.

I am thrilled to be a resident of Wayland, and I wish to use my background and past experiences in a manner that benefits the Wayland Cultural Council and the entire community. Thank you for your time and consideration.

Sincerely,


Adam Gutbezahl

cc: Jon Saxton, Chair, Wayland Cultural Council

DiNapoli, MaryAnn

From: James Grumbach <jgrumbach@blc.law>
Sent: Thursday, August 17, 2017 6:55 PM
To: Balmer, Nan; DiNapoli, MaryAnn
Cc: Lea Anderson; Mary Antes; egoldberg@wcfllp.com
Subject: Wayland Zoning Board of Appeals
Attachments: RESUMADR.8-4-16.doc

Nan and MaryAnn -

I am writing to express my interest in serving for a short term on the Zoning Board of Appeals. Enclosed is my CV. I would be willing to serve the partial term of Eric Goldberg, beginning 9/1/17.

Jim Grumbach

James E. Grumbach, Esq.
Boston Law Collaborative, LLC
80 William Street, Suite 200
Wellesley, MA 02481
Telephone: (617) 439-4700
Facsimile: (617) 439-0700
E-Mail: jgrumbach@blc.law
Website: www.blc.law

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Telephone: (617) 439-4700

Fax: (617) 439-0700

E-mail: jgrumbach@bostonlawcollaborative.com

Website: www.bostonlawcollaborative.com

BACKGROUND AND EDUCATION

I was born in 1951 in New Jersey. I received a B.A. in Art History from Yale University in 1973 and a J.D. from Boston University School of Law in 1977. I became a member of the Massachusetts Bar in December 1977; the Bar of the United States District Court for the District of Massachusetts in 1978; and the Bar of the United States Court of Appeals, First Circuit in 1980.

LITIGATION EXPERIENCE

I have been a trial attorney since 1977. Most of my experience has been before juries, in the Superior Courts. I have also tried cases in the federal court in Massachusetts and Pennsylvania, the Bankruptcy Court, the state district court, the state probate court and before various administrative tribunals.

I am Of Counsel to the firm of Boston Law Collaborative, LLC. Previously, I was Of Counsel at Wilchins, Cosentino & Friend, LLP (formerly known as Seegel, Lipshutz & Wilchins, LLP); a partner at Grumbach & Royal, LLC, before that, at Rothenberg, Estner, Orsi, Arone & Grumbach, LLP, and before that, at Zimble & Brettler, LLP; of counsel to the firm of Gargill, Sassoon & Rudolph; a partner at Serino, Ley, Young & Grumbach; and first an associate and then a partner at Morrison, Mahoney & Miller. I represent both plaintiffs and defendants. My work has involved personal injury and property damage cases of all sorts; professional liability and insurance coverage litigation; commercial disputes relating to insurance agencies; employment matters (including contract, wrongful termination, non-competition and discrimination claims); internal corporate and partnership disputes; real estate and land use; environmental; secured transactions; securities and stock options; negotiable instruments; guarantees; the sale of businesses and assets; accountings; construction; antitrust matters; complex insurance, reinsurance and toxic waste litigation; and insurance fraud claims.

MEDIATION, CASE EVALUATION AND ARBITRATION EXPERIENCE

I served as a volunteer mediator beginning in 1979. Cases involved minor criminal matters, family and neighborhood disputes, landlord-tenant disputes, consumer-merchant disputes, divorces, etc. Since 1988 I have mediated disputes pending in the courts, administrative agencies, private dispute resolution agencies and by referral. Cases include commercial and contract disputes, employment disputes, discrimination claims, insurance disputes, construction claims, internal corporate/partnership disputes, divorces, real estate claims, loan workouts, lease disputes, product

liability, lead paint, professional liability, medical and other professional malpractice and personal injury claims. I have also served as a commercial arbitrator and case evaluator since approximately 1988, as well as a discovery master. I have served as a hearing officer for Dalkon Shield liability claims, and for employment terminations in connection with the severance plan of a large corporation.

MEDIATION TRAINING AND AFFILIATIONS

I have been trained in general mediation, in divorce mediation and landlord-tenant mediation. I have had extensive continuing education as to various aspects of mediation. I have served as an ADR panelist for the Suffolk, Middlesex, Norfolk and Worcester County Superior Courts; the Massachusetts Commission Against Discrimination; the Federal Deposit Insurance Corporation; and various private or non-profit dispute resolution providers (American Arbitration Association; US Arbitration & Mediation of New England, Inc.; ADR/Equimar, Inc.; National Arbitration and Mediation Service, Inc.; Case Closed; NEMA; New England Dispute Resolution; Boston Law Collaborative; and Community Dispute Settlement Center, formerly known as Cambridge Dispute Settlement Center). I have served as a panelist for a number of mediation and arbitration seminars.

ASSOCIATION MEMBERSHIPS AND OTHER EXPERIENCE

I am or in the past have been a member of the Massachusetts Bar Association, the American Association for Justice, the Massachusetts Academy of Trial Attorneys, the Association for Conflict Resolution, the Massachusetts Chapter of the American Board of Trial Advocates and the Frank Murray Inn of Courts. I served as an associate member, a regular member and chairman of the Town of Wayland, Zoning Board of Appeals, from 1999 to 2009; have been a member of the Town of Wayland, Economic Development Committee, since 2013; and have been Executive Director of the Massachusetts Association of Public Insurance Adjusters, since May 2005.

PUBLICATIONS

Co-author of *Massachusetts Procedure, Alternative Dispute Resolution* (Shubow, Grillo, Grumbach & Stedman), West Group 1997. Reprinted in *Massachusetts Tort Law Manual* (1999).

Contributing author of *Massachusetts Tort Law Manual*, chapter 21, Mediation, MCLE 1999 and revisions.

Contributing author of *Winning Through Settlement*, chapter 3, Settling the Case (Alternative Dispute Resolution), MCLE 2001.

Author of *A Practical Approach to Arbitration Under the Massachusetts Statute, G.L. c. 251*, *Massachusetts Law Review*, Vol. 94, No. 1 (September 2011).

(5) POLICE CHIEF

DATE: TUESDAY SEPTEMBER 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: APPOINTMENT OF WAYLAND POLICE CHIEF

REQUESTED ACTION:

VOTE TO RATIFY THE TOWN ADMINISTRATOR'S APPOINTMENT OF LT. PATRICK SWANICK TO THE POSITION OF WAYLAND POLICE CHIEF, SUBJECT TO A BACKGROUND CHECK INCLUDING PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS AND AN AGREEMENT ON THE TERMS OF AN EMPLOYMENT CONTRACT

AUTHORITY TO APPOINT / APPOINTMENT AND BASIS FOR APPOINTMENT

- **AUTHORITY:** Under Town Code, Chapter 60.2.3 (d), the Town Administrator *"shall ...appoint on the basis of merit and fitness alone, with ratification by a majority vote of the full membership of the Board of Selectmen then serving, and evaluate, discipline and, for cause remove, without ratification of the Board of Selectmen: 1) A Police Chief...."*

- **APPOINTMENT:** I, Nan Balmer, as Wayland Town Administrator acting under the authority granted by Chapter 60.23 (d) of the Wayland Town Code, and for the reasons stated below, appoint Lt. Patrick Swanick to the position of Wayland Police Chief subject to ratification of the majority of the full board, successful completion of a background check and agreement on contract terms.

- **REASONS FOR APPOINTMENT:**
 1. **Recruitment and Assessment Process***: My recommendation to present Lt. Swanick to the Board of Selectmen for ratification is based on a thorough and professional recruitment process for the position of Police Chief administered by the Assistant Town Administrator / Human Resources Director. The two month hiring process resulted in strong agreement by an Internal Interview Committee that if the Internal Interview Committee's first choice for Police Chief did not accept the position of Chief, the Internal Committee fully supported the appointment of Lt. Patrick Swanick to fill the position of Wayland Police Chief.
 2. **Education:** Lt. Swanick's educational experience includes a B.S. in Law Enforcement, an M.S. in Criminal Justice Administration and FBI National Academy training.
 3. **Experience:** Lt. Swanick knows Wayland well, with 27 years' experience in every available position in the Wayland Police Department including Auxiliary Police Officer, EMS Dispatcher, Police Officer, Sergeant / Patrol Supervisor, Detective Sergeant and Lieutenant.

Lt. Swanick has served as second in command for the past ten years and has acted as Chief in Chief Irving's absence during that time.

4. **Continuity:** Overall, the community has been very supportive of the operation of the Wayland Police Department. The police department has initiated numerous community policing programs, added important new technological tools for public safety and plays a key role in Wayland's ranking of being the safest community in Massachusetts for the past four years. Appointment of Lt. Swanick provides continuity in management of a successful department.
5. **Character:** Finally, I believe Pat Swanick is an ethical, honest, thoughtful and highly principled person and police professional who is committed to the Town of Wayland and its Police Department. These characteristics make Lt. Swanick a good match for the high standards expected by the residents of Wayland.

***SUMMARY OF RECRUITMENT AND ASSESSMENT PROCESS**

1. **RETIREMENT:** Police Chief Robert Irving is retiring as Wayland Police Chief after 16 years of service effective September 19, 2017.
2. **ADVERTISING:** The position of Police Chief was advertised by the MA Municipal Association and the MA Chiefs Association during May and June 2017.
3. **CANDIDATE POOL:** The Town received over 40 applications for the position of Police Chief.
4. **PROFESSIONAL ASSESSMENT PANEL:** The three- member Assessment Panel was composed of one sitting and two retired police chiefs, including the current Executive Director of the MA Chiefs of Police Association. The Assessment Panel selected seven candidates from the pool; five candidates agreed to be interviewed; three semi-finalists were selected by the Assessment Panel to move forward to the Internal Interview Committee.
5. **INTERNAL INTERVIEW COMMITTEE:** With the agreement of the Board of Selectmen, the following individuals served on the Internal Interview Committee: Chair of the Board of Selectmen, Chair of the Personnel Board, Superintendent of Schools, Fire Chief, Director of the Council on Aging, Assistant Town Administrator / HR Director and the Town Administrator. The Internal Committee interviewed the three semi-finalists and unanimously agreed that James Maclsaac, Assistant Chief of Belmont was its first choice and unanimously agreed that Lt. Patrick Swanick would be recommended if Mr. Maclsaac's appointment did not go forward. Mr. Maclsaac withdrew from consideration on Friday August 25th.
6. **FINAL INTERVIEW WITH TOWN ADMINISTRATOR:** During the week of August 28th, Lt. Swanick and I met several times to discuss personal values, leadership style and the expectations of the Wayland community and Police Department of its Police Chief. These discussions confirmed my belief that Lt. Swanick is fully prepared to do an excellent job as Wayland Police Chief and possesses the character the Town expects of its Police Chief. I am in full support of Lt. Swanick assuming the position of Police Chief.

June 1, 2017

Mr. John Senchyshyn
Assistant Town Administrator/HR Director
Town of Wayland
41 Cochituate Road
Wayland, Massachusetts 01778

Dear Mr. Senchyshyn,

It gives me great pleasure to submit my resume for your consideration as the next Police Chief for the Town of Wayland.

It has been my honor and privilege to serve the community of Wayland for the past 27 years. During my tenure, I have held every position within the police department starting as an Auxiliary Police Officer and Dispatcher working my way up to my current rank of Lieutenant.

As second in-command of the Wayland Police Department, I am trusted to lead the department in the Police Chief's absence. This broad range of experience provides me with a depth of understanding of all areas of the department. Another significant attribute is that I possess a great deal of institutional knowledge concerning both the Wayland Police Department and the Town of Wayland.

In our changing world it is important to constantly evaluate current law enforcement procedures and adapt them to new and improved best practices. Wayland is a progressive law enforcement agency that is committed to community policing. I am committed to education and training of not only myself, but all police officers. For the past 16 years, I have had the benefit of working alongside and being mentored by the current chief.

The Wayland Police Department has been recognized as exceptional in many ways. We take pride in being noted in the top rankings for "Safest Communities" in Massachusetts and the United States. I believe this is directly related to our focus on fostering a culture of professionalism and commitment to the community. My goals are to maintain a high level of professionalism by optimizing training opportunities for all officers, and to increase our involvement across different segments in the community such as business owners, senior citizens and the youth within the community. I will do this by expanding our role within the community through community policing resources.

I appreciate your consideration for the position of Police Chief for the Town of Wayland. I look forward to discussing how my expertise can continue to benefit the Town of Wayland.

Sincerely,



Patrick J. Swanick

Patrick J. Swanick

6 Mathew Circle, North Grafton, Massachusetts 01536

S U M M A R Y

- Experienced leader
- Strong organizational skills
- Dedicated manager/mentor
- Skilled negotiator
- Dedicated to service excellence
- Exceptional attention to detail
- Committed to lifelong learning
- Vast institutional knowledge

E M P L O Y M E N T H I S T O R Y

Wayland Police Department, Wayland, MA

Lieutenant	2007 to Present
Detective Sergeant	2006 to 2007
Administrative Sergeant	2004 to 2006
Sergeant/Patrol Supervisor	1997 to 2004
Police Officer	1994 to 1997
Police EMS Dispatcher	1990 to 1994
Auxiliary Police Officer	1988 to 1994

- Professionally serving the police needs of a community of approximately 14,000, maintaining a relationship of mutual respect between the police and the community.
- Ensure that police responses are appropriate based on case law and legal procedures.
 - Coordinate with surrounding towns to secure appropriate resources
 - Review officers' reports and administrative paperwork to ensure accuracy
- Represent the police department within various committee activities including Fire Department, Board of Health, Planning, DPW, Public Safety Building Committee..
- Coordinated Policy and Procedure Manual rewrite to meet the standards required to attain Massachusetts Accreditation Certification.
- Senior-level experience in executive decision making, policy direction, strategic planning, community relations, program development, financial and personnel management, and professional standards.
- Management Responsibilities:
 - Direct department responses for investigations, crime and accident scenes
 - Prepare monthly report outlining patrol division's activities
 - Crime reporting – NIBRS submissions
 - Participate in new hire interviews for patrol and command staff both within Wayland and for other municipalities.
 - Train/coach department staff
 - Participate in Wayland Police Department budget preparation
 - Administer Police Career Incentive Pay Program Administration (Quinn Bill)
 - Scheduling and assignments for Patrol Division
 - Instituted *Weekly Roll Call*, an email training program to refresh officers' awareness on issues concerning department policies, procedures, rules and regulations.
 - Publish and disseminate weekly staff meeting notes to personnel.

- **Community Services**
 - Rape Aggression Defense (RAD) Instructor
 - Instituted the Wayland Citizen's Police Academy including development of curriculum
 - Wayland Junior Police Academy - Instructor
 - Cop Cards Program Participant
 - Wayland Police Association Senior Breakfast
 - Citizen's Response to Active Shooter Events (CRASE) Instructor
- **Managed the application processes resulting in the award of the following grants:**
 - Commercial Equipment Direct Assistance Program
 - Homeland Security Grants
 - Governor's Highway Safety Division Grants
 - Community Policing Grants
 - 911 Grants
- **Technology and Infrastructure**
 - Reverse 911 system implementation
 - Initiated social media best practices and procedures
 - In-car video system
- **Special projects, assignments and investigations as directed by the Chief of Police**

S E R V I C E ~ A S S O C I A T I O N

- **FBI National Academy Associates**
- **Wayland Police Officers Union (two-term President, one-term Vice President)**
- **Wayland Police Association (one-term Vice President)**
- **Mass Bay Community College – Criminal Justice Advisory Board**

E D U C A T I O N A N D C E R T I F I C A T I O N S

FBI National Academy
 Quantico, VA
 Session #216

Western New England College
 Springfield, MA

- **Master of Science in Criminal Justice Administration**
- **Bachelor of Science in Law Enforcement -**

New England Institute of Law Enforcement Management
Babson College, Needham MA

- **Advanced Management Practices**
- **Command Training Program**

Municipal Police Institute

- **New Chief – Executive Development Seminar**
- **Chief and Command Staff Managerial Skills**

Less Lethal Force Options for the Wayland Police Department – Lt. Patrick J.Swanick

Wayland police officers are currently issued pepper spray and expandable batons as less-lethal force options. I recommend introducing Tasers as an additional less-lethal weapon.

Background:

Less-lethal weapons are designed to distract, disorient, and temporarily incapacitate, thereby allowing the officer to successfully control the suspect while reducing the chances of injury to both. Less-lethal alternatives are designed to make arrests safer for the responding officers and the subject being placed under arrest. "Less-lethal" does not mean "not lethal". Any less-lethal weapon has the potential to be deadly.

Since the mid 1900's, the most common less-lethal weapon law enforcement officers had was a wooden club or baton. Today, the most commonly used less-lethal weapons for law enforcement are; chemical agents, conducted energy weapons (CEWs) and projectile weapons.

Over the past 20 years, new technologies have emerged that allow law enforcement officers to control suspects who resist compliance while inflicting fewer or less serious injuries. In situations where the suspect is armed with a knife or dangerous object, but not a firearm, the use of deadly force has become increasingly politically unacceptable.

Less-lethal weapons can be particularly useful in cases where suspects have a mental illness or are under the influence of drugs or alcohol. Pepper spray was among the first of the new less-lethal weapons to achieve widespread adoption and more recently, CEWs such as the Taser, have become common place. According to a 2011 National Institute of Justice study, the use of OC (pepper spray) and CEWs (Taser) can reduce serious injury to offenders by 60% and reduce serious injury to officers by 10-20%.

Chemical Agents

Definition: The common less-lethal weapons are chemical agents dispersed in aerosol form. The most widely used is Oleoresin Capsicum (OC) or pepper spray. OC has an effective range of 1-20 feet.

Effect: The suspect feels pain, burning, and irritation of exposed mucous membranes and skin. Most subjects are too distracted by their discomfort to resist officers.

Usage: Most officers carry OC on their duty belt. The officer will spray the OC toward the chest and face of the subject.

Concerns: If an officer sprays the aerosol in a confined environment or a blowing wind, it may hit an unintended victim or a fellow responding officer. Chemical agents do not work on everyone.

Cost: \$15-\$20 per officer per canister of OC spray. All officers receive training with OC at the police academy.

Recommendation: WPD officers currently carry OC. The department policies outline appropriate use and there are no significant issues.

Conducted Electrical Weapons (CEW)

Definition: CEWs work by sending electronic pulses throughout the body, interfering with the communication between the brain and the muscles.

Effect: They overwhelm the normal communication network, causing involuntary muscle contractions and impairment of motor function. Most subjects instantly drop and fall to the ground. CEWs are very effective when the officer is within 5-25 feet from a suspect. The most common CEW used by the police is the Taser.

Usage: The Taser is worn on the officer's duty belt. The Taser is in the shape of a pistol. The officer will aim the Taser at the subject and pull the trigger which causes two electrodes tethered by a fine wire to be propelled into the subject's torso. The Taser then sends electronic pulses to the subject causing the subject to drop to the ground.

Concerns: The major concern with CEWs is overuse. Deaths associated with CEWs often involve multiple CEW activations or multiple five-second cycles from a single CEW. There is significant data showing that when officers draw a Taser, subjects will instantly stop any resistance and cooperate with the officer.

Departments must develop policies dictating when CEWs can and cannot be used. The policies must include strict consequences for officers that improperly use the equipment.

Cost: \$850 per officer to equip each officer with a Taser and holster. Officers would be required to receive additional training prior to implementation. Total cost of equipment and training would be approximately \$20,000.

Recommendation: I recommend that the Wayland Police Department add Tasers to the officers less-lethal force options. An investment now could pay off by saving lives and reducing injuries to officers and subjects being placed under arrest.

Projectile Weapons

Definition: Projectile weapons fire a projectile (round) at the subject. The projectiles are small such as a bean bag, rubberized bullet, or paintball filled with OC (pepper spray).

Effect: The round is designed to cause pain but not penetrate the skin. It transfers and disperses its kinetic energy into its target. The most common rounds are those fired from a shotgun or a special launcher. They have an effective range of 5-25 yards.

Usage: These weapons are large (the size of a small rifle) and usually stored in the trunk of a patrol car. The main problems with the projectile weapons are range and accuracy. They can cause great bodily harm or death if they strike in the wrong place. Though these rounds cause pain, they may not incapacitate right away. Officers have to be ready to move in quickly and take advantage of the opportunity they create.

Cost: Projectile weapons launchers cost \$500-\$1000. The rounds range from \$6-\$25 per round depending on the weapon. Officers would be required to receive additional training prior to implementation.

Recommendation: I would not recommend adding projectile weapons to the departments less-lethal force options at this time.

Implementation / Communication Plan:

When implementing change that will impact front line officers, it is important to communicate with them throughout the process. It is also a good practice to involve them in the decision making process when selecting new technologies. This will help with buy in and acceptance from the rank and file when implementing change. If a labor union is resistant to change, police administrators must be prepared to negotiate with labor unions.

Once the decision is made, a budget would need to be prepared outlining the total cost of implementation. The budget would be presented to the Board of Selectmen and the Finance Committee to secure funding. It would also be prudent to prepare a media release to educate the public about the benefits of the new technology.

Action Plan:

- 1) Proposal to the Board of Selectmen
- 2) Secure funding from Finance Committee
- 3) Work with the police officer's union
- 4) Update policy manual (use of force)
- 5) Training and roll out.

Conclusion:

Wayland police officers are currently issued expandable batons and pepper spray. I believe that adding Tasers to the officers' tool belt would provide them with another less-lethal option that could save lives and reduce injuries.

(7) LIBRARY LETTER



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN
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September 5, 2017

Ms. Aida Gennis, Chair
Wayland Board of Library Trustees
5 Concord Road
Wayland MA 01778

Dear Ms. Gennis,

Congratulations on your successful application to the Massachusetts Board of Library Commissioners (MBLC) for a grant for a new public library for the Town of Wayland! The Board of Library Trustees has worked diligently for several years to demonstrate Wayland's need for a new library. We appreciate your work for the Town of Wayland and are very proud of the accomplishment of the Wayland Board of Library Trustees.

As we discussed at the Board of Selectmen meeting on August 21, 2017, the MBLC provides a very short time period for the town to secure local funding. Although the Town planned a Fall Town Meeting for November 14, 2017, it is and has been the practice of the Selectmen and Wayland Finance Committee not to consider significant funding requests at Fall Town Meeting. Major funding commitments are considered at Annual Town Meeting so that taxpayers can consider large projects in the context of a comprehensive, long term financial plan. Spring Town Meeting is planned to begin April 2, 2018 and would provide a far better opportunity for public deliberation of the project. The Town Election is already planned for March 27, 2018, and a Proposition 2 ½ debt or capital exclusion question could be placed on the ballot without the additional \$10,000 in costs to taxpayers for a special election in the fall.

We respectfully ask and strongly urge that the Wayland Board of Library Trustees petition the Massachusetts Board of Library Commissioners for an extension to allow Wayland Town Meeting and voters to address the question of library funding at the municipal election scheduled for March 27, 2018 and the Annual Town Meeting scheduled for April 2, 2018.

Thank you.

Sincerely,

Lea Anderson, Chair
Wayland Board of Selectmen

enc: Wayland Board of Selectmen Minutes 8/21/17
Correspondence from Wayland Finance Committee

(8) ASSIGN STM ARTICLES

ARTICLE LIST FOR NOVEMBER 14, 2017 SPECIAL TOWN MEETING

Article	November 2017 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
A	Pay Previous Fiscal Year Unpaid Bills	Board of Selectmen				
B	Current Year Transfers	Board of Selectmen				
C	Accept Gifts of Land at Town Center	Board of Selectmen				
D	Change Filing Deadline for Circuit Breaker Match Program	Board of Selectmen				
E	Compensation for Town Clerk	Board of Selectmen				
F	Personnel Bylaws and Wage and Classification Plan	Board of Selectmen				
G	Town Union Collective Bargaining Agreements 2017-2020	Board of Selectmen				
H	School Union Collective Bargaining Agreements 2017-2020	School Committee				
I	Appropriate Funds to Construct New Library Building	Board of Library Trustees				
J	High School Stadium Complex Renovation Design Fees	School Committee and Recreation Commission				

ARTICLE LIST FOR NOVEMBER 14, 2017 SPECIAL TOWN MEETING

Article	November 2017 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
K	Synthetic Turf Field at Loker Conservation and Recreation Area	Recreation Commission				
L	107 Old Sudbury Road Demolition	Board of Public Works				
M	Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings	Conservation Commission				
N	Non-Medical/Recreational Marijuana Six Month Moratorium – Zoning Bylaw Amendment	Youth Advisory Committee				
O	Appropriate Funds to Restore/Preserve Stone Pillars at Castle Gate Road and West Plain Street	Community Preservation Committee				
P	Appropriate Funds for Design of Part 2 of the High School Athletic Preferred Improvement Plan	Community Preservation Committee and School Committee				

(9) ORGANIZE TA OFFICE

DATE: SEPTEMBER 5, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: TOWN ADMINISTRATOR'S OFFICE ORGANIZATION

PROVIDE DIRECTION ON THE TOWN ADMINISTRATOR'S PROPOSED REQUEST TO THE PERSONNEL BOARD TO CREATE THE NEW STAND-ALONE POSITIONS OF HUMAN RESOURCE DIRECTOR AND ASSISTANT TOWN ADMINISTRATOR

SUMMARY

Assistant Town Administrator / HR Director John Senchyshyn will retire in February 2018 and Executive Assistant Mary Ann DiNapoli will retire at the end of September 2017. John and Mary Ann are highly valued and long serving employees with 16 and 18 years of service to Wayland respectively. Below is a plan for reorganization of the Town Administrator's Office and an effective transition. The plan below advises the Selectmen Board about how the position of Executive Assistant will be filled and requests the Selectmen to approve a request to the Personnel Board to classify and approve job descriptions for the new stand-alone positions of Human Resources Director and Assistant Town Administrator. The cost to implement the plan will be less than or equal to the cost of current staffing. This may include additional costs for Labor Counsel to support a new Human Resources Director.

EXECUTIVE ASSISTANT:

The position of Executive Assistant will be filled by David R. Porter. David has a Master's Degree from Harvard's Kennedy School of Government and has worked as a management and communications consultant for several years. David's ambition is to become a Town Administrator and he plans to commit at least 18 months to the Executive Assistant position. The position of Executive Assistant is an excellent way to learn how town government operates and is an excellent opportunity for the Town to improve communications with our residents and volunteers. David voluntarily prepared and will present a Wayland Communications Plan to the Board on September 18th and seek your input to guide his work.

David is available to begin transitioning on a part time basis beginning September 11th and will begin full time October 2nd. David is excited about and understands the detailed nature of the position. David will also provide support to the Zoning Board through the 40 B Hearings beginning September 7th. The Executive Assistant job description was recently updated and includes new or increased duties for website development, communications and volunteer training. As time permits, there will be increased emphasis on documentation of office

procedures, document management, maintenance of a library of legal opinions, and development of board policy with the Assistant Town Administrator.

HUMAN RESOURCES DIRECTOR

John Senchyshyn has served as the Town's Human Resources Director for 16 years in the position of Assistant Town Administrator / Human Resources Director. Among John's achievements are the development of consistent labor and employment contract terms and adherence to job classification plans, making day to day town administration easier and bolstering employee morale through John's efforts to promote fairness. This year, John negotiated the Town's withdrawal from police civil service. John played a key role in the Metro-West region as a member of the West Suburban Health Group Steering Committee, greatly benefitting the Town through a series of health care cost reductions. I believe John's expertise has kept employment litigation and labor counsel costs to a minimum.

➤ Town Administrator's Recommendation to Board of Selectmen:

I recommend to the Selectmen that the Personnel Board be asked to approve and classify the stand alone position of Human Resources Director including all human resource job duties in the existing ATA / HR job description. The Human Resources Director would also administer the Town's risk management and property, liability, workers compensation and other insurances. Our objective will be to begin advertisement for a Human Resources Director in early to middle October to fill the position in January 2018 allowing for a transition prior to John's retirement.

The position of Human Resources Director is referenced in Chapter 60.2.3 of the Town Code which states:

60.2.3 The Town Administrator shall have the power and authority to..... (b) Appoint on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving and evaluate, discipline and, for cause remove without the ratification of the Board of Selectmen, a Human Resources Director.

Although John's institutional knowledge cannot be replaced, the effects of his departure can be mitigated through: 1) increasing the FY 19 operating budget request for Labor Counsel and, 2) increasing the role of the Town Administrator in the human resource function. John and I enjoy a strong collegial relationship; a new Human Resources director will require and expect more direction from the Town Administrator to be successful. The Town is fortunate to have the expertise of labor attorneys on its Personnel Board to support the transition.

FY 18 – 19 priorities for a new Human Resource Director will be to:

- Complete contract negotiations with the support of the Town Administrator and Labor Counsel and approval of the Personnel Board and Board of Selectmen,
- Maintain consistency in labor agreements and contracts,
- Maintain a strong, pro-active approach to the administration of employee benefits / health insurance,
- Implement staff development and employee evaluation programs for all departments,
- Evaluate and improve time and attendance system
- Develop increased opportunities for inter-departmental meetings, training and communication at all levels especially around increasing resident satisfaction with town services , and
- Maximization of use of MUNIS or another human resource database.

ASSISTANT TOWN ADMINISTRATOR

Assistant Town Administrator: Role in Most Towns:

The most significant part of the ATA job is to share the workload of the Town Administrator generated by the priorities of the Board of Selectmen. The role of Assistant Town Administrator is especially important within Wayland's decentralized governance structure through which departments, boards and committees generate projects and policy initiatives independent of the priorities set by the Board of Selectmen.

Most towns employ one or more Assistant Town Administrators ("ATA"). These positions are structured in various ways to provide both general support to the Town Administrator and oversight of departmental groups (For example: Land Use, Finance, or Community Services are common groupings). Depending on the needs of the Town at any given time, the ATA job may include specific responsibility for a combination of public procurement and contracting, IT, human resources, special projects including financial analysis and and the development of operating and capital budgets. In some towns, the ATA attends all meetings of the Board of Selectmen and provides a report.

The ATA may also serve as Acting Town Administrator during the Town Administrator's absence due to vacation or short term illness. For longer term absences of the Town Administrator, Selectmen generally assess whether to appoint the Assistant Town Administrator or an outside Interim Town Administrator to fulfill the role of Acting Town Administrator. It is rarely assumed that an Assistant Town Administrator will step into the job of Town Administrator on a permanent basis. Unlike the position of HR Director, the position of Assistant Town Administrator is not referenced in the Town Code and an appointment to the position does not require ratification of the Board of Selectmen.

Assistant Town Administrator Accomplishments: Since 2014:

During the past three years in Wayland, the ATA provided logistical support for town meetings, established a new system for compliance with the Public Records requests, served as point person on the Sudbury / Wayland Inter-Municipal Agreement, provided leadership to the Finance Team in implementing the first Collins Center Report, negotiated an interdepartmental agreement on maintenance of recreational facilities, served as Acting Treasurer and solved day to day operational problems.

Role of the Financial Administrator:

The Town of Wayland also employs Elizabeth Doucette as Financial Administrator with duties that are usually included by Towns in the jobs of Assistant Town Administrator, Finance Director or Town Administrator. Since 2014, these duties and projects have included acting as procurement / contracting officer including development of the procurement system, development of detailed and consistent operating budgets for all departments resulting in a strong business decision-making tool for management, provision of oversight of the IT Department during reorganization, including project management of technical projects, system stabilization and cyber-security training, development of a low cost approach to adopt of electronic board packets, and problem solving around finance issues including development and implementation of the Revolving Fund By-law.

The position of Financial Administrator was originally called Financial Analyst and was intended to provide analytical support to both the town and schools. Responsibility for public procurement, requiring state certification was added to the job description upon the retirement of John Moynihan, former Facilities Director and comprises 50% of the job. Due to the needs of the Town and Elizabeth's skills, Elizabeth's responsibilities increased beyond the original job description.

➤ **Town Administrator's Recommendation to Board of Selectmen:**

I recommend to the Selectmen that the Personnel Board be asked to approve and classify the position and job description for Assistant Town Administrator, combining the non HR duties of the existing Assistant Town Administrator with the procurement function and special projects included in the Financial Administrator position. Priority projects for the ATA position for FY 18 – 19 include:

- Continued development of procurement and purchase order system / Real estate transactions / Surplus property
- Preparation of detailed operating, revolving / enterprise fund and capital budgets
- Development of a comprehensive, documented departmental fee schedule
- Board policy development in collaboration with the Executive Assistant

- Departmental oversight where required including Information Technology, Finance Team and Land Use Team in order to provide resources and assistance to keep projects moving forward including land use software / customer service, Collins Center financial procedures, cyber-security training
- Special projects including providing staff support for Cable Committee during negotiations with Comcast and Verizon

My intent would be to ask Elizabeth Doucette to fill the position of Assistant Town Administrator. The position of Financial Administrator would not be filled.

Elizabeth Doucette's credentials exceed the credentials of the current ATA position and include:

- 12 years of municipal experience, including procurement, finance, payroll integration and customization, community development and business systems analysis
- Bachelor of Science in Business Administration from Boston University
- Graduate level course work in Business, IT and Urban Planning
- Certified Massachusetts Public Procurement Officer
- Certified Federal Grant Administrator
- 20+ years' experience as Principal Software Engineer, including project management of large and small project teams distributed geographically
- Supervisory experience

I look forward to the Board's discussion and direction. Thank you for your consideration.

(12) MINUTES



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

DRAFT

Board of Selectmen
Meeting Minutes
August 21, 2017
6:30 p.m.

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

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist (arrived at 7:44 p.m.), Cherry C. Karlson, Douglas A. Levine (arrived at 6:34 p.m.)

Also Present: Town Administrator Nan Balmer

A1. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to Discuss Strategy with Respect to Negotiations with Non-Union Personnel, Police Chief, and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, and Library Unions Representing Town Employees, and 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)(6), to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to Wayland Meadows, LLC, Lot 8, Old Sudbury Road, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town

At 6:30 p.m., L. Anderson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) to discuss strategy with respect to negotiations with non-union personnel, Police Chief, and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to and in preparation for collective bargaining with the Police, Fire, AFSCME 1, and Library unions representing Town employees, and 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)(6), to consider the purchase, exchange, taking, lease or value of real property in regard to Wayland Meadows, LLC, Lot 8, Old Sudbury Road. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0. Chair L. Anderson invites attendance by Town Administrator Nan Balmer.

The Board returned to open session at 7:11 p.m.

A2. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 7:11 p.m. in the Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

M. Antes said there will be a ZBA meeting tomorrow night. L. Anderson announced that people can apply to the 2017 Wayland Police Department Citizens Academy, which starts in September. N. Balmer introduced communications volunteer David Porter to the Board of Selectmen.

A3. Public Comment M. Lowery, Lakeview Drive, stated he was speaking for himself about the Library project agenda item tonight and distributed his comments. He said the Library proposal is a want not a need, that moving it will do more damage to Town Center. He asked the selectmen to take a step back and rethink the project.

J. Ling, 274 Concord Rd, passed out a graph of capital expenditures listed in the Warrant. She said the Library project will take away resources from the Town's other important needs and wants, the Town doesn't need a new library, and she opposes abandoning the current building.

L. Segal, Aqueduct Road, speaking as an individual and not a ZBA associate member, discussed the proposed 40B advisory committee. She distributed a list of 40B projects and the number of ZBA sessions for each. She said reviewing 40B projects takes more time than people know, and the Town needs everyone's help and participation.

A4. Vote to Approve Memorandums for Collective Bargaining Agreements for AFSCME-1 and the Library Staff Association Unions

M. Antes moved, seconded by C. Karlson, to Approve the Memorandums of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and AFSCME-1 Local 690 for the period of July 1, 2017 through June 30, 2020 and to Approve the Memorandums of Agreement for Successor Collective Bargaining Agreement between the Town of Wayland and the Wayland Library Staff Association for the period of July 1, 2017 through June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A5. Interview and Potential Vote to Appoint to Boards and Committees: Zoning Board of Appeals, David Katz

David Katz appeared before the Board to interview for a position on the Zoning Board of Appeals. He reviewed his background and interest in serving on the board. He currently works in Human Resources and applied to the ZBA because it is a critical Board when it comes to development for the town. When questioned, he said he's looking forward to learning a lot and willing to put in the work. M. Antes said the ZBA will benefit from someone who can read plans and who has excellent writing skills for writing decisions. C. Karlson said they are always looking for different skill sets and perspectives.

C. Karlson moved, seconded by D. Levine, to appoint David Katz to the Zoning Board of Appeals, effective immediately, for a term to expire on June 30, 2020. YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.

A6. Discuss Next Steps for Library Project; Discuss Process to Consider Re-use of Library Building at 5 Concord Road Library Trustee members Aida Gennis and Sally Cartwright came before the Board to discuss the next steps for the Library project and possible re-use of the existing Library building at 5 Concord Road. A. Gennis reviewed the timeline to date for the Library project. She asked the Board the steps to hold a special election for a debt/capital exclusion vote in addition to a Special Town Meeting article vote. Specifically, she asked if the request would be done through the Board of Selectmen or the Finance Committee. C. Karlson said the Library Board of Trustees can ask for a debt exclusion to be placed on the ballot, but historically, the BoS has requested input from the Finance Committee, as required by Board policy, for a funding recommendation. Timing was also discussed. A. Gennis stated that the state has a deadline of January 12, 2018, and they expect municipalities to have a fall town meeting or call a special town meeting..

L. Jurist arrived at 7:44 p.m.

C. Karlson stated that the Finance Committee has made a clear request to avoid capital money articles for fall town meeting. The letter is in the Selectmen's packet for tonight's meeting. A. Gennis said she had read the memo and understands the position. However, the Trustees face the State January 2018 deadline and they do not want to miss the opportunity for residents to vote on the issue. The Board expressed a strong preference for considering all Town capital articles at the same time, and asked about an extension of the deadline to allow for the project to be discussed during the Annual Town Meeting process. A. Gennis explained the process to file for an extension of the January 12, 2018 deadline, and outlined the conditions under which the Trustees might apply. She proposed submitting an article for fall town meeting in case the extension was denied, reviewing the timing for a fall ballot question, and requested an assurance from the Board of Selectmen that the Library funding article would be placed on the spring Warrant. L. Anderson said that is reasonable to expect since the Town's typical process is to consider funding/money articles at Annual Town Meeting.

Chair of the Library Planning Committee (LPC) Tom Fay came before the Board to discuss the committee taking on the charge of developing a list of possible future uses of 5 Concord Rd. T. Fay said the existing Library building is important to the Town, and everyone on the committee worked very hard to try to expand or keep it but couldn't due to environmental and space reasons. He said they are willing to take on this part of the charge and look at all recommendations and uses from various sources (prior building studies, LPC work, WRAP report). C. Karlson looked at the timetable for Special Town Meeting and wondered if the list of potential future uses could be completed and forward to Town Counsel in time for the STM warrant.

A. Gennis explained that to apply for an extension they would need to confidently state that an article for this would occur at the Annual Town Meeting as part of the regular budgeting cycle and with a ballot question scheduled. The Board confirmed its strong preference for addressing this project at Annual Town Meeting. A. Gennis requested a copy of this meeting's minutes, the letter from the Finance Committee stating funding articles should wait until the spring, and a letter from the Board of Selectmen. The Board was supportive of this approach.

C. Karlson moved, seconded by L. Jurist, that the Town Administrator, with the assistance of the Board of Selectmen, draft a letter to the Board of Library Trustees requesting that it apply for an extension and state that the Board strongly prefers to address financial articles during the annual budget process, agrees to include the article on the Warrant for Annual Town Meeting, will request a ballot question, and requires additional time to determine the best future use for the much loved current Library facility. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson summarized that the Trustees should still proceed down the path for submitting an article for November's special town meeting.

A7. Vote to Open Special Town Meeting Warrant M. Antes moved, seconded by D. Levine, to hold a Special Town Meeting on Tuesday, November 14, 2017, at 7:00 p.m. in the Wayland High School Field House, and the warrant for said Special Town Meeting will be open from Wednesday, August 23, 2017, at 8:30 a.m. through Thursday, August 31, 2017, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in the Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Thursday, August 31, 2017. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A8. Vote to Submit Special Town Meeting Articles; Discuss Criteria for Inclusion of Articles in Warrant

Discussion included:

1. **Pay Unpaid Bills:** C. Karlson asked for this article to be populated before submission, since the Board requested no placeholder articles. N. Balmer said she will make sure its comprehensive. C. Karlson asked if Unpaid Bills and Current Year Transfers count as funding articles under the FinCom's guidance letter. L. Jurist said we have no choice. L. Anderson said the memo stated no financial articles, but with some exceptions.
2. **Current Year Transfers**
3. **Fund FY18 Across the Board Increase for Non-Union Staff:** L. Jurist said showing a cost is confusing since it is a reallocation, not a new cost. M. Antes recommended putting reallocation. N. Balmer will address it.
4. **Accept Gifts of Land:** C. Karlson distributed a draft article with maps for consideration. The gifts of land are at Town Center.
5. **Fund FY18 Increase for Town Clerk**
6. **Change Date Circuit Breaker:** C. Karlson said this article was also reviewed by the COA Director.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen vote to submit for the warrant the following articles: Pay Unpaid Bills, Current Year Transfers, Articles related to Negotiations Increase for Non-Union Staff and Town Collective Bargaining Agreements, Increase for Town Clerk, Accept Gifts of Land for Town Center, and the article to Change Filing Deadline for Circuit Breaker Match Program all with the understanding that they be complete by the time of submission. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A9. Town Administrator Evaluation – Solicit Feedback on Draft Composite Evaluation

L. Anderson collected the draft composite evaluations with individual Board member's feedback and will consolidate the remarks. She noted that everyone had a wide variety of opinions and she will bring back a revised version. The Board complimented L. Anderson on summarizing all the information.

A10. Discuss Charge for Proposed Town Advisory Committee for Chapter 40B D. Levine discussed his support for a 40B Advisory Committee to assist the ZBA. Town Counsel reviewed the draft charge and didn't identify anything that would cause a conflict. He said the overall goal would be for information sharing and all meetings would be in open session. C. Karlson asked N. Balmer to clarify the role of the Town's current 40B Consultant. N. Balmer reported that the consultant provides a broad base of support that covers all relevant topics, understands the processes, and is with the ZBA every step of the way. She noted there could be an overlap with an advisory committee. C. Karlson said it is important to let the ZBA function independently, not interfere and not to create more work for staff. L. Anderson said she's undecided and asked D. Levine if there would be any confusion about committee members offering legal opinions. L. Jurist suggested they go before the ZBA and ask them if they need an advisory committee. C. Karlson said D. Levine can explain the idea during ZBA public comment and explain that the Board of Selectmen requests feedback. D. Levine planned to attend tomorrow night's ZBA meeting.

A11. Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(7), to Review and Consider for Approval the Potential Release of the Following Executive Session Minutes on the Following Topics: Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (3) 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 to Discuss Strategy with Respect to Litigation in Pending Action

regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road, and to Discuss Strategy with Respect to and in Preparation for Collective Bargaining with the Police, Fire, AFSCME 1, Library, WESA, Custodial and Food Service Unions Representing Town and School Employees, and to Discuss Strategy with Respect to Negotiations with the Police Union Regarding Withdrawing From Civil Service; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (6) to Consider the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to the River's Edge Project at 484-490 Boston Post Road; and to Discuss the Exchange, Purchase, Lease or Value of Real Estate in regard to the Value of Real Property at 87 Old Connecticut Path, Wayland, Commonly Known as Mainstone, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town: APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015

At 8:56 p.m., L. Anderson moved, seconded by M. Antes, that the Board of Selectmen enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(7), to review and consider for approval the potential release of the following executive session minutes on the following topics: pursuant to Massachusetts General Laws Chapter 30A, Section 21(a) (3) 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 to discuss strategy with respect to litigation in pending actions regarding Bernstein, et al v. Planning Board, et al, Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road, and to discuss strategy with respect to and in preparation for collective bargaining with the Police, Fire, AFSCME 1, Library, WESA, Custodial and Food Service unions representing Town and School employees, and to discuss strategy with respect to negotiations with the Police Union regarding withdrawing from civil service; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(6), to consider the purchase, exchange, taking, lease or value of real property in regard to the River's Edge Project at 484-490 Boston Post Road; and to discuss the exchange, purchase, lease or value of real estate in regard to the value of real property at 87 Old Connecticut Path, Wayland, commonly known as Mainstone. APPROVE AND HOLD: August 7, 2017, July 24, 2017, May 15, 2017, and APPROVE AND RELEASE WITH REDACTIONS: June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015.

Before the second, C. Karlson requested that the motion be amended to include AFSCME 2 and the change was made. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, 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 8:58 p.m.

A12. Executive Session Minutes: Vote to Approve and Hold the Executive Session Minutes of August 7, 2017, July 24, 2017, and May 15, 2017; Vote to Approve and Release with Redactions the Executive Session Minutes of June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015
This agenda item was postponed until a future meeting.

A13. Minutes: Review and Vote to Approve Minutes of July 31, 2017, and August 7, 2017 C. Karlson moved, seconded by M. Antes, to approve the minutes of July 31, 2017, and August 7, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A14. Consent Calendar: Review and Vote to Approve (See Separate Sheet) M. Antes 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.

A15. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. L. Anderson said the Budget Status Report was interesting and noted there were many positive happenings relative to collections. M. Antes was pleased to see the Stonebridge easement completed. The Board agreed the Police Department's report showed an eventful month, and recognized the nice letters from officials and residents about its performance.

A16. Report of the Town Administrator

1. **Correspondence:** nothing additional.
2. **Zoning Board of Appeals Membership and Staff Report:** N. Balmer reported ZBA needs additional staffing as existing staff cannot attend all the scheduled hearings. She said the Board will have the opportunity to appoint an additional member in September to fill the other vacancy.
3. **Annual Town Meeting Schedule:** distributed for review.
4. **Staffing Plan/Engineering:** N. Balmer said she is working on many projects related to staffing. An outside vendor is evaluating the organization in the Town Administrator's office, the Finance office and HR, and N. Blamer hopes to come back in early September with some recommendations. N. Balmer has also asked the Collins Center to produce their report early if possible. Finally, she is also looking to integrate the management functions of Public Works, Engineering, Wastewater, Survey and Facilities to find ways to realign the organization to make it easier for staff to accomplish tasks.
5. **Housing:** N. Balmer reported that implementation of the Housing consultant's plan is progressing slowly, and she expects more progress in September.
6. **Land Use Team Project:** N. Balmer said she encourages staff to "like" complaints and use them as a learning experience. She said they do not get many/if any complaints about land use and when they do the entire staff uses it as a learning experience. She asked the Board to please bring forward any complaints of which they hear.
7. **Budget Process:** N. Balmer said the Finance Team worked very hard with the Finance Director to prepare his presentation to departments heads on Aug 6.
8. **Finance Committee:** N. Balmer said she met with the Finance Committee and to review their request to meet with staff. She went over the planned process with the Board and asked for its thoughts. D. Levine said the current way didn't seem efficient and was open to trying a new way. C. Karlson wondered if all committees should follow this same process. N. Balmer said that she doesn't feel the town needs to draw a hard line on the process yet. She then went over the Finance Committee's request to meet with the financial advisor.

She said the Route 20 paving project will occur at night in September; some staff met with MA DOT representatives. She reported that the Police Chief is requesting the School Department retain a traffic engineer to review safety at the proposed contractual site for parking school buses.

N. Balmer reported that she has received many requests and questions about the Turf Account. Her understanding is that when the turf field project happened, it was agreed that some of the fees paid for the use of the turf field would be set aside for replacement. This account was set up as a 53a gift account and has a balance of \$214,000 collected from user fees. This is not the right place for the funds and our auditor has agreed to allow the Town to transfer the balance to the Recreation Revolving fund. Recreation is discussing whether the funds can be used for something other than

replacement of the high school turf field. N. Balmer will hold the funds until a resolution is found. She said this is an ongoing situation and she will keep the Board updated.

A17. Selectmen's Reports and Concerns D. Levine stated that he attended a meeting with members of the EDC, the Town Planner, and representatives of the owners of Town Center and the property management company. They talked about problematic issues such as vacancies, a general lack of foot traffic and focusing on a long-term plan for future tenants. They also discussed wastewater capacity, meeting regularly with the Town and ways the Town can help (permitting issues, holding more events in that area).

M. Antes said she will be attending the MMA Legislative Breakfast Meeting in Stow on Sept. 22. L. Anderson said she will go as well. C. Karlson asked if there is a way to get all Town meetings posted on the online town meeting calendar, perhaps through a central place like the Town Clerk's office since all agendas are posted there. N. Balmer said she will follow up and she's expecting changes in that area hopefully in a few months.

A18. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A19. Adjourn There being no further business before the Board, D. Levine moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 9:32 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 August 21, 2017

1. Wayland Five Year Capital Expenditure Plan
2. Recent 40B Comprehensive Permit History, from Linda Segal, 8/21/2017
3. Letter of 8/21/17 from Michael Lowery to Board of Selectmen re: Library Project
4. Draft Article for November 2017 Special Town Meeting, "Accept Gifts of Land at Town Center"

Items Included as Part of Agenda Packet for Discussion During the August 21, 2017 Board of Selectmen's Meeting

1. Letter of 8/15/17 from David Katz re: Letter of Interest and Résumé for the Zoning Board of Appeals
2. Memorandum of 8/21/17 from the Board of Selectmen to All Town Boards and Committees and Staff re: Special Town Meeting, November 14, 2017
3. Draft Special Town Meeting Articles
4. Draft Minutes of July 31, 2017, and August 7, 2017
5. Report of the Town Administrator for the Week Ending August 18, 2017

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING SEPTEMBER 1, 2017**

1. CORRESPONDENCE

2: Amy Kwesell, KP Law to Land Court: Town Counsel filed a complaint 8/23/17 in Land Court regarding 20 Millbrook, illegal storage container. Counsel decided to not apply for a preliminary injunction as the Town cannot meet the imminent harm test. However, by filing in Land Court Counsel anticipates a case management conference relatively soon which will get the issue before a judge quickly and hopefully compel compliance. A copy of the complaint is in the office.

2. CAPITAL PLANNING – FY 19

The Finance Committee will meet with the Treasurer's Financial Advisor on Monday September 11th to discuss prudent approaches to fund proposed capital projects. In a report expected by mid-October, the Collins Center will provide the Town its recommendations on structuring a capital planning process.

3. RIVERS EDGE

The Board is asked to consider volunteer recruitment to fill the REAC "Member at Large" seat, vacated by Jerry Heller. At this point in the process (Due Diligence), it may be most helpful to recruit a volunteer with a technical / scientific background to assist with consideration of cost estimates.

4. MEETING SCHEDULE

Attached is an updated meeting schedule for the period September 5, 2017 through January 8, 2018. The proposed schedule eliminates a meeting on November 27th and adds a meeting on November 20th.

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

REVISED

	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

MEETING

	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

SCHEDULE
9/5/17

	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

1/8/18

	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

2018

	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 | 17 Mar St. Patrick's Day | 20 May Armed Forces Day | 4 Sep Labor Day | 31 Oct Halloween |
| 16 Jan Martin Luther King Day | 1 Apr April Fool's Day | 29 May Memorial Day | 11 Sep September 11th | 5 Nov Daylight Saving (End) |
| 12 Feb Lincoln's Birthday | 14 Apr Good Friday | 4 Jun Pentecost | 17 Sep Citizenship Day | 11 Nov Veterans' Day |
| 14 Feb Valentine's Day | 16 Apr Easter | 5 Jun Pentecost Monday | 22 Sep Native American Day | 23 Nov Thanksgiving |
| 20 Feb Presidents Day | 17 Apr Easter Monday | 14 Jun Flag Day | 9 Oct Columbus Day | 7 Dec Pearl Harbor |
| 28 Feb Mardi Gras Carnival | 5 May Cinco de Mayo | 18 Jun Father's Day | 16 Oct Boss's Day | 25 Dec Christmas Day |
| 12 Mar Daylight Saving (Start) | 14 May Mother's Day | 4 Jul Independence Day | 21 Oct Sweetest Day | 31 Dec New Year's Eve |

MONDAY, JAN 8, 2018

Calendar & Holidays

2017

Calendar-365.com



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

Tuesday, September 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 River's Edge Special Counsel Anderson & Krieger LLP, dated August 25, 2017, for Legal Services Rendered through July 31, 2017, Reference # 122354/5415-001: \$10,370.06
3. Vote the Question of Approving the Invoice from KP Law, P.C., August 28, 2017, Invoice No. 113001, Wayland Tax, for Services Through July 31, 2017: \$779.07
4. Vote the Question of Approving the Use of the Town Building Parking Lot, 41 Cochituate Road, for the Pumpkin Shuffle, a 5K Race to Support Our Promise to Nicholas, on Saturday, October 14, 2017, from 8:30 a.m. to 2:00 p.m.
5. Vote to Authorize the Chair to Sign the MassHousing Partnership 40B Technical Assistance Application for the Windsor Place Project
6. Vote the Question of Approving and Signing the Certificate of Recognition to Lois Laird, Wayland Resident, on the Occasion of Her 100th Birthday

ANDERSON --- KREIGER

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

August 25, 2017

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

Reference # 122354 / 5415-001

In Reference To: River's Edge Special Counsel

Total Current Billing:	<u>10,370.06</u>
Previous Balance Due:	6,300.07
Total Now Due:	<u>16,670.13</u>

PLEASE NOTE: ALL BALANCES DUE WITHIN 30 DAYS

KP LAW, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

INVOICE NO. 113001

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH JULY 31, 2017
AUGUST 28, 2017

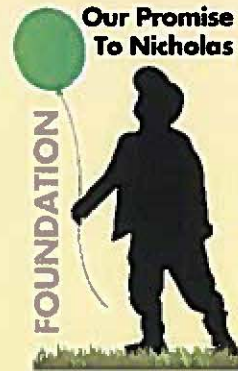
TOTAL FEES:	453.25
TOTAL COSTS:	<u>325.82</u>
BALANCE DUE:	<u>779.07</u>

RECEIVED

AUG 30 2017

Board of Selectmen
Town of Wayland

THE JOHN TANNER PUMPKIN SHUFFLE



5K Run / Walk

To benefit children with batten disease

SATURDAY, OCT. 14, 2017 • 11:30AM

**Race starts and finishes behind Russell's Garden Center:
397 BOSTON POST ROAD • WAYLAND, MA**

Every participant receives a free mini pumpkin

Register at www.ourpromisetonicholas.com

10% OFF BEFORE OCTOBER 13

promo code: JTRACE2017



DiNapoli, MaryAnn

From: Brenna, Katherine
Sent: Tuesday, August 29, 2017 8:17 AM
To: DiNapoli, MaryAnn; Houghton, David; Irving, Robert
Subject: RE: Parking at the Town Building

It might be of importance to note that the Town Building field will be under construction at this time, but shouldn't effect parking.

Katherine Brenna
Assistant Director
Recreation Department
Town of Wayland

Get Outlook for Android

From: Irving, Robert
Sent: Tuesday, August 29, 2017 8:06:34 AM
To: DiNapoli, MaryAnn; Brenna, Katherine; Houghton, David
Subject: RE: Parking at the Town Building

MaryAnn,

The police department does not have any issues with this.

Chief

From: DiNapoli, MaryAnn
Sent: Monday, August 28, 2017 3:32 PM
To: Irving, Robert; Brenna, Katherine; Houghton, David
Subject: FW: Parking at the Town Building

Not sure if this is something we looked at already, but can you each let me know in writing if you have any objections or concerns? Then I'll bring it to the Board of Selectmen.

Thanks!

MaryAnn

From: Marie Winter [<mailto:mariew@russellsgardencenter.com>]
Sent: Monday, August 28, 2017 3:14 PM
To: DiNapoli, MaryAnn; pamb@russellsgardencenter.com
Subject: Parking at the Town Building

Dear MaryAnn,

Russell's would like to request that we could park about 50 cars at the town building on Saturday October 14, 2017

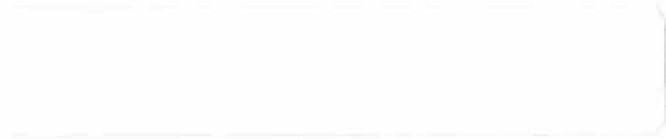
from 8:30 am to 2 pm. That is the day of the Pumpkin Shuffle a 5K race to support Our Promise to Nicholas. In past

years the race has been held at the Town Hall, but this year will start and end at Russell's Garden Center. I have attached a copy of the poster.

Thank you for your consideration!

Marie Winter

Russell's Garden Center





Date: September 5, 2017

Ch. 40B Technical Review Assistance Application

Please speak to Community Assistance staff to discuss your project before requesting an application.

Laura Shufelt: 857.317.8582 or lshufelt@mhp.net

CONTACT INFORMATION

Municipal Contact for Application	Nan Balmer, Town Administrator	ZBA Chair	Jonathan Sachs	Chief Elected Official	Lea Anderson, Chair, Selectmen
Address	41 Cochituate Road	Address	41 Cochituate Road	Address	41 Cochituate Road
City/Town/Zip	Wayland MA 01778	City/Town/Zip	Wayland MA 01778	City/Town/Zip	Wayland MA 01778
Phone	508-358-7755	Phone	508-358-3600	Phone	508-358-7755
Email	nbalmer@wayland.ma.us	Email	zba@wayland.ma.us	Email	landerson@wayland.ma.us

PROJECT INFORMATION

Project Name: Windsor Place	Developer: Windsor Place LLC
Principals: Christopher D'Antonio	Attorney: Mark Kablack
Consultants:	Engineer:
Project Address: 24 School Street Wayland MA 01778	

DEVELOPMENT SITE & ZBA MEETINGS

Number of Units Proposed: Total 12 Affordable 3

Project Type: Rental Homeownership

Size of Site: 0.87 acres

Age-restricted? Yes No

Date Permit Application Filed with ZBA: 7/15/17

First Hearing Date? 8/3/17

Is 1st Hearing within 30 days of application? Yes No

Day/Time ZBA meets? Thursday at 7:30 pm

Have hearings been held already for this project? Yes No

If Yes, dates? 8/3/17

SITE APPROVAL/ELIGIBILITY LETTER:

What is the source of the project eligibility letter? MassHousing

Date of Project Eligibility Letter 3/31/2017

Please provide a copy of the letter with this application.

Did the municipality submit comments to the Subsidizing Agency? Yes No

Please provide a copy of the comment letter with this application.

What specific review issues would you like assistance?

Technical assistance in review, oversight, and organization of multiple comprehensive permits before the Board

What are the main municipal concerns with the project?

Does municipal staff or ZBA members have prior experience reviewing comprehensive permits ?

Yes No If yes, how much? _____

Does the municipality have a Housing Production Plan that addresses affordable housing?

Yes No

If yes, is the plan approved by DHCD? Yes No Certified? Yes No

Has the municipality adopted Comprehensive Permit review rules? Yes No

If yes, please include a copy of the rules with this application.

Who is the counsel/attorney for the ZBA on this project?

Carolyn Murray - KP Law PC

Please list the Comprehensive Permit applications submitted to the municipality in the last 5 years .

NAME OF PROJECT	FUNDING SOURCE	APPROVED/DENIED	DATE
Commonwealth Residences	Private Development	Approved	June 9, 2015
Village Lane	Private Development	Approved	September 7, 2014
97 Stonebridge	Habitat for Humanity	Approved	December 12, 2013

Which consultant does the ZBA prefer?

1. Joseph Peznola

2. _____

SIGNATURE OF CHIEF ELECTED OFFICER

9/5/17
DATE

Lea Anderston, Chair, Board of Selectmen
PRINT NAME AND TITLE

SIGNATURE OF ZBA CHAIR

DATE

Jonathan Sachs, Chair, ZBA
PRINT NAME



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TOWN OF WAYLAND

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**REVISED PUBLIC DOCUMENTS PROVIDED TO THE
BOARD OF SELECTMEN FROM AUGUST 18, 2017,
THROUGH AND INCLUDING AUGUST 31, 2017,
OTHERWISE NOT LISTED AND INCLUDED IN THE
CORRESPONDENCE PACKET FOR SEPTEMBER 5, 2017**

Items Distributed To the Board of Selectmen –August 18-31, 2017

1. Email of 8/30/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Personnel Related Article

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of August 21, 2017

1. Wayland Five Year Capital Expenditure Plan
2. Recent 40B Comprehensive Permit History, from Linda Segal, 8/21/2017
3. Letter of 8/21/17 from Michael Lowery to Board of Selectmen re: Library Project
4. Draft Article for November 2017 Special Town Meeting, "Accept Gifts of Land at Town Center"

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

1. Letters of Interest and Résumés of Adam Gutbezahl and James Grumbach
2. Memorandum of 9/5/17 from Nan Balmer, Town Administrator, to Board of Selectmen , re: Appointment of Wayland Police Chief
3. Draft Letter from the Board of Selectmen to the Board of Library Trustees, dated September 5, 2017
4. November 2017 Special Town Meeting Articles
5. Memorandum of 9/5/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Town Administrator's Office Organization
6. Draft Minutes of August 21, 2017
7. Report of the Town Administrator for the Week Ending August 25, 2017



NAN BALMER
TOWN ADMINISTRATOR
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TOWN OF WAYLAND

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BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Tuesday, September 5, 2017
Wayland Town Building
Selectmen's Meeting Room

REVISED CORRESPONDENCE

Selectmen

1. Public Comment, Affordable Housing Project at 113-119 Boston Post Road
2. Letter of 8/23/17 from Town Counsel Amy Kwesell, KP Law, to Land Court, re: Town of Wayland by and through its Building Commissioner, v. John H. Archambault et al
3. Email of 8/30/15 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Personnel Related Articles
4. Press Release, 8/31/17, from Public Health Director, re: Mosquitoes Testing Positive for West Nile Virus in Wayland

Minutes

5. Finance Committee, July 19, 2017

State

6. Letter of 8/21/17 from Massachusetts Municipal Association re: Legislative Breakfasts on September 15, 22, and 29

1

18 August 2017

Re: the proposed apartment complex at 115 Boston Post Road

To: Wayland Board of Selectmen

Certainly, it is not an easy decision, you have to satisfy the law (40B) but the fulfillment of this obligation should not destroy the community, jeopardize safety of people living in Wayland, and endanger the environment.

In short, Stop the Monster! Please vote against the building of the apartment complex on the former site of Mahoney's Garden Center.

Regards,


Julia and Vladimir Kazakin

87 Moore Road, Wayland MA 01778
508-358-9593

RECEIVED
AUG 21 2017
Board of Selectmen
Town of Wayland

August 18, 2017

50 Orchard Lane
Wayland, MA 01778

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

RECEIVED

AUG 23 2017

Board of Selectmen
Town of Wayland

Dear Sir or Madam,

We are writing in opposition to the 40B apartment complex proposed by developer Steven Zeiff and Eden Management for the former Mahoney's Garden Center at 115 Boston Post Road ("Cascade Wayland").

In our opinion the size of this development is entirely out of proportion to the site and for the town. As proposed, it will be a permanent eyesore. It will add traffic to an already over-congested road (Route 20) and to side roads such as Glezen Lane, which an increasing number of commuters will use to avoid the traffic on Route 20. This development plus traffic from the proposed development "Rivers Edge" threaten to turn Route 20 into a parking lot. The inevitable overflow to what should be quiet side streets will destroy the "semi rural" nature of the town. Increased traffic also creates a safety concern; as residents and commuters vie for road space, accidents are more likely to happen. If a traffic light is added, it will further congest and slow down traffic on the road.

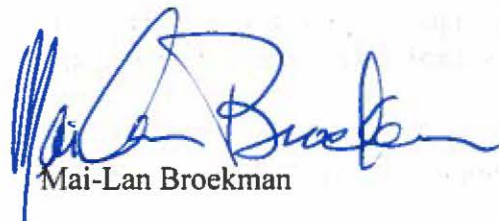
This development is projected to generate more than 3.85 million gallons of sewage per year, with a weight of 32 million pounds. Pine Brook, one of few cold water streams in eastern Massachusetts, runs through the site and then on through Camp Chickami, and from there into the Sudbury River. The leach fields for the proposed development are sited less than 80 feet from this brook! Development threatens the stream with thermal as well as chemical and biological pollution from the septic system and runoff, potentially affecting both native brook trout, which require clean cold water and, possibly more directly, the children at Camp Chickami who play in the brook. If required to use a packaged treatment plant, the developer has threatened to make this already outsized project even bigger!

The Town of Wayland does not need this dangerous development! Working with a nonprofit developer a group of citizens ("Protect Wayland") has proposed a smaller development which would provide even more affordable housing and would not increase the town's market rate housing burden in so doing. We urge you to reject the 40B proposal for "Cascade Wayland" on the basis of inappropriate size, traffic and safety concerns, pollution concerns with Pine Brook, Camp Chickami and the Sudbury River, and other developments already in process in the Town (such as Rivers Edge). Thank you very much for your consideration.

Very truly yours,



Hendrik Broekman



Mai-Lan Broekman

DiNapoli, MaryAnn

From: Balmer, Nan
Sent: Tuesday, August 22, 2017 1:28 PM
To: DiNapoli, MaryAnn
Subject: FW: The environmental threats created by Eden Management's 'Cascade' apartment complex
Attachments: PW - The Monster - Environmental Impacts - v1b - 8.22.2017.pdf

correspondence

From: Our Members [<mailto:protectwayland@gmail.com>]
Sent: Tuesday, August 22, 2017 1:22 PM
To: Anderson, Lea; Karlson, Cherry; Antes, Mary; Jurist, Louis; Levine, Doug
Cc: Balmer, Nan; Sarkisian, Sarkis
Subject: The environmental threats created by Eden Management's 'Cascade' apartment complex

To the Wayland Board of Selectmen:

The sheer size of the apartment complex proposed by Eden Management Inc. creates a host of environmental problems, including:

- Clear violations of the Massachusetts Rivers Protection and Wetlands Protection acts.
- Construction within 17 inches of Pine Brook, with heavy excavation and construction within 30 feet.
- A clear threat of silting and pollution of Pine Brook during construction, one of two cold water streams in Wayland and home to native brook trout.
- A significant increase in the amount of impermeable surface area and runoff -- inside the flood zone -- with a drain directly into Pine Brook
- Large septic fields have been pushed to the back corner of the property, the wettest portion and closer to Pine Brook and wetlands.
- The clear threat of sewage contamination from these septic leach fields, which will handle 3.85 million gallons of polluted water every year.
- This will threaten hundreds of children immediately downstream at Camp Chickami.
- Pollution will flow down Pine Brook into the Sudbury River and Great Meadows National Wildlife Refuge, one mile to the west in Wayland, home to threatened, rare and endangered species -- and a treasured resource for the Commonwealth.

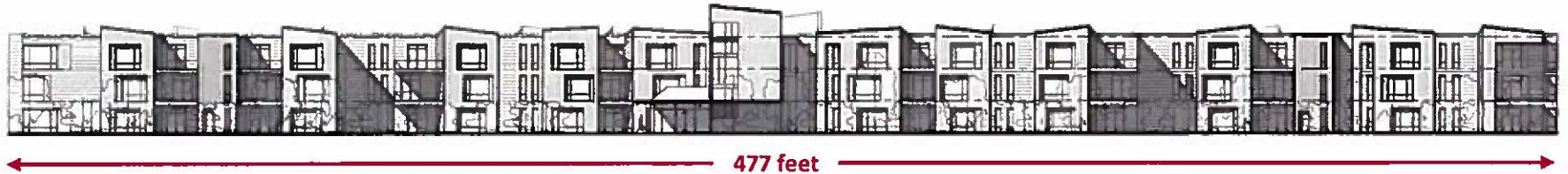
Attached is a document with plot plans that highlights these problems.

There are a number of major problems with Eden's "Cascade" plan, but it should be denied firmly on these grounds alone.

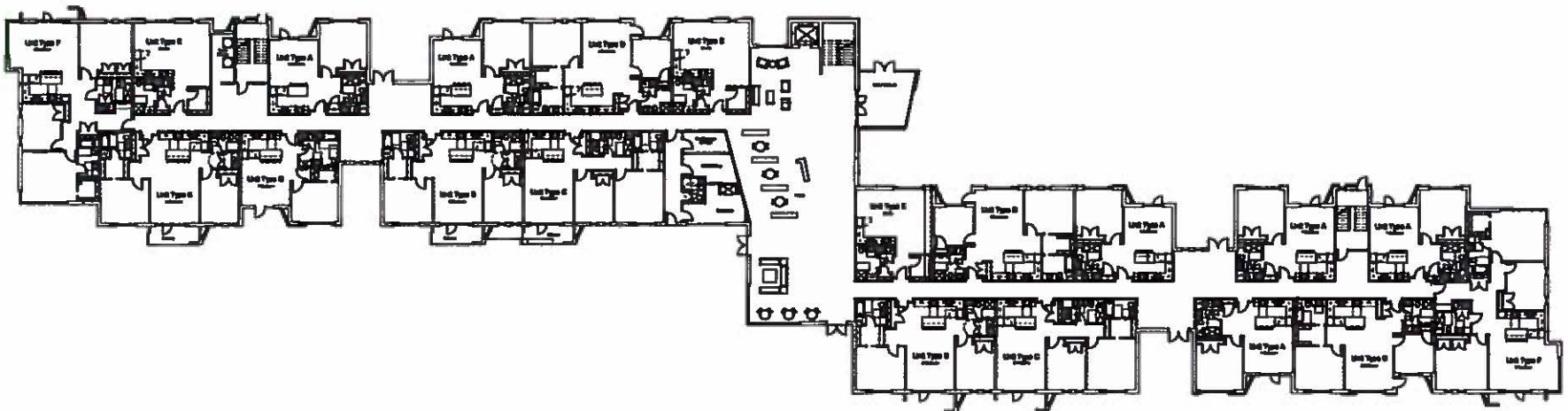
ProtectWayland.org

The Monster: Environmental Impact

Zieff's new apartment complex would be the largest building in Wayland – more massive than Wayland High School or the Stop 'n Shop in Town Center. It would be the largest structure of any kind along Route 20 for 35 miles, from Worcester to Watertown, 477 feet long, 130 feet wide and three stories tall:

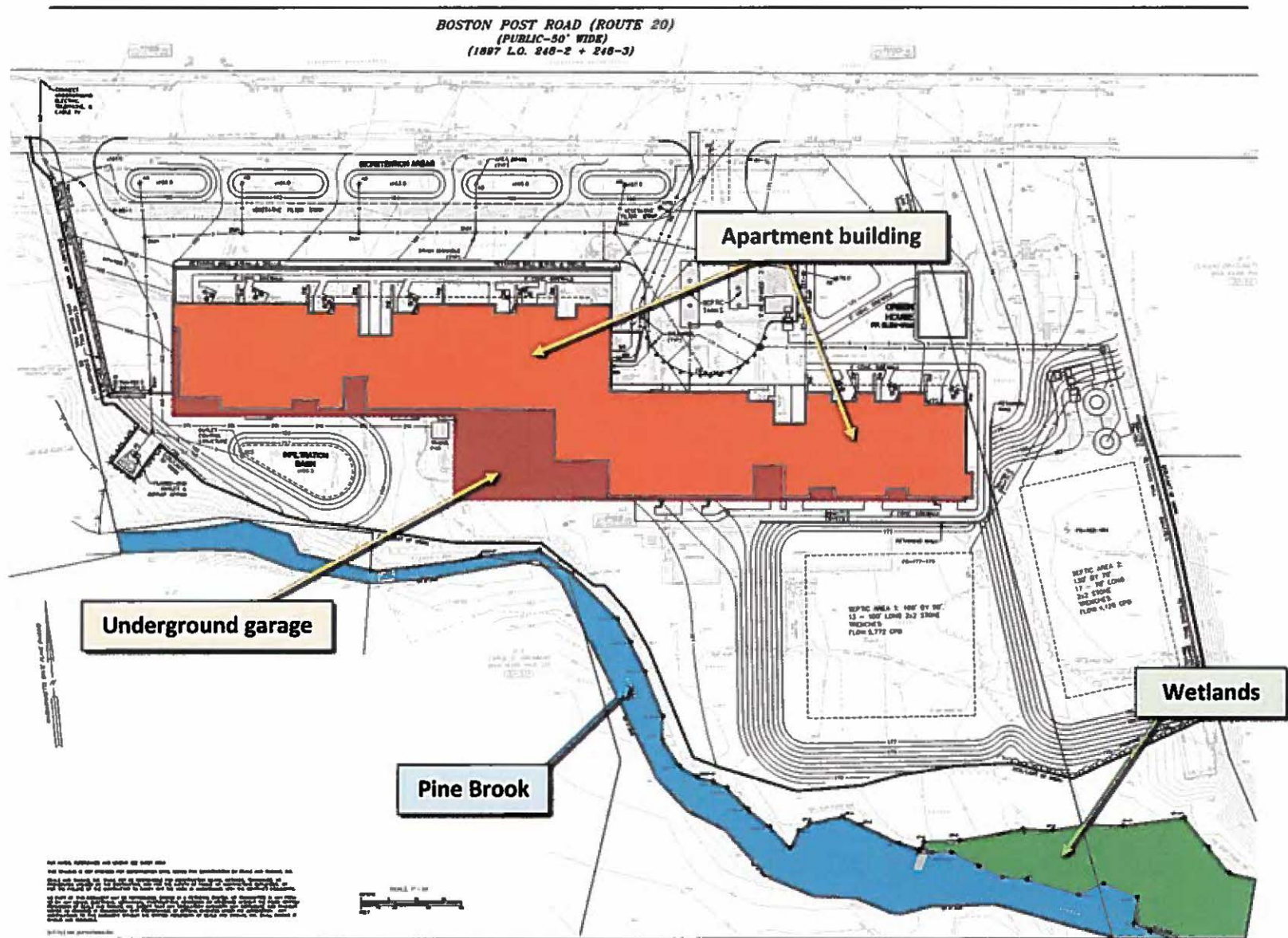


Here is the first floor plan:

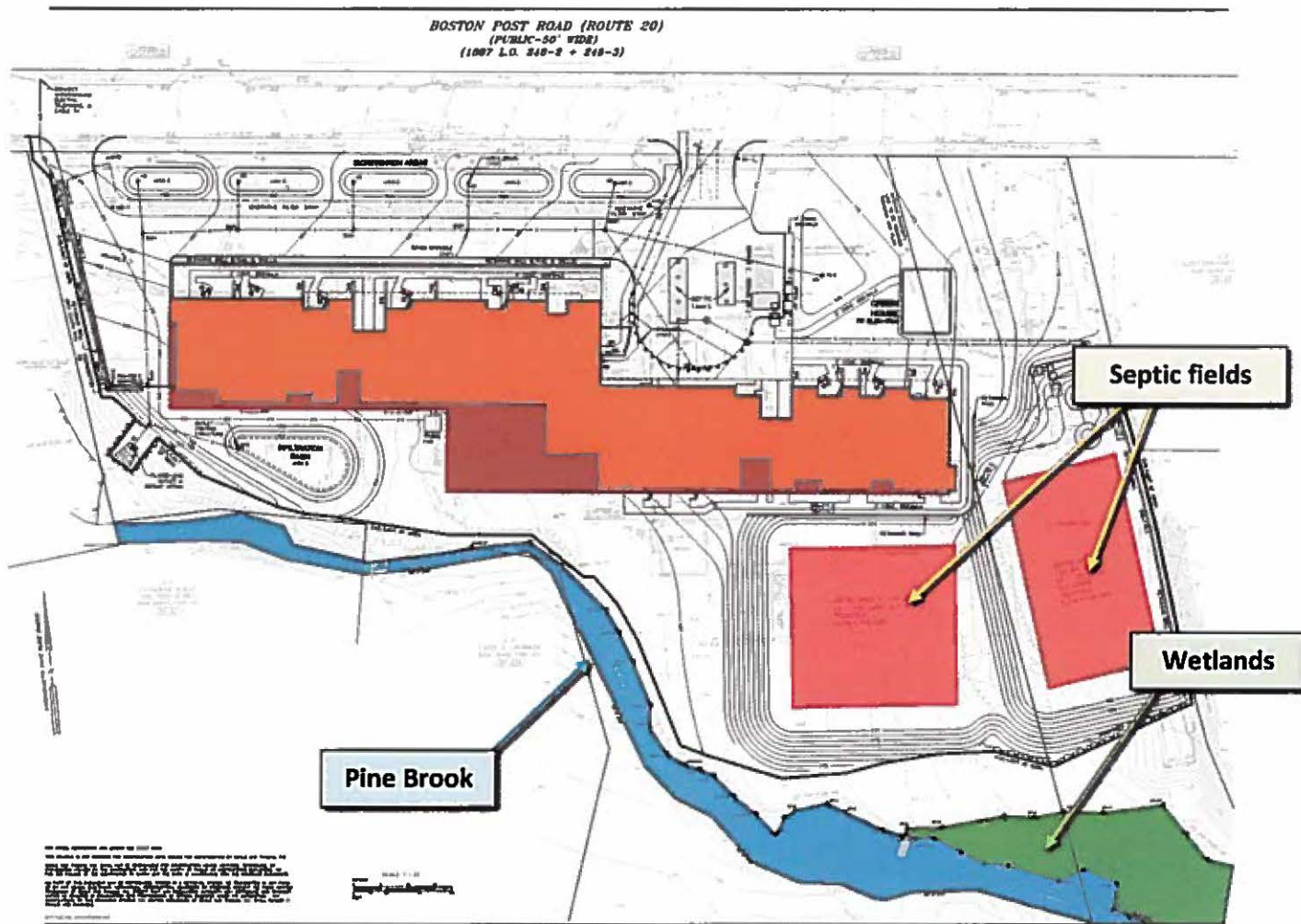


You would need to travel to Route 9 in Natick and Framingham to find a structure of similar size, e.g. the Home Depot in Natick or Walmart in Framingham.

This means that the apartment complex will cover more of the small Mahoney lot, increasing the amount of impermeable surface and extending into the flood zone. Here is how it will look from above:

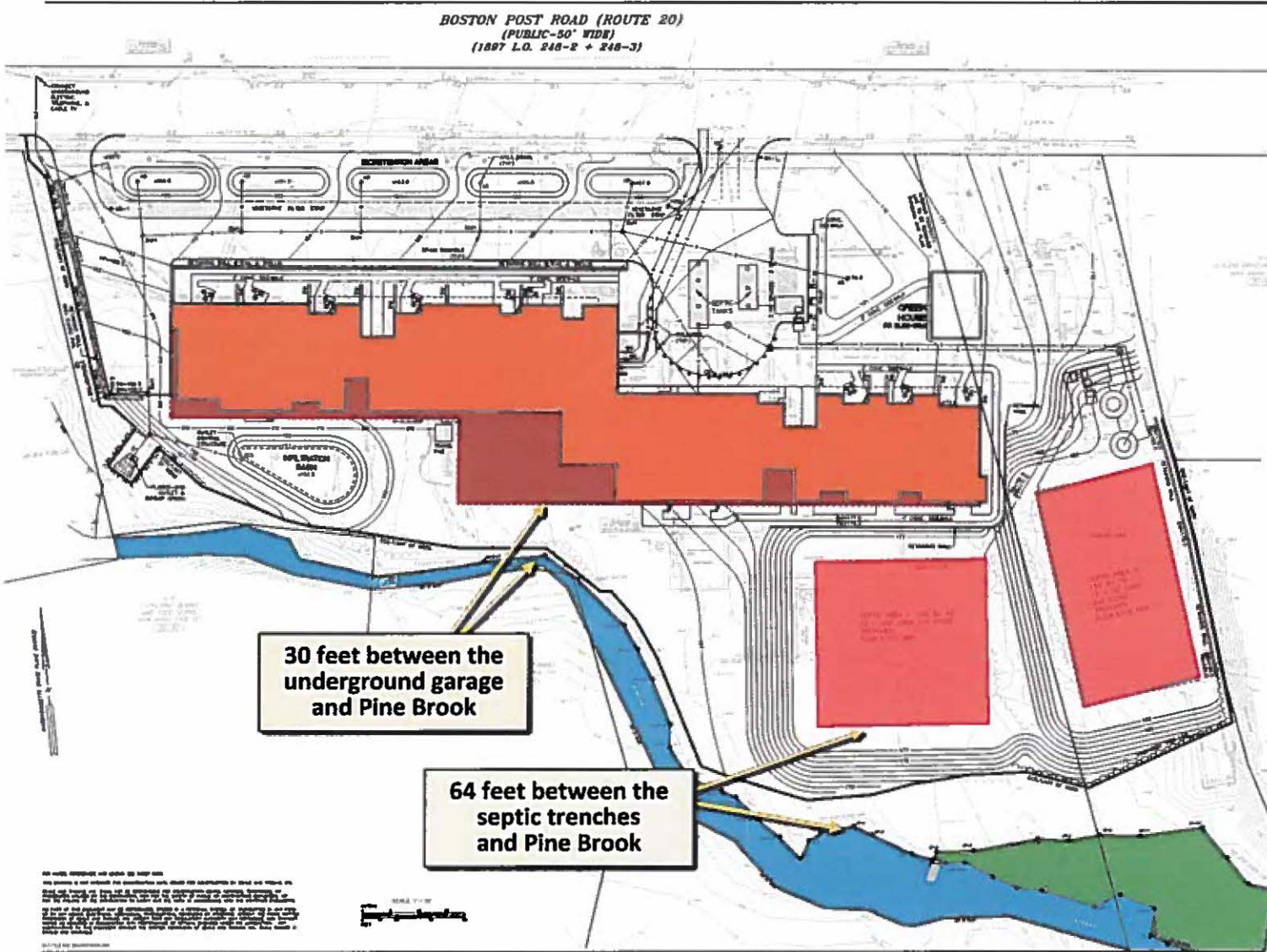


The plan includes 60 units and 96 bedrooms which require a large septic leach field. The apartment complex pushed the leach fields to the wettest corner of the lot, closer to Pine Brook and wetlands.



Zieff noted in his application that he will install an “innovative technology” septic system or “private waste water treatment facility”. The latter is very expensive and equally unlikely. The former could reduce nitrogen load, but will not eliminate the enormous flow of water contaminated by bacteria, viruses and chemicals – so close to Pine Brook. 96 bedrooms could produce 3.85 million gallons of sewage per year in this small space.

Packing this large building and septic system onto the small Mahoney lot means that everything must be very close to Pine Brook and declared wetlands – well inside the 200 foot 'riverfront' area specified in the Massachusetts River Protection Act and the 100 foot resource area defined by the Massachusetts Wetlands Protection Act.



ProtectWayland.org

Kerry-Ann & Brent Kendall
Stewart Smith & Kim Woods
Tom Nuspl
Kevin & Kristen FitzPatrick
Marie Winter
Rita & Richard Tse
Mark & Nadine Hays
Peter & Sue Keller
Tonya & Rick Peck
Michelle Leinbach & Rob Travis
Jasmine & Jim Newland
Janet Kutner
Malcolm Astley
Ron & Pami Terren
Marisol Tabares & Jorge Alzate
Jane Shulman-Griffin
Lisa & Stephen Breit
Amelie Gubbels
Ray & Lucille Nava
Nancy Boyle
Kathy Heckscher
Tejal & Avi Shetty
Laura Wung & Erik Thoen
Matt & Alexandra Gill
Joy & Dr. Alfred Viola
Sheila Rosalyn Deitchman
Howard & Ann Cohen
Jennifer Phoenix
William Rothschild, M.D.
Susan Pope
Bettina and Douglas Siegel
Markey & Tom Burke
Marty McCullough

Edward Henry
David & Emily Weinschel
Tom & Lee Raymond
Christopher & Katie Riffle
John & Susan Kadzis
Joseph & Laura Schwendt
Garrett Larivee
Aina Lagor
Colin & Ginny Steel
Angela & Leon Zachery
Susan and Emory Ford
Deborah Stubeda & Whitney Wolff
Richard Shapiro & Penelope Wayne-Shapiro
Rabbi Katy Z. Allen & Gabi Mezger
Janot Mendler de Suarez
Cindy Leonard
Richard & Barbara Stanley
Alison Zetterquist
Elizabeth Gifford
Mai-Lan & Hendrik Broekman
Robert & Michelle Shields
Catherine & Todd Burns
Joanne Tarlin
Matt & Amanda Kosko
Chris Palsho
Karen & Ken Krowne
Adam & Gret West
Scot & Bethany Furlong
Samantha & Justin Huddleson
Stephen Dirrane
Paul Matto
Sarah Ryu
Annabella Jucius

Chris Farrell
Patricia Starfield
Stacia Boyajian
Lynn M. Connelly
Adam & Nicolette Mascari
Larina Mehta
Marie Schaff
Kaushal and Kamine Mehta
Adam Janoff

To: Wayland Zoning Board of Appeals

41 Cochituate Road

Wayland, MA 01778

Phone: 508.358.3600

Email: ZBA@Wayland.ma.us

From: ProtectWayland.org

RE: What is 'Eden Management'?

Date: 22 August, 2017

As you begin the public hearing on Eden Management's 40B Comprehensive Permit application, we have an unusual question that needs to be asked and answered first: "What is Eden Management Inc.?"

This is fundamental to the entire process. Who is the Applicant? To what extent can you rely on representations in the Application? To what extent can Wayland and MassHousing rely on commitments made by the Applicant?

We are surprised to be asking these questions; when real estate developers present their plans, the questions and debate are typically all about the plan. This case is different.

Starting with the "Applicant experience" section on page 2:

"Applicant experience:

The Applicant and related principals have been material in the development of several real estate developments. A list of past projects are attached hereto in "Exhibit 3".

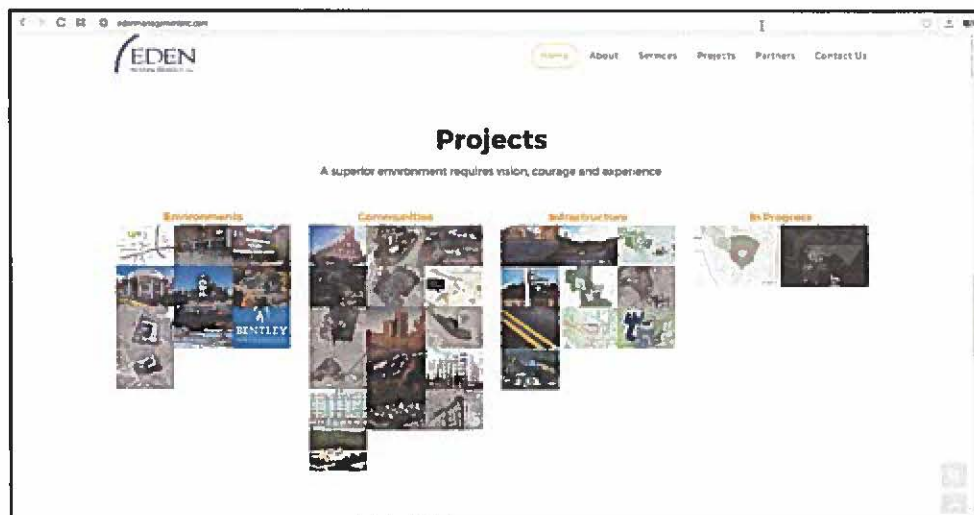
The Eden Management website makes similar claims:

"We are known for creating extraordinary work.

- Eden Management and its principal Steven Zieff have enjoyed more than 30+ years of success in real estate development and construction.
- The firm's CV is favorably compared to larger "more established" firms.
- In each undertaking Eden Management applies a vision, courage and experience, context sensitivity to help create a successful and superior environment.

- Whether it is a public venue or a private enclave, our vision of appropriate execution has repeatedly led to well received residential, retail, medical, commercial, religious, transit, mixed use and public spaces.
- Eden Management has been the recipient of recognition from: Wall Street Journal, Harvard Graduate School of Design & Harvard Press, Dwell Magazine, amongst many others.”

The Eden Management website includes a list of “Projects” that mirrors the list in the Comprehensive Permit application. No credit is given to any other company:



See: <http://edenmanagementinc.com/references/projects/>

The list of “Selected Projects” is included on page 15 of the Application. You could easily gain the impression that these are Eden Management projects; again, no credit is given to any other development company:

“Selected Projects”

Communities / Municipality

55 Hope Street, Brooklyn – 92 dwelling conversion of industrial use.

680 South Avenue, Weston – 16 dwelling conversion of religious use.

Longview Place, Waltham – 348 dwelling revitalization of health care site.

Cronin’s Landing, Waltham – 281 dwelling / 25,500 sf retail revitalization of abandoned urban core.

Boott Mills West, Lowell – 58 dwelling loft style conversion of National Historic Designation mill property.

Avalon Bear Hill, Waltham – 324 dwelling multifamily zoning conversion.

Forest Park of Auburn, Auburn – 87 dwelling revitalization of failed initiative.

The Village at Pillsbury Pond, Georgetown – 32 dwelling residential use.

The Village at Vinnin Square, Salem – 516 dwelling / 123 Bed / 35,000 sf PUD.

John W. Weeks House, Newton – 67 dwelling conversion of academic use.

Riverside Towers, Medford – 200 dwelling conversion of industrial use.

Environments / Municipality

Children’s Hospital Boston, Waltham – Revitalization of 220 bed acute care hospital.

Beit Olam Cemetery I & II, Wayland – creation and execution.

Wayland Weston Rowing Association Boat House, Wayland – creation and execution.

Wayland Public Safety Building, Wayland – creation and execution.

Temple Shir Tikva I & II, Wayland- creation and execution.

S.S. Pierce, Coolidge Corner – design build historic rehabilitation.

Hillside Dormitories, Bentley College, Waltham – design build new construction.

Infrastructure / Municipality

Legacy Farms, Hopkinton – heavy, wet and dry infrastructure.

Moody Street Redevelopment, Waltham – heavy, wet and dry infrastructure.

Hope Avenue Redevelopment District, Waltham – heavy wet and dry infrastructure.

Loring Avenue Improvement District, Salem – wet infrastructure.”

Let’s take another look:

Communities / Municipality

- **“55 Hope Street, Brooklyn – 92 dwelling conversion of industrial use.”**
Note: This large warehouse building was resold four times since 2006, then converted by the developer Jeffrey Gershon. Eden Management should clarify the Company’s role. See:
<https://www.prlog.org/11975153-williamsburgs-much-anticipated-hope-street-warehouse-conversion-opens-for-public-viewing.html>
- **“680 South Avenue, Weston – 16 dwelling conversion of religious use.”**
Note: This was a Baystone Development project at 680 South Avenue, Weston, MA. Eden Management should clarify the Company’s role. See:
<http://baystonedevelopment.com/projects/680-south-ave/>

- **“Longview Place, Waltham – 348 dwelling revitalization of health care site.”**
Note: This was a Baystone Development project at 70 Hope Ave, Waltham, MA. Eden Management should clarify the Company’s role. See: <http://baystonedevelopment.com/projects/longview-place/>
- **“Cronin’s Landing, Waltham – 281 dwelling / 25,500 sf retail revitalization of abandoned urban core.”**
Note: This was a Baystone Development project at 25 Crescent St, Waltham, MA. Eden Management should clarify the Company’s role. See: <http://baystonedevelopment.com/projects/cronins-landing/>
- **“Boott Mills West, Lowell – 58 dwelling loft style conversion of National Historic Designation mill property.”**
Note: This project at 141 John St, Lowell, MA was built by Winn Development. Eden Management should clarify the Company’s role. See: www.lowellsun.com/business/ci_25098189/boott-mills-completion-brings-excitement
- **“Avalon Bear Hill, Waltham – 324 dwelling multifamily zoning conversion.”**
Note: This was a Baystone Development project at 1449 Main Street, Waltham, MA. Eden Management should clarify the Company’s role. See: <http://baystonedevelopment.com/projects/villages-at-bear-hill/>
- **“Forest Park of Auburn, Auburn – 87 dwelling revitalization of failed initiative”**
Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.
- **“The Village at Pillsbury Pond, Georgetown – 32 dwelling residential use.”**
Note: The Georgetown Planning Department said that Pillsbury Pond was developed by Symes Associates of Beverly, MA. It was built by J. Masterson Construction of Danvers, MA. Eden Management should clarify the Company’s role. See: www.jmasterson.com/projects/projectdetails.cfm/ProjectID/9/.cfm
- **“The Village at Vinnin Square, Salem – 516 dwelling /123 Bed /35,000 sf PUD.”**
Note: The Planning Department in Salem said that The Village was built in 1980. Eden Management should provide complete information about the organization responsible for this project and the Company’s role, particularly given the construction date.

- **“John W. Weeks House, Newton – 67 dwelling conversion of academic use.”**
Note: This 75 unit renovation of a Gothic Revival junior high school was opened in December, 1984. Eden Management should provide complete information about the organization responsible for this project and the Company’s role, particularly given the original conversion date of 1984.
- **“Riverside Towers, Medford – 200 dwelling conversion of industrial use.”**
Note: Riverside Towers is a 14 story high-rise apartment building, erected in 1979 at 99 Riverside Ave., Medford, MA 02155. It is unclear what “conversion of industrial use” refers to. Eden Management should describe the organization responsible for this project and the Company’s role, particularly given the construction date of 1979.

Environments / Municipality:

- **“Children’s Hospital Boston, Waltham – Revitalization of 220 bed acute care hospital.”**
Note: This was a Baystone Development project. Eden Management should provide complete information about the organization responsible for this project and the Company’s role. See: <http://baystonedevelopment.com/projects/childrens-hospital-boston-at-waltham/>
- **“Beit Olam Cemetery I & II, Wayland – creation and execution.”**
Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.
- **“Wayland Weston Rowing Association Boat House, Wayland – creation and execution.”**
Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.
- **“Wayland Public Safety Building, Wayland – creation and execution.”**
Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role, particularly given the flooding that occurred in 2010.

- **“Temple Shir Tikva I & II, Wayland - creation and execution.”**
Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.
- **“S.S. Pierce, Coolidge Corner – design build historic rehabilitation.”**
Note: This appears to have been a Capital Properties project. Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.
- **“Hillside Dormitories, Bentley College, Waltham – design build new construction.”**
Note: Bentley College was renamed Bentley University in 2008. The “Hillside” dormitory was renamed “Falcone Hall” in 1985. Eden Management should clarify what this refers to, provide complete information about the organization responsible for this project and clarify the Company’s role, particularly given these dates.

Infrastructure / Municipality

- **“Legacy Farms, Hopkinton – heavy, wet and dry infrastructure.”**
Note: This was a Baystone Development project. Eden Management should provide complete information about the organization responsible for this project and the Company’s role. See:
<http://baystonedevelopment.com/projects/legacy-farms/>
- **“Moody Street Redevelopment, Waltham – heavy, wet and dry infrastructure.”**
Note: Eden Management appears to be referring to the Moody Street redevelopment project approved in 2013, which was awarded to Northland Investment Corp. – not Eden Management. Eden Management should provide complete information about the organization responsible for this project and the Company’s role. See:
http://archive.boston.com/yourtown/news/waltham/2013/10/waltham_councilors_unanimously_approve_massive_mixed-use_dev.html

- **“Hope Avenue Redevelopment District, Waltham – heavy wet and dry infrastructure.”**

Note: Does this refer to the Children’s Hospital project and/or the Longview Place development in the Hope Avenue Redevelopment District, which were Baystone Development projects? Eden Management should describe the project and the organization primarily responsible, and clarify Eden Management Inc.’s role. See:

<http://baystonedevelopment.com/projects/childrens-hospital-boston-at-waltham/>

<http://baystonedevelopment.com/projects/longview-place/>

- **“Loring Avenue Improvement District, Salem – wet infrastructure.”**

Note: Details and dates were not included. Eden Management should provide complete information about the organization responsible for this project and the Company’s role.

What is Eden Management Inc.?

Given all of this new information, the Wayland ZBA and MassHousing should ask fundamental questions. “What is Eden Management?” How many FTEs does Eden Management have? Has Eden Management been primarily responsible for any real estate development projects?

Note: In February of 2017, Steven Zieff told us that he was working at Detail Millworking, did not monitor his Eden Management email during the day, and we should try Steven@DetailMillworkingInc.com. We began to wonder, “What is Eden Management Inc.? How many employees do they have? Why is an experienced development company spending so much time on a small property in Wayland that has major WPA issues?”

The answers were surprising. Eden Management appears to be a very small company – perhaps just Mr. Zieff. All of those big Eden projects? The answers are shown above.

References

The Wayland ZBA and MassHousing should ask for references. Many of the projects in Eden Management’s list were actually Baystone Development and Boulder Capital projects, and Mr. Zieff apparently worked for them until 2013. It would be smart to contact the owner of Baystone, who formerly owned Boulder Capital, and ask about Eden Management Inc’s role:

Roy S. MacDowell Jr.

781-894-9898

rmacdowell@baystonedevelopment.com

2

August 23, 2017

Amy E. Kwesell
akwesell@k-plaw.com

Clerk
Land Court
Three Pemberton Square
Boston, MA 02108

Re: Town of Wayland, by and through its Building Commissioner v. John H. Archambault et al.
Land Court, Docket No.

Dear Sir/Madam:

Enclosed for filing in connection with the above-captioned matter please find a Civil Action Cover Sheet, Complaint, and a check in the amount of \$265 for filing fees and two Summonses made out to Commonwealth of Massachusetts.

Thank you for giving this matter your attention.

Very truly yours,


Amy E. Kwesell

AEK/eon
Enc.
cc: Board of Selectmen
Building Commissioner
589909/WAYL/0001

RECEIVED

AUG 25 2017

Board of Selectmen
Town of Wayland

**Commonwealth of Massachusetts
Land Court
Department of the Trial Court**

Case No. _____

Civil Cover Sheet

First Plaintiff Town of Wayland First Defendant John H. Archambault

Locus Address/Description 20 Millbrook Road City/Town Wayland

Instructions

Part I - To Be Completed by Plaintiff(s)' Counsel:

FOR ALL MISCELLANEOUS CASES (EXCEPT cases filed pursuant to Servicemembers Civil Relief Act):

1. Using the list below, please number, with the Number 1, the main cause of action on which you base your complaint.
- and
2. Place an "X" next to each other cause of action in your complaint.
- and
3. Is this complaint verified? Yes No
- and
4. Are there any related cases filed in the Land Court Department? Yes No
- If yes, please provide the Case No.(s) : _____

ZAC	Appeal from Zoning/Planning Board G. L. c. 40A, § 17
ZAD	Appeal from Planning Board G. L. c. 41, § 81BB
ZJA	Validity of Zoning G. L. cc. 240, § 14A, 185, § 1 (j ½)
ZEN	Enforcement of Zoning G. L. c. 40A, § 7
COT	Remove Cloud on Title G. L. c. 240, § 6 - 10
DOM	Discharge of Old Mortgage G. L. c. 240, § 15
LVT	Affirm Tax Foreclosure - Land of Low Value - G. L. c. 60, § 80B
MTB	Try Title G. L. c. 240, § 1 - 5
MWA	Recover Freehold Estate (Writ of Entry) - G. L. c. 237
MRC	Determine Validity of Encumbrances G. L. c. 240, § 11 - 14
CER	Enforce Restrictions G. L. c. 240, § 10A - 10C

MAD	Determine Fiduciary Authority G. L. c. 240, § 27
PAR	Partition G. L. c. 241
RED	Redemption G. L. c. 60, § 76
SP	Specific Performance of Contracts G. L. c. 185, § 1 (k)
MBF	Determine Municipal Boundaries G. L. c. 42, § 12
MFE	Determine Boundaries of Flats G. L. c. 240, § 19
CNC	Certiorari - G. L. c. 249, § 4
MAN	Mandamus - G. L. c. 249, § 5
TRE	Trespass to Real Estate Involving Title - G. L. c. 185, § 1 (o)
EQA	Equitable Action Involving Any Right, Title or Interest in Land G. L. c. 185, § 1 (k)
AHA	Affordable Housing Appeal G. L. c. 40B, § 21
OTA	Other

Part II - Uniform Counsel Certificate - to be filled out by Plaintiff(s)' Counsel at the time of initial filing. All other counsel shall file within thirty (30) days of initial entry into the case, whether by answer, motion, appearance or other pleading.

FOR ALL MISCELLANEOUS CASES (EXCEPT Mortgage Foreclosures under the Servicemembers Civil Relief Act)

I am attorney-of-record for: Town of Wayland

Plaintiff Defendant in the above-entitled matter.

If Defendant(s) Attorney, please provide Case No. _____

- A. In accordance with Rule 5 of the Supreme Judicial Uniform Rules on Dispute Resolution (SJC Rule 1:18) which states in part: ". . . Attorneys shall: provide their clients with this information about court-connected dispute resolution; discuss with their clients the advantages and disadvantages of the various methods of dispute resolution; and certify their compliance with this requirement on the civil cover sheet or its equivalent . . ."
- B. In accordance with Land Court Standing Order 1-12, I certify that I am aware of the requirement to, "...serve a copy of the "Limited Assistance Representation (LAR) Information Sheet" upon all defendants at the same time as service of the summons, complaint, and civil cover sheet is made", and I will comply with this requirement.

I hereby certify my compliance with these requirements.

BBO# 647182


Signature of Attorney-of-Record

Date: August 23, 2017

Amy E. Kwesell
Please Print Name

Exempt Cases: Tax Foreclosures, Mortgage Foreclosures under the Servicemembers Civil Relief Act and all cases related to original and subsequent registration under G. L. c. 185, §1.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

LAND COURT
DOCKET NO. 17 MISC

TOWN OF WAYLAND, by and through its
BUILDING COMMISSIONER,

Plaintiff

v.

JOHN H. ARCHAMBAULT AND
CHRISTINE MOYNIHAN,

Defendants

VERIFIED COMPLAINT

INTRODUCTION

This is an action to enforce the Town of Wayland's Zoning Bylaw (the "Bylaw") in connection with on-going violations thereof by John H. Archambault and Christine Moynihan (collectively, the "defendants") at their property located at 20 Millbrook Road, Wayland, MA. The defendants are maintaining a large storage bin on the Property within a required front yard setback without an active building permit. Despite multiple attempts by the Town to obtain the defendants' voluntary compliance, the defendants continue to unlawfully keep a storage bin on the Property within a setback in violation of the Bylaw and the decision of the Wayland Zoning Board of Appeals (the "ZBA") upholding the Building Commissioner's Zoning Enforcement Letter.

PARTIES

1. Plaintiff Town of Wayland ("Town") is a municipal corporation with a principal place of business in Wayland, MA.
2. Geoffrey S. Larsen is the Town's Building Commissioner ("Building Commissioner"). In this capacity, he serves as the Town's Zoning Enforcement Officer.

3. Defendant John H. Archambault is an individual residing at 20 Millbrook Road, Wayland, Massachusetts.

4. Defendant Christine Moynihan is an individual residing at 20 Millbrook Road, Wayland, Massachusetts.

JURISDICTION

5. The Court is vested with jurisdiction to hear and adjudicate this matter pursuant to and G.L. c.40A, §7 and G.L. c.185, §1(p).

FACTS

6. The Property is 20 Millbrook Road, Wayland, MA (the "Property").

7. The Property is located in the R-30 Single Residence Zone.

8. On or about March 21, 2016, the Building Commissioner received correspondence from individuals residing at 22 Millbrook Road and 6 Nob Hill Road requesting zoning enforcement action against the defendants regarding the use of a large storage container on the Property since July of 2014. A true copy of the Request for Enforcement Letter is attached hereto as Exhibit A.

9. On or about March 24, 2016, the Building Commissioner issued a Notice of Violation Letter to the defendants regarding confirmation of their placement of a manufactured storage bin within the front yard setback without an active building permit in violation of Section 198-702 of the Bylaw. Additionally, the correspondence requested further information from the defendants. A true copy of the Building Commissioner's Notice of Violation Letter is attached hereto as Exhibit B.

10. Section 198-702.1 of the Bylaw provides: "All buildings or structures in any district shall comply with the setbacks in Section 198-801, Table of Dimensional Requirements."

11. “Structure” is defined in Section 198-104 of the Bylaw as “a combination of materials assembled at a fixed location to give support or shelter, such as a...bin.”

12. Section 198-801, Table of Dimensional Requirements requires a 30 foot front yard setback for all structures in the R-30 Zoning District.

13. Section 198-201.1.2 of the Bylaw authorizes the ZBA to grant temporary and conditional permits for nonconforming uses, buildings, and structures incidental to the development of the use, building or structure.

14. The defendants never applied to the ZBA for a permit allowing placement of a storage bin within the front yard setback past the expiration of their building permit on February 2, 2015.

15. On or about April 25, 2016, the Building Commissioner sent a letter to the defendants requesting information regarding the zoning violation on the Property within seven (7) days. A true copy of the Building Commissioner’s April 25, 2016, letter is attached hereto as Exhibit C.

16. The Building Commissioner conducted site visits at the Property on or about March 24, 2016 and May 2, 2016.

17. The Building Commissioner met with the defendants to discuss the zoning violation on the Property on or about April 13, 2016.

18. On or about May 3, 2016, the Building Commissioner issued a Zoning Enforcement Letter to the defendants related to their placement of a manufactured storage bin within the 30 foot front yard setback applicable to the Property. A true copy of the Building Commissioner’s Zoning Enforcement Letter is attached hereto as Exhibit D.

19. On or about May 10, 2016, the defendants emailed the Building Commissioner claiming that they had not received the May 3, 2016, Zoning Enforcement Letter.

20. On or about June 8, 2016, the Building Commissioner again mailed the Zoning Enforcement Letter to the defendants by certified mail.

21. The Building Commissioner made numerous attempts to obtain the defendants' voluntary compliance, all of which were ignored.

22. The defendants appealed the Building Commissioner's Zoning Enforcement Letter with the Zoning Board of Appeals on or about July 22, 2016. A true copy of the defendants' appeal to the ZBA is attached hereto as Exhibit E.

23. On or about August 17, 2016, the Building Commissioner submitted a letter to the ZBA opining that the defendants' placement of a storage bin on the Property beyond the closure of Building Permit #20140622 on February 2, 2015, constitutes a violation of the Bylaw. A true copy of the Building Commissioner's August 17, 2016 letter is attached hereto as Exhibit F.

24. The ZBA's initial hearing on the defendants' appeal occurred on or about August 23, 2016 but was continued without testimony until on or about November 17, 2016.

25. Following the November 17, 2016, hearing which included testimony from the defendants, abutters, and the Building Commissioner, the ZBA voted unanimously to uphold the Building Commissioner's Zoning Enforcement Letter.

26. The ZBA filed its written decision upholding the Building Commissioner's Zoning Enforcement Letter with the Town Clerk on or about November 30, 2016. A true copy of the ZBA Decision is attached hereto as Exhibit G.

27. The defendants have not appealed the ZBA Decision.

28. The defendants continue to place a storage bin within the front yard setback in violation of the Bylaw, the ZBA Decision, and the Building Commissioner's Zoning Enforcement Letter.

29. To date, the storage bin has been on the Property, within the front yard setback for over three (3) years.

COUNT I – ENFORCEMENT, PURSUANT TO G.L. c.40A, §7

30. The Town hereby incorporates by reference the allegations set forth in paragraphs 1 through 29 hereof.

31. As of the date of the verification of this Complaint, the above violations continue unabated.

32. Accordingly, the defendants are in continuing violation of the Town’s Zoning Bylaw, the Building Commissioner’s Zoning Enforcement Letter and the ZBA Decision.

33. Pursuant to Section 198-205.1 of Zoning Bylaw, the Building Commissioner is charged with enforcement of the Bylaw. Pursuant to Section 2-2 of the Wayland Town Code and Section 198-205.2 of the Zoning Bylaw, the Defendants are subject to fines of three hundred dollars (\$300.00) per day of violation after the fourth day of continuing violation. Each day following notification of the violation constitutes a separate offense.

34. The Town is entitled to enforcement of its validly promulgated Zoning Bylaw and of the unappealed decision of the ZBA.

COUNT II – DECLARATORY JUDGMENT, PURSUANT TO G.L. c.231A, §1

35. The Town hereby incorporates by reference the allegations set forth in paragraphs 1 through 34 hereof.

36. An actual controversy exists between the parties as to whether the placement of a storage bin within the front yard setback beyond the expiration of a building permit constitutes a violation of the Zoning Bylaw.

37. The Town is entitled to a declaration that the defendants' placement of a storage bin within the front yard setback without a current building permit constitutes a violation of the Zoning Bylaw.

WHEREFORE, the Plaintiff respectfully requests the Court to:

- A. After a trial on the merits, enter Final Judgment declaring that the defendants' continued placement of a storage bin in the front yard setback without a valid building permit constitutes a violation of the Zoning Bylaw;
- B. After a trial on the merits, issue a Permanent Injunction ordering the defendants to remove the storage bin from the front yard setback until such time as they obtain a new building permit;
- C. Award the Town daily fines dating from the date the violation(s) commenced.
- D. Award the Town all of its costs and counsel fees in the preparation and prosecution of this matter; and
- E. Award such other relief as the Court deems just and equitable.

TOWN OF WAYLAND

By its attorneys,



Amy E. Kwesell (BBO #647182)
Deborah I. Ecker (BBO# 554623)
KP Law, P.C.

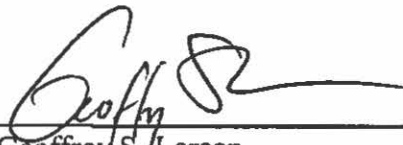
Town Counsel
101 Arch Street, 12th Floor
Boston, MA 02110
(617) 556-0007
akwesell@k-plaw.com
decker@k-plaw.com

588589v4/WAYL/0001

VERIFICATION

I, Geoffrey S. Larsen, Building Commissioner and Zoning Enforcement Officer for the Town of Wayland, hereby state that I have read the foregoing Complaint, and the factual averments set forth therein are true and accurate upon my personal knowledge and/or upon information available to me.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 21 DAY OF August, 2017.

A handwritten signature in black ink, appearing to read "Geoffrey S. Larsen", written over a horizontal line.

Geoffrey S. Larsen
Building Commissioner/Zoning Enforcement Officer
Town of Wayland

A

Robert Flanagan
22 Millbrook Road
Wayland, MA 01778

Kenneth Epstein
6 Nob Hill Road
Wayland, MA 01778

March 21, 2016

Mr. Geoffrey S. Larsen
Building Commissioner
Building Department
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

2016 MAR 21 AM 9:12

RECEIVED
TOWN OF WAYLAND
BUILDING DEPT.
ZONING DEPT.

Re: Zoning Violation at 20 Millbrook Road

Dear Mr. Larsen,

We would like to register a complaint as abutters to 20 Millbrook Road. In July of 2014, a tree fell on the roof of 20 Millbrook Road, which caused the home to be vacated and repaired. Since July 2014 a large storage container has resided on the property. Please see attached pictures. We understood the need for such container when an active building permit was authorized, but our understanding is that all building permits were closed as of April 2015, over 11 months ago. The container has now been present for 18 months, approximately 540 days.

Per your advice, we expressed our concern and inquired with the owners in January as to when the container might be removed but have not received an answer. As you mentioned in your email of November 30, 2015, we are requesting enforcement of Mass law 40A §§7, 8 & 15 and §198-205 of Town zoning.

Regards,

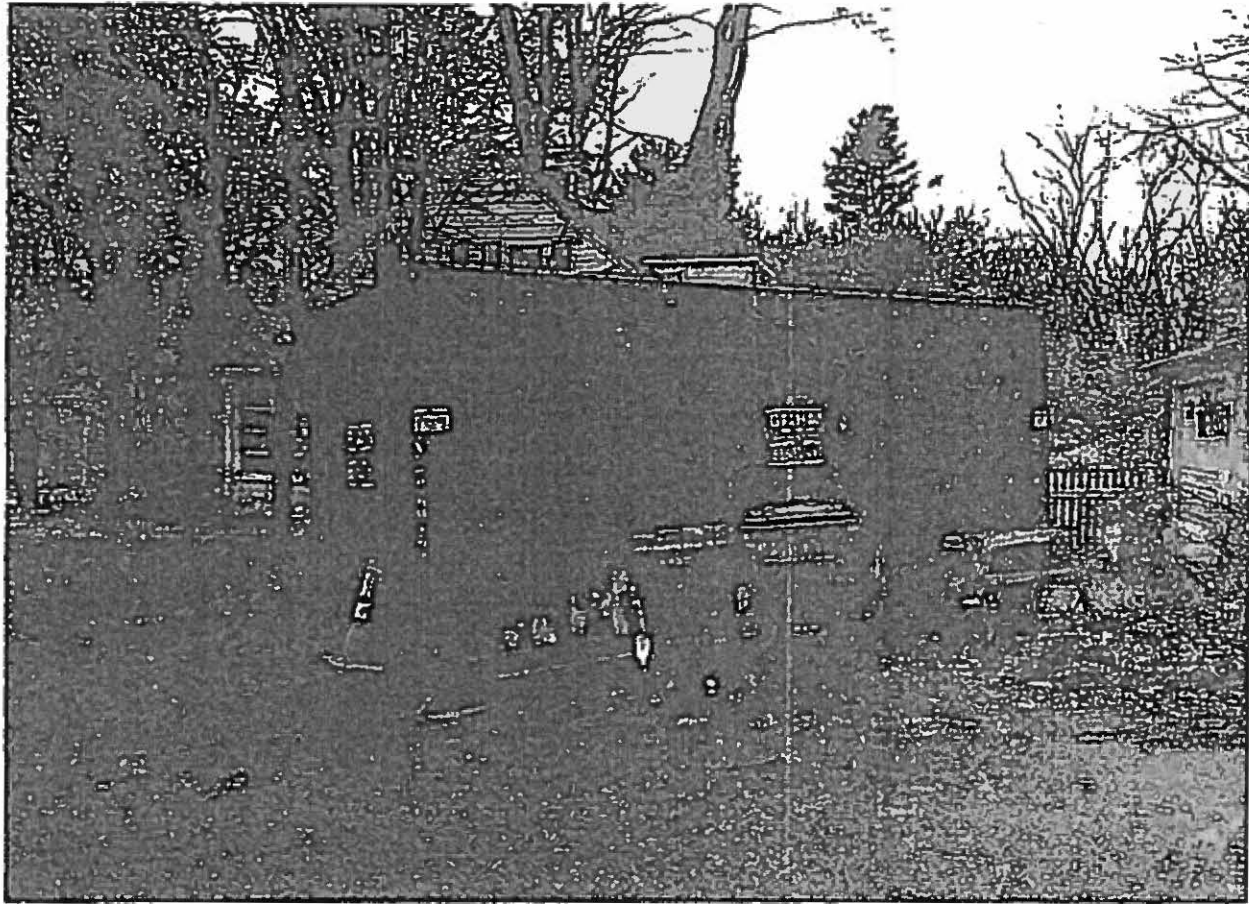


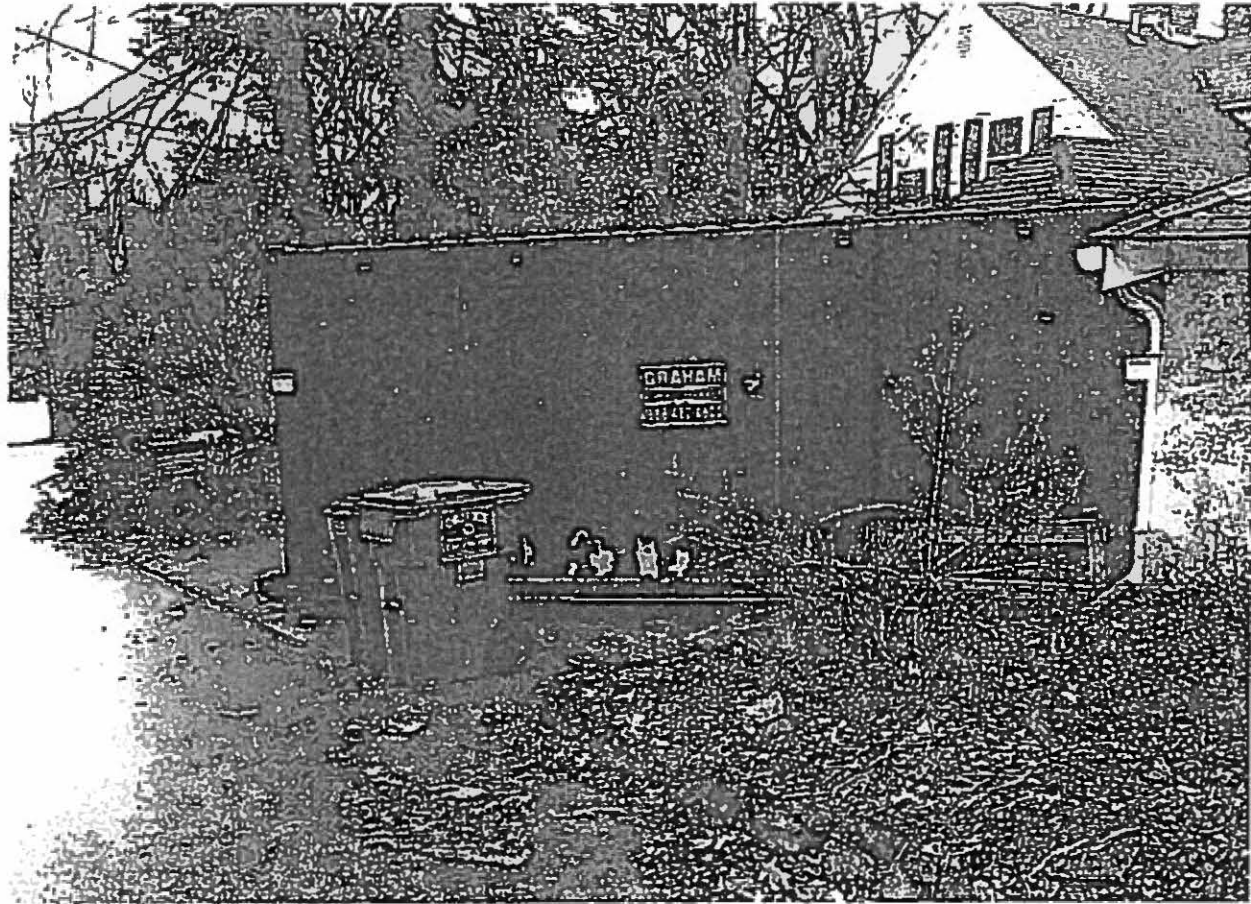
Kenneth Epstein

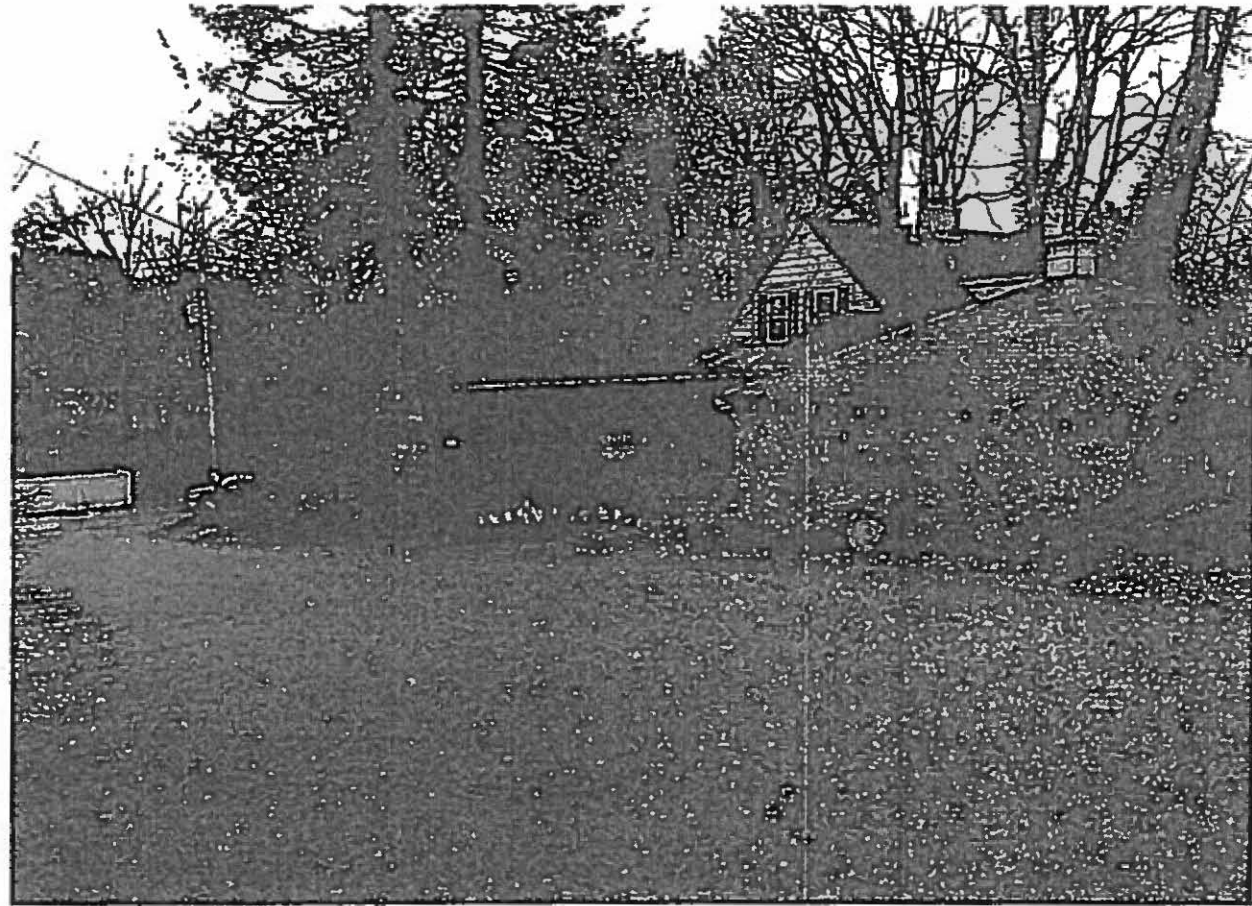


Rob Flanagan

info@mpi-software.com







13



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

3.24.2016

Mr. John H. Archambault
Ms. Christine Moynihan
20 Millbrook Road
Wayland, MA 01778

Re: 20 Millbrook Road; possible zoning violation; placement of storage bin/ possible structure in a required setback.

Dear Mr. Archambault and Ms. Moynihan,

It has been brought to the attention of the Building Department that currently there might be a zoning violation at the property referenced above. Following a review of the parcel history and a site visit on 3.24.2016 the Building Department is currently investigating an alleged zoning violation.

The nature of the violation is:

In the absence of an active building permit the placement of a manufactured storage bin in a required front yard setback; see §198-702, 198 Attachment 1 Table of Dimensional Requirements.

Please provide your input within 14 days to help inform the Building Department's determination regarding the existence or not of a zoning violation at this property. Without your input the Department will make a determination based upon the public record at hand, a determination that may include enforcement in the prescribed manner.

Thank you for your attention to this matter; do not hesitate to contact the Building Department with any questions you may have regarding this process.

Respectfully

Geoffrey S. Larsen, CFM
Building Commissioner

Cc: gsL
Complainants

R-30/Aquifer

4-13-2016 - MEETING WITH OWNERS - owners to provide narrative 7 days -
5-2-2016 SITE VISIT 2 manufactured storage bin on parcel.

20 Mill Brook Rd.

(C)



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

April 25, 2016

Mr. John H. Archambault
Ms. Christine Moynihan
20 Millbrook Road
Wayland, MA 01778

Re: 20 Millbrook Road; possible zoning violation; placement of storage bin/ possible structure in a required setback.

Dear Mr. Archambault and Ms. Moynihan,

Thank you for your time on April 13, 2016 in order to discuss the above matter. At that time I anticipated your written follow up or narrative within 7 days that would help inform the Building Department's next steps.

At this time I am not aware that the Building Department has received any further input from you. I apologize if you have followed through but would request that you either send this requested information a second time or if it was not sent earlier please follow through now. It may be more efficient to send your brief narrative to my e-mail address: glarsen@wayland.ma.us

Please provide your input within 7 days to help inform the Building Department's determination regarding the existence or not of a zoning violation at this property.

Thank you for your attention to this matter; do not hesitate to contact the Building Department with any questions you may have regarding this process.

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner

Cc: gsL

D



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

May 3, 2016

Mr. John H. Archambault
Ms. Christine Moynihan
20 Millbrook Road
Wayland, MA 01778

Re: 20 Millbrook Road; zoning violation; in the absence of an active building permit, the placement of storage bin/ structure in a required setback; R-30/ Aquifer Protection District; 30' front yard setback.

Dear Mr. Archambault and Ms. Moynihan,

Following site visits on 3.24.2016 and 5.2.2016, an office meeting on 4.13.2016, 2 written Building Department requests for information dated 3.24.2016 and 4.25.2016 and a review of the public record at hand I have determined that currently; and in the absence of an active building permit, that the placement and securing of a storage bin in a required setback on your residential property constitutes a

Violation of Town zoning;

i.e.; a storage bin as an 'other than temporary' permitted by right accessory residential use placed and secured in a required front yard setback.

See Town zoning Bylaw §198-104. Definitions. "Structure" and §198-702, 198 Attachment 1 Table of Dimensional Requirements.

You are directed to correct this zoning violation or you may apply to appeal this current determination by the Building Official to the Zoning Board of Appeals within 30 days pursuant to MGL 40A §§8, 14, 15 and Article 2 of Town zoning.

Do not hesitate to contact the Building Department with any questions you may have regarding this enforcement process.

Respectfully,

Geoffrey S. Larsen, CFM
Building Commissioner

Cc: gsL

E

Christine Moynihan and John H. Archambault
20 Millbrook Road, Wayland, MA 01778
(508)358-0854
archmoy@aol.com

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

RE: Letter dated June 8, 2016 from Geoffrey S. Larsen, Building Commissioner

To the Wayland, Massachusetts Board of Appeals,

We, the owners of the home at 20 Millbrook Road, Wayland, Massachusetts, are writing to respond to the above referenced letter. Specifically, we are appealing Mr. Larsen's determination that we are in violation of Wayland Zoning Bylaws Sections 198-104 and 198-702 based upon the placement of a storage bin in our driveway.

We begin our appeal by providing you with some background information: on July 3, 2014, a microburst storm made its way through the Millbrook Road neighborhood sending a 150 foot pine tree through the roof of our home in multiple places, and crushing our bulkhead and back porch. The treefall was followed by 5 inches of rain that poured through several large, gaping, holes in our roof and through the crushed bulkhead entrance to our basement. Our home suffered severe structural damage, widespread and catastrophic water damage, and we lost the vast majority of our personal belongings including clothing, furniture, household goods, and family mementos. Both the Wayland Fire Department and Jay Abele of the Wayland Building Department declared our home unsafe to live in.

Our insurance company, Vermont Mutual Insurance Company, hired RebuildEx, a contractor from Carver, Massachusetts, to perform the emergency board up, to remove the tree from our home, and to empty the house of the ruined personal belongings. Based upon their excellent performance in completing those tasks, we then hired them to do the demo and estimate the repairs, followed by signing a contract with them to repair our home and restore it back to its prior condition.

In January, 2015, we reviewed a Punch List of work remaining to be done with the RebuildEx project manager and were assured the project would be complete upon our return to our home at the end of April. The building permit issued by the Town of Wayland was closed out without our knowledge in February, 2015

with the Punch List unaddressed. Among the items on the 3 Page Punch List are critical repairs such as:

- missing electrical fixtures and exposed wiring,
- rebuilding a rickety, unsafe, back porch,
- painting of the entire exterior,
- re-painting several rooms inside our home where the new paint RebuildEx applied is already peeling and bubbling,
- replacing missing and/or improperly-installed gutters and downspouts,
- replacing several windows rendered inoperable from the force of the treefall
- rebuilding full-wall-length bookshelves and cabinets torn down in the demolition
- replacing many household fixtures removed during the demolitions such as towel bars, outlet covers (especially around sinks!), curtain hardware, etc.
- and other repairs and issues as noted on the Punch List.

It is important to emphasize that RebuildEx agreed, in writing, again to the Punch List in its entirety in April, 2015. We moved back into our home on or about April 30th on the basis of that agreement. Between April and June, 2015, the Project Manager became increasingly difficult to contact. He sent an electrician and a painter to our home one day at the beginning of May, 2015 for a few hours, and that was the last time anyone from RebuildEx (or their subcontractors) worked on our home. In June, 2015, already frustrated at the lack of progress on the Punch List and the lack of communication from the Project Manager, we learned that he no longer worked for RebuildEx. We then began an odyssey of excuses and delays and unprofessional behavior on the part of RebuildEx. For example, RebuildEx asked us for yet another updated Punch List – virtually identical to the prior Punch List – which we supplied to them on July 7, 2015. In August, 2015, RebuildEx sent a company accountant out to assess the work, and he spent several hours in our home taking more than 250 pictures of the items on the Punch List.

Finally, in September, 2015, after more excuses and delays and unprofessional behavior, and after having paid RebuildEx 80% of the contract amount, RebuildEx, abruptly and unilaterally, terminated the contract and refused to complete the work to which they'd previously agreed.

Since then, we have hired an attorney to help us in this matter. We have obtained estimates from other contractors for the work on the Punch List which so far total approximately \$57,000 (not including expected roof repairs as the roof RebuildEx installed is leaking into our second floor bathroom). Our attorney is in contact with the RebuildEx attorney, with our insurance company, and with the Massachusetts Office of Consumer Affairs and Business Regulation. Because so much interior work remains to be done, we have not unpacked and settled into

our home because we fully expect to have to empty rooms for the work to be done. So, with respect to the storage container, our attorney has advised us to leave it as is for the time being.

As you can see, the repairs to our home are far from done. As frustrated as the Town and our neighbors might be with the continuing presence of the storage container, that frustration cannot begin to measure against our own feelings of helplessness, grief, and despair at this 2-year-old!!! nightmare. Please remember: the work to our home was NOT a thoughtfully-planned addition or renovation gone wrong, nor is it a never-ending-do-it-yourself-project. This sudden, catastrophic, loss was not our fault and has completely impacted our lives for the past two years, and for the future. We are NOT getting a cavernous great room or master bedroom addition out of this ordeal. We just want the snug, sturdy, little home we left earlier on July 3rd back. We want to unpack what possessions we were able to salvage, and begin the process of settling back into our home. We want a chance to breathe and to grieve the loss of family pictures and heirlooms and two years of our family's life. We just want to be done with this really sad period of our lives.

We welcome you to come, see the Punch List items for yourself. Just please understand that we would NEVER intentionally force the presence of the storage container upon our neighbors even one second longer than necessary. They get to drive by it. We get to live with it and look at it constantly so that we never, ever, forget the ongoing nightmare it represents. Frankly, its presence just makes us really, really sad and we can't wait to get it out of our driveway. Just writing this letter was an emotional process. The one hopeful note we can add is that Tom Antonellis, who will do the bulk of the work on the Punch List, expects to begin work in September, meaning we will be able to finally fully move back into our home this Fall and have the storage container removed once and for all.

We hope the above, and the documents attached herewith, explains the ongoing presence of the storage container. Please don't hesitate to email or call us if you have any further questions or need any additional information. Thank you for any understanding you can offer in our efforts to appeal the zoning violation.

Sincerely,
Christine Moynihan and John Archambault
20 Millbrook Road, Wayland, MA
508-358-0854

F



TOWN OF WAYLAND
MASSACHUSETTS
01778
BUILDING DEPARTMENT

Geoffrey S. Larsen, CFM
Building Commissioner

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

Mr. Eric Goldberg, Chairman ZBA
C/o Building Department
41 Cochituate Road
Wayland MA, 01778

August 17, 2016

Re: 20 Millbrook, Appeal of Building Commissioner's Decision; case # 16-16.

Dear Mr. Chairman,

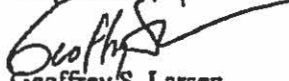
It is reasonable to anticipate the temporary use of a temporary accessory structure such as a metal storage bin in a residential zoning district in order to facilitate work covered by an active building permit. In this light the storage bin may reasonably be seen as part of a permitted residential construction site. I note that the use of the word "temporary" here is reasonably limited by §198-104.1 of Town zoning to the life of a typical building permit and, or possibly 180 days following the suspension of work as controlled by the State Building Code (780 CMR R105.5/R107).

This temporary accessory use of a storage bin that is located in a required zoning setback is customarily allowed without a zoning permit in large part because of the implicit condition of a reasonable end date and removal and effective cessation of this temporary accessory use.

Whereas building permit #20140622 was closed by the authorized agent on 2.2.2015 and the owners have not made application for either a building permit and, or apply for a temporary zoning permit in order to provide for the continued temporary accessory use of the storage bin (see §198-201.1.2 of Town zoning) I have determined that a zoning violation continues at the referenced address.

Please see attached chronology of related zoning enforcement action that supports this determination while perhaps also highlighting a possible way forward by formally requesting a reasonable date from the owners for the removal of this nonconforming structure and an end date for the temporary use which is also acceptable to the ZBA (§198-201.1.2).

Respectfully,


Geoffrey S. Larsen
Building Commissioner

Cc: gsL

3

Senchyshyn, John

From: Senchyshyn, John
Sent: Wednesday, August 30, 2017 9:41 AM
To: Lea Anderson (landerson@wayland.ma.us); Antes, Mary; Karlson, Cherry; Levine, Doug; Jurist, Louis
Cc: Balmer, Nan
Subject: Personnel Related Articles

Hello All,

I recently submitted three articles for Town Meeting which effect employees' compensation. Two of the articles, wage increases for non-union staff and a wage increase for the Town Clerk, identified a projected cost. The third, regarding Town collective bargaining contracts, did not have a projected cost. Given that 4 settlements have been approved, I now have a projected cost for the article.

I understand the Board has discussed whether there is a cost to these articles or if it is a reallocation of funds already approved by Town Meeting in the Unclassified: Reserve for Salary Settlement account. I believe it is both.

Town Counsel has advised that Ch. 150E, Section 7b requires the incremental cost differential for the initial year of newly settled collective bargaining agreements be presented at the next scheduled Town Meeting for funding. Cost estimates for the 4 settled Town contracts have been incorporated into the body of the article. (I plan to forward the article to Town Counsel for review.) The article further requests that already approved funds be transferred from the Unclassified: Reserve for Salary Settlement account to the respective line items within departmental budgets. The expense for the increase in wages will not be incurred until Town Meeting approves the incremental funding for FY 18 in accordance with CH. 150E, Section 7b. While the contractual wage increases are a new expense to the departmental budgets, they are not an increase to the overall approved FY 18 budget.

If the article for funding the initial year of the collective bargaining agreements identifies the associated costs, it seems that the other personnel related articles should also identify their respective costs. That said, those costs should not be represented as new costs to the FY 18 budget as the funds are residing in the Unclassified: Reserve for Salary Settlement account. I wanted to share my thoughts on costs vs reallocation prior to the FinCom workshop next Tuesday should the question arise.

We can discuss further at an upcoming meeting before the warrant goes to the printer.

Please, no discussion amongst Board members. This email is for informational purposes only.

Thanks for listening,

John

John Senchyshyn
Asst Town Administrator/HR Director
Town of Wayland
jsenchyshyn@wayland.ma.us
508-358-3623

4

Press Release regarding Mosquitoes testing positive for West Nile Virus in Wayland
From the Public Health Director 8/31/17

The Wayland Health Department received a telephone call today from the State Department of Public Health to advise us that 3 mosquitoes collected in Wayland on August 24th have tested positive for West Nile Virus. The mosquito species identified were Culex Pipiens/Restuans which are bird biting mosquitoes however this species could also bite mammals and/or humans. The mosquito pools where the specimens were collected were located in both South Wayland and North Wayland. We strongly encourage people to be proactive with protecting themselves against mosquito bites and using insect repellent, as well as taking measures to prevent mosquito breeding in your yard (please follow guidelines below).

The catch basins in town were treated early this summer with ALTOSID XR Briquettes supplied by the Wayland Board of Health and distributed by the East Middlesex Mosquito Control Project. This treatment is done every year to control mosquito larvae to reduce mosquito-borne illness. Altosid is a larvicide in a briquette form that disrupts the normal growth pattern of immature mosquitoes in water and prevents them from becoming breeding, biting adults. ALTOSID is a long-term (90 day), cost-effective and environmentally responsible mosquito control larvicide.

The town of Wayland contracts the services of the East Middlesex Mosquito Control Project for mosquito control including helicopter spraying using BTI larvicide in the spring and catch basin treatments in the early summer. Our program during mosquito season also includes mosquito trapping, identifying populations and surveillance for diseases and species.

Mosquito habitats in Wayland and why treating catch basins is important

The "Culex" mosquito species is common in suburban communities such as Wayland. This mosquito species prefers to breed/lay eggs in small artificial containers such as birdbaths, old tires, buckets, clogged gutters, and other standing water sources which can be found in people's backyards and other similar areas of the suburbs (including catch basins).

Culex mosquitoes are the primary vectors of West Nile Virus. West Nile Virus (WNV) is a mosquito-carried virus that can cause illness in people ranging from a mild fever to more serious disease like encephalitis or meningitis. WNV is most commonly spread to people through the bite of an infected mosquito. The Culex species are also known as "bridge" vectors that will feed on birds and people. As the summer progresses, birds could be infected with West Nile Virus and the virus could be transmitted to a human when a mosquito bites a bird carrying the WNV virus and then subsequently bites a person.

The catch basin treatments using Altosid will reduce the population of Culex mosquito larvae that could be growing in catch basins (standing water environment), decreasing the risk of West Nile Virus infection in humans.

How to prevent mosquito breeding in your yard

To prevent a yard from becoming a source for Culex mosquitoes and other potentially invasive mosquito species, homeowners should make a thorough inspection of their property and remove, empty, cover or treat water-holding containers. During the summer, mosquito larvae can complete their development in water within a week.

What to do in your yard to prevent mosquito breeding, West Nile Virus (WNV) and other Arboviral Diseases:

- Mosquito proof your home and drain standing water in your yard

- Containers where mosquitoes commonly lay eggs include neglected swimming pools, water in loose-fitting pool covers or tarps, unscreened rain barrels, rimless tires, and plastic toys, flower pots, trash barrels/containers. Check rain gutters, including all fittings and drains.
- Tires should be disposed of properly or stored inside.
- Rubbish barrels, wheelbarrows and small boats should be covered or stored upside down.
- The water in wading pools and birdbaths should be changed weekly.
- Infrequently used pools should be covered or properly maintained.
- Some mosquitoes like to come indoors. Keep them outside by having tightly-fitting screens on all of your windows and doors. Fix any holes in screens and screen doors and replace worn weather stripping.
- Keep the grass in your yard cut short and shrubs trimmed.
- Once a week empty and scrub, turn over, cover or throw out any items that hold water.
- Rainwater collection barrels tips:
 - Always use a mosquito-proof screen to seal and cover the rain barrel or other water-saving container. Mosquito-proof screen is a very fine mesh, usually 1/16 of an inch. If the barrel is covered, this will reduce the likelihood of mosquitoes becoming a problem.
 - If the barrel is holding a lot of water consider mosquitofish, or consider treating with products containing Bti (always read the product label and use according to the instructions).
 - Keep the rain barrel lid and connectors sealed to help keep bugs out.
 - Be sure to always remove the water that pools at the top of the barrel at least once or twice a week.
 - If possible, place your barrel on a surface that will soak up any water that overflows so it doesn't pool and create a mosquito habitat.
 - Regularly inspect your rain barrel system. Check for cracks or leaks. Be sure that all fittings and seals are intact and that no water accumulates on the ground around the barrel.
 - Clean the barrel on a regular basis. Drain it completely and clean it out at least twice a year.

What you should do to avoid mosquito bites

At this time of year mosquito populations are on the rise and residents should take precautions to avoid mosquito bites.

Be aware of peak mosquito hours:

- The hours from dusk to dawn are peak biting times for many mosquitoes. Mosquitoes are more active in damp, shady areas, during cloudy humid days, and at night. Consider rescheduling outdoor activities that occur during evening or early morning. Also, take extra care to use repellent and protective clothing.
- There are some emerging mosquito species that are out and active during the day. Be sure to protect yourself and family members during the day also.

Wear protective clothing:

- Clothing can help reduce mosquito bites. Although it may be difficult to do when it's hot, wearing long-sleeves, long pants and socks when outdoors will help keep mosquitoes away from your skin.
- Cover up the arms and legs of children playing outdoors. Baby carriages and playpens should be covered with mosquito netting.

Apply insect repellent when you go outdoors.

- Use a repellent with DEET (N, N-diethyl-m-toluamide), permethrin, picaridin (KBR 3023), IR3535 (3-[N-butyl-N-acetyl]-aminopropionic acid) or oil of lemon eucalyptus [p-menthane 3, 8-diol (PMD)].
- DEET products should not be used on infants under two months of age and should be used in concentration of 30% or less on older children.
- The Center for Disease Control has recently listed Oil of lemon eucalyptus as providing protection against mosquitoes, however, it should not be used on children under three years of age.
- Permethrin products are intended for use on items such as clothing, shoes, bed nets and camping gear and should not be applied to the skin.
- Protect pets and horses from mosquito bites.
- Always follow the instructions on the label of any repellent. More information on choosing and using repellents safely is listed below.

For further information on WNV or EEE, log onto the Massachusetts Department of Public Health web site at:

www.mass.gov/dph/wnv

If residents have any questions about mosquitoes or how to control them: the East Middlesex Mosquito Control Project can be reached at:

<https://sudbury.ma.us/emmcp/>.

Choosing and using repellents safely:

<https://www.epa.gov/insect-repellents>

<http://www.cdc.gov/westnile/faq/repellent.html>

The National Pesticide Information Center (NPIC) toll free at 1-800-858-7378 or online at <http://npic.orst.edu/index.html>. If you can't go online contact MDPH at (617)983-6800 for a hard copy of the fact sheet.

MDPH 2017 Arbovirus Surveillance and Response Plan

<http://www.mass.gov/eea/agencies/agr/pesticides/mosquito/arbovirus-response-plans.html>

MDPH Mosquito-borne Diseases

<http://www.mass.gov/eohhs/gov/departments/dph/programs/id/epidemiology/providers/public-health-cdc-arbovirus-info.html>

www.mass.gov/mosquitoesandticks

Julia Junghanns, R.S., C.H.O.

Director of Public Health

08/31/17



Town of Wayland Massachusetts

FINANCE COMMITTEE

- Steven Corriea
- Jen Gorke
- Carol Martin (Vice Chair)
- Klaus Shigley
- William Steinberg
- George Uveges
- Dave Watkins (Chair)

FINANCE COMMITTEE
Minutes
Wednesday, July 19, 2017
Wayland Town Building

Attendance: D. Watkins, K. Shigley, G. Uveges, S. Correia, J. Gorke, and W. Steinberg.

Call to Order: The meeting was called to order by D. Watkins in the Board of Selectmen Meeting Room at the Town Building at 7:00pm. Mr. Watkins announced the Town Administrator, Nan Balmer was in attendance and that the meeting was being taped by WayCam for future viewing. He then reviewed the agenda.

Public Comment: None

Announcements: Chair Watkins welcomed new members, Steve Correia and Bill Steinberg. He also reminded the committee members to fill out the document containing their contact information.

Review first draft of Wayland’s Multi Year Budget Model: Chair Watkins described the role of the Finance Committee as an advisory role and stated a Multi-Year Budget Model can be used for recommendations. He stated the model that has been prepared contemplates a scenario where the town funds all of the projects requested. He added the model makes it possible to see the impact on the tax rate and as a tool it can be refined to provide factual information for residents.

D. Watkins stated that last year Town Administrator N. Balmer and Finance Director B. Keveny worked with department heads to develop and present the FinCom with a budget and plan to evaluate. He said the FinCom got involved after the budget was built in October, keeping the Operating and Capital budgets separate. D. Watkins asked the Committee to think about combining the Operating and Capital budget process. It would provide a holistic view of the town’s budget in October and the School’s budget in December.

He said the first departmental meeting would be 8/2/17 and B. Keveny would present the principal concepts of the model to departments. While seeking budget input, hopefully the model can provide insight. D. Watkins stated the big leverage this year is to think about the town's debt. It's what will drive the escalation of the tax rate.

G. Uveges reviewed the Multi Year Budget Model with the Committee, explaining how the model works, and the assumptions used. Mr. Uveges asked Committee members to submit questions on the model and/or assumptions to B. Keveny and himself. He reminded them to think of everything as a placeholder at the moment. He added the next step will be for B. Keveny to review this model with the Finance Team.

Discuss Communication to Department Heads

D. Watkins discussed budget discussion/expectations for the upcoming meeting with department heads. He stated he wanted to go into the meeting with a list of departmental expenses to discuss if the assumptions are correct. He asked for feedback from the Committee and if it was necessary for them to hold a meeting before 8/2 to prepare. He said there is a meeting scheduled for next week as a placeholder if need be.

N. Balmer suggested that later this fall the FinCom should meet with the Board of Selectmen (BoS) to discuss the budget process as stated under Town Code. She stated that for now this is fine because they work together well, but there will be another Town Administrator and FinCom Chair in the future and they need to make sure the future process follows the Town Code correctly.

K. Shigley stated that being informed will give the department heads more credibility. N. Balmer said that historically department heads are used to having liaisons to act as advocates and asked if the practice would continue. D. Watkins said they are anticipating Liaisons. J. Gorke said they will not be having advocates, just liaisons. J. Gorke stated that looking back last year, it was helpful when department heads came in to make their case to the Finance Committee, especially with the bigger departments. She said it was helpful on the Capital side, but she's not sure if it can be done on the Operating as well. D. Watkins said he has heard it would be easier to do the Operating and Capital together. N. Balmer agreed. D. Watkins asked Committee members to forward him any comments by early next week.

Review Reserve Fund and Current Year Transfer Options on All Expected Deficits:

Topic tabled to a future meeting when Finance Director, Brian Keveny will present this information.

Discuss Approach to Review Ideas presented in UniBank Memo: K. Shigley discussed the UniBank memo and some of the recommendations. He stated he felt these are the recommendations the town would take if it wanted to continue to be prudent. He expressed interest in having Clark Rowell come before the FinCom to discuss the ideas presented in the memo. Mr. Shigley added the purpose of the memo is to see what other topics Finance Committee members would like to discuss with Unibank. D. Watkins said he would like to better understand Mr. Rowell's role as he wasn't hired by the Finance Committee. N. Balmer said she will reach out to Unibank to determine if the scope of services to include meeting with the FinCom.

Discuss Peer Review of Debt and Potential Policy Changes: n/a

Discuss Use of Cleargov.com: Chair Watkins described what Cleargov.com is and stated the Committee has been asked by the Board of Selectmen (BoS) for a recommendation concerning subscription renewal. Town Administrator N. Balmer stated that the data from DOR is outdated.

Mr. Watkins said he has to recuse himself from this vote because he's an investor in ClearGov. N. Balmer said the BoS would like a recommendation by mid-August. The FinCom said they would like B. Keveny to give them more insight. J. Gorke said it seems like it was designed for the general public and there's a value for them to understand the data. She stated if it has only received a few hits that doesn't necessarily measure its usefulness. J. Gorke said she's not convinced the FinCom and B. Keveny are the best decision makers for this issue. D. Watkins said that B. Keveny has the ability to update the data instead of waiting for DOR. The school has done that which is why their data is updated. The committee decided to discuss this again at the next meeting.

N. Balmer left the meeting at 8:41 p.m.

Review Schedule & Issues/Action List : D. Watkins asked if everyone wanted to meet next week. It was agreed that they would meet next week once it was determined a quorum could be established.

Review and Discuss Liaison Assignments: Chair Watkins suggested that they have a liaison and a backup for the bigger departments. After a brief discussion, the Committee reviewed the various liaison assignments and created a draft list to be reviewed and finalized at the July 26th meeting.

Discuss Minuteman Request: Chair Watkins suggested tabling this discussion until next meeting to ensure input from B. Keveny.

Discuss Chair and Vice Chair's Update: None.

Discuss the need to Post Minutes Online: D. Watkins stated that although the FinCom is up to date on reviewing and approving its minutes, some have not been posted to the website. K. Shigley stated the Minutes of 1/23/17, 3/27/17 and 5/15/17 need to be posted. Mr. Watkins asked that these minutes be sent to MaryAnn DiNapoli for posting.

Review New Member Onboarding Packet: D. Watkins encouraged the new members to review the onboarding packet and goals and responsibilities located in the drop box.

Members' Reports, Concerns, and Topics and Schedule for Future Meetings: None

Review 2nd Draft of Reserve Fund Policy – Gorke: J. Gorke stated she has worked on this project with Brian Keveny, the Finance Director and would prefer to table this discussion until he is present.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any: D. Watkins stated he received a call from School Committee member, Jeanne Downs regarding the High School Athletic Campus project and explained that they are trying to find design money. He said that since they don't have any type of a defined project in front of them and since it's not in the 5-year Capital Plan, Mr. Watkins requested that Ms. Downs write up a report. He added, the consultant's report describing the project is currently in the drop box. D. Watkins encouraged everyone to review it. S. Correia said it would be helpful for the public to see it as well.

Meeting Minutes: Review and Vote to Approve: 6/20 Shigley: G. Uveges moved to approve the minutes of June 20, 2017 as amended. K. Shigley seconded. Motion passed 4-0-2 with Correia and Steinberg abstaining.

Motion to Adjourn: At 9:23pm, K. Shigley moved to adjourn. J. Gorke seconded. Motion passed 6-0-0.

Respectfully submitted,

Katelyn O'Brien

Documents:

Watkins:

Multi-year Model

Schedule/Action List

Shigley:

Memo: Unibank Recommendations



6

Announcing MMA's Legislative Breakfasts on September 15, 22 and 29

August 21, 2017

Dear Local Official,

The Massachusetts Municipal Association's fall Friday morning Legislative Breakfast meetings have been scheduled in cities and towns across the Commonwealth. Please be sure to register for meetings on September 15th, September 22nd, and September 29th.

We hope you can join us at a meeting near you and be part of a lively discussion with your legislators and MMA staff about state and local government in Massachusetts and important legislative and budget priorities for the year.

These meetings will occur at an important time, as state officials report on the challenging close to fiscal 2017, take a first good look at the stability of the fiscal 2018 budget adopted in July, and start thinking about next year's budget and local aid plan due in January. There are a lot of budget issues to talk about at the state, local, and federal levels. Our Legislative Breakfasts will also provide an opportunity for us to update local officials on many legislative issues, such as the revised recreational marijuana law signed by the governor in July, and several zoning and housing bills moving their way through the Legislature. The MMA has been keeping its finger on the pulse of these and many other local and federal issues, and we look forward to discussing them with you in September.

The breakfast meetings will be a great time to talk with area legislators, fellow municipal officials and MMA staff about new ideas for local government and key legislative initiatives. 2017 has been incredibly busy and exciting, and we want to be sure your communities have all the most up-to-date information. Please pick a meeting near you to attend and bring your good questions and best advice.

PLEASE SIGN UP TODAY! Register through www.mma.org or by contacting Vanessa Calaban at vcalaban@mma.org or 617-426-7272, ext. 121. And after you register, please call your Representatives and Senators and urge them to attend, too. We've sent them an invitation, but it will be very helpful for them to know you'll be there!

Thank you very much.

Sincerely,

Geoffrey C. Beckwith
Executive Director & CEO

Enclosure

RECEIVED

AUG 23 2017

Board of Selectmen
Town of Wayland



**2017 Fall Legislative Breakfast Meetings
Please Register Now!**

**Please register online at www.mma.org or complete this registration form and send it to:
Vanessa Calaban, Massachusetts Municipal Association, One Winthrop Square, Boston, MA
02110, or by email to ycalaban@mma.org**

Registrant's Name: _____

Municipality: _____

Job Title: _____

Phone Number: _____

Email Address: _____

Breakfast Location (Please check the meeting you will attend):

September 15th (registration deadline: September 8th)

- Marshfield**, School Administration Building, 76 South River Street
- Stockbridge**, Town Hall, 50 Main Street

September 22nd (registration deadline: September 15th)

- Northampton**, Police Station Community Room, 29 Center Street
- Stow**, Pompositicut Community Center, 509 Great Road

September 29th (registration deadline: September 22nd)

- Auburn**, Town Hall, 104 Central Street
- Rowley**, Town Hall, 139 Main Street

While the meetings are free, attendees are asked to register by the noted deadlines so the planners can have an accurate count for food and space. All legislative breakfast meetings will begin at **8:00 a.m.** and end by **10:00 a.m.**

THANK YOU FOR REGISTERING – WE LOOK FORWARD TO SEEING YOU THERE!