

PACKET

SEP 18

2017



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, September 18, 2017
6:30 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

Proposed Agenda

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

- 6:30 pm 1.) Open Meeting and Enter into Executive Session 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 Rivers Edge Project at 484-490 Boston Post Road, and the Consideration of the Purchase, Exchange, Taking, Lease or Value of Real Property in Regard to Wayland Meadows, LLC, Lot 8, Old Sudbury Road; and Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss strategy with Respect to Litigation in a Pending Action regarding Bernstein, et al v. Planning Board, et al, and 20 Millbrook Road, 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 to discuss Strategy with Respect to and in Preparation for Collective Bargaining with the Police and Fire; 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, because a Public Discussion of these Matters may have a Detrimental Effect on the Litigating, Negotiating or Bargaining Position of the Town
- 7:00 pm 2.) Call to Order by Chair
- Review Agenda for the Public; Announcements
- 7:02 pm 3.) Public Comment
- 7:10 pm 4.) Meet with Town Counsel
1. Discuss Process for Proposition 2 ½ Debt Exclusion and Scheduling of Special Election for Library Project
 2. Maintaining and Plowing Private Roads – Selectmen Role
 3. 40 B Legal Costs
 4. Discuss Special Town Meeting Articles
 - F, G, H: Fund Personnel Costs
 - M: Marijuana Moratorium

BOARD OF SELECTMEN
Monday, September 18, 2017
6:30 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland
Proposed Agenda Page Two

- 8:10 pm 5.) Review FY19 Capital Projects with Department Heads
1. Conservation
 2. Information Technology
 3. Facilities
 4. Fire
- 9:10 pm 6.) Discuss All Special Town Meeting Articles: Potential Vote to Insert Articles in Special Town Meeting Warrant and Potential Vote to Take a Position on Special Town Meeting Articles
- 9:30 pm 7.) Discuss and vote to approve the FY17 Annual Report of the Board of Selectmen
- 9:40 pm 8.) Minutes: Review and Vote to Approve Minutes of September 5, 2017, and September 6, 2017
- 9:45 pm 9.) Consent Calendar: Review and Vote to Approve (See Separate Sheet)
- 9:50 pm 10.) Review Correspondence (See Separate Index Sheet)
- 10:00 pm 11.) Report of the Town Administrator
1. Annual Town Meeting Schedule
 2. Proposed New Positions
 3. Update on Town Administrator's Staffing Plan and Collins Center Report
 4. Oxbow Meadow Contract
 5. Board of Public Works request regarding private roads
 6. Wayland Meadows / Wastewater Management District Commission Update
 7. Town Administrator's Capital Project Work Group
- 10:20 pm 12.) Selectmen's Reports and Concerns
- 10:30 pm 13.) Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
- 10:35 pm 14.) Adjourn

SEPTEMBER 18, 2017

MEET WITH TOWN COUNSEL

1. PROPOSITION 2 ½ DEBT EXCLUSION FOR LIBRARY PROJECT:
TOWN COUNSEL WILL REVIEW BOARD'S REQUIREMENTS TO SCHEDULE A DEBT EXCLUSION FOR THE LIBRARY PROJECT

2. MAINTAINING AND PLOWING PRIVATE ROADS:
ATTACHED TO THE TOWN ADMINISTRATOR'S REPORT IS A REQUEST FOR THE BOARD OF SELECTMEN TO MEET ON 10/2 TO CONSIDER A LIST OF ROADS THAT THE SELECTMEN COULD DESIGNATE AS PRIVATE ROADS. TOWN COUNSEL WILL REVIEW THE LEGAL RESPONSIBILITY OF THE BOARD OF SELECTMEN IN PREPARATION FOR THE DISCUSSION WITH BOPW.

3. 40 B LEGAL COSTS:
TOWN COUNSEL WILL PROVIDE INFORMATION ABOUT PROJECTED LEGAL COSTS FROM THE TWO 40 B PROJECTS.

4. SPECIAL TOWN MEETING ARTICLES: COUNSEL WAS ASKED TO FOCUS ON TWO SUBJECTS
 - a. ARTICLES TO FUND PERSONNEL COSTS: THE PURPOSE OF THE DISCUSSION IS TO MAKE CLEAR THE REASONS WHY THESE ARTICLES ARE REQUIRED THIS YEAR
 - b. MARIJUANA MORATORIUM: COUNSEL WILL ONLY DISCUSS THE BASICS OF THIS COMPLICATED MATTER – THERE MAY BE A NEED FOR A BROADER COMMUNITY FORUM

DATE: SEPTEMBER 18, 2017
 TO: BOARD OF SELECTMEN
 FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
 RE: FISCAL YEAR 2019 CAPITAL PROJECT REQUESTS

BOARD ACTION REQUESTED:
 REVIEW AND CONSIDERATION OF FISCAL YEAR 2019 CAPITAL PROJECT REQUESTS FOR DEPARTMENTS UNDER THE JURISDICTION OF THE BOARD OF SELECTMEN

CAPITAL PROJECT REQUESTS:

Attached for your review and consideration are the Fiscal Year 2019 capital project requests for departments under the jurisdiction of the Board of Selectmen. The attached detail pages are provided for preliminary review, though not in final format. The proposed date for Board of Selectmen approval, to meet the Finance Committee schedule, is October 2, 2017, at which time Capital Requests will be provided in a final, consistent format.

<u>DEPARTMENT</u>	<u>CAPITAL PROJECT</u>	<u>REQUESTED</u>
<u>Conservation</u>	Small tractor purchase	\$ 45,000
	Weston Aqueduct pedestrian crossings (3)	\$ 96,000
<u>Information Technology</u>	Network replacement, 5-year recurring cost*	\$ 242,000
	Public Safety datacenter replacement	\$ 70,000
	Library telephone system	\$ 40,000
	Munis revenue modules	\$ 230,000
<u>Facilities</u>	Town Bldg. exterior window/ door replacement design	\$ 65,000
	Town Bldg. interior renovations of front lobby, Finance and Land Use offices	\$ 375,000
	Town Bldg. HVAC and associated electrical replacement / improvement	\$ 1,570,000
	New COA facility design	\$ 200,000
	Library rotunda window replacement / upgrade	\$ 85,000
	Library New Building construction	\$28,900,000
	Fire Station #2 renovations	\$ 1,000,000
	Depot repairs and utility connections	\$ 110,000
<u>Fire</u>	Assistant Fire Chief vehicle replacement	\$ 55,000
	TOTAL	\$33,083,000

*Five year lease agreement requires Town Meeting majority vote



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3606

DATE: September 13, 2017
TO: Board of Selectman; Nan Balmer
FROM: Linda Hansen, Conservation Administrator
SUBJECT: Capital Improvement Program

The Conservation Department is requesting Capital Improvement funds for:

1. Purchase of a small tractor (\$45,000)
2. Installation of three pedestrian crossings for the Weston Aqueduct (\$96,000)

The purchase of the tractor was part of a five-year budget proposed in FY17-FY21. The purchase will include implements for mowing and plowing in order to maintain the four large meadow properties and eradicate invasive plants through plowing and reseeded. Our properties are vast and a tractor is essential for the maintenance of more than 1,200 acres of open space.

As an alternative to sponsoring a warrant article to fund the pedestrian crossings, the Conservation Department will request funding under the Capital Improvement Program. The agreement with MWRA requires the town to install pedestrian crossings to insure public safety. The Aqueduct trail is currently used by residents, high school cross country teams, and neighboring town residents that link with the Wayland section of the trail.

The Conservation Department has four existing Capital Improvement projects:

1. Snake Brook Dam Repair (\$91,000)
2. Gate House roof and floor repair (\$25,000)
3. Heard Farm parking lot and road improvements (\$30,000)
4. Shed upgrade and structural repairs (\$25,000)

The Conservation Department recently completed the five year dam inspection report with recommendations for the repair and maintenance of Snake Brook dam. The estimated costs to repair the low level outlet (overflow valve), and the gatehouse roof is \$189,600. The Conservation Department is currently working with Facilities to prepare an RFP for the repair of the roof structure and installation of composite slate roofing. The second phase of the project is to construct grate flooring in the gatehouse and evaluate the condition of the low level outlet valve. The Snake Brook dam is classified as a significant hazard dam and this work is critical.

Heard Farm parking lot and road repair was intended to improve the drainage in the existing parking lot and to clean out the drain line located to the east of Heard Road. The condition of Heard Road has deteriorated to the extent that the some funds will be used to repair the (private) road leading to the parking lot.

The shed door was recently replaced as part of this capital project. Structural deficiencies will also need to be addressed (during the winter) that include replacing the interior beams and shoring up sections of the stone foundation.

Capital Technology - School - As submitted Fall 2016

**5 YEAR CAPITAL PLAN
EXPENDITURES PER FISCAL YEAR**

CATEGORY	PROJECT/EQUIPMENT	FY17	FY18	FY19	FY20	FY21
1 Equipment	Classroom - AV Hardware		120,000	120,000	120,000	120,000
2 Equipment	Network - High School Core Upgrade		215,000			
3 Equipment	Network - Middle School Upgrade			300,000		
4 Equipment	Network - Wireless Access Points (ac)				100,000	150,000
	TOTAL:	\$0	\$335,000	\$420,000	\$220,000	\$270,000
	Network Notes:		Core	MS	High School	MS, HH, CH

Capital Technology - Submitted Fall 2017

**5 YEAR CAPITAL PLAN
EXPENDITURES PER FISCAL YEAR**

CATEGORY	PROJECT/EQUIPMENT	FY19	FY20	FY21	FY22	FY23
1 Equipment	Classroom - AV Hardware **	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000	
2 Equipment	Network Replacement	\$ 242,000	\$ 242,000	\$ 242,000	\$ 242,000	\$ 242,000
Equipment	Public Safety Datacenter Replacement	\$ 70,000				
Equipment	Library Telephone System	\$ 40,000				
Software	Munis Revenue Modules	\$ 230,000				
	TOTAL:	\$702,000	\$362,000	\$362,000	\$362,000	\$242,000

Item 4B - RSM Recommendation

Item 5E - RSM Recommendation

Item 1F, 4C - RSM Recommendations

** School Department Capital Request in overall IT plan



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Kenneth Keefe
PUBLIC BUILDINGS DIRECTOR
TEL. (508) 358-3786
www.wayland.ma.us

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

DATE: September 15, 2017
TO: Nan Balmer, Town Administrator
FROM: Kenneth "Ben" Keefe, Public Buildings Director
RE: Facilities Department 5 year capital budget and associated CIPs

REQUESTED ACTION:

Review/comment/accept the Facilities Department 5 year budget plan and associated CIPs.

BACKGROUND:

Accompanying spreadsheet includes the Facilities Department 5 year budget and associated CIPs for Town facilities only. The School Facilities plan is in the approval process with the School Committee.

Respectfully Submitted

Kenneth "Ben" Keefe

**WAYLAND FACILITIES (TOWN)
5 YEAR CAPITAL PLAN REQUEST
PROJECTED EXPENDITURES PER FISCAL YEAR**

CATEGORY	PROJECT/EQUIPMENT	2019	2020	2021	2022	2023
1 Planning	TB Window Replacement Design	\$ 65,000				
2 Construction	TB Window Replacement		\$ 1,220,000			
3 Construction	TB Interior Renovations	\$ 375,000		\$ 125,000	125,000	
4 Planning	TB Mechanical/ Electrical Improvements					
5 Construction	TB Mechanical/ Electrical Improvements	\$ 1,570,000		1,360,000		
6 Construction	TB Exterior Painting/Sealing				95,000	
7 Construction	TB Parking and Drive Maintenance					85,000
8 Construction	PSB Exterior Painting/Sealing			75,000		
9 Construction	PSB Parking and Drive Maintenance				70,000	
10 Planning	COA New COA CC Facility Design		\$ 200,000			
11 Construction	COA New COA CC Facility Design			5,400,000		
12 Construction	TS Transfer Station Repairs / Improvements					60,000
13 Equipment	MP New Vehicles		\$ 50,000		\$ 50,000	
14 Construction	LIB Rotunda Windows	\$ 85,000				
15 Construction	LIB Wastewater Connection		\$ 275,000			
16 Construction	LIB HVAC System Upgrade			850,000		
17 Construction	LIB Exterior Painting/Sealing				70,000	
18 Construction	LIB ADA Improvements		\$ 300,000			
19 Construction	LIB New Building	\$ 28,900,000				
20 Construction	Municipal Parcel at Town Center		\$ 2,000,000			
20 Planning	Fire Station #2 Renovations					
21 Construction	Fire Station #2 Renovations	1,000,000				
22 Construction	Depot Repairs	110,000				
	TOTAL	32,105,000	\$ 4,045,000	7,810,000	410,000	145,000

w/o major projects (\$2M and above)

3,205,000

2,045,000

\$ 2,410,000

410,000

145,000

PACKET



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

CAPITAL APPROPRIATION REQUEST FY19 - FY23 (FIVE YEARS)

PROJECT INFO:

Replace Car 4	Yes
<small>Project Title</small>	<small>Included in Prior 5 Year Capital Plan? (Y/N)</small>

PROJECT SPONSOR:

Fire Department	David Houghton 508-358-6910
<small>Sponsor (Advocate) Name</small>	<small>Contact Information</small>

APPROVING BODY / VOTE:

Selectmen	
<small>Contact Name and Email Address</small>	<small>Date and Quantum of Vote (if required)</small>

PROJECT DESCRIPTION:

Replace Car 4- Assltant Chief Vehicle

PROJECT JUSTIFICATION:

This vehicle is assigned to the Assistant Fire Chief and is used for day to day operations and to respond to incidents as needed. This CIP is part of a normal replacement schedule. It is the intent to replace the older car and install equipment and technology to function as a Command area. The current vehicle is a 2012 vehicle that is nearing the end of its useful life expectancy.

EVALUATION CRITERIA: (Applies to current year budget requests only)

- A. ALTERNATIVE MEANS TO SATISFY NEEDS
- B. MAINTAINS OR IMPROVES THE STANDARD OF SERVICE
- C. MANDATED BY LEGAL OR REGULATORY REQUIREMENTS
- D. OPERATIONAL BUDGET IMPACT
- E. PROJECT FEASIBILITY, (READINESS)

Does Not Meet or Does Not Apply	Partially Meets Criteria	Fully Meets Criteria
		X
		X
X		
X		
		X

EXPENDITURE SCHEDULE (please provide detailed supporting schedule for 2019 to 2022)

ELEMENT	Prior to Date	2019	2020	2021	2022	2023	TOTAL	Comments
1. PLANNING & DESIGN							\$ -	
2. LAND							\$ -	
3. CONSTRUCTION							\$ -	
4. EQUIPMENT		55,000					\$ 55,000	
5. OTHER							\$ -	
TOTAL	\$ -	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ 55,000	

OPERATIONAL BUDGET IMPACT:

	YES	NO	IF YES, please provide details.
1. Will this Capital Request generate new revenue?		X	
2. Will this Capital Request <u>Increase</u> operating costs?		X	
3. Will this Capital Request <u>Decrease</u> operating costs?		X	
4. Will this Capital Request impact personnel?		X	

FUNDING SOURCES

How will this Capital Request be paid for?	YES	NO	IF YES, please provide details.
1. Borrowing/Cash Capital	X		Ambulance Receipts
2. CPA Funds			
3. Grants or Gifts			
4. Other			

WARRANT DETAILS

Request Number	
Dept:	Fire Department
Schedule:	Fiscal Year 2019
Relationship to General Plan:	This is the regular replacement of a vehicle, per the capital improvement plan.
History:	This is a planned replacement.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

CAPITAL APPROPRIATION REQUEST FY19 - FY23 (FIVE YEARS)

PROJECT INFO:

Replace Engine 1	Yes
<i>Project Title</i>	<i>Included in Prior 5 Year Capital Plan? (Y/N)</i>

PROJECT SPONSOR:

Fire Department	David Houghton 508-358-6910
<i>Sponsor (Advocate) Name</i>	<i>Contact Information</i>

APPROVING BODY / VOTE:

Selectmen	
<i>Contact Name and Email Address</i>	<i>Date and Quantum of Vote (if required)</i>

PROJECT DESCRIPTION:

Replace Engine 1 a 1997 rescue style pump with a new 2021 pump.

PROJECT JUSTIFICATION:

This engine is a 1997 piece of apparatus that has far surpassed the 15 year life here in Wayland. The new pump will be designed and purchased for day to day operations in Wayland and will be housed at station 2 as the front line or first response vehicle.

EVALUATION CRITERIA: (Applies to current year budget requests only)

- A. ALTERNATIVE MEANS TO SATISFY NEEDS
- B. MAINTAINS OR IMPROVES THE STANDARD OF SERVICE
- C. MANDATED BY LEGAL OR REGULATORY REQUIREMENTS
- D. OPERATIONAL BUDGET IMPACT
- E. PROJECT FEASIBILITY, (READINESS)

Does Not Meet or Does Not Apply	Partially Meets Criteria	Fully Meets Criteria

EXPENDITURE SCHEDULE (Please provide detailed supporting schedule for 2019 to 2022)

ELEMENT	Prior to Date	2019	2020	2021	2022	2023	TOTAL	Comments
1. PLANNING & DESIGN							\$ -	
2. LAND							\$ -	
3. CONSTRUCTION							\$ -	
4. EQUIPMENT			500,000				\$ 500,000	
5. OTHER							\$ -	
TOTAL	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000	

OPERATIONAL BUDGET IMPACT

	YES	NO	if YES, please provide details.
1. Will this Capital Request generate new revenue?		X	
2. Will this Capital Request <i>increase</i> operating costs?		X	
3. Will this Capital Request <i>Decrease</i> operating costs?		X	
4. Will this Capital Request impact personnel?		X	

FUNDING SOURCES

How will this Capital Request be paid for?	YES	NO	if YES, please provide details.
1. Borrowing/Cash Capital	X		Ambulance Receipts
2. CPA Funds			
3. Grants or Gifts			
4. Other			

WARRANT DETAILS

Request Number	
Dept:	Fire Department
Schedule:	Fiscal Year 2020
Relationship to General Plan:	This is the regular replacement of a vehicle, per the capital improvement plan.
History:	This is a planned replacement.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

CAPITAL APPROPRIATION REQUEST FY18 - FY22 (FIVE YEARS)

PROJECT INFO:

Replace Car 2 Duty Officer Vehicle	Yes
<i>Project Title</i>	<i>Included in Prior 5 Year Capital Plan? (Y/N)</i>

PROJECT SPONSOR:

Fire Department	David Houghton 508-358-6910
<i>Sponsor (Advocate) Name</i>	<i>Contact Information</i>

APPROVING BODY / VOTE:

Selectmen	
<i>Contact Name and Email Address</i>	<i>Date and Quantum of Vote (if required)</i>

PROJECT DESCRIPTION:

Replace Car 2 (Duty Officers Vehicle). This vehicle is a 4 wheel drive vehicle that is used 24/7 by the on duty shift officer.

PROJECT JUSTIFICATION:

This vehicle is the most used vehicle in the department's fleet. Car 2 is used daily by the shift officer to not only respond to incidents but also to take care of the day to day business such as inspections, fire alarm work, vehicle lockouts, investigations etc.. The current vehicle is a 2016 and this replacement is consistent with the departments capital plans.

EVALUATION CRITERIA: (Applies to current year budget requests only)

- A. ALTERNATIVE MEANS TO SATISFY NEEDS
- B. MAINTAINS OR IMPROVES THE STANDARD OF SERVICE
- C. MANDATED BY LEGAL OR REGULATORY REQUIREMENTS
- D. OPERATIONAL BUDGET IMPACT
- E. PROJECT FEASIBILITY, (READINESS)

Does Not Meet or Does Not Apply	Partially Meets Criteria	Fully Meets Criteria

EXPENDITURE SCHEDULE (please provide detailed supporting schedule for 2019 to 2022):

ELEMENT	Prior to Date	2019	2020	2021	2022	2023	TOTAL	Comments
1. PLANNING & DESIGN							\$ -	
2. LAND							\$ -	
3. CONSTRUCTION							\$ -	
4. EQUIPMENT				65,000			\$ 65,000	
5. OTHER							\$ -	
TOTAL	\$ -	\$ -	\$ -	\$ 65,000	\$ -	\$ -	\$ 65,000	

OPERATIONAL BUDGET IMPACT:

	YES	NO	IF YES, please provide details.
1. Will this Capital Request generate new revenue?		X	
2. Will this Capital Request <u>Increase</u> operating costs?		X	
3. Will this Capital Request <u>Decrease</u> operating costs?		X	
4. Will this Capital Request impact personnel?		X	

FUNDING SOURCES

How will this Capital Request be paid for?	YES	NO	IF YES, please provide details.
1. Borrowing/Cash Capital	X		Ambulance Receipts
2. CPA Funds			
3. Grants or Gifts			
4. Other			

WARRANT DETAILS

Request Number	
Dept:	Fire Department
Schedule:	Fiscal Year 2021
Relationship to General Plan:	This is the regular replacement of a vehicle, per the capital improvement plan.
History:	This is a planned replacement.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

CAPITAL APPROPRIATION REQUEST

FY19 - FY23 (FIVE YEARS)

PROJECT INFO:

Replace Ambulance	Yes
<i>Project Title</i>	<i>Included in Prior 5 Year Capital Plan? (Y/N)</i>

PROJECT SPONSOR:

Fire Department	David Houghton 508-358-6910
<i>Sponsor (Advocate) Name</i>	<i>Contact Information</i>

APPROVING BODY / VOTE:

Selectmen	
<i>Contact Name and Email Address</i>	<i>Date and Quantum of Vote (if required)</i>

PROJECT DESCRIPTION:

Purchase and equip a new 2019 Class 1 Ambulance to replace the 2010 model that is currently operating as a backup and staffed as needed. The new ambulance will be used as the primary ambulance and the 2014 would be relegated to second line. The 2010 ambulance would be traded in to offset the overall cost of the project.

PROJECT JUSTIFICATION:

In today's response to emergency medicine we are finding that not only is the request for ambulance services going up but the transport destinations are getting to be farther and farther away from Wayland. Currently the majority of transports that were going to either of the Metro west campuses are now being transported to Newton Wellesley or into a Boston hospital. With the longer transport miles we are seeing the overall mileage on the vehicles getting higher quicker and the normal maintenance on the vehicles needing to happen on a more frequent basis. Due to the increased mileage and time out of town, it is our intent to continue to keep one ambulance staffed for immediate response and to staff the second ambulance for response while the primary one is on a long transport. The current spare (2016) ambulance has certainly worked well for the community and we are at the point where the reliability of the unit will be a concern.

EVALUATION CRITERIA: (Applies to current year budget requests only)

- A. ALTERNATIVE MEANS TO SATISFY NEEDS
- B. MAINTAINS OR IMPROVES THE STANDARD OF SERVICE
- C. MANDATED BY LEGAL OR REGULATORY REQUIREMENTS
- D. OPERATIONAL BUDGET IMPACT
- E. PROJECT FEASIBILITY, (READINESS)

Does Not Meet or Does Not Apply	Partially Meets Criteria	Fully Meets Criteria

EXPENDITURE SCHEDULE: (please provide detailed supporting schedule for 2019 to 2022)

ELEMENT	Prior to Date	2019	2020	2021	2022	2023	TOTAL	Comments
1. PLANNING & DESIGN							\$ -	
2. LAND							\$ -	
3. CONSTRUCTION							\$ -	
4. EQUIPMENT					305,000		\$ 305,000	
5. OTHER							\$ -	
TOTAL	\$ -		\$ -	\$ -	\$ 305,000	\$ -	\$ 305,000	

OPERATIONAL BUDGET IMPACT

	YES	NO	IF YES, please provide details.
1. Will this Capital Request generate new revenue?		X	
2. Will this Capital Request <i>Increase</i> operating costs?		X	
3. Will this Capital Request <i>Decrease</i> operating costs?		X	
4. Will this Capital Request impact personnel?		X	

FUNDING SOURCES

How will this Capital Request be paid for?	YES	NO	IF YES, please provide details.
1. Borrowing/Cash Capital	X		Ambulance Receipts
2. CPA Funds			
3. Grants or Gifts			
4. Other			

WARRANT DETAILS

Request Number	
Dept:	Fire Department
Schedule:	Fiscal Year 2022
Relationship to General Plan:	This is the regular replacement of a vehicle, per the capital improvement plan.
History:	This is a planned replacement.

	J	K	L	M	N
1					
2					
3	2023	2024	2025	2026	2027
4					
5	(119,291.39)	(108,691.39)	(128,091.39)	(127,991.39)	(135,691.39)
6					
7	730,000.00	730,000.00	730,000.00	\$ 730,000.00	\$ 730,000.00
8					
9					
10					
11	70,000.00	70,000.00	70,000.00	\$ 70,000.00	\$ 70,000.00
12					
13	500,000.00	500,000.00	500,000.00	\$ 500,000.00	\$ 500,000.00
14	119,400.00	104,400.00	99,900.00	\$ 92,700.00	\$ -
15					
16					
17					
18					
19					
20	\$ 30,000.00				
21					-
22	\$ -	\$ -	\$ -		
23					
24		\$ 75,000.00			
25			\$ -	\$ 75,000.00	
26					
27			\$ 60,000.00		
28	649,400.00	679,400.00	659,900.00	667,700.00	500,000.00
29	(108,691.39)	(128,091.39)	(127,991.39)	(135,691.39)	24,308.61
30					
31					
32					
33					
34					
35					
36					
37					
38					

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	L. Anderson	G. Uveges		
B	Current Year Transfers	Board of Selectmen	C. Karlson	G. Uveges		
C	Accept Gifts of Land at Town Center	Board of Selectmen	C. Karlson	S. Correia		
D	Change Filing Deadline for Circuit Breaker Match Program	Board of Selectmen	C. Karlson	S. Correia		
E	Compensation for Town Clerk	Board of Selectmen	L. Anderson	S. Correia		
F	Personnel Bylaws and Wage and Classification Plan	Personnel Board	L. Anderson	B. Steinberg		
G	Town Union Collective Bargaining Agreements 2017-2020	Personnel Board	L. Anderson	B. Steinberg		
H	School Union Collective Bargaining Agreements 2017-2020	School Committee	C. Karlson	C. Martin		
I	Appropriate Funds to Construct New Library Building	Board of Library Trustees	D. Levine	J. Gorke		
J	High School Stadium Complex Renovation Design Fees	School Committee and Recreation Commission	L. Jurist	K. Shigley		

ARTICLE LIST FOR NOVEMBER 15, 2016 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. Jurist	B. Steinberg		
L	107 Old Sudbury Road Demolition	Board of Public Works	D. Levine	C. Martin		
M	Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings	Conservation Commission	M. Antes	S. Correia		
N	Non-Medical/Recreational Marijuana Six Month Moratorium – Zoning Bylaw Amendment	Youth Advisory Committee	L. Jurist	S. Correia		
O	Appropriate Funds to Restore/Preserve Stone Pillars at Castle Gate Road and West Plain Street	Community Preservation Committee	M. Antes	C. Martin		
P	Appropriate Funds for Design of Part 2 of the High School Athletic Preferred Improvement Plan	Community Preservation Committee and School Committee	D. Levine	K. Shigley		

THE ARTICLES BELOW INCLUDE THE TOWN COUNSEL'S COMMENTS TO ARTICLE SPONSORS AND WILL BE FINALIZED THE WEEK OF 9/18

ARTICLE A: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen

TEXT: To determine whether the Town will vote to:

- (a) pay the bills of the prior fiscal years,
- (b) appropriate a sum of money for the payment of the foregoing bills of the prior fiscal years; and
- (c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

Fiscal 2017 liabilities to be paid using Fiscal 2018 appropriations:

1) Town Office – W.B.Mason	\$269.80	Fiscal 2018 Town Office Budget
2) Town Office - W.B.Mason	\$211.87	Fiscal 2018 Town Office Budget
3) Town Office - W.B.Mason	\$57.98	Fiscal 2018 Town Office Budget
4) DPW – JP Noonan Transportation	\$673.20	Fiscal 2018 DPW Budget
5) School Budget – David Nickerson	\$1,089.25	Fiscal 2018 School Budget

COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. The unpaid bills from Fiscal Year 2016 are summarized in the article.

1) Town Office – W.B.Mason	\$269.80	Chairmat / Labels
2) Town Office - W.B.Mason	\$211.87	Office Supplies
3) Town Office - W.B.Mason	\$57.98	Office Supplies
4) DPW – JP Noonan Transportation	\$673.20	Leachate
5) School Budget – David Nickerson	\$1,089.25	Equipment Rentals

QUANTUM OF VOTE: Nine-tenths – see Massachusetts General Laws Chapter 44, Section 64.

ARTICLE B: CURRENT YEAR TRANSFERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

Comment [CMM1]: Since you have identified funding sources below, it appears there will be no borrowing. If that changes, the standard borrowing language should be included.

CURRENT YEAR TRANSFERS FY 2018

PURPOSE:	AMOUNT
1 Septage Fund Expenses FY 04 – FY 15	\$68,614
2 Septage Fund Expenses FY 18	\$25,821
3 Dog Officer Expense	\$655
4 Wastewater Budget	\$35,000

TOTAL CURRENT YEAR TRANSFERS \$ 130,090

FUNDING SOURCES:	AMOUNT
1 Unreserved Fund Balance	\$68,614
2 Unreserved Fund Balance	\$25,821
3 Unreserved Fund Balance	\$655
4 Wastewater Retained Earnings	\$35,000

TOTAL FUNDING SOURCES \$130,090

COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

Septage Fund Expenses FY 04 – FY 15 (\$68,614) This request is to reimburse Sudbury from the Septage account for FY 04 – FY 15 retiree legacy costs paid by Sudbury which were not charged to the Septage fund. Payments are in accord with the amended 2015 Septage Agreement between the Town Wayland and the Town of Sudbury. The Septage Fund does not have sufficient funds remaining, so this appropriation is from the General Fund Unreserved Fund Balance.

Septage Fund Expense FY 18 (\$25,821) This request is to fund Wayland’s 50% share of FY 18 retiree legacy costs attributable to Septage operations. The other 50% will be funded by Sudbury. The Septage Fund does not have sufficient funds remaining, so this appropriation is from the General Fund Unreserved Fund Balance.

Dog Officer Expense (\$655) This request is to fully fund the contract for the Dog Officer. When the FY 18 budget was prepared, the Dog Officer contract was not yet finalized. The line item does not have sufficient funding, so this appropriation is from the General Fund Unreserved Fund Balance.

Wastewater Budget (\$35,000) Due to aging infrastructure and past unanticipated emergency expenditures, the WWMDC wants to add a line item to the FY2018 budget. The item represents expenditures that are required as part of the operation of the WWMDC wastewater collection system. The funding source is existing retained earnings of the WWMDC. The funds will enable adequate response to a failure or disruption of the existing public collection system,

provide for routine maintenance of the collection system, and allow for conformance with Massachusetts regulatory requirements associated with DigSafe mark-outs.

PROS: These expenses were not reasonably anticipated when forecasting the FY2018 budget and they represent binding obligations of the Town.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B and Chapter 44, Section 53F 1/2. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2, 7 and 8.

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ARTICLE C: ACCEPT GIFTS OF LAND AT TOWN CENTER

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen, with approval by Town Counsel as to form, to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, on such terms and conditions as the Board of Selectmen deems appropriate, the fee or any lesser interest in all or any part of the parcels of land and the buildings and other structures thereon identified as Lot 9-1A and Lot 3-1, shown on a plan prepared by the Town Surveyor entitled "Plan of land Wayland, Massachusetts Showing Proposed Municipal Parcels" dated July 21, 2015 and recorded with the Middlesex South Registry of Deeds as Plan 616 of 2015, and Parcel 14, shown on a plan prepared by Hancock Associates entitled "Plan of Land in Wayland, MA" dated January 20, 2012, recorded with the Middlesex South Registry of Deeds as Plan 305 (1 of 2) of 2012 on file with the Town Clerk, and further to authorize the Board of Selectmen to acquire said property, execute any and all documents as may be necessary or convenient in relation thereto, or take any action relative thereto.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 14. For appropriation, two-thirds – see Massachusetts General Laws Chapter 40, Section 14. For eminent domain, two-thirds – see Massachusetts General Laws Chapter 40, Section 14 and Chapter 45, Section 19.

ARTICLE D: CHANGE FILING DEADLINE FOR CIRCUIT BREAKER MATCH PROGRAM

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Code of the Town of Wayland by modifying paragraph G in Section 19-8 of the Code of the Town of Wayland by deleting the crossed-out text and inserting the underlined text as follows:

G. Local Circuit Breaker Program. Applications for senior tax relief under the Town Circuit Breaker program must be filed with the office of the Board of Assessors no later than ~~December 31~~ April 1 of the year ~~in which the original tax filing was due~~ to which the tax relates, or within three months after the bill or notice of assessment was sent, whichever is later.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21 and Chapter 59, Section 59.

ARTICLE E: COMPENSATION FOR TOWN CLERK

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary for the Town Clerk, pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2017, and vote to transfer from FY18 budgeted Reserve for Salary Settlement account a sum of money for the purpose of funding the Town Clerk salary increase. The salary is printed below:

Comment [CMM2]: Should we simply state \$3,996?

SALARY SCHEDULE – TOWN CLERK

	<u>FY 2017</u>	<u>FY 2018</u>
Town Clerk	\$ 70,504	\$ 74,500

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 41, Section 108.

ARTICLE F: PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

Sponsored by: Personnel Board

Estimated Cost: \$45,500

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix TBD), previously adopted by the Town for non-union Town employees excluding seasonal positions and vote to transfer from FY18 budgeted Reserve for Salary Settlement account a sum of money for the purpose of funding the non-union wage increase, as reflected in the revised Wage and Salary Classification Plan.

QUANTUM OF VOTE: ~~Majority~~Two-thirds – see Massachusetts General Laws Chapter 41, Section 108A.

**ARTICLE G: TOWN UNION COLLECTIVE BARGAINING AGREEMENTS
2017-2020**

Proposed by: Personnel Board

To determine whether the Town will vote to transfer from the FY 18 budgeted Reserve for Salary Settlement account \$116,723 for the purpose of funding FY 18, the first year of the collective bargaining agreements for the period of July 1, 2017 through June 30, 2020 reached between the Town of Wayland and a.) AFSCME 690 Wayland - 1; b.) AFSCME 690 Wayland – 2; c.) the Wayland Library Staff Association MFT, AFT, AFL-CIO; and d.) the Wayland

Comment [CMM3]: Or this could state "a sum of money" if we are still calculating the costs.

Department of Public Works, Teamsters Local 170, as follows, said further, that the Town Accountant be authorized to distribute such amounts to and among the department personnel and line items affected thereby in such amounts as are proper and required:

a. AFSCME 690 Wayland - 1

Base Wages and Overtime \$41,708

b. AFSCME 690 Wayland - 2

Base Wages and Overtime \$23,046

Shift Differential – Plus 0.5% \$ 1,171

c. Library Staff Association

Base Wages and Overtime \$12,543

d. Department of Public Works

Base Wages and Overtime \$35,755

Sick Leave at Retirement \$ 2,500

Estimated Total First Year Funding Cost \$116,723

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~~o determine whether the Town will vote to transfer from FY18 budgeted Reserve for Salary Settlement account a sum of money for the purpose of funding FY18, the first year of the collective bargaining agreements reached between the Town of Wayland and (insert the name of each union that has settled)~~

~~**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B, Chapter 44, Section 53 and Chapter 150E, Section 7.~~

ARTICLE H: SCHOOL UNION COLLECTIVE BARGAINING AGREEMENTS 2017-2020

Proposed by: Personnel Board

Estimated Cost: \$218,090

To determine whether the Town will vote to transfer from FY18 budgeted salary reserve account to the School Department budget a sum of money for the purpose of supplementing funds previously appropriated for the School Department for FY18, paying for negotiated and contractually binding wage settlements.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B, Chapter 44, Section 53 and Chapter 150E, Section 7.

Comment [CMM4]: Unlike general government union contracts, those under the school committee are not subject to funding by Town Meeting per G.L. c. 150E, Sec. 7. Accordingly, a school department can simply implement the terms of a CBA, if sufficient funds exist in their budget, or request a supplemental appropriation, if needed, but the supplemental appropriation does not approve the cost items of the CBA in the same manner as general government CBAs. The explanation portion, however, can state that the supplemental appropriation is to fund a CBA.

ARTICLE I: APPROPRIATE FUNDS TO CONSTRUCT NEW LIBRARY BUILDING

Proposed by: Board of Library Trustees

Estimated Cost: \$28,940,710

To determine whether the Town will vote to:

- 1) raise and appropriate, transfer from available funds, or borrow the sum of **Twenty-eight Million, nine hundred and forty Thousand, seven hundred and ten dollars (\$28,940,710)** for the construction, equipping, and furnishing of a new **Wayland Free Public Library** to be located at **195 Main Street, Wayland, MA 01778**, and any and all incidental and related costs, including but not limited to, site evaluation, engineering and design services, and project management services for the design, bidding and construction, ~~including but not limited to schematic and final design, construction documents, and bidding and construction oversight, building demolition and site preparation, paving, and landscaping~~ as well as a lease or leases for alternative operational space, storage, furnishings and related necessary costs for the duration of the project, and ~~to~~ authorize the Board of Selectmen and/or the Board of Library Trustees to expend these funds, without further appropriation, ~~but with the approval of under the direction of~~ the Permanent Municipal Building Committee;
- 2) authorize use of the construction management at risk delivery method pursuant to the provisions of G.L. c.149A, §§1-13;
- 3) ~~and that to meet said appropriation,~~ authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c. 44, §§7 or 8 or any other enabling authority, and issue bonds or notes of the Town ~~therefor, and in accordance with G.L. c.44, §20, and to issue bonds or notes of the Town in connection therewith;~~
- 4) authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder ~~in accordance with G.L. c.44, §20~~, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and
- 5) authorize the Board of Selectmen and other appropriate officials to apply for federal, state, or private grants, enter into any agreements and execute all documents including contracts for a term in excess of three years as may be necessary to effectuate the purposes of this Article, and to accept any gifts or grants provided to the Town for such purposes;

Comment [NJCS]: In my opinion, the article does not need to go into tis much detail.

Comment [CMM6]: This article should be referred to bond counsel for review. if borrowing.

provided, however, that the ~~appropriation~~ ~~appropriation vote~~ made hereunder shall be expressly contingent upon approval by the voters of the Town ~~of a ballot question~~ to exclude from the limitations of Proposition 2 1/2, G.L. c. 59, §21C, the amounts required to pay for any such bonds or notes; and further that no funds appropriated hereunder shall be expended until the Town has been allotted a grant by the Massachusetts Board of Library Commissioners; or take any action related thereto.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B and Chapter 44, Section 53. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 8.

ARTICLE J: HIGH SCHOOL STADIUM COMPLEX RENOVATION DESIGN FEES

Proposed by: School Committee and Recreation Commission

Estimated Cost: \$202,000

To determine whether the Town will vote to:

- 1.) appropriate a sum of money of up to \$202,000 to ~~spend~~ be expended under the direction of by the _____ for ~~on~~ design services for Part 1 of the Wayland High School Facility Strategic Master Plan (High School Athletic Preferred Improvement Plan-Stadium Complex Renovation); and
- 2.) determine whether said appropriation should be provided by taxation, transfer from unappropriated funds, transfer from available funds of funds already; appropriated for other purposes, by borrowing, or otherwise, provided not more than \$65,000 of the funds of the funds so appropriated shall be transferred from the Recreation Revolving Fund Turf Account for recreational use.

Comment [CMM7]: If the funds are to be borrowed, the standard borrowing authorization language should be inserted, as we have done in the library article.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B and Chapter 44, Section 53. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7.

ARTICLE K: SYNTHETIC TURF FIELD AT LOKER CONSERVATION & RECREATION AREA

Proposed by: Recreation Commission

Estimated Cost: \$154,000

To determine whether the Town will vote to:

- 1) appropriate a sum of money of up to \$154,000 to be expended under the direction of the Wayland Recreation Commission for design services for development of a synthetic turf field at the Loker Recreation site per the [Wayland Recreation Commission Field Development Master Plan]– (See Appendix X); and
- ~~2)~~ determine whether said appropriation should be provided by taxation, transfer from unappropriated funds, transfer from available funds already appropriated for other purposes, by borrowing, or otherwise, provided that ;
- ~~3)~~
- ~~4)2)~~ Not more than \$154,000 of the funds so appropriated shall be transferred from the Recreation Stabilization Fund for recreational use.

Comment [CMM8]: Same comment as above.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. ~~and Chapter 44, Section 53.~~ For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7. For appropriations from the Recreation Stabilization Fund, two-thirds – see Massachusetts General Laws Chapter 40, Section 5B.

ARTICLE L: 107 OLD SUDBURY ROAD DEMOLITION

Proposed by: Board of Public Works

Estimated Cost: \$104,000

To determine whether the Town will vote to:

- a.) ~~Appropriate, transfer from the Water Enterprise fund, or borrow a sum of money of up to \$100,000 to be expended by~~
 - i. ~~of up to \$100,000 for the demolition of the structure and appurtenances at 107 Old Sudbury Road for the purpose of water resource protection and potential upgrade of the Town's Baldwin Pond water treatment plant, which was acquired through a two-thirds, vote at the 2016 Fall Town Meeting for water resource protection and potential upgrade of the Town's Baldwin Pond water treatment plant, and further that~~
 - ii. ~~to meet said appropriation, authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c. 44, §7 or 8 or any other enabling authority, and issue bonds or notes of the Town therefor; and~~
 - i. ~~authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such cost.~~
 - ii. ~~said appropriation shall be provided by transfer from the Water Enterprise fund by borrowing.~~

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Comment [CMM9]: This article should be referred to bond counsel for review, if borrowing.

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Comment [CMM10]: If funds are to be borrowed, add borrowing authorization language provided. Also, the article should be referred to bond counsel.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B and Chapter 44, Section 53. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7.

ARTICLE M: APPROPRIATE FUNDS TO INSTALL AQUEDUCT PEDESTRIAN CROSSINGS

Sponsored by: Conservation Commission

Estimated Cost: \$98,500

To determine whether the Town will vote to:

- a. appropriate a sum of money to be expended by the Conservation Commission for the costs of construction to install pedestrian crossings at three locations where the Weston Aqueduct trail crosses roadways:
 1. Old Connecticut Path
 2. Pine Brook Road
 3. Stonebridge Road;

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b. ~~and to~~ determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing in compliance with Massachusetts General Law Chapter 44, §§7 or 8 or other enabling authority, or otherwise;

c. ~~authorize the Treasurer with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c. 44, §§7 or 8 or any other enabling authority, and issue bonds or notes of the Town therefor; and~~

d. ~~authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such cost.~~

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B and Chapter 44, Section 53. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7.

ARTICLE N: NON-MEDICAL/RECREATIONAL MARIJUANA MORATORIUM

SIX MONTH MORATORIUM ZONING BYLAW AMENDMENT

Sponsored by: Youth Advisory Committee

To determine whether the Town will vote to amend Chapter 198 of the Town Code, the Town's Zoning Bylaw, by adding a new definition for "Marijuana Establishment" and establishing a temporary moratorium on the use of land, buildings or structures for said Marijuana Establishments in all zoning districts in the Town of Wayland, as follows:

I. Section One

Amend Section 104.2 by adding the following new definition:
Marijuana Establishment – as defined in Section 1 of Chapter 94G of the General Laws, meaning a "marijuana cultivator, ~~independent testing laboratory~~ ~~marijuana testing facility~~, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

II. Section Two

Amend Section 803.5 by adding the following new subsection:

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Comment [CMM11]: This article should be referred to bond counsel for review, if borrowing.

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Comment [CMM12]: While the title states "six month moratorium," Section [Two ... [2]

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Section 803.5.8

There shall be a temporary moratorium on Marijuana Establishments until ~~January 1, 2019~~ December 31, 2018, ~~or six months from the date that final regulations are issued by the state Cannabis Control Commission under Chapter 94G of the General Law, whichever date is later~~ earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Comment [CMM13]: Based on the Attorney General's review of other moratorium bylaws, we are recommending that the Town not go beyond December 31, 2018. Also, we have a model moratorium form that can be used for this article; this version is similar to the version as modified by the Planning Board at the April ATM, which the AG had found to be sufficient. Please also note that where this same bylaws was defeated at the April 2016 Town Meeting, G.L. c. 40A, Sec. 5 prohibits such a bylaw from being resubmitted again within 2 years unless the adoption of the proposed bylaw is recommended in the final report of the Planning Board.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5

Comment [CMM14]: I am assuming that the \$12,000 will not be borrowed, so I have not included the borrowing language found in other articles above. If this will be borrowed, the same language should be inserted, and the article should be referred to bond counsel for review.

ARTICLE O: APPROPRIATE FUNDS TO RESTORE/PRESERVE STONE PILLARS AT CASTLE GATE ROAD AND WEST PLAIN STREET

Sponsored by: Community Preservation Committee

Estimated Cost: \$12,000

To determine whether the Town will vote to:

Comment [CMM15]: The motion under this article should also include an authorization for the BoS to enter into a grant agreement, if a private property owner is involved, and to acquire an historic preservation restriction. Or, this language can be included in the article to allow the CPC to use the abbreviated procedure. If the pillars are within a Town way and Town property, the grant agreement is not needed. The CPW back-up material suggests it is within a town way, but this should be confirmed with DPW.

a.) appropriate a sum of money up to \$12,000 to be expended by the _____ to restore/preserve the town-owned stone pillars at Castle Gate Road and West Plain Street; and

b.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$12,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Historic Preservation Fund;

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c.) authorize the Board of Selectmen to enter into any necessary grant agreement, which may require an historic preservation restriction and set forth other terms and conditions under which said funds may be expended; and

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d.) authorize the Board of Selectmen to acquire, on behalf of the Town, an historic preservation restriction.

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b.) :

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QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 7. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7.

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ARTICLE P: APPROPRIATE FUNDS FOR DESIGN OF PART 2 OF THE HIGH SCHOOL ATHLETIC PREFERRED IMPROVEMENT PLAN

Sponsored by: Community Preservation Committee

Estimated Cost: \$126,000

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To determine whether the Town will vote to:

- a) appropriate a sum of money up to \$126,000 to be expended by the _____ to prepare the design for Part 2 of the High School Athletic Preferred Improvement Plan (tennis courts/grass softball swap and reconstruction, outdoor basketball and volleyball courts, and related parking); and
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than \$126,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted fund for recreational purposes.

Comment [CMM16]: Same comments as above if borrowing.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 7.
For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 2 and 7.

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While the title states "six month moratorium," Section Two establishes the moratorium until Dec. 31, 2018, which is greater than six months. I will assume the Town prefer the longer period for the moratorium, in which case, "Six Months" should be deleted..

BOARD OF SELECTMEN

Town Administrator Nan Balmer entered her third year as Wayland's chief executive and brought new faces to Wayland's management team. Thomas Holder became the Director of Public Works following the retirement of Stephen "Stubby" Kadlik, and Linda Hansen accepted the position of Conservation Administrator upon the retirement of Brian Monahan.

Throughout the year, the Selectmen worked with and appointed citizens to numerous permanent and temporary committees. In keeping with Wayland's rich history of citizen involvement in Town government, appointees to boards and committees bring a wide-variety of professional experience to issues that affect the Town.

The Town Administrator, Nan Balmer, lead several projects to improve the financial structure and reporting for the Town.

- The Board continued its working relationship with the financial consultant, UniBank Fiscal Advisory Services, throughout the year. In February, the Board received budget policy recommendations from UniBank, and discussed length of borrowing terms for various capital requests.
- In November, the Board received the Review of Financial Policies and Procedures conducted by the Collins Center. The Board reviewed the report at a meeting in January and discussed follow-up projects to be done under two Community Compact Grants received from the State.
- The management team and financial consultant participated in the rating call with Moody's. Moody's reduced Wayland's bond rating to Aaa with a negative outlook and will revisit the rating in the fall of 2017.
- In April, the Town received notification of achieving a Certificate of Achievement for Excellence in Financial Reporting (CAFR) for the Fiscal Year 2016. This is the second CAFR for Wayland.

The Board continued its focus on affordable housing with various initiatives occupying the Board's agendas:

- Two 40B residential development projects have occupied the Board. In July 2016, the Board expressed its concerns to Mass Housing regarding the "Brookside" development on Boston Post Road, and in March 2017 the Board issued a letter to Mass Housing outlining its reservations about the "Windsor Place" development on School Street. Mass Housing allowed both projects to proceed and each project will progress to the Zoning Board of Appeals review in fiscal 2017-2018.
- After much coordination and effort amongst many boards, the Board of Selectmen voted to submit the Housing Production Plan in September 2016. The Department of Housing and Community Development notified the Board of its approval of the plan in October.
- In October, the Board heard from Housing Consultant Karen Sunnarborg on the organization of Wayland's affordable housing programs and initiatives. After receiving her suggestions, the Board requested funding from the Community Preservation Committee for a \$20,000 grant for consulting assistance in managing the Town's housing initiatives. Town Meeting approved the request.

The Board worked with the Human Resource Director/Assistant Town Administrator, John Senchyshyn, on three topics:

- All union contracts expired on June 30, 2017. Beginning in December 2016, the Human Resources Director/Assistant Town Administrator guided the Board in its negotiations with the six town unions. As of the date of this report (June 30, 2017), all town unions were engaged in negotiations and several settlements were imminent.
- Working with the School Committee, Personnel Board and Finance Committee, the Board continued a major project to restructure employees' and retirees' health insurance plans with the goal of reducing insurance costs. A Memorandum of Understanding on health insurance was signed with all unions in

September 2016. The Memorandum will continue to guide health insurance coverage through June 30, 2019.

- At Special Town Meeting in November 2016, the Town voted to petition the legislature to leave Civil Service. This supported a vote by the Police Union to do the same, and the State legislature passed Chapter 413 of the Acts of 2016, An Act Exempting All Police Officers in the Police Department of the Town of Wayland from the Civil Service Law. The law allowed Officers hired under Civil Service to retain their Civil Service rights while also providing greater flexibility in promoting existing Officers and hiring new ones.

The Selectmen participated in many important and varied activities throughout the year. The following are a few highlights from our 20+ regular session meetings:

- Wayland was once again named the safest town in Massachusetts. Chief Robert Irving notified the Board of his impending retirement in September 2017. Recruiting efforts for his replacement began in May.
- In July 2016, the Board issued an RFP for Legal Services and created an evaluation committee to review and interview respondents. In November 2016, the Board interviewed and appointed attorneys Carolyn Murray and Amy Kwesell of KPLaw as new town counsel.
- The River's Edge Advisory Committee continued its work through the issuance and reissuance of the RFP with second round responses due in July. In October 2016, the Board received the REAC's recommendation to accept the bid of Wood Partners as project developer. Following its own summary review including an extension of the RFP schedule, in February 2017, the Board endorsed the recommendation of Wood Partners and initiated negotiations on the Land Development Agreement for the River's Edge property. Negotiations continued as of the date of this report.
- In January 2017, the Board launched its Listening Sessions subcommittee. Mary Antes and Lea Anderson held seven facilitated sessions gathering feedback from residents on specific questions. The Board received the summary report in late March and shared the information with staff and residents. Working with Town staff, the Board is focused on improving communication (both the amount and source of information), the operation of Town Meetings and increased coordination among related Town functions.
- Following 2016 Town Meeting approval to appropriate \$12 million for a conservation restriction on over 208 acres of land at Mainstone Farm, the Board of Selectmen completed the transaction by signing the Conservation Restriction and closing on the land in April 2017.
- The Board received regular updates from the Information Technology (IT) Director on implementation progress around consultants' findings on IT procedures, controls and system infrastructure.
- The first portion of the long-awaited Rail Trail opened from Town Center to the Depot and efforts are underway to complete the remainder of it in fiscal year 2017-2018. This project has been in the works for over 10 years, and residents began enjoying it immediately.
- The newly renamed Energy and Climate Committee oversaw the installation and initialization of four solar arrays at various locations in Wayland. These four arrays are anticipated to provide savings equivalent to about 25% of the Town's electricity requirements. The Committee's work on LED streetlights continues and will be funded through savings and grants.
- The Board continued its concerted efforts to make Town Meetings better informed and more efficient. A Special Town Meeting was held in November and Annual Town Meeting was held in April. The Board worked with sponsors and the Finance Committee to have warrant article write-ups be thorough and for warrant articles to be pulled if additional work is needed before discussion at Town Meeting.
- The Town held a Special Election on September 20, 2016 with one question on the ballot. Voters were asked to authorize borrowing \$144.9 million for construction costs of a new high school for the Minuteman

Regional School District. All 16 participating towns voted on the same day and the question passed by an overall majority. In Wayland, 161 or 1.7% of the residents voted and the question did not pass. Wayland had previously voted to leave the district and would not be affected by the outcome of the vote.

Joseph F. Nolan completed 12 consecutive years of service on the Board of Selectmen and chose not to seek reelection. At the March 2017 annual Town election, residents reelected Cherry C. Karlson and elected Douglas A. Levine to serve for three year terms on the Board. The Board held their organizational meeting shortly after Annual Town Meeting, electing Lea Anderson as Chair and Cherry Karlson as Vice Chair, as well as continuing the Board's practice of selecting liaisons to various committees and boards.

The Board continues its efforts to make its meetings and actions transparent to the public. All meetings are taped by WayCam for rebroadcast, the entire packet is available online in advance of the meetings, and regular and executive session minutes are produced, reviewed, and posted online. In August 2016, the Board heard from staff on plans to meet the requirements of the new Public Records Law which went into effect in January 2017. Public Records Law training was provided to staff and elected and appointed officials. Then in June, the Board considered, revised and issued a Governance Guidelines handbook for all boards and committees under the direction of the Board of Selectmen which explains compliance with the Open Meeting Law and provides suggestions for being productive committee members.

In closing, the Board wishes to acknowledge and thank the many citizens of Wayland who volunteer countless hours of community service as members of appointed boards and commissions. The Board also thanks the excellent employees who keep our town running so well. And, of course, we thank the taxpayers of Wayland who provide the funds to pay for the services that make our town a wonderful place to live.



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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

DRAFT

Board of Selectmen
Meeting Minutes
September 5, 2017
6:30 p.m.

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

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

A1 and A2. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:30 p.m. in the Large Hearing Room of the Wayland Town Building. The Board attended the Finance Committee's Special Town Meeting Warrant Article Workshop.

At 7:40pm, after the Workshop, Chair L. Anderson reconvened the Board 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.

A3. Public Comment Linda Segal, 9 Aqueduct Rd., said she is still looking for the WTA/Teacher's 2017-2020 contract on the website and has not received the document. She asked the Assistant Superintendent about its location and he said the actual contract is still with the attorneys.

A4. Interviews and Potential Vote to Appoint to Boards and Committees

Cultural Council, Adam Gutbezahl Adam Gutbezahl appeared before the Board to interview for a position on the Cultural Council. He reviewed his background and interest in serving, explaining that he is a new resident and his wife is from Wayland. He is aware of the time commitment and level of participation.

C. Karlson moved, seconded by D. Levine, to appoint Adam Gutbezahl to the Cultural Council, effective immediately, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Zoning Board of Appeals, James Grumbach James Grumbach appeared before the Board to interview for a position on the Zoning Board of Appeals (ZBA). He reviewed his background and interest in serving on the board. He discussed his previous experience serving on the ZBA and with the Town's past 40b projects.

C. Karlson moved, seconded by M. Antes, to appoint James Grumbach to the Zoning Board of Appeals, effective immediately, for a term to expire on June 30, 2018. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A5. Interview Lieutenant Patrick Swanick for the Position of Police Chief and Vote to Ratify Town Administrator's Appointment

N. Balmer discussed the hiring process for the Police Chief and expressed her confidence in Lt. Swanick's abilities. L. Anderson started the interview by asking Lt. Swanick to explain why he wanted to be Police Chief. He said he began his career in Wayland and it's been a career dream to lead the Police Department.

C. Karlson asked about his position paper on Tasers. D. Levine asked him to identify external and internal challenges that the Police Department faces. Lt. Swanick named some of the challenges including the opioid epidemic, child safety, road safety, and protecting the elderly from scams. M. Antes asked how he would handle the leadership role. Lt. Swanick explained that it has already happened gradually with his promotion from Sergeant to Lieutenant. This is the next step in the progression. L. Jurist asked him what the biggest challenge is facing the Wayland Police Department. Lt. Swanick replied he doesn't see one big challenge instead he sees many smaller challenges. He said the Town needs to constantly be aware and on alert. L. Anderson asked him about video cameras. He said he's a proponent of them and was involved in the decision process and implementation of them into the department. He said they are a good training tool and often help police when citizens have a complaint.

C. Karlson moved, seconded by M. Antes, to 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. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board congratulated Lt. Swanick on his impending promotion to Police Chief of Wayland.

A6. 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 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, and APPROVE AND RELEASE WITH REDACTIONS: August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015

At 8:20 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)(6), to consider the purchase, taking, lease or value of real property in regard to the River's Edge Project at 484-490 Boston Post Road; 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 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, and APPROVE AND RELEASE WITH REDACTIONS: August 21, 2017, June 19, 2017, June 5, 2017, September 26, 2016, October 5, 2015.** 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, Town Engineer Paul Brinkman, and River's Edge Advisory Committee member Rebecca Stanizzi.

The Board returned to open session at 8:56 p.m.

A7. Review Letter to Board of Library Trustees and Vote to Authorize Chair to Sign The Board agreed the letter was well written. L. Anderson wanted to clarify that they are sending the letter to the Wayland Board of Trustees, not the State. C. Karlson suggested edits including trying to be consistent when calling the meeting a Fall or Special Town Meeting. She will provide the edits and L. Anderson will sign the revised letter.

A8. Discuss and Assign All Submitted Special Town Meeting Articles Due Thursday, August 31, 2017, at 4:30 p.m. The Board assigned the articles.

- C. Karlson: Articles C (Accept Gifts of Land at Town Center), D (Change Filing Deadline for Circuit Breaker Match Program), G (Town Union Collective Bargaining Agreements 2017-2020) and H (School Union Collective Bargaining Agreements 2017-2020)
- L Anderson: Articles A (Pay Previous Fiscal Year Unpaid Bills), B (Current Year Transfers) and E (Compensation for Town Clerk).

- L. Jurist: Articles J (High School Stadium Complex Renovation Design Fees), K (Synthetic Turf Field at Loker Conservation and Rec Area), P (Appropriate Funds for Design of Part-2 of the High School Athletic Preferred Improvement Plan) and N (Non-Medical/Recreational Marijuana Six Month Moratorium- Zoning Bylaw Amendment).
- M. Antes: Articles O (Appropriate Funds to Restore/Preserve Stone Pillars to Castle Gate Road and West Plain Street), and M (Appropriate Funds to Install Weston Aqueduct Pedestrian Crossings).
- D. Levine: Articles L (107 Old Sudbury Road Demolition) and I (Appropriate Funds to Construct New Library Building).

D. Levine asked for an explanation of the “assignee” roles. C. Karlson said it is to be another reader of the draft FinCom comments, to help the Board with any information for which they are looking, and to not necessarily be an advocate but to make sure the BOS has good information.

L. Anderson stated the Board will discuss STM articles at its next meeting on September 18th. She clarified that the BOS has the right to withdraw articles, not FinCom.

A9. Reorganization of the Office of the Town Administrator N. Balmer said she is looking for thoughts on the reorganization of her office. Both Human Resource Director/Asst. Town Administrator J. Senchyshyn and Executive Assistant MaryAnn DiNapoli are retiring, with M. DiNapoli leaving in a few weeks. N. Balmer will appoint David Porter as Executive Assistant. She said D. Porter has career aspirations to be a Town Administrator. He will also provide administrative support for the ZBA’s review of the 40B projects.

N. Balmer suggests creating a stand-alone position of HR Director for Wayland. She mentioned J. Senchyshyn’s accomplishments over the years. She said currently the Asst. Town Administrator is not able to accept other assignments and from a workflow perspective, she’s not able to delegate work to him. N. Balmer recommends a separate position for Assistant Town Administrator combining the work of the Financial Administrator and other tasks under the HR/ATA job. However, she mentioned she would like to talk to the Collins Center about this proposal as it also impacts the financial review they are conducting.

N. Balmer requested approval to go to the Personnel Board with a proposed HR Director position and outlined the potential responsibilities of the position. Continuing the discussion, N. Balmer stated the job duties of the proposed job title of Assistant Town Administrator position, which would be sharing the workload of the Town Administrator, suggested eliminating E. Doucette’s current position of Financial Administrator, and transferring her to the new position of Asst. Town Administrator.

M. Antes asked about the status of the current HR Assistant’s role. N. Balmer said a review of HR staffing is required and for now the position is providing backup for the Board of Selectmen packets along with regular job responsibilities. D. Levine said it makes a lot of sense and asked how long the search would take for the HR Director position. N. Balmer said about 6 weeks for a search. C. Karlson said she’s pleased that N. Balmer is waiting to hear the Collins Center’s opinion because she feels E. Doucette’s workload is full already. C. Karlson said it seems early to be assigning a person to a role that hasn’t been created yet. N. Balmer said a reorganization can take years, and she thinks any recommendations from the Collins Center will be complicated, take time to implement and may require bylaw changes. C. Karlson asked N. Balmer to think about any new structure and how it will provide long-term stability for this Town. C. Karlson asked about the process and timing for advertising the HR Director and ATA positions.

The Board was supportive of bringing the HR Director position to the Personnel Board for review.

A10. Update on Town Administrator Evaluation L. Anderson distributed a hard copy of an updated and consolidated draft evaluation. She requested that members bring edits to the next meeting where it will be discussed and presented. She noted one copy will be put in J. Senshychyn's office for public record.

A11. 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 C. Karlson moved, seconded by M. Antes, to approve and hold the executive session minutes of August 7, 2017, July 24, 2017, and May 15, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. C. Karlson moved, seconded by M. Antes, 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, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A12. Minutes: Review and Vote to Approve Minutes of August 21, 2017 M. Antes moved, seconded by C. Karlson, to approve the minutes of August 21, 2017, as amended. YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A13. Consent Calendar: Review and Vote to Approve (See Separate Sheet) M. Antes moved, seconded by D. Levine, 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.

A14. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. M. Antes said it concerns her that people are demanding the 40B housing project be halted when in fact it is probably going to proceed. She's concerned about unrealistic expectations. L. Anderson said she has suggested that the 40B consultant make clear the process at each meeting for any new attendees.

A15. Report of the Town Administrator

- 1. Correspondence** Town Counsel filed a complaint 8/23/17 in Land Court regarding 20 Millbrook. She said Counsel decided not to apply for a preliminary injunction, but by filing in Land Court, anticipates a case management conference which will get the issue before a judge and hopefully compel compliance.
- 2. Board of Selectmen Meeting Calendar** N. Balmer said she will email the revised Board of Selectmen meeting schedule as there have been some changes.
- 3. Capital Planning: FY19 Budget and Future Years** The Finance Committee will meet with the Financial Advisor on September 14th. The Board of Selectmen are invited. In mid-October, the Collins Center will provide a report with recommendations on structuring a capital planning process.
- 4. River's Edge Advisory Committee** The Board is asked to consider volunteer recruitment to fill the REAC "Member at Large" seat, preferably with someone that has a technical/scientific background.

A16. Selectmen's Reports and Concerns L. Anderson reminded the Board that they have a meeting posted for tomorrow morning at 8 a.m. M. Antes asked if Nov. 8 is clear with everyone for an Issues Night put on by the League of Women Voters. She also asked if there is any interest in another round of Listening Sessions.

A17. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A18. Adjourn There being no further business before the Board, D. Levine moved, seconded by L. Jurist, to adjourn the meeting of the Board of Selectmen at 9:50 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 September 5, 2017

1. None

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



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BOARD OF SELECTMEN

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

DRAFT

Board of Selectmen

Meeting Minutes

September 6, 2017

8:00 a.m.

Wayland Public Library, Raytheon Room
5 Concord Road, Wayland

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

Absent: Louis M. Jurist, Douglas A. Levine

A1. Call to Order by Chair Chair L. Anderson called the meeting of the Board of Selectmen to order at 8:06 a.m. in the Raytheon Room of the Wayland Public Library.

A2. Public Comment None.

**A3. Joint Meeting with the Board of Library Trustees for Interview and Potential Vote to Appoint to the Board of Library Trustees to Fill a Term to Expire Upon the 2018 Annual Town Election:
Maureen White**

The Board joined the Library Trustees (Chair A. Gennis, L. Hart, S. Cartwright, M. Hughes and S. Woodruff) and Assistant Library Director Sandy Raymond to interview Maureen White. M. White introduced herself and explained her interest in serving as a Trustee. She mentioned the integral role of the Library in her family, her commitment to community service, and her understanding of the workload. When questioned, M. White discussed future communication efforts and the Library's role in a community.

C. Karlson moved, seconded by M. Antes, to appoint Maureen White to the Board of Library Trustees, effective immediately, for a term to expire after the annual Town election in 2018. Roll call vote. YEA: C. Karlson, M. Antes, L. Anderson. NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0. The Library Trustees made an identical motion and conducted its own roll call vote. Its motion to appoint was approved with a vote of 5-0.

A4. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
The Chair said, "I know of none."

A5. Adjourn There being no further business before the Board, M. Antes moved, seconded by C. Karlson, to adjourn the meeting of the Board of Selectmen at 8:21 a.m. YEA: L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: L. Jurist, D. Levine. ABSTAIN: none. Adopted 3-0.

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

1. Letter of Interest dated August 16, 2017, from Maureen White.

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING SEPTEMBER 15, 2017**

CORRESPONDENCE

#8: Paving of Route 20: Please see attached draft press release.

1. ANNUAL TOWN MEETING SCHEDULE

Please see attached updated Annual Town Meeting Schedule which has been reviewed by the Chair of the Finance Committee, the Town Clerk and Vice Chair of the Board of Selectmen. This year, the ATM Schedule is further refined with requirements for debt exclusions and references Board Policy.

2. PROPOSED NEW POSITIONS

John Senchyshyn drafted the attached memorandum to prepare the board to discuss, in the context of the FY 19 budget process, the new positions proposed by departments under the Board of Selectmen.

3. UPDATE ON TOWN ADMINISTRATOR'S STAFFING PLAN AND COLLINS CENTER REPORT

John Senchyshyn and I met with Michael Ward of the Collins Center to discuss the Collins Center's potential long term recommendations for the town's financial management structure in light of the Town's organizational needs over the next few years. As a result of the discussion, John and I will continue to work together with Collins staff to coordinate long and short term plans and will submit both plans for discussion by the Board in early October at the same time.

4. OXBOW MEADOWS CONTRACT

In discussion with the Recreation Commission Chair and Vice Chair and with the advice of Elizabeth Doucette as Procurement officer and Paul Brinkman as Town Engineer, a decision on the award of the Oxbow Meadows Contract was delayed until after the Zoning Board addresses the abutters' appeal of the site plan on October 10th. An appeal of the tie plan was also filed in court.

5. BOARD OF PUBLIC WORKS: PRIVATE ROADS

Please see attached. The Board of Public Works requests a meeting in early October to ask the Selectmen to adopt a list of private roads for plowing and maintenance. At the

beginning of the meeting, Town Counsel will review the legal requirements for the Selectmen to take this action.

6. WAYLAND MEADOWS / WWMDC UPDATE

The Conservation Commission has agreed that most of the listed title restrictions will not affect the use of Wayland Meadows for conservation purposes. The Conservation Administrator will discuss the remaining restrictions with Town Counsel next week and select any that require title research after which there will be a discussion with WWMDC about how the costs for title research will be funded.

Following resolution of the title issues, a slightly amended Payment in Lieu of Benefit Agreement will be recommended to the Board of Selectmen and the WWMDC to address any changes in calculation of the sewer betterment. The land agreement was already approved and signed by the town parties and is being held until the title matters are resolved.

7. TOWN ADMINISTRATOR' S CAPITAL PROJECT WORK GROUP

Under Town Code, the Town Administrator must provide a recommendation on the annual capital plan and projects for all departments. I will ask the Chair of the Board of Selectmen, Chair of the Finance Committee and Finance Director to meet with me early in October to review all capital projects and develop agreed upon priorities and recommendations to assist the Finance Committee in its deliberations.

DiNapoli, MaryAnn

From: David Porter <drporter@outlook.com>
Sent: Friday, September 15, 2017 10:37 AM
To: DiNapoli, MaryAnn
Subject: FW: Communications for Route 20 Repaving Project
Attachments: Rt 20 Press Release - 15 Sept 2017.docx

From: David Porter [<mailto:drporter@outlook.com>]
Sent: Thursday, September 14, 2017 10:59 PM
To: Balmer, Nan <nbalmer@wayland.ma.us>; Thomas Holder <tholder@wayland.ma.us>; Sarkisian, Sarkis <ssarkisian@wayland.ma.us>; Robert Irving <chief@waylandpolice.com>; Patrick Swanick <pswanick@waylandpolice.com>
Subject: Communications for Route 20 Repaving Project

With the impending start of the Route 20 repaving project, we need to communicate accurate information to residents in an orderly and accessible manner. I propose using four primary means to communicate throughout the duration of the project:

- Town website
- Physical bulletin boards
- Facebook
- Twitter

We can also use two additional forms on a one-off basis – Reverse 911 and Door Stuffers for abutters – to quickly increase awareness among those most impacted by the project. It will be valuable to begin our communication outreach tomorrow and then follow up with more details after our Monday morning meeting with MassDOT.

I've attached a link to a shared document containing a draft press release. By sharing the same document, we can all see the edits each contributor suggests. It makes the editing process a little easier for the individual – in this case, me – responsible for incorporating everyone's edits into a final document. **Please have a look and add any comments or edits by 10:30 Friday morning.**

I would welcome your comments and suggestions related to the following timeline:

Friday, September 15

- Press release on the Town website and sent to the *Town Crier*
- Facebook – Wayland DPW
 - Send someone to take a photo of the signs going up. (If no one is available, please let me know. I can take photos of any signage on my way home this afternoon.)
- First tweet from @WaylandDPW with link to press release / #RepaveRT20

Monday, September 18

- New press release – updated with information from meeting with MassDOT – on Town website
- Poster on bulletin board in Town Building, Public Safety Building, DPW, and Library

- Reverse 911 – Key project details
- Door stuffers for abutters
- Twitter (@WaylandDPW) and Facebook

Tuesday, September 19

- Twitter and Facebook
- Updates on webpage

Wednesday, September 20

- Twitter and Facebook
- Updates on webpage

Once the project is underway, we should continue to engage residents about twice a week, likely on Monday and Thursday, by posting updated construction schedules for the coming days in the four places we established – town website, physical bulletin boards, Facebook, and Twitter. In addition to offering useful scheduling information, we can craft a positive narrative around the improved road and new sidewalks.

I appreciate your thoughts, wisdom, and experience.

Many thanks,

David

Route 20 Repaving Begins September 20

Traffic Delays Expected

WAYLAND – The Massachusetts Department of Transportation will conduct extensive re-paving of Route 20 between Route 27 and the Weston Town Line.

Work is scheduled to begin on September 20 and will continue through November 15. MassDOT intends on performing much of the work during the night to mitigate congestion on and around Route 20, especially during the peak commuting hours. During this project, please follow all construction signage as well as the direction of on-site police officers. Please direct any questions regarding this project to MassDOT at 877-623-6846.

Motorists are advised to plan ahead before travelling and seek alternate routes when possible. MassDOT urges the public to include up to fifteen minutes additional travel time for delays, alternate routes, and detours.

In addition to improving the roadway for automobile traffic, MassDOT will build a sidewalk to improve pedestrian safety and convenience alongside key sections of Route 20. Additional information and regular updates can be found at:

www.wayland.ma.us/Pages/WaylandMA_Highway/Route20

www.facebook.com/WaylandDPW/

Twitter: [@WaylandDPW](https://twitter.com/WaylandDPW)

2018

ANNUAL TOWN ELECTION/ANNUAL TOWN MEETING SCHEDULE

2017

- Mon Dec 4* Board of Selectmen votes to open warrants for the Annual Town Meeting and Town Election.
- Mon Dec 4* Planning Board has preliminary meeting with Board of Selectman on Zoning and Planning Board articles, if required.
- Wed Dec 6* Notice of the opening of the warrant shall be sent to all Town boards and committees. Per Town Code 36-3, notice of the closing date of the warrant will be posted at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School.

2018

- Thurs Jan 4* Nomination papers are available from the Town Clerk for the Town Election.
- Mon Jan 8* Petitioners' Workshop with Selectmen
- Mon Jan 8* Planning Board Public Hearing on Zoning Articles; Hearing to be continued or closed – Planning Board will vote and submit articles by Jan 16.
- Mon Jan 8* Selectmen vote to submit any remaining warrant articles it will propose.
- Mon Jan 15* **Martin Luther King Jr, Day**
- Tues Jan 16* Deadline for submission of warrant articles at 4:30 p.m to Town Administrator. (per Town Code Sec. 36-3) Articles will be stamped with date and time of receipt. No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any Town Meeting unless so voted and submitted by a board, commission, committee, or other governmental body of the Town of Wayland by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting. (Town Code 36-3C)
- Tues Jan 16* Articles are draft ordered by Town Administrator and distributed to Moderator, Finance Committee, Selectmen, Town Counsel and Town Clerk. Town Counsel reviews text of articles.
- Tues Jan 16* The Finance Committee and other boards and committees are asked to make written requests to the Board of Selectmen to approve placement of a Proposition 2 ½ Ballot Question on the Election Warrant which the Board will consider at its January 29, 2018 meeting.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

It is the Selectmen's policy that the Board of Selectmen request the Finance Committee's recommendation on whether to place any Proposition 2 ½ Questions on the ballot. The Finance Committee's recommendation and its presentation will be made at the Selectmen's meeting on January 29, 2018. (Earliest date of action – Last legal date for Selectmen to vote on ballot questions is February 20, 2018.)

Mon Jan 22

Finance Committee ATM Article Workshop

Mon Jan 29

Selectmen meet with Planning Board on Town Meeting articles, if necessary. (See MGL 40 A Section, 5)

Finance Committee makes presentation to Board of Selectmen on all Proposition 2 ½ questions. (See Board Policy for Finance Committee presentation requirements).

Finance Committee decides the articles for which it will make a report in the warrant to include comments, and the pro's and con's. The Finance Committee will communicate its decision to the article sponsors and petitioners who may respond by February 12th with a "Sponsor's Report" not to exceed 150 words in length. Town Code § 5 B.

Mon Feb 5

Board considers opening of STM Warrant (within Annual Town Meeting) for the period Tuesday 2/6 through Tuesday 2/13 at 4:30 pm and sets all related STM dates at that time. Last date to set STM within ATM is 45 days before ATM or 2/16/18. The warrant for any Special Town Meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town Meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in Town Code § 36-2.

Board of Selectmen votes to place Proposition 2 ½ Override or Exclusion Question on Election Ballot. Under MGL 54, 42 C, the Town Clerk must receive the written notice of the question being placed on the ballot 35 days before the Election or by February 20, 2018. Following a vote to approve a Proposition 2 ½ Question, the Selectmen and Finance Committee will provide public notice and convene a meeting for public comment on proposed Proposition 2 ½ Question(s).

Tues Feb 6

Last day for submission of nomination papers to the Registrar for Town Election (49 days before Election) GL c53, sec. 7

Mon Feb 12

Selectmen determine the final order of ATM warrant articles.

By this date, any changes that an article sponsor or petitioner requests to make to the article text (excluding the comments and pro's and con's which are the responsibility of the Finance Committee) shall be submitted to the Town Administrator for approval by Town Counsel after which they will be forwarded back to the article sponsor or petitioner, and also to the the Chair of the Board of Selectmen and the Chair of the Finance Committee for distribution to the members.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

Deadline for article sponsors and petitioners for which the Finance Committee will make a report in the warrant to submit a "Sponsor's Report" not to exceed 150 words in length. (Town Code § 36-5 B)

- Tues Feb 13** Planning Board discusses and votes Planning Board Reports on zoning articles (may be earlier). See MGL 40 A Section 5.
- Fri Feb 16** Articles are put in final form by Town Counsel. Town Counsel provides comments on by-law changes consistent with Town Code chapter 36, Section 5 B.
- Mon Feb 19 – 23** **President's Day and School Vacation week**
- Tues Feb 20** Selectmen accept public comment, discuss wording and vote on ballot questions (if any).
- Tues Feb 20** Last day for Selectmen to submit ballot question to Town Clerk. (35 days before election)
- Wed Feb 21** **Deadline: Finance Committee article comments (with supporting charts and appendices) and Planning Board articles due to Executive Assistant – No changes accepted after this date.**
- Thurs Feb 22** Last day to object to or withdraw nomination papers for Town Election. (33 days) GL c 53, sec. 11
- Thurs Feb 22** Town Clerk sends ballot to printer.
- Thurs March 1** Compilation of warrant completed and all changes made.
Warrant is sent to printer.
- Wed March 7** Last day to register to vote prior to Town Election / Town Meeting. (20 days prior) GL c 39 sec 26, 28
- Mon March 12** Motions for articles completed by Town Counsel and provided to Moderator and Town Clerk.

Sponsors and Petitioners submit any illustrative slides under Moderator's Rules to Executive Assistant by this date.
- Mon March 12** Final copy of warrant delivered to Selectmen, Moderator, Finance Committee, Town Clerk, Town Counsel and Finance Director.
- Mon March 12** Selectmen vote and sign warrants for posting.
- Tues March 13** Town Clerk advertises in a newspaper of general circulation and posts notice of the time and place of Annual Town Meeting and Election for per Town Code Sec. 36-1 on town sign boards no later than 2 weeks before Town Election and Town Meeting
- Thurs March 15** Postal delivery of warrants (Town Code 36-2A, MGL c. 39, s10)
- Thurs March 15** Draft motions for articles are posted at Town Building and Library.

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

- Tues March 20*** Town Clerk post warrants for Town Meeting and Election at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School per Town Code Sec. 36-2A, MGL c. 39, s10 (at least 7 days prior to Annual Town Meeting or Annual or Special Election and at least 14 days prior to Special Town Meeting).
- TBD*** Candidates Night – League of Women Voters
- TBD*** Moderator’s Forum
- TBD*** Town Counsel, Moderator and Chairs of Selectmen and Finance Committee review motions.
- TBD*** Board of Selectmen and Finance Committee conduct public meeting on Proposition 2 ½ Ballot Questions.
- Mon March 26*** Selectmen conduct ATM Warrant Hearing at 7:15 p.m.
- Mon March 26*** Last day for Selectmen to review proposed motions and vote positions on Annual Town Meeting warrant articles.
- Mon March 26*** Last date for vehicle descriptions (valued at least \$10,000 from Parks, Recreation, Highway and Water only) prepared by procurement officer to be filed with Town Clerk per Town Code Sec. 19-7 (at least 7 days prior to Annual Town Meeting and 14 days prior to Special Town Meeting).
- Tues March 27*** **ANNUAL TOWN ELECTION**
- Fri March 30*** Prepare and print final errata sheets, Moderator’s instructions to Town Clerk, tellers, and Planning Board reports (if necessary) for distribution at Town Meeting.
- Fri March 30*** Warrants and lists delivered to Town Meeting site. List of non-resident employees provided to Moderator and Town Clerk.
- Mon Apr 2*** **ANNUAL TOWN MEETING (Monday at 7:00 p.m.)**
- April 3, 5, 9
(T & TH, M)*** Adjourned sessions of Annual Town Meeting (Tuesday, Thursday and Monday at 7:00 p.m. as necessary).

Except for Town Meeting and Election, dates required by Town Code / State Law and dates for final submission of warrant articles, this schedule is subject to change.

WARRANT ARTICLE PROCESS: Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town Meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted in accordance with the law on or before January 15 or such time as may be fixed by the Board of Selectmen, and all such articles for Special Town Meeting must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. All petitioners' articles having the required number of qualified signatures must be included in the Town Meeting Warrant by state statute.

The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles.

ATM Time Line and Process

Date	Action	Responsibility
December / January	<i>Hold a workshop for citizens interested in submitting petition for Annual Town Meeting. Potential articles and the submission process may be discussed with the Selectmen.</i>	Board of Selectmen
On or before January 15 or such earlier time as may be fixed by the Board of Selectmen <i>(2018 DATE IS 1/16 AT 4:30 PM)</i>	<i>Submit petitioners' articles for Annual Town Meeting both on paper with signatures and by email (to dporter@wayland.ma.us) in Microsoft Word. Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide the Finance Committee with draft comments, arguments in favor, and arguments against their articles at the time of submission. Signatures on the petition are verified by the Town Clerk.</i>	Town Administrator
January - March	<i>Review articles, determine their order, vote positions on most articles; may meet with petitioners. The Board will discuss substantive articles with petitioners. And attend the Finance Committee's meeting with petitioners.</i>	Board of Selectmen
January - March	<i>Study each petitioner's article and prepare a report for the Warrant. The Finance Committee meets with petitioners to discuss articles at a public meeting. The Committee may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including comments and pro and con arguments and the Committee's recommendation to Town Meeting.</i>	Finance Committee
January - March	<i>Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report. Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.</i>	Petitioners
February	<i>Town Counsel will review articles for form, legislative intent, and procedural compliance and will provide main motion and the quantum of vote required for passage. Town Counsel will not render written opinions or give advice to petitioners about substantive legal issues and will not advise petitioners when there is a potential conflict of interest between the petitioners and the town.</i>	Town Counsel
Approximately 7 days prior to ATM	<i>Attend warrant article hearing. Petitioners should attend this hearing to review their warrant articles.</i>	Selectmen with Moderator and Finance Committee
ATM	<i>Move the article and make a brief presentation on the merits of the article. Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies must be prepared for the moderator and made available for people attending Town Meeting.</i>	Lead Petitioner
ATM	<i>Consider each article at Annual Town Meeting. Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Main motions in excess of 25 words that differ significantly from the warrant and amendments in excess of 10 words must be legibly written for submission to the moderator and made available to people attending Town Meeting. Please refer to the Moderator's Rules in the warrant for more detailed guidance.</i>	Town Meeting attendees

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER _____ DATE RECEIVED _____

DAY PHONE _____ EVENING PHONE _____

TITLE _____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE _____

ESTIMATED COST _____

ARTICLE: To determine whether the Town will vote to:

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

Page 2

SPONSOR'S REPORT (MAX: 150 WORDS)

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact person for the Finance Committee and the Board of Selectmen, and for the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Town Administrator and forwarded to the Town Clerk for certification.

DATE: September 15, 2017
TO: Board of Selectmen
FROM: John Senchyshyn, Asst. Town Administrator/HR Director
RE: **FY 19 Budget – New Positon Requests Under the Board of Selectmen**

REQUESTED MOTION:

NONE.

BACKGROUND:

For Departments requesting new positions or changes to existing positions for the FY 19 budget, the procedure directs Department Heads to first review the requests with their supervisory authority/board/commission. If the supervisory authority/board/commission is supportive and in agreement with the request, then the Department Head meets with the Personnel Board to present the specific business need for the position. Following its review the Personnel Board will make recommendations to the Finance Committee regarding the need for the positions. The Finance Committee will determine if funding is approved and appropriated in the FY 19 budget. When evaluating the requests for positions, the additional costs associated with the position such as insurances and retirement are factored into the decision making process.

The Board of Selectmen's review of FY 19 position requests for Departments under the jurisdiction will likely be scheduled for October 2, 2017. The Personnel Board established October 16, 2017 as its review date for FY 19 requests.

I expect to receive the following requests from Departments under the jurisdiction of the BOS:

- Fire requests 1 new Firefighter per shift, or a total of 4 new Firefighters. Shift size would be increased to 7 Firefighters and Fire Officers per 24 hour shift. The FY 19 request is identical to the FY 18 request. No new Firefighters were added this fiscal year. Total expenses for a new Firefighter are estimated at \$100,654 or \$402,616 for 4 positions.
- Police seeks 1 new Police Officer. The department would increase from 21 Officers to 22 Officers, plus the Lieutenant and Chief. The FY 19 request is identical last year's

request. No new Officers were added in FY 18. Total expenses for a new Police Officer are estimated at \$95,316.

- Conservation is asking to increase the hours for the Conservation Land Manager from 19 hours per week to 28 hours per week. In addition to the wage increase, the position would become benefits eligible and additional benefit costs could apply. The wage increase is estimated at \$11,800. New benefit costs could range as high as \$19,000.
- COA is requesting an increase in the hours of the Program Coordinator from 18 hours per week to 24 hours per week. In addition to the increase in hours, the position would become benefits eligible. In addition to the wage increase, the position would become benefits eligible and additional benefit costs could apply. The wage increase is estimated at \$9,100. New benefit costs could range as high as \$19,000.

Copies of the Departments' submittals will be provided in the October 2nd packet.



BOARD OF PUBLIC WORKS TOWN OF WAYLAND

*Entrusted To
Manage The
Public
Infrastructure*

Prescott Baston
Chair

Michael Lowery
Vice Chair

Thomas Abdella
Member

Jonathan Mishara
Member

Michael Wegerbauer
Member

To: Board of Selectmen
Nan Balmer, Town Administrator

From: Board of Public Works

Date: September 13, 2017

RE: Private Ways

The purpose of this writing is to inform the Board of Selectmen of their designated involvement and collaboration with the Board of Public Works relative to the authorization of the plowing and maintenance of Private Ways.

Attached you will find an email which outlines the legal opinion of KP Law relative to the Town's consideration and procedure for plowing and maintaining Private Ways.

By way of background, there was a movement during 2015 to remove those private ways deemed "not open to public use" and rather characterized as "common driveways" from the list of streets plowed by the Department of Public Works (DPW). A recent review of remaining private ways that are still plowed and maintained has shown evidence of the need to further remove some private ways from the DPW plow and grading list. This effort now is driven by matters of safety and operational challenges prevalent with maintaining private ways serving limited households.

We are interested in first meeting with the Board of Selectmen member acting as the DPW liaison to provide him with a detailed explanation of this matter. This would then be followed with the Board of Public Works having an agenda discussion before the full Board of Selectmen to discuss the issues and derive next steps.

From reading the KP Law opinion, it is stated that DPW needs a written designation from the Board of Selectmen of the private ways that should be plowed. Residents on the private ways not meeting mandated characteristics, and therefore not included on the designation, would then be notified that the Town would no longer plow their private ways. DPW will provide a compilation of private ways it feels do not meet mandated characteristics and a justification for removal. Since there is the likeliness that some private ways might be dropped from the list that will be plowed, a decision should be made sooner than later to allow the residents affected to make arrangements to have their ways plowed this winter.

To assist with the understanding of this subject, please find also attached a copy of MGL Chapter 40 Section 6C which the Town accepted in 1968 as well as the current Town Bylaw which defines procedures for the maintenance and grading of private ways.

We look forward to having a discussion with Selectmen on this important topic.

HIGHWAY - WATER - PARKS - CEMETERIES - TRANSFER STATION - ENGINEERING

DPW FACILITY | 66 RIVER ROAD | WAYLAND, MASSACHUSETTS 01778 | TEL 508 358-3672

From: Amy E. Kwesell [mailto:AKwesell@k-plaw.com]
Sent: Tuesday, August 15, 2017 3:03 PM
To: Holder, Thomas <tholder@wayland.ma.us>
Subject: Private Ways

Hi Tom:

Below discusses the plowing and maintenance of private ways.

Plowing Private Ways

With regard to plowing private ways, the Town accepted G.L. c. 40, s. 6C on March 4, 1968. This statute allows a Town to plow private ways open to public use as may be designated by the Selectmen.

I did not see a Board of Selectmen policy or list of approved streets on the Town website but this appears to be required as it is the clear intent of the statute to empower the Board of Selectmen, in the exercise of its reasonable discretion, to designate which, if any, private ways will receive snow removal by the Town in any year. General Laws c.40, §6D provides that, following the acceptance by the voters of G. L. c.40, §6C, the Town may fund private snow removal "from such private ways within its limits and open to the public use as may be designated by the...selectmen...." [emphasis added]. There are two necessary characteristics of any road in question:

1. The road must be "open to the public use;" and
2. The road must have been "designated" by the Board of Selectmen for snow and ice removal.

These prerequisites indicate that not every private road in any town will qualify for the expenditure of public funds for plowing, sanding and so forth, and that the Board of Selectmen may exercise its reasonable discretion in deciding whether and how to expend the limited funds available to it for this purpose. As to the first requirement set out in the statute, that the road must be "open to the public use," this term has been held by the Supreme Judicial Court of Massachusetts (SJC) to mean that the way is "actually susceptible of use by the public other than for purposes that are merely incidental to the use of the way by the owner thereof, and also that the way is open to the public at large for purposes of travel, not merely incidental to its use by the owner thereof, in a manner similar to the ordinary use for purposes of travel of a public way of the same general nature." [emphasis added] Opinion of the Justices to the Senate, 313 Mass. 779, 783 (1943).

To be "open to the public," in my opinion means that the owners of the road, which are ordinarily, but not always, its abutters, must allow the general public to travel the road. Although such permission may be informal or implicit, it would be inconsistent with the intent of the statute that a road be marked as "private" or "residents only" while public funds are

expended for plowing or other snow and ice removal activities on such road.

The designation by the Board of Selectmen which G. L. c.40, §6C requires must, therefore, at the least, be based upon the determination that by design and in fact, the road is adequate to accommodate general public traffic, and does in fact carry such public traffic. In addition, however, because public funds are finite and variable from year to year, a road which qualifies pursuant to Section 6C may nevertheless be excluded from plowing, even if plowed in a previous year. The statute charges the Board of Selectmen with making choices among the total number of roads which qualify for plowing under the Section 6C standard, depending on available funding, and, presumably, traffic patterns at the time of the Board's decision.

Private Roads

You have inquired if the Town is legally obligated to maintain private roads. In my opinion, the Town is not legally obligated to maintain or repair private ways. The Town may perform temporary repairs to private ways provided the Town follows certain statutory provisions and complies with its bylaw. It is my further opinion that if the Town is concerned that it will not be able to access abutting properties due to the condition of a private way, it should notify the abutters and inform them that the situation should be remedied immediately.

An existing way in a city or town in this Commonwealth is not a "public" way that is, "one which a city or town has a duty to maintain free from defects...unless it has become public in character in one of three ways: (1) a laying out by public authority in the manner prescribed by statute (see G.L. c. 82, §§1-32); (2) prescription; and (3) prior to 1846, a dedication by the owner to public use, permanent and unequivocal...coupled with an express or implied acceptance by the public." *Fenn v. Middleborough*, 7 Mass. App. Ct. 80, 83-4 (1979). The Town, as a general matter, has no power to expend municipal funds or to utilize public funds for the benefit of a "private purpose," which is prohibited by the so-called Anti-Aid Amendment. If the Town uses public resources to repair or plow a private street, the owner of that street clearly receives a benefit. It follows from this restriction that the Town has no inherent power to spend municipal funds or use municipal resources to maintain private ways. The Department of Revenue has long held that public funds may not be expended for the benefit of private parties unless there is a definite public purpose and/or benefit to the public at large. Expenditures that incidentally benefit an individual or private party are permissible. Notwithstanding this, however, the General Laws provide a specific framework for municipalities to spend money on private ways if it chooses to do so as outlined below. Please note that the issue of snowplowing of private ways is addressed above.

Subject to certain exceptions, discussed below, private ways are maintained by the abutters. *Popponesset Beach Ass'c, Inc. v. Marchillo*, 39 Mass. App. Ct. 586 (1996), review denied, 422 Mass. 1104 (1996), *United States v. 125.07 Acres of Land More or Less*, 707 F.2d 11 (1st Cir. 1983). In my opinion, although the Town has no obligation to maintain or repair a

private way, the Town may expend funds for the temporary repair of private ways, by means of a bylaw (such as Article V, of the Town of Wayland General Code) enacted pursuant to G.L. c.40, §6N, without affecting the status of the way.

Massachusetts General Laws, Chapter 40, Section 6N, provides:

Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.

Only if the Town has a bylaw, containing the information mandated by the statute, may the Town perform temporary repairs upon private ways. I did not see if the Town of Wayland ever adopted G.L. c. 40, §6N, but the bylaw certainly appears to indicate that it did.

However, in my opinion, acceptance of this statute does not mean that the Town is required to repair any and all private ways; further, repairing one private way does not require the Town to repair other private ways.

Municipal Liability

In the ordinary course, the Town has no legal responsibility or obligation to perform maintenance or make repairs to a private way that is used by the public, and this would be a defense to a claim for damages against the Town based upon the condition of the road. G.L. c. 84, §23 provides:

“A way opened and dedicated to the public use, which has not become a public way, shall not, except as provided in the two following sections, be chargeable upon a town way unless laid out and established in the manner prescribed by statute.”

This section has been said to have as its primary purpose the restriction of liability of municipalities, subject to the following two sections. *Dakin v. Somerville*. 262 Mass. 514 (1928). Thus the way first must be found to be “opened and dedicated to the public use” before liability becomes an issue. If it is found to be such a way, that liability will be governed by the following two sections. *Oliver v. Worcester*, 102 Mass. 489 (1869).

G.L. c. 84, §24 provides:

“The board or officer having authority over public ways in a town shall, if the public safety so requires, cause such ways to be closed where they enter upon and unite with an existing public way or may by other sufficient means caution the public against entering thereon, the town shall be liable for damages arising from defects therein as in the case of ways duly laid out and established.”

This section has been construed to mean that if a private way in a town is opened and dedicated to the public use, the town will not be liable for an injury caused to a person by a defect therein if it has posted a conspicuous and legible notice, at the point where the person entered the street, that the way is private and dangerous. *Smith v. Lowell*, 139 Mass. 336 (1885).

All of this is changed, however, once a town has taken it upon itself to make repairs.

G.L. c. 84, §25 provides:

“If upon the trial of an indictment or action brought to recover damages for an injury received by reason of a defect or want of repair or want of sufficient railing in any way, it appears that the defendant has, within six year before such injury, made repairs on such way, it or he shall not deny the location thereof.”

Under this section, it has been held that a town which had made repairs on a way within six years before a plaintiff's injury was bound to keep it in repair. *Hayden v. Attleborough*, 73 Mass. 338 (1856).

In addition, cases suggest that the fixing of potholes may constitute a repair giving rise to municipal liability. *Gallagher v. City of Medford*, 1998 Mass. App. Div. 59 (1988).

If the Town should decide to make temporary repairs to a private way, pursuant to the necessary bylaw, it would be advisable to take measures to limit its liability by posting warnings at the beginning of such ways and to obtain agreements from abutters to indemnify and hold the town harmless from personal and property injury resulting from any defects in such ways.

Budgets

In addition to the liability concerns, the expenditure of funds for an unauthorized purpose may violate G.L. c.44, §53, which forbids the expenditure of funds for purposes for which there is no appropriation. The Inspector General of the Commonwealth has from time to time notified certain Massachusetts municipalities that they are in violation of that statute, by virtue of having plowed or repaired private roads without first complying with the statutory procedures, and threatened enforcement action should this unauthorized practice be continued. Chapter 44, §62 sets forth enforcement and penalty provisions, providing, in pertinent part, as follows:

“Any city, town or district officer who knowingly violates, or authorizes or directs any

official or employee to violate, any provision of this chapter, or any other provision of general law relating to the incurring of liability or expenditure of public funds on account of any city, town or district, or any provision of special law relating to the incurring of liability or expenditure of public funds as aforesaid, shall, except as otherwise provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.”

Therefore, it is important for the Town to follow statutory and requirements on how private ways are maintained.

I hope this helps and let me know if you have any questions.

Thanks,

Amy

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

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*Town of Wayland, MA
Wednesday, September 13, 2017*

Chapter 158. Streets and Sidewalks

Article V. Repairs to Private Ways

[Adopted 5-1-2002 ATM by Art. 23]

§ 158-13. Temporary repairs to private ways.

[Amended 4-10-2008 ATM by Art. 5]

The Board of Public Works shall have the authority to make temporary repairs to private ways which are open to the public, provided that:

- A. Such repairs are limited to grading and pot hole filling work necessary to make such private ways safe and convenient for the passage of vehicles;
- B. No drainage work shall be performed in connection with such repairs;
- C. Such repairs are determined by the Board of Public Works to be a public necessity;
- D. At least one landowner abutting the private roadway petitions the Board of Public Works for such repairs;
- E. No betterment assessments shall be charged for such repairs;
- F. The Town shall assume no liability and there shall be no liability on account of damages caused by such repairs;
- G. Such private ways shall have been open to public use for at least 15 years before any such repairs may be made; and
- H. No cash deposit shall be required for such repairs.

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 6C** REMOVAL OF ICE AND SNOW FROM PRIVATE WAYS;
CONDITIONS

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

BOARD OF SELECTMEN

Monday, September 18, 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 Placement of Four Temporary Sandwich Board Signs from September 9-16, 2017, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street advertising Hope Walks, a walk for cancer from Partner's Healthcare
3. Vote the Question of Approving the Placement of Four Temporary Sandwich Board Signs from September 29-October 5, 2017, at Route 20 at the Weston Town Line, Route 20 at the Intersection of Route 27, the Intersection of Old Connecticut Path and Routes 126 and 27, and the Cochituate Fire Station at the Corner of East Plain Street advertising the Solarize LSW "Get Solarized" event
4. Vote the Question of Approving the Placement of One Temporary Sandwich Board Sign from September 19-26, 2017 at the Intersection of Old Connecticut Path and Routes 126 and 27 advertising the Mom to Mom Program at the Trinitarian Congregational Church
5. Vote the Question of Approving the Invoice for Special Town Counsel Deutsch Williams Brooks DeRensis & Holland PC for Legal Services Rendered through August 31, 2017, Invoice 192, Account 5673-01M: \$2,009.92
6. Vote the Question of Approving the Invoice from KP Law, P.C., August 29, 2017, Invoice No. 113101, for Services Through July 31, 2017: \$25,133.12
7. Vote the Question of Approving the Invoice dated August 31, 2017, for Special Town Counsel Mark J. Lanza for Services through August 31, 2017: \$851.38
8. Vote the Question of Approving an extension of the liquor license of Broomstones Curling Club from midnight on Saturday, October 7, 2017 until 1:00 am on Sunday, October 8, 2017
9. Vote to Ratify Town Administrator's appointment of William Joseph as Wayland's Tree Warden for a three-year term commencing on September 14, 2017
10. Vote the Question of Approving the TEC Client Authorization for Civil Engineering and Stormwater Peer Review – Proposed 40B Housing 24 School Street

DiNapoli, MaryAnn

From: DiNapoli, MaryAnn
Sent: Thursday, September 07, 2017 10:10 AM
To: 'Anand, Genevieve G.,M.D.,M.P.H.'
Cc: maya_anand@student.wayland.k12.ma.us; Nan Balmer; Holder, Thomas; Doucette, Joe; Hughes, Gay; Irving, Robert; Geoffrey Larsen; Chris Brown; Jonathan Mishara (jmishara@comcast.net); Michael P. Lowery (lowery.mike@gmail.com); Michael Wegerbauer; Woody Baston
Subject: RE: Temporary sign

Good morning Genevieve. The Board of Selectmen has an abbreviated meeting schedule over the summer, and will not be meeting again before September 18. Therefore, the Town Administrator has approved your request for the placement of temporary sandwich board signs, and will get an retroactive approval at the next meeting.

Signs may be placed at the following four locations: Below the permanent signs at Station Two in Cochituate, Old Connecticut Path and Cochituate Road (Five Paths), Route 20/Old Connecticut Path by the Coach Grill, and Town Center (corner of Routes 20 and 27). The signs may be placed at the approved locations from September 9-16, 2017.

Please keep in mind the following guidelines when displaying temporary signs. The sandwich boards must be secured firmly. High winds have a tendency to displace temporary signboards causing a hazard to public safety. The temporary signs shall not obstruct any other signs or create any public safety hazard. We assume no liability for any damage to the signs.

The Board wishes you every success with Hope Walks, a cancer walk on October 1, 2017.

MaryAnn DiNapoli
Executive Assistant
Board of Selectmen
(508) 358-3621

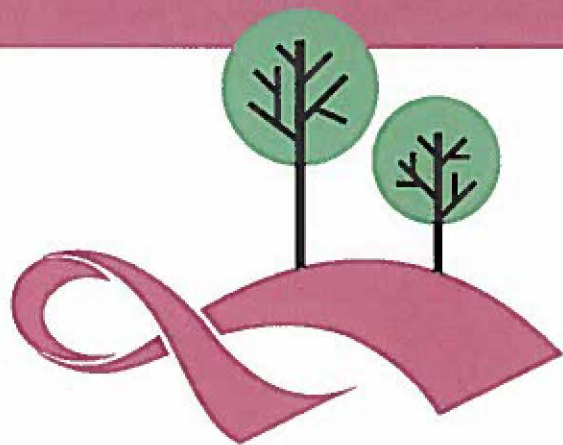
From: Anand, Genevieve G.,M.D.,M.P.H. [<mailto:GGANAND@PARTNERS.ORG>]
Sent: Friday, September 01, 2017 8:46 AM
To: DiNapoli, MaryAnn
Cc: Balmer, Nan; maya_anand@student.wayland.k12.ma.us
Subject: RE: Temporary sign

Hi Mary Ann,

I am a physician working at Newton Wellesley Hospital. They are doing a Cancer walk on October 1st and I was hoping to put up signs in the town.

I will forward you an email with information about Hope Walks. Please let me know if we can put up signs at the intersections of Rt 20 and 126/27 and another at 27 and 126 by St Ann's Church.

Thank you for your consideration,
Gigi (Anand), MD, MPH.
Newton Wellesley Primary Care.



Hope Walks

SUNDAY, OCTOBER 1, 201

It seems as if everyone's life has been touched by cancer. Just the same, none of us ever really expects it will happen to us.

That's how Julie Nevins described her reaction to her diagnosis of aggressive breast cancer. She was unprepared and wanted to deny it. But she had aging parents to help care for, new job responsibilities to live up to and more. In short, she had a life to live.

Like a steady arm around her shoulder, the team at the Vernon Cancer Center guided her, helping her to do just that. At the Center, Julie felt she was treated as a whole person, with family and dreams. She worked with a nutritionist, a psychologist and joined an all-female paddling group for cancer patients and survivors—competitively racing dragon boats five times a year!

You can help patients like Julie receive life-giving care. Please join us for Hope Walks on Sunday, October 1. Please [click here](#) to register. Your support makes a big difference.



The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact the Partners Compliance HelpLine at <http://www.partners.org/complianceline> . If the e-mail was sent to you in error but does not contain patient information, please contact the sender and properly dispose of the e-mail.

DiNapoli, MaryAnn

From: Kaat Vander Straeten <kaatvds@gmail.com>
Sent: Tuesday, September 12, 2017 3:22 PM
To: DiNapoli, MaryAnn
Subject: Request A-frames fro Solarize LSW

Hi MaryAnn,

I would like to request that Solarize LSW be allowed to set out A-frames at the four intersections from Friday Sept 29 to Thursday Oct 5 to promote the "Get Solarized" event on October 5 at the Lincoln-Sudbury Regional High School.

The signs will say "Get Solarized!", the date, and the place and something to the effect that all Wayland, Lincoln and Sudbury residents are invited. It will have the Solarize LSW logo and possibly (and smaller) the SolarFlair and New England Solar Hot Water logos.

Thank you!

Kaat Vander Straeten
617 739 5870

--

Kaat Vander Straeten, Ph.D.

Co-founder of Transition Wayland (transitionwayland.org)
Associate Member of the Wayland Energy and Climate Committee (WECC)
Wayland Solar Coach for Solarize Lincoln-Sudbury-Wayland (solarizelsw.org)
Beekeeper and founder of BEElieve Beekeepers (transitionwayland.org/beelieve)
Home Funeral Educator and Member of the National Home Funeral Alliance (homefuneralalliance.org)

DiNapoli, MaryAnn

From: Front Desk <frontdesk@tccwayland.org>
Sent: Thursday, September 07, 2017 2:48 PM
To: DiNapoli, MaryAnn
Cc: Debbie Wilson
Subject: Trinitarian Congregational Church Sign Request

Hi Mary Ann,

Trinitarian Congregational Church is requesting to put up a sign at the intersection of Old Conn. Path, Rt 126 and Rt. 27 on Sept. 19-26.

Can we use a small sandwich board instead of the 4'x8' sign in your frame?

The sign will advertise our Mom to Mom program on Fridays 9A-11A. Sign up on our website www.tccwayland.org. Support group for mothers of school age children.

Here is a link to our website that describes the program. <http://tccwayland.org/ministry-women-mom-to-mom.php>

Thanks,
Nancy Griffin

TRINITARIAN CONGREGATIONAL CHURCH

to be and to make disciples of Jesus Christ



- [New to TCC?](#)
- [About](#)
- [Services](#)
- [Ministries](#)
- [Get Involved](#)
- [Resources](#)
- [Contact](#)

Mom To Mom



Mom to Mom

September 15 - November 17
 January 12 - May 11
 Friday mornings 9:30A - 11:15A

"Mom to Mom makes me a better mom as it 'gives me support' along the way.."

Mom to Mom meets weekly to address issues and needs of women and family, guided by Biblical principles. We offer encouragement, compassion, and support to moms with children of all ages living at home. For over fifteen years, hundreds of Moms from the community at-large have come together and learned that they "are not alone" in the delight and struggles of raising a family. Any mom, independent of religious affiliation, is invited to join us.

"I come for the fellowship, information, laughter and knowing that 'I belong'."

"I feel comfortable dropping off my son, knowing that he is in a safe and loving place."

Mom to Mom also offers a wonderful Christian Children's Ministry Program for infants through kindergartners. There are crafts, music, games and Bible stories for toddlers on up. A loving and responsible children's team offers your kids the best!

Fall Schedule

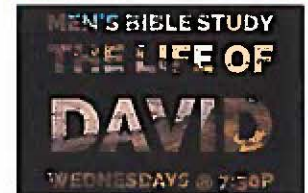
- coming soon



Ministries

- Gospel In Life
- Alpha
- LIFE groups
- Women's Ministries
 - Women's Bible Study
 - K-tog
 - Mom To Mom
- Men's Ministries
- Missions
- Children
- Students
- Music & Worship
- Care
- Peacemaking Ministry

Upcoming Events



Register Online

Children's Registration

Please note that moms and children must be pre-registered. Places in the children's program are offered on a first come, first served basis. Registration is open to children until October 8th. Go to the registration page for details on how to sign up!

The program registration fee is \$55 / year and scholarships are available.

The children's program fee is \$75/year and scholarships are available.

"Each week, my kids and I walk out of Mom to Mom as better people."

For additional information, feel free to contact Tonya Peck at momtommomtcc@gmail.com.

To receive up-to-date program and speaker information for Mom to Mom Metrowest

[Follow us on Facebook](#)

Mom to Mom 2017-2018 Leadership Team



Tonya Peck - Program Director

Tonya moved to Wayland 9 years ago with her family and has been attending TCC and Mom to Mom ever since. Starting as a small group leader, she has been on the Mom to Mom planning team for the last 3 years. Tonya has 3 children in 6th, 4th and 2nd grade and has been married to her husband Rich for 12 years. Tonya is a dance mom, hockey mom, dog lover, struggling vegetable gardener, occasional crafter and sewer, revived exercise enthusiast, and fan of trying new recipes.



Alynda Foreman Program Administrator

Alynda Foreman has been attending Mom to Mom at TCC for almost a decade. She began as a member of the infant group and later accepted positions as a small group leader and hospitality hostess. Currently, she is serving on the MTM planning team as the Program Administrator. She lives in Wayland with her husband, Mark, and daughters Darcy and Bethany.

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

RECEIVED

SEP - 7 2017

***** Board of Selectmen
Town of Wayland
INVOICE FOR LEGAL SERVICES

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

Page 1
09/05/2017
Account No. 5673-01M
Invoice No. 192

Attn: Town Administrator

Labor

TOTAL CURRENT INVOICE	2,009.92
BALANCE DUE	<u>\$2,009.92</u>

DATE: SEPTEMBER 18, 2017
 TO: NAN BALMER
 FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR
 RE: TOWN COUNSEL SERVICES JULY 2017

The Town Counsel legal services agreement includes a \$65,000.00 retainer for specific general legal services. Once the retainer amount is satisfied for the fiscal year there are no further charges for these specific services. The retainer balance and amount detail by matter are provided below.

JULY AMOUNTS BY MATTER

<u>MATTER</u>	<u>AMT BILLED</u>	<u>AMT CREDIT TOWARD RETAINER</u>
General Legal		\$7,511.00
General Labor		943.50
Contracts		1,239.50
Town Meeting		111.00
Bernstein v. Planning Board	\$1,942.50	
Comprehensive Permits	1,073.00	
Wayland Meadows	3,052.50	
Wayland /Windsor Place 40B	1,887.00	
Wayland-Cascade Wayland 40B	185.00	
Affordable Housing **	1,961.00	
Real Estate	943.50	
Other Matters	3,607.50	
Disbursements	676.12	
Total Not Covered under Retainer	\$15,328.12	
Total Covered under Retainer		\$9,805.00
TOTAL AMOUNT BILLED	\$25,133.12	

RETAINER CREDIT STATUS

<u>SERVICE PERIOD</u>	<u>AMT CREDIT TOWARD RETAINER</u>
FY18 Retainer Cap of \$65,000	\$65,000.00
July 2017 Retainer Credit	-9,805.00
REMAINING RETAINER CREDIT FY18	\$55,195.00

** Affordable Housing Trust will fund this cost

KP LAW, P.C.

101 ARCH STREET
BOSTON, MA 02110

(617) 556-0007

INVOICE NO. 113101

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

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH JULY 31, 2017

AUGUST 29, 2017

TOTAL FEES: 24,457.00

TOTAL COSTS: 676.12

BALANCE DUE: 25,133.12

RECEIVED

SEP -5 2017

Board of Selectmen
Town of Wayland

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

INVOICE - TOWN OF WAYLAND - 8/31/2017

SUMMARY

FEE CALCULATION: 4.8 HOURS X \$175.00 PER HOUR =	\$ 840.00
DISBURSEMENTS (See below for detail)	11.38
TOTAL 8/31/17 INVOICE.....	<u>\$ 851.38</u>

DISBURSEMENTS

Postage	7.88
Copying	3.50
Total Disbursements	<u>\$11.38</u>



Date: September 13, 2017

Board of Selectmen
Town of Wayland

Dear Board of Selectmen,

On behalf of Broomstones Curling Club we would like to request an extension of our liquor license to close 1 hour later (1am) on Saturday October 7th, 2017. The weekend of October 5-8th, 2017 is our annual Oktoberfest Bonspiel. There will be over 20 teams from around the US and Canada in attendance. Thank you for your consideration in this matter.

Sincerely,

Kathleen Ellen Holewa

Kathy Holewa/Bar Manager Broomstones Curling Club

138 Rice Road/1 Curling Lane
508-358-2412 – holewa58@gmail.com



September 14, 2017

William Joseph
27 Riverview Road
Framingham, MA 01701

RE: Tree Warden Appointment

Dear Mr. Joseph:

We very much appreciate your ability to serve as Wayland's Tree Warden. Your credentials and extensive background demonstrate you have the knowledge and capabilities necessary to provide professional tree and arborist services to the Town.

On behalf of the Wayland Board of Selectmen, I am pleased to appoint you as the Town of Wayland Tree Warden. In keeping with MGL Chapter 41 Section 106, the term for your appointment shall be for three years commencing on September 14, 2017.

We look forward to engaging your services within this important role for Wayland.

Sincerely,

Nan Balmer
Town Administrator

Ecopsy: Board of Selectmen
Department of Public Works



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

CLIENT AUTHORIZATION

- New Contract
- Amendment No.: 1

Project No.: T0737.01
 Date: September 14, 2017

Project Name: Civil Engineering & Stormwater Peer Review -- Proposed 40B Housing Proposal
 24 School Street - Wayland, MA

Client: Ms. Elizabeth Reef, Administrator Town of Wayland ZBA 41 Cochituate Road Wayland, MA 01778	Fee Proposal	
	Civil Engineering Peer Review	\$4,900.00
	Response to Comments Review	Included
	Meeting Labor	Included
	Expenses & Admin Fee	Included
	TOTAL	\$4,900.00

Requested by: Joe Peznola, Hancock Assoc.

- Lump Sum
 - Cost + Fixed Fee
 - Time & Expenses
 - Other
- Estimated Date of Completion: As required by Town

Scope of Services:

The Town of Wayland Zoning Board of Adjustment (Client) is retaining TEC, Inc. to perform civil engineering and stormwater report review services associated with the review of a Comprehensive Permit application for a proposed 40B residential development to be located at #24 School Street in Wayland. TEC will conduct a review of the Applicant's site plans and stormwater report; and prepare a letter summarizing the findings of a peer review for submission to the Town's ZBA.

The original scope of work for Tasks 1 through 3, related to traffic engineering review services, has a contract limit of \$3,750.00. The scope of work associated with Task 4 (Civil Engineering Review) has a value of \$4,900.00. The total upset limit for this assignment is hereby increased to \$8,650.00.

The following provides a summary of the civil engineering scope of services associated with this effort:

Task 4 – Civil Engineering Peer Review

Document Review

TEC will review the Site Plans and pending Stormwater Management Report for the proposed project submitted by the Applicant's design team. Our review of these materials will focus on Site Plan conformance to the Town of Wayland Zoning Ordinance and the stormwater management analysis and plan, including its conformance to the Massachusetts Stormwater Handbook and other industry-accepted best management practices.

Recommendations for Applicant Mitigation

TEC will review the recommendations and proposed stormwater mitigation for the housing development to ensure that the improvements proposed by the Applicant are appropriate to mitigate project-related impacts. Where stormwater impacts will not be properly mitigated by the Applicant's proposed mitigation measures, TEC may recommend additional measures to mitigate these impacts.

Materials Not Submitted

TEC will identify any items that should have been provided by the Applicant to comply with the Town of Wayland or MADEP standards that were not included within the Applicant's submittals to the Town. TEC can offer a fee proposal for any subsequent materials that may require a detailed technical review.

Deliverables

TEC will prepare a written letter report to the Zoning Board of Appeals, with copies supplied to the Applicant and their key team members, summarizing the findings of our site plan stormwater management engineering peer review. Copies of the letter will be delivered no later than two weeks following notice to proceed and receipt of all relevant reports and analysis from the Applicant.

TEC anticipates that the Applicant's team will prepare a 'response to comments' document to respond to the peer review report discussed above. TEC will prepare a subsequent peer review letter to document the appropriateness of any responses or changes in the study. TEC will issue a letter to Town staff within two weeks following TEC's receipt of the materials and any appendices.

Meetings

TEC will be available to attend staff meetings or Zoning Board meetings, as necessary, to review the findings of the peer review. TEC has prepared this proposal assuming attendance at the following meetings:

- One (1) meeting with Town staff and/or Applicant's team to review the results of the site plan review, stormwater management analysis, drainage improvements, and potential mitigation;
- Two (2) Zoning Board hearings to review the stormwater management findings for the project.

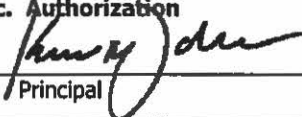
Engineering labor, meeting time, and expenses may include time associated with preparation of graphics and other materials for the meeting, reproduction, travel expenses, etc.

As part of Task 4, TEC will not exceed a total lump sum fee of \$4,900.00 for the labor and expenses noted above, unless approved by the Client.

Note:

Should the Applicant's consultants prepare additional response to comments or supplemental analysis documents, TEC will be available to review these documents at a commensurate increase in the labor fee. TEC will secure written approval from the Client prior to completing any out-of-scope services. Email authorizations are acceptable as a Notice-to-Proceed on subsequent tasks.

Time associated with the scope of services for Task 4 listed above will be billed on a lump sum basis. Any supplemental services will be billed in accordance with the ENGINEER's standard billing rate and fee schedule on a time-and-expenses basis.

Prepared by: Peter F. Ellison, PE	Project PM: Kevin R. Dandrade, P.E., PTOE
Please execute this Client Authorization for TEC, Inc. to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to TEC.	
<input type="checkbox"/> Subject to attached terms & conditions	<input checked="" type="checkbox"/> Subject to terms & conditions in our original agreement
TEC, Inc. Authorization	Client Authorization <i>(Please sign original & return)</i>
By 	By _____
Title Principal	Title _____
Date 9/14/2017	Date _____





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
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DOUGLAS A. LEVINE

REVISED PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM SEPTEMBER 1, 2017, THROUGH AND INCLUDING SEPTEMBER 14, 2017, OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE PACKET FOR SEPTEMBER 18, 2017

Items Distributed To the Board of Selectmen – September 1-14, 2017

1. Email of 9/06/17 from the Office of the Town Administrator, to Board of Selectmen, re: Selectmen Meeting Schedule
2. Email of 9/07/17 from the Office of the Town Administrator, to Board of Selectmen, re: Invitation to the Public Info Session Recreation Commission September 12
3. Email of 9/08/17 from the Office of the Town Administrator, to Board of Selectmen, re: Special Town Meeting Article List with Assignees

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of September 18, 2017

1. None

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

1. Memorandum of 9/18/17 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Meet with Town Counsel
2. Memorandum of 9/18/17 from Elizabeth Doucette, Financial Administrator, to Board of Selectmen, re: Fiscal Year 2019 Capital Project Requests
3. Capital Appropriation Request (FY19 – FY23) for Conservation Commission
4. Capital Appropriation Request (FY19 – FY23) for IT
5. Capital Appropriation Request (FY19 – FY23) for Facilities
6. Capital Appropriation Request (FY19 – FY23) for Wayland Fire Department
7. Article List for Special Town Meeting with Revised Articles
8. Draft FY17 Report of the Board of Selectmen
9. Draft Minutes of September 5, 2017 and September 6, 2017
10. Report of the Town Administrator for the Week Ending September 15, 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
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LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN
Monday, September 18, 2017
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Public Comment, Affordable Housing Project at 113-119 Boston Post Road
2. Bernstein v. Wayland Planning Board, Memorandum of Decision and Order on Plaintiffs' Motion to Enforce Judgement and for Attorney's Fees and Costs and Defendants' Cross Motion for Clarification, September 6, 2017
3. Letter of 9/06/17 to the Zoning Board of Appeals from Dan Hill, Chair of the Planning Board, re: Chapter 40B Application – 24 School Street, Wayland (the "Project")
4. Letter of 9/08/17 from Susan Connelly, Director of Community Assistance at the Massachusetts Housing Partnership to Lea Anderson and Jonathan Sachs, re: Approval of 40B Technical Assistance Grant for Brookside Cascade Wayland
5. Letter of 9/08/17 from Susan Connelly, Director of Community Assistance at the Massachusetts Housing Partnership to Lea Anderson and Jonathan Sachs, re: Approval of 40B Technical Assistance Grant for Windsor Place
6. Letter of 9/11/17 from Philip Crean, Program Assistant at Massachusetts Housing Partnership, to Nan Balmer re: 40B Technical Assistance – Windsor Place and Brookside Cascade
7. Letter from Board of Selectmen to the Board of Library Trustees re: petition to the Massachusetts Board of Library Commissioners for an extension of time to address the question of library funding at the April 2018 Town Meeting, September 12, 2017
8. Schedule provided by MassDOT contractor, P.J. Keating, for the repaving of Route 20, planned for September 20, 2017 through November 15, 2017.
9. Cover letter from A. Alexander Weisheit of K.P. Law to the Middlesex County Sheriff's Department re: Land Court, Docket No. 17MISC000488 (20 Millbrook Road)
10. Cover letter from Amy E. Kwesell of K.P. Law to John H. Archambault and Christine Moynihan of 20 Millbrook Road re: Land Court, Misc. No. 17MISC000488
11. Monthly Update from Police Department, August 2017
12. Monthly Report from the Director of Public Health, September 11, 2017

Minutes

13. Community Preservation Committee, June 7, 2017
14. Public Ceremonies Committee, June 14, 2017
15. Personnel Board Meeting, July 17, 2017 and August 11, 2017.
16. Finance Committee, July 26 and August 14, 2017
17. Municipal Affordable Housing Trust Fund Board, August 16, 2017

State

18. Letter received 9/05/17 from MassDOT re: Chapter 90 local transportation aid funding for FY18



J. Andrew Irwin
Lana Carlsson-Irwin
73 Plain Road
Wayland, MA 01778

August 29, 2017

Zoning Board of Appeals
Conservation Commission
Board of Selectmen

Wayland Town Building
41 Cochituate Road
Wayland, MA 01778

Dear Board Members,

RE: 40B Proposal for former site of Mahoney's Garden Center, Route 20

We write to register our strong opposition to the proposal by Steven Zieff for the former site of Mahoney's Garden Center. The proposal seeks to use the 40B process to blatantly ignore and to permanently damage the character and value of Wayland.

Increasing affordable units in Wayland

As the point of 40B is to increase the amount of affordable housing, let us, as a town, embrace instead the viable alternative put forth by ProtectWayland.org which would be 100% affordable and of a scale in keeping with our town. Allowing Zieff's proposal to go forward would not help the town achieve its goal of affordability as it would add 45 market rate units and only 15 affordable while destroying the character of the neighborhoods around it. The alternative put forth by Protectwayland.org working with the Metro West Collaborative Development (MWCD) would add 24, 100% affordable units thus not increasing the total number of market rate units which only results in also increasing the need for yet more affordable units.

Environmental Impact

The environmental impacts of this project are also of great concern. We are owners of an environmental consulting firm and Mr. Irwin has extensive experience with wetlands regulations as a former longtime member of the Wayland Conservation Commission.

Pine Brook is a perennial stream that is an important wetland resource and must be adequately protected with regard to requirements generally within 310 CMR 10.50 for Inland Wetlands and in particular requirements of the following sections: 10.54 for Naturally Occurring Bank; 10.55 for Bordering Vegetated Wetlands; 10.75 for Bordering Land Subject to Flooding; 10.58 for Riverfront Area; and, 10.59 Estimated Habitat for Rare Wildlife. Installation of a significantly larger impervious footprint with construction of buildings and parking facilities will change

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SEP -5 2017

Board of Selectmen
Town of Wayland

August 29, 2017

runoff characteristics which can cause flooding impacts and limit the recharge of water. A natural vegetative buffer along the brook provides important wildlife habitat including food, shelter, and breeding areas but also provides a corridor for wildlife to move around to forage and breeding. The absence of rare species must also be adequately established or else the requirements for protection of rare species habitat must be vigorously enforced on the project.

The Town must enforce sufficient setbacks for installation of septic leaching fields for discharge of treated waste water. While requirements of 310 CMR 15.211 allow that septic leaching systems must be located at least 50 feet horizontally from a wetland, according to 310 CMR 10.03(3) that separation distance must be not less than 100 feet within the mean annual high water line of Pine Brook as having protected Riverfront Area. Requirements from 310 CMR 15 regarding limits on the density of nutrient loading and requirements for hydrologic analysis of injecting significant quantities of water must also be rigorously enforced.

The Town must enforce requirements for the project to adequately justify that there is no adverse environmental impact for the scope alteration being proposed within the Riverfront Area which extends 200 feet from the banks of the stream. In particular, the requirement for a 100-foot-wide area of undisturbed vegetation within the Riverfront Area should be vigorously enforced to avoid adverse environmental impact and in addition vegetative cover must be extended to maximum extent feasible to restore the 100-foot corridor of vegetation within the Riverfront Area.

The project must present a fully developed analysis that there are no practicable and substantially equivalent economic alternatives to the proposed work that will have less adverse impact including projects with a lesser physical footprint. The scope of alternatives must also consider land beyond the original parcel including adjacent parcels or other land which can reasonably be obtained within the municipality. With a project such a significant magnitude of scope the breadth of alternatives considered and the level of detail of information provided within the analysis must be extremely detailed. While use of Riverfront for structural stormwater management measures may be allowed it must be demonstrated that there is no practicable alternative.

Traffic and Character

As residents of Plain Road, we can attest that our road is often used as a cut through now for Route 20 commuters. Plain Road is a designated Scenic Road under the Wayland Town Code, Chapter 158, Article 5 (§158-5). The purpose of the bylaw is to maintain the rural, natural, historic and scenic character of the town's roads. Children walking and riding their bikes to and from school, people pushing baby strollers, joggers and walkers are common users of Plain Road. This road is narrow and lacks sidewalks. The Zieff proposal would have a significant impact on traffic on Route 20 very close to the entrance to Plain Road. The increase in cut through traffic would pose a significant safety risk. This safety risk from increased traffic would occur whether or not a light were to be installed at the eastern end of Plain Road.

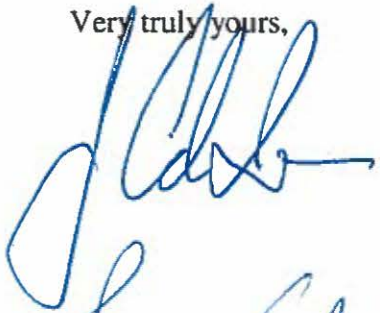

This proposal is not in keeping with the character of our town. A residential building somewhat larger than the former garden center could work (see alternative proposal by the MWCD) but there is no reason that Wayland should accept this developer's proposal for a structure more massive than Walmart in such a traffic prone and environmentally sensitive area. This giant

August 29, 2017

structure would also depress property values as well as increase noise and air pollution. Route 20 is a busy road but also one that reflects the rural character of the suburbs it serves just outside Route 128. We do not want to see Wayland become the home of such an albatross so that the developer can make money and the town bear irreparable damage.

We urge you to think about the longterm welfare of our town and reject this inappropriate project in favor of one that will truly be a win-win for affordability and the environment we live in here in Wayland.

Very truly yours,

(2)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 0881CV00552

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

vs.

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

and

ELEANOR FARWELL AND WILDON FARWELL, MD
Intervenors

MEMORANDUM OF DECISION AND ORDER ON PLAINTIFFS' MOTION TO ENFORCE JUDGMENT AND FOR ATTORNEY'S FEES AND COSTS AND DEFENDANTS' CROSS MOTION FOR CLARIFICATION

The present case arises from a 2008 dispute regarding concerns over an increase in through-traffic on Glezen Lane in Wayland, where Plaintiffs reside, due to the development of the Wayland Town Center. That dispute was settled in 2008, resulting in a consent judgment (the "Consent Judgment") which required that the Town implement a variety of traffic mitigation measures over time. All of the traffic mitigation measures, except the final ones set-forth in Section I.G.4 of the Consent Judgment, were implemented. The final traffic mitigation measures

included permanent turn prohibitions and permanent physical restrictions at the intersection of Glezen Lane and Route 27 (the "Final Measures"). The turn prohibitions had been temporarily in place by virtue of sections I.F.7 and I.G.2 of the Consent Decree, but were removed as a result of the Court's August 26, 2015 decision allowing the Town's Motion for Temporary Relief from Judgment.

An evidentiary hearing was held where the question for the Court was whether the Final Measures, i.e. implementing the turn prohibitions permanently and adding permanent physical restrictions, presented safety risks warranting relief from the Consent Judgment. After the hearing, the Court issued a Memorandum and Decision dated March 27, 2017, granting Defendants' Motion for Permanent Relief from the requirements of Section I.G.4 of the Consent Judgment (the "March Order"). The Court indicated in the March Order that it was "satisfied that the Town ha[d] established that the implementation of the Final Measures would create significant safety risks that were unanticipated at the time the Consent Judgment was entered into, and that those safety risks constitute exceptional circumstances warranting relief from the judgment." In sum, the Court clearly found that the turn prohibitions and the physical restrictions presented significant safety concerns for the Town.

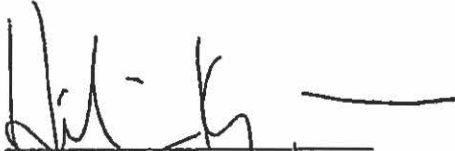
Plaintiffs are now seeking to enforce section I.F.7 (Weekend 11-6 Turn Prohibitions, Glezen Lane – Route 27), and section I.G.2 (Weekday and Extended Weekend Turn Prohibitions, Glezen Lane – Route 27) of the Consent Judgment, which provided for temporary turn prohibition measures identical to the permanent turn prohibition measures outlined in section I.G.4, and addressed by the Court in the March Order. Plaintiffs are also seeking to enforce section I.F.8, which relates to police enforcement of those same measures.

Clearly the Section I.G.4 was intended to supersede Sections I.F.7 and I.G.2 by making the turn prohibitions at the intersection of Glezen Lane and Route 27 permanent. Thus, while there is no question but that the Court could have been more explicit in its ruling, Plaintiffs' position makes no sense. Having found that the permanent turn prohibitions were unsafe and should not be implemented, clearly the Court did not intend for the identical temporary turn prohibitions to go back in place. It also makes no sense that the Court intended for the police to enforce a provision that the Court found should not be implemented.

Accordingly, Plaintiffs' Motion to Enforce Judgment and for Attorney's Fees and Costs is **DENIED**. The Court hereby clarifies the March Order as follows:

The Town's Motion for Relief from Judgment is **ALLOWED** as to sections I.F.7, I.G.2, I.G.4 and I.F.8. The Town is not required to implement turn prohibitions or permanent physical restrictions at the intersection of Route 27 and Glezen Way.

SO ORDERED.


Helene Kazanjian
Justice of the Superior Court

DATE: September 6, 2017

BOS

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Sarkis Sarkisian
Wayland Town Planner

TOWN OF WAYLAND
MASSACHUSETTS
PLANNING BOARD

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SEP 11 2017

**Board of Selectmen
Town of Wayland**
TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3778
FAX: (508) 358-4036

September 6, 2017

BY ELECTRONIC MAIL: zba@wayland.ma.us

Wayland Zoning Board of Appeals
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778-2614

Re: Chapter 40B Application – 24 School Street, Wayland (the “Project”)

Dear Members of the Board:

I am writing on behalf of the Planning Board to provide our initial comments on the above-referenced comprehensive permit application, which is pending before your Board. The purpose of this letter is to put on the record the Planning Board’s initial observations and recommendations. Importantly, the design of this Project, being substantially nonconforming to the Town’s Zoning Bylaw dimensional standards, presents a number of public health, safety and environmental concerns that are highly technical in nature. As such, we hope that the Zoning Board will retain competent peer review consultants to review the Project’s plans and supporting documentation, and provide opinions and advice on these issues. As such, the Planning Board will defer making any definitive statements or recommendations until after that peer review process has taken its course. In the meantime, the Planning Board is pleased to offer the following substantive and procedural comments.

I. Substantive Comments on the Chapter 40B Application

The subject property is located at 24 School Street and consists of approximately .65 acres of land bordering a stream on the adjacent property to the west (owned by the Town). The site is zoned for single-family uses (R-20), with a 20,000 square foot minimum lot size, and a maximum 20% lot coverage requirement. The Applicant proposes the construction of two, six-unit buildings, totaling 12 units, of which three will be affordable. The Applicant proposes a single access driveway from School Street with an emergency gated access drive to East Plain Street (Route 30). Proposed setbacks to adjoining residential properties range from 10' - 20'. One of the proposed buildings and portions of the parking lot will be located within 75' of bordering vegetated wetlands and a tributary to Snake Brook. A wastewater collection system will convey flows to a shared wastewater septic system located under the parking lot. A stormwater infiltration system is also being proposed under the driveway between the two buildings.

The Planning Board has a number of concerns with the design of the Project. First, it is inherently incongruous with the surrounding neighborhood context, specifically, low density, single-family homes. Specifically, the Planning Board has concerns with the architectural design, massing, side and front yard setbacks, internal traffic circulation, external traffic safety issues, stormwater and wastewater impacts on the groundwater and adjacent wetlands, and impacts on streetscape and abutters. The proposal maximizes the building envelope, employing few measures to mitigate the increased density, and providing virtually no margin for error in the design of the on-site infiltration systems (stormwater and septic).

A. *Design Concerns*

The design of the buildings, and the intensity of the use of the site, are the most troubling concerns. Specifically, aside from the 1.5-story restaurant on the corner of School Street and East Plain Street, the Project site is surrounded by single-family residential structures that are typically 1.5 stories in height. The proposed structures are 3 full stories in height. The front yards of the existing homes are naturally aligned with School Street; in contrast, the Project's eastern building faces inward, exposing its rear elevation to School Street of more than 120 feet in length, with a relatively shallow 20-foot setback (less when you factor in the patios and partition walls). The eastern building's 120 foot run along School Street does nothing to mitigate its massing on the site, and only emphasizes its overall bulk. In addition, under the current design, three mature specimen trees prominently located on the corner of East Plain Street and School Street would be destroyed.

B. *Traffic Concerns*

The Planning Board is also concerned with the impact this Project could have on the busy intersection confluence of School Street, East Plain Street, and Commonwealth Road (Rt. 30). This intersection experiences long queuing during peak commuting hours. The Town has conducted traffic studies and recently designed and constructed a major intersection reconfiguration in 2016, at a cost of \$273,000. The reconfiguration of traffic flow at this intersection did not account for a driveway on School Street to serve 12 housing units, and its attendant 120 vehicle trips per day (approx.). If the Project is permitted, this intersection will be impacted by increased congestion. A traffic light or right turn only restriction for traffic leaving the driveway may be warranted.

C. *Environmental Concerns*

The Board shares the concerns already expressed by the Conservation Commission and others concerning wastewater and stormwater impacts on the groundwater and the adjacent wetland ecosystem. The proposed infiltration systems will be largely built under impervious surfaces, making inspections and maintenance difficult. Title 5 regulations prohibit the placement of soil absorption systems under impervious parking lots for this reason, "except where restrictions on the use of the land make it unavoidable." 310 CMR 15.240(7). The Applicant's proposal to "max-out" the development of this Site is not a "restriction on the use of the land." Public sewer is not available at this location, and therefore is not an option. It is noteworthy that the Town has facilitated and approved affordable housing developments that have or will create dozens of new affordable

housing units within the Town's limited sewer service area in its town center on Route 20, and the Rivers Edge project which will be served by a wastewater treatment plant.

The Applicant stated in its MassHousing application that there are no vernal pools on the Project Site, which is correct, but there are two certified vernal pools on the abutting conservation parcel owned by the Town, on which the current owner has illegally encroached. The Applicant also stated that 46.3% of the Project Site will contain "useable open space," which we take to mean areas where residents can enjoy passive recreation or quiet contemplation. It is hard to conceive where any "useable open space" would be located on the Project site, much less on 46% of the site. The grassy areas between East Plain Street and the buildings should not qualify, and the 10' – 15' wide grass strip between the eastern building and School Street is hardly "useable" for anyone, and certainly not safe for children.¹

To summarize our initial observations, the size and scale of the Project could be modulated to better conform to the prevailing density of development and architectural styles in the existing single-family neighborhood. The significant waivers from the Zoning Bylaw's dimensional requirements and performance criteria, which have been requested by the Applicant through its comprehensive permit application, will likely have measurable impacts on the neighborhood and on the environment.

II. Procedural Comments

A Chapter 40B applicant is only entitled to waivers from local bylaws and regulations to the extent necessary to make a project "economic." Therefore, unless and until an applicant proves to the Board, through the presentation of verifiable economic analyses, that the waivers it is requesting are necessary (or, in this case, the extent of its waivers is necessary), the Board need not waive them. Chapter 40B regulations specifically provide for a process of economic peer review towards the end of the public hearing, through which the Board proposes a set of conditions or waiver denials to the Applicant, the Applicant makes an evidentiary presentation on how the conditions render the project "uneconomic," and the Board then tests the Applicant's economic assumptions through its own peer review. See, 760 CMR 56.05(6). Following the Board's public health, safety and environmental peer review, here the Board may find that there are substantial impacts and threats to these "local concerns" that warrant the imposition of conditions or denial of waivers, in which case the Board should follow this regulatory economic review process.

A. *Standard of Review*

Even if the Applicant can meet its "economic burden of proof" under Chapter 40B, the Board can still deny a comprehensive permit project, or deny specific waivers, or condition its

¹ The state Housing Appeals Committee ("HAC") has recognized that a project can be so inconsistent to generally-accepted residential design principles to warrant a denial. Error! Main Document Only.Dennis Housing Corp. v. Dennis Board of Appeals, HAC No. 01-02 (May 7, 2002) (zoning board's denial of a 50-unit apartment building on a 3.2-acre site was consistent with local needs because "the proposed design over-utilizes the site").

approval of the project, if the local concerns presented by the project outweigh the regional need for housing. Chapter 40B regulations, 760 CMR 56.07(3)(b) inform how a zoning board is to weigh these factors:

1. the weight of the Housing Need will be commensurate with the regional need for Low or Moderate Income Housing, considered with the proportion of the municipality's population that consists of Low Income Persons;
2. the weight of the Local Concern will be commensurate with the degree to which the health and safety of occupants or municipal residents is imperiled, the degree to which the natural environment is endangered, the degree to which the design of the site and the proposed housing is seriously deficient, the degree to which additional Open Spaces are critically needed in the municipality, and the degree to which the Local Requirements and Regulations bear a direct and substantial relationship to the protection of such Local Concerns; and
3. **a stronger showing shall be required on the Local Concern side of the balance where the Housing Need is relatively great.**

(emphasis added).

Importantly, and directly relevant to the unique circumstances in Wayland, the HAC interpreted this regulation in a 2009 decision, observing that "how close the town is to reaching the 10 percent threshold [under Chapter 40B]" is an important factor towards how much weight should be afforded to the "local concern" side of the balance test. *Hollis Hills, LLC v. Lunenburg ZBA*, HAC No. 07-13 (Dec. 4, 2009), p. 14, *aff'd*, *Lunenburg ZBA v. Hous. Appeals Comm.*, 464 Mass. 38 (2013). In other words, for towns like Wayland that are very close to reaching the 10 percent threshold, objections to a Chapter 40B project based on legitimate public safety or planning concerns will be credited more than they would in towns that have a poorer showing of subsidized housing.

As the Zoning Board is probably aware, the Town of Wayland over the last four years has taken extraordinary steps to address its affordable housing shortage and to achieve the 10% benchmark under Chapter 40B. At its 2014 Annual Town Meeting, Wayland approved a zoning overlay district on eight acres of town-owned land at 489-490 Boston Post Road, to facilitate the development of 188 units of affordable and market-rate rental housing units. Town boards, officials and staff have spent hundreds of hours, many of it by volunteers, on pre-development and due diligence activities on this site over the last four years. This project, adjacent to the Sudbury River and the Great Meadows federal wildlife preserve, will provide 47 permanently-restricted affordable housing units, and under Chapter 40B rules, all 188 units will count towards the Town's Subsidized Housing Inventory, pushing the Town to an affordable housing level of 9.32% (as a percentage of total housing units). Following a lengthy Request for Proposals vetting and selection process, the Board of Selectmen voted in February, 2017 to award the River's Edge project to WP East Acquisitions, LLC (Wood Partners), and it signed a Land Disposition Agreement with Wood

Partners in August, 2017. Once Wood Partners obtains site plan approval from the Planning Board, these 188 units will be added to the Town's Chapter 40B Subsidized Housing Inventory.

B. *Peer Review Consultants*

Central to issuing any comprehensive permit decision is building a solid evidentiary record during the public hearing. As noted above, it is essential to have a professional review of all technical and design-related issues, performed with an appropriate degree of scrutiny and with complete independence. The strength of any decision, if challenged through an appeal, rests on foundation of the evidentiary record. For this reason, we strongly urge the Zoning Board to carefully select its peer review consultants for this and any other Chapter 40B application. We think it would be most prudent to employ experts and consultants who already work with town boards and departments, and who have the confidence of these boards and departments.

The Planning Board currently uses Tetra Tech, Inc.'s Marlborough office for its **general civil engineering** peer review assignments, for subdivision and special permit applications. Our primary contact is Sean Reardon, P.E.. Mr. Reardon performs peer review services, including for Chapter 40B applications, for other communities, including Medfield and Medway. We can strongly recommend him to the Zoning Board for this and any other Chapter 40B application.

The Planning Board also recommends that the Zoning Board retain an architect to perform an **overall design review** of the proposed Project. While we recognize that a design peer review is not typically undertaken in suburban Chapter 40B applications, the extreme intensity of use and the odd configuration and layout of the buildings and internal driveways proposed here warrants it, in our view. A design peer review can often provide helpful suggestions to improve a project through design changes to the building or landscaping features. Davis Square Architects, and its principal Clifford Bochmer, AIA, provides effective peer review consulting in Chapter 40B matters in other communities, and we can recommend him.


We also recommend that the Zoning Board retain a **traffic engineering peer review** consultant, given the internal and external traffic concerns discussed earlier in this letter. We recommend that TEC, Inc. be retained, since they performed the traffic safety analysis for the intersection of School Street, Plain Street and Commonwealth Road that will be impacted by this Project.

Finally, given the unique hydrology issues presented by this Project as discussed above, the Planning Board feels that a **hydrology peer review** consultant should be retained, to investigate the overall hydrological impacts from the septic and stormwater systems on the downgradient wetland ecosystem and adjacent certified vernal pools. We understand that the Conservation Commission has employed Patrick Garner in the past for peer review services, including for this Project, and we would support his involvement here. Another hydrologist with strong credentials is Scott Horsley of the Horsley Witten Group. The Board can provide complete contact information for all of these recommendations.

Wayland Zoning Board of Appeals
September 6, 2017
Page 6

Thank you for your diligence in protecting the Town's interests, and we look forward to providing more comments as the public hearing progresses.

Very truly yours,


Daniel C. Hill
Chair

cc: Town Planner
Board of Selectmen
Conservation Commission



Massachusetts
Housing
Partnership

4

September 08, 2017

Lea Anderson
Chair, Wayland Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Johnathan Sachs
Chair, Wayland Zoning Board of Appeals
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

160 Federal Street
Boston, Massachusetts 02110
Tel: 617-330-9955
Fax: 617-330-1919

462 Main Street
Amherst, Massachusetts 01002
Tel: 413-253-7379
Fax: 413-253-3002

www.mhp.net

PROJECT NAME: Brookside Cascade Wayland

Dear Ms. Anderson and Mr. Sachs:

I am pleased to inform you that the Massachusetts Housing Partnership ("MHP") has approved the application of the Town of Wayland for up to \$10,000 under the 40B Technical Assistance Grant program. This award is provided to the Zoning Boards of Appeal and will be used to pay for the consulting services of Joseph Peznola of Hancock Survey Associates to assist with the review of Brookside Cascade Wayland.

MHP's 40B Technical Assistance Grant program supports Zoning Boards of Appeal in reviewing applications for Chapter 40B Comprehensive Permits. Technical assistance is provided by qualified third-party professionals who are pre-approved by MHP. Consultants are hired to advise the ZBA and review technical reports submitted as part of a comprehensive permit application. The Ch. 40B technical assistance award is available for 12 months from the date of this letter. Repayment of these funds is not expected.

MHP will contract with the Program Consultant who will render services directly to the Town and shall be required to submit invoices to MHP, with a copy to the Town. MHP will make payment directly to the Program Consultant upon confirmation by the Town that the services were rendered and were deemed satisfactory.

As part of 40B Technical Assistance Grant program, an MHP evaluation form will be mailed to the municipality at the time the ZBA issues a decision for the project. It is the municipality's responsibility to notify MHP in a timely manner of the issuance of the decision.

MHP is pleased to offer support to this proposal. Please indicate your acceptance of this technical assistance by signing the enclosed original copies of the supplement attached and returning one to Philip Crean at 160 Federal Street, 2nd Floor, Boston, MA 02110.

Sincerely,

Susan Connelly
Director of Community Assistance

CC: Nan Balmer, Town Administrator



ATTACHMENT A: Award Letter Supplement
PROJECT NAME: Brookside Cascade, Wayland

MHP provides the following supplement to Zoning Boards of Appeal for use of the 40B Technical Assistance funds. If you should have questions please don't hesitate to contact MHP staff about your award, disbursement procedures or your consultant's technical assistance scope.

Use of Technical Assistance (TA) Funds

TA funds are to be used only for the engagement of an MHP 40B consultant to assist the ZBA in responding to the proposed project. MHP's technical assistance funds may not be used for services that are typically the financial responsibility of the developer, such as Peer Review of engineering, traffic, architecture and other technical issues. Legal costs for municipal counsel and mediation are not within the scope of our services.

Scope of Services for MHP 40B Consultants

Ideally consultants are engaged early enough in the review process to provide a training and education session to ZBA members, city boards and other interested citizens about the Ch. 40B process and proposal review.

Responding to the Developer's Proposal

Consultant services may include, but are not limited to the following:

- 1) Educating the Town boards about the comprehensive permit process as needed;
- 2) In conjunction with the Town, reviewing the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
- 3) Assisting the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies;
- 4) Facilitating productive discussion between the Town and the developer about the proposed development. Assisting the Town with negotiations as appropriate;
- 5) Advising Zoning Board of Appeals as needed.

Municipality's Responsibilities

Responsibilities of the municipality include:

- 1) Keeping MHP informed of any unusual delays in the decision schedule.
- 2) Notifying MHP, in a timely manner, of final decisions and/or permit issuance.

Billing Procedure

MHP prepares the contract for 40B technical assistance. MHP pays the consultant directly upon verbal or written authorization from the applicant for each invoice submitted.

AGREED AND ACCEPTED BY:

By: _____
 Chief Elected Official

By _____
 ZBA Chair

Date: _____
 Hereunto duly authorized

Date _____
 Hereunto duly authorized



ATTACHMENT A:
PROJECT NAME:

Award Letter Supplement
Brookside Cascade, Wayland

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- 2) In conjunction with the Town, reviewing the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
- 3) Assisting the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies;
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AGREED AND ACCEPTED BY:

By: _____
Chief Elected Official

By _____
ZBA Chair

Date: _____
Hereunto duly authorized

Date _____
Hereunto duly authorized




**Massachusetts
Housing
Partnership**

September 08, 2017

Lea Anderson
Chair, Wayland Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Johnathan Sachs
Chair, Wayland Zoning Board of Appeals
Town of Wayland
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Amherst, Massachusetts 01002
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Fax: 413-253-3002

www.mhp.net

PROJECT NAME: Windsor Place

Dear Ms. Anderson and Mr. Sachs:

I am pleased to inform you that the Massachusetts Housing Partnership ("MHP") has approved the application of the Town of Wayland for up to \$10,000 under the 40B Technical Assistance Grant program. This award is provided to the Zoning Boards of Appeal and will be used to pay for the consulting services of Joseph Peznola of Hancock Survey Associates to assist with the review of Windsor Place.

MHP's 40B Technical Assistance Grant program supports Zoning Boards of Appeal in reviewing applications for Chapter 40B Comprehensive Permits. Technical assistance is provided by qualified third-party professionals who are pre-approved by MHP. Consultants are hired to advise the ZBA and review technical reports submitted as part of a comprehensive permit application. The Ch. 40B technical assistance award is available for 12 months from the date of this letter. Repayment of these funds is not expected.

MHP will contract with the Program Consultant who will render services directly to the Town and shall be required to submit invoices to MHP, with a copy to the Town. MHP will make payment directly to the Program Consultant upon confirmation by the Town that the services were rendered and were deemed satisfactory.

As part of 40B Technical Assistance Grant program, an MHP evaluation form will be mailed to the municipality at the time the ZBA issues a decision for the project. It is the municipality's responsibility to notify MHP in a timely manner of the issuance of the decision.

MHP is pleased to offer support to this proposal. Please indicate your acceptance of this technical assistance by signing the enclosed original copies of the supplement attached and returning one to Philip Crean at 160 Federal Street, 2nd Floor, Boston, MA 02110.

Sincerely,



Susan Connelly
Director of Community Assistance

CC: Nan Balmer, Town Administrator



ATTACHMENT A: Award Letter Supplement
PROJECT NAME: Windsor Place

MHP provides the following supplement to Zoning Boards of Appeal for use of the 40B Technical Assistance funds. If you should have questions please don't hesitate to contact MHP staff about your award, disbursement procedures or your consultant's technical assistance scope.

Use of Technical Assistance (TA) Funds

TA funds are to be used only for the engagement of an MHP 40B consultant to assist the ZBA in responding to the proposed project. MHP's technical assistance funds may not be used for services that are typically the financial responsibility of the developer, such as Peer Review of engineering, traffic, architecture and other technical issues. Legal costs for municipal counsel and mediation are not within the scope of our services.

Scope of Services for MHP 40B Consultants

Ideally consultants are engaged early enough in the review process to provide a training and education session to ZBA members, city boards and other interested citizens about the Ch. 40B process and proposal review.

Responding to the Developer's Proposal

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- 1) Educating the Town boards about the comprehensive permit process as needed;
- 2) In conjunction with the Town, reviewing the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
- 3) Assisting the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies;
- 4) Facilitating productive discussion between the Town and the developer about the proposed development. Assisting the Town with negotiations as appropriate;
- 5) Advising Zoning Board of Appeals as needed.

Municipality's Responsibilities

Responsibilities of the municipality include:

- 1) Keeping MHP informed of any unusual delays in the decision schedule.
- 2) Notifying MHP, in a timely manner, of final decisions and/or permit issuance.

Billing Procedure

MHP prepares the contract for 40B technical assistance. MHP pays the consultant directly upon verbal or written authorization from the applicant for each invoice submitted.

AGREED AND ACCEPTED BY:

By: _____
 Chief Elected Official

By: _____
 ZBA Chair

Date: _____
 Hereunto duly authorized

Date: _____
 Hereunto duly authorized



ATTACHMENT A: Award Letter Supplement
PROJECT NAME: Windsor Place

MHP provides the following supplement to Zoning Boards of Appeal for use of the 40B Technical Assistance funds. If you should have questions please don't hesitate to contact MHP staff about your award, disbursement procedures or your consultant's technical assistance scope.

Use of Technical Assistance (TA) Funds

TA funds are to be used only for the engagement of an MHP 40B consultant to assist the ZBA in responding to the proposed project. MHP's technical assistance funds may not be used for services that are typically the financial responsibility of the developer, such as Peer Review of engineering, traffic, architecture and other technical issues. Legal costs for municipal counsel and mediation are not within the scope of our services.

Scope of Services for MHP 40B Consultants

Ideally consultants are engaged early enough in the review process to provide a training and education session to ZBA members, city boards and other interested citizens about the Ch. 40B process and proposal review.

Responding to the Developer's Proposal

Consultant services may include, but are not limited to the following:

- 1) Educating the Town boards about the comprehensive permit process as needed;
- 2) In conjunction with the Town, reviewing the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
- 3) Assisting the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies;
- 4) Facilitating productive discussion between the Town and the developer about the proposed development. Assisting the Town with negotiations as appropriate;
- 5) Advising Zoning Board of Appeals as needed.

Municipality's Responsibilities

Responsibilities of the municipality include:

- 1) Keeping MHP informed of any unusual delays in the decision schedule.
- 2) Notifying MHP, in a timely manner, of final decisions and/or permit issuance.

Billing Procedure

MHP prepares the contract for 40B technical assistance. MHP pays the consultant directly upon verbal or written authorization from the applicant for each invoice submitted.

AGREED AND ACCEPTED BY:

By: _____
 Chief Elected Official

By _____
 ZBA Chair

Date: _____
 Hereunto duly authorized

Date _____
 Hereunto duly authorized



RECEIVED

SEP 14 2017

Board of Selectmen
Town of Wayland

160 Federal Street
Boston, Massachusetts 02110
Tel: 617-330-9955
Fax: 617-330-1919

462 Main Street
Amherst, Massachusetts 01002
Tel: 413-253-7379
Fax: 413-253-3002

www.mhp.net

September 11, 2017

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

**RE: 40B Technical Assistance- Windsor Place and Brookside
Cascade**

Dear Ms. Balmer:

I have enclosed the town's award letter and a copy of the agreement between MHP and 40B consultant for the projects referenced above.

Also enclosed are two copies of an award supplement for each project. Please sign both copies. Send one to my attention and keep the second for your records.

Contact me at any time with any questions or concerns at pcrean@mhp.net or 857-317-8517.

Sincerely,

Philip Crean
Program Assistant
Community Assistance



**Massachusetts
Housing Partnership**
Moving affordable housing forward

Consultant: Hancock Survey Associates, Inc. - Joseph Peznola
Project: 40B TA-Brookside Cascade, Wayland
Amount: \$10,000
Completion Date: September 7, 2018
Account: 9350-350-230

CONTRACT FOR SERVICES

This Contract for Services ("Contract") is made as of this 8th day of September, 2017 by and between the Massachusetts Housing Partnership Fund Board, a body politic and corporate having its principal place of business at 160 Federal Street, Boston, Massachusetts 02110 ("MHP"), and Hancock Survey Associates, Inc. a corporation duly organized and existing under the laws of the state of Massachusetts, with a principal place of business at 315 Elm Street, Marlborough, Massachusetts 01752 ("Contractor").

1. Services.

Contractor agrees to provide timely the services described in Schedule A to this Contract (the "Services"). Contractor warrants that the Services will be consistent with generally accepted business practice in Contractor's area of expertise. Also, Contractor agrees that the Services will be completed on or before September 7, 2018 unless otherwise agreed in a writing signed by Contractor and MHP.

2. Compensation.

In full consideration for Contractor providing the Services and performing all Contractor's other obligations under this Contract, MHP agrees to pay the compensation described in Schedule B to this Contract (the "Compensation"). The maximum total amount paid to Contractor for providing the Services will be ten thousand dollars (\$10,000) unless otherwise agreed in a writing signed by Contractor and MHP.

To the extent that Contractor is or may be deemed to be a state employee as defined in the conflict of interest law, Massachusetts General Law, Chapter 268A and the regulations promulgated thereunder, MHP shall require, as a condition to payment hereunder, the submission of a current Certificate of Completion of the on-line training course offered by the State Ethics Commission.

3. Termination.

Either party may terminate this Contract upon seven (7) days prior written notice to the other party. In the event of an unforeseen public emergency mandating immediate action, MHP may terminate this Contract without cause and without penalty upon immediate written notification to Contractor.

Upon termination of this Contract, Contractor will promptly submit to MHP a final invoice for work performed up to the effective date of termination.

Further, immediately upon any termination of this Contract or other termination of Contractor's right to possess and/or use Confidential Information (as defined in Section 5 herein), Contractor shall turn over to MHP (or destroy and certify the same in writing, if requested in writing by MHP) all disks, tapes, drawings, notes, memoranda, specifications, devices, documents, or any other tangible or intangible embodiments of any Confidential Information, as well as any documents created by Contractor containing, summarizing or referring to such information (including, without limitation, documents, tapes, electronic records, spreadsheets or data and/or reports, entries, email and all reports and documents generated therefrom and all other data and documents whether in electronic format, on CD, DVD or hardcopies) and shall deliver to MHP all finished or unfinished documents, work product, data, studies and reports, and all other property, prepared or purchased by Contractor in the course of performing the Services.

4. Independent Contractor

a. The parties intend and agree that Contractor and any subcontractor ("personnel") hired by Contractor are independent contractors and not employees or agents of MHP. Subject to the terms and conditions of this Contract, Contractor alone will control the manner and means by which the Services are provided to MHP. As neither Contractor nor its personnel hired are MHP's employees, MHP will not take any action or provide Contractor or its personnel with any benefits or commitments, including, without limitation, withholding of FICA (social security) from Contractor's payments; making state or federal unemployment insurance contributions on behalf of Contractor or its personnel; withholding of state and federal income tax from payments to Contractor; making disability insurance contributions on behalf of Contractor or its personnel; and obtaining worker's compensation insurance on behalf of Contractor or its personnel.

b. Contractor shall bear sole responsibility for payment of compensation to its personnel, including, if applicable, state and federal tax withholding, social security taxes, unemployment insurance, health or disability insurance, retirement benefits or other welfare or pension benefits, if any, to which such personnel may be entitled. Contractor agrees to defend, indemnify and hold MHP, its officers, directors, agents and employees and the administrators of MHP's benefits plans, harmless from and against any claims, liabilities, or expenses relating to such compensation, tax, insurance and benefit matters.

c. Contractor shall obtain and maintain in effect written agreements with personnel who participate in or perform any of the Services. Such agreements shall contain terms sufficient for Contractor to comply with all provisions of this Contract, and shall confirm that such personnel shall have no status as employees of MHP and claim under any MHP benefit plan, and shall ensure that such personnel have read and agreed to abide by the terms of this Contract, including, without limitation, paragraph 5.

5. Proprietary/Confidential Information.

Contractor agrees that any inventions, discoveries or improvements made, developed or conceived by Contractor during the performance of the Services will be the exclusive property of MHP, and Contractor will have no right, title or interest in any such proprietary information.

Contractor also agrees that Contractor will not disclose any "Confidential Information" as defined below in Section 5a, and will take reasonable steps to prevent the disclosure of Confidential Information by employees and agents of Contractor.

Contractor shall comply with M.G.L. c. 66A (fair information practices) if Contractor has access to personal information, as defined in M.G.L. c. 93H, or personal data, as defined in M.G.L. c. 66A and shall comply in all respects with the Contractor Certification attached hereto and made a part hereof.

a. **CONFIDENTIAL INFORMATION.** Confidential Information shall mean information that (i) is disclosed in writing or other tangible form to one party by the other party or by a person having an obligation of confidence to such party and is designated in such writing or tangible form as confidential or proprietary (or, if disclosure is made orally, is designated as confidential by the person disclosing the information or is of a nature that the recipient knew or reasonably should have known, under the circumstances, would be regarded by the owner of the information as confidential); (ii) is not generally known in the relevant industry or industry segment; and (iii) affords possessors of the information a commercial or business advantage over others who do not have the information; and (iv) to the extent not included in (i)-(iii) hereof, is information deemed confidential, described in Section 5b below.

Further, without granting by implication any rights with respect to any particular item of Confidential Information, the following also shall be deemed conclusively to be Confidential Information: (i) any data, information, documents, flow charts, logic diagrams, relating to the Confidential Information; and (ii) any accounting, financial or statistical data or information, sales and marketing information, development plans, business plans, strategies, forecasts, customer lists, customer data or the like, not generally known to the public.

b. **INFORMATION DEEMED CONFIDENTIAL.** Without limiting the provisions of the preceding paragraphs and whether or not otherwise meeting the criteria described therein, any and all documents, data, financial statements, or other information containing the identity of and/or pertaining to MHP borrowers or customers ("MHP Customers") and any and all financial information pertaining to MHP Customers as well as any documents created by Contractor containing, summarizing or referring to such information (including, without limitation, spreadsheets or data and/or reports, entries, email and all reports and documents generated therefrom and all other data and documents whether in electronic format, on CD, DVD or hardcopies) shall be deemed conclusively to be Confidential Information.

c. **SECURITY OF CONFIDENTIAL INFORMATION.** Contractor will maintain all such Confidential Information under secure conditions, using reasonable security procedures, practices and measures appropriate to the nature of the Confidential Information, and in any event not less than the same security procedures used by Contractor for the protection of its own Confidential Information of a similar kind, to protect Confidential Information from unauthorized access, destruction, use, modification or disclosure.

d. **NON-DISCLOSURE OBLIGATION.** Except as otherwise may be permitted by this Contract, Contractor shall not disclose any Confidential Information to any third party without the express prior written consent of MHP provided, however, that Contractor may disclose appropriate portions of Confidential Information to those of its personnel who have a substantial need to know the specific information in question in connection with Contractor exercise of rights or performance of obligations

under this Contract so long as all such personnel have been instructed that such Confidential Information is subject to the obligation of confidence set forth by this Contract.

e. **COMPELLED DISCLOSURE.** If Contractor is ordered by a court, administrative agency, or other governmental body of competent jurisdiction to disclose Confidential Information, or if it is served with or otherwise becomes aware of a motion or similar request that such an order be issued, then Contractor will not be liable for disclosure of Confidential Information required by such order if Contractor complies with the following requirements: (i) if an already-issued order calls for immediate disclosure, then Contractor shall move for or otherwise request a stay of such order to permit MHP to respond as set forth in this paragraph; (ii) Contractor immediately notifies MHP of the motion or order by the most expeditious possible means; and (iii) Contractor shall join or agree to (and in any case shall not oppose) a motion or similar request by MHP for an order protecting the confidentiality of the Confidential Information, including joining or agreeing to (and in any case not opposing) a motion for leave to intervene by MHP.

f. **COPYING OF CONFIDENTIAL INFORMATION.** Except as otherwise may be permitted by this Contract, Contractor shall not use, copy, duplicate, compile, disassemble, record, or otherwise reproduce any part of any Confidential Information, nor attempt to do any of the foregoing, without the prior written consent of MHP. Any tangible embodiments of Confidential Information that may be generated, either pursuant to or in violation of this Contract, will be deemed to be the sole property of MHP and fully subject to the obligations of confidence set forth herein.

g. **REPORTS OF MISAPPROPRIATION/UNAUTHORIZED DISCLOSURE/SECURITY BREACH.** Contractor shall immediately report to MHP any attempt by any person of which Contractor has knowledge or becomes aware to use, disclose or copy Confidential Information without authorization by MHP and the nature, circumstances and details of any such attempts and incidents, including at a minimum, the nature of the breach of security or unauthorized acquisition or use of Confidential Information; the number of individuals affected (if applicable); actions taken to address the security issues; measures taken to prevent similar security issues; and contact information for an individual at Contractor concerning the security issue.

6. Ownership of Work Product.

All Contractor's interim and final work product, including but not limited to all reports or other documents prepared pursuant to this Contract, shall be forwarded upon completion to MHP and shall become the exclusive property of MHP. MHP may duplicate, reproduce, publish, and distribute materials prepared pursuant to this Contract without providing additional compensation to Contractor.

7. Assignment / Delegation.

This Contract may not be assigned by Contractor without the prior written approval of MHP. The Services may not be subcontracted or delegated in whole or in part to any other person or entity without the prior written approval of MHP.

8. State Contract Certifications.

Contractor certifies, acknowledges and agrees that it shall observe and at all times material hereto be in compliance with the Contractor Certification annexed hereto and made a part hereof, and

that Contractor's representations and covenant concerning observance and compliance with the contents of the Contractor Certification shall be re-acknowledged and confirmed without further action on the part of the Contractor in connection with each and every future contract for goods and/or services, consulting contract, services contract, and memorandum of understanding between Contractor and MHP.

9. Indemnification.

Contractor will indemnify and hold harmless MHP, including its officers, agents and employees, against any and all claims, liabilities, losses, damages, costs and expenses that MHP may sustain or incur in connection with this Contract or arising out of the Services, including, but not limited to, the negligent, reckless or intentional conduct of Contractor or Contractor's agents or employees.

10. Miscellaneous.

This Contract contains the entire agreement of the parties and may not be modified except by agreement in writing signed by the parties. If any portion of this Contract is found to be unenforceable, the remaining portions of this Contract will continue to be enforced to the fullest extent permitted by law. Time is of the essence of this Contract. Any notice required or permitted to be given under this Contract will be deemed to have been given if in writing and delivered by hand or sent certified mail, postage prepaid, to the party at the address set forth above. This Contract will be governed by the laws of the Commonwealth of Massachusetts.

Signatures next page

IN WITNESS WHEREOF, the parties have entered into this Contract under seal as of the date set forth above.

MASSACHUSETTS HOUSING
PARTNERSHIP FUND BOARD

HANCOCK SURVEY
ASSOCIATES INC.

By: _____
Susan Connelly
Director of Community Assistance

By: _____
Name: _____
Title: _____
Hereunto duly authorized

Approved as to form: _____ Legal Counsel	_____	Date
Approved as to funds: _____ Chief Financial & Administrative Officer	_____	Date

Contractor's Tel. No. _____

Contractor's Fax No. _____

Contractor's Tax ID No. _____

Contractor is a minority business enterprise/sole proprietor ____
Contractor is a women's business enterprise/sole proprietor ____
Contractor is a MA Supplier Diversity Office (SDO) certified minority business enterprise ____
Contractor is a MA Supplier Diversity Office (SDO) certified women's business enterprise ____

CONTRACTOR CERTIFICATION

In connection with the engagement of Hancock Survey Associates, Inc. ("Contractor") a 40B Consultant for the Massachusetts Housing Partnership Fund Board, its successors and assigns, ("MHP") with regard to **40B TA- Brookside Cascade, Wayland**. Contractor hereby certifies to MHP, under the pains and penalties of perjury, as follows:

The Contractor is qualified to perform the engagement and possesses, or shall obtain, all requisite licenses and permits to complete performance under the engagement; the Contractor is in compliance with all federal and state tax laws, including M.G.L. c. 62C, sec. 49A; pursuant to M.G.L. c. 151A, sec. 19A and M.G.L. 152, the Contractor will comply with all laws and regulations relating to payments to the Employment Security System and required workers' compensation insurance policies; if consistent with accepted business practice in the area of the Contractor's expertise, the Contractor will carry professional and personal liability insurance sufficient to cover its performance under this engagement; the Contractor will comply with all relevant prevailing wage rate and employment laws; the Contractor is in compliance with the provisions of Section 7 of Chapter 521 of the Acts of 1990, as amended by Chapter 329 of the Acts of 1991, and 102 CMR 12.00, and the Contractor is either a "qualified employer" (the Contractor has fifty (50) or more full time employees and has established a dependent care assistance program, child care tuition assistance, or on-site or near-site child care placements) or an "exempt employer"; pursuant to M.G.L. c. 156B, sec. 109 (business corporations), c. 180, sec. 26A (non-profit corporations), and c. 12, sec. 8F (public charities), if applicable, the Contractor has filed all required certificates and reports with the Secretary of State and the Attorney General's Office; the Contractor is not currently debarred or suspended by the federal government or the State under any law or regulation, including Executive Order 147, M.G.L. c. 29, sec. 29F and M.G.L. c. 152, sec. 25C; the Contractor will comply with Executive Orders 130 (anti-boycott covenant), 346 (privatization and hiring state employees), M.G.L. c. 268A (the Conflict of Interest Law), M.G.L. c. 7, sec. 22C (companies with offices in Northern Ireland). Pursuant to Executive Order 481, that the Contractor shall not knowingly use undocumented workers in connection with the performance of this engagement; that pursuant to federal requirements, Contractor shall verify the immigration status of all workers assigned to such engagement without engaging in unlawful discrimination and that the Contractor shall not knowingly or recklessly alter, falsify or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of the engagement may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

For all contracts involving the Contractor's access to personal information, as defined in M.G.L. c. 93H, and personal data, as defined in M.G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth of Massachusetts Information Technology Division's Security Policies available at www.mass.gov/ITD under Policies and Standards.

Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under the engagement, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall:

- (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards and policies;
- (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's Security Policies ("Security Policies") available at www.mass.gov/ITD under Policies and Standards;
- (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors;
- (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss;
- (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Agreement, and any breach of these terms may be regarded as a material breach of this Agreement;
- (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements.

Breach of these terms may be regarded as a material breach of the engagement, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification, withholding of payments, contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to M.G.L. c. 93H and under M.G.L. c. 214, § 3B for violations under M.G.L. c. 66A.

HANCOCK SURVEY ASSOCIATES, INC.

By: _____

Name: _____

Its: _____

Date: _____

Hereunto duly authorized

This certification may be signed and photocopied to be attached to any Commonwealth Contract that does not already contain this Certification Language and shall be interpreted to be incorporated by reference into any applicable contract subject to Executive Order 504 for this Contractor.

Schedule A
Services

Contractor agrees to provide and oversee the following services for **40B TA- Brookside Cascade, Wayland**:

1. Educate the Town of Wayland ("Town") boards about the comprehensive permit process as needed.
2. In conjunction with the Town, review the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
3. Assist the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies, with specific attention to flooding concerns and process.
4. Facilitate productive discussion between the Town and the developer about the proposed development. Assist the Town with negotiations as appropriate.
5. Advise Zoning Board of Appeals as needed, with specific attention to identifying key areas of concerns, appropriate conditions in a decision, the 40B process, and other specific issues depending on the Town needs and consultant expertise.
6. Submit a written evaluation of your experience working with the ZBA and Town Boards. The evaluation is either attached to this contract or will be forwarded to you via email.

Schedule B
Compensation

Contractor shall bill MHP for Services at a rate of **\$200 per hour and 50% of the specified billing rate (and no mileage) for travel.** Maximum contract amount is \$10,000.

Contractor estimates s/he will spend **50** hours working on the project. Contractor will bill only for actual hours worked. Contractor will not bill in excess of the billing limit of \$10,000 without prior agreement.

If it appears that the actual number of hours necessary to complete the Services is in excess of the contract amount, Contractor will notify MHP and the Town/ZBA in a timely manner. It is MHP's expectation that any costs above the contract amount will be negotiated with, and paid for by, the town.

*The Commonwealth of Massachusetts is committed to providing citizens with open and transparent government. The legislature passed and the governor signed into law new transparency and accountability reforms as part of the FY 2011 Budget. Open Checkbook provides the public with easily accessible and understandable information to State Government spending. From the Open Checkbook website individuals can search details of state spending, see payroll and pension information and identify vendor payments. As a consultant to MHP, your company name and the amount you have been paid will be posted on Open Checkbook.



**Massachusetts
Housing Partnership**
Moving affordable housing forward

Consultant: Hancock Survey Associates, Inc. - Joseph Peznola
Project: 40B TA-Windsor Place, Wayland
Amount: \$10,000
Completion Date: August 2, 2018
Account: 9350-350-230

CONTRACT FOR SERVICES

This Contract for Services ("Contract") is made as of this 3rd day of August, 2017 by and between the Massachusetts Housing Partnership Fund Board, a body politic and corporate having its principal place of business at 160 Federal Street, Boston, Massachusetts 02110 ("MHP"), and Hancock Survey Associates, Inc. a corporation duly organized and existing under the laws of the state of Massachusetts, with a principal place of business at 315 Elm Street, Marlborough, Massachusetts 01752 ("Contractor").

1. Services.

Contractor agrees to provide timely the services described in Schedule A to this Contract (the "Services"). Contractor warrants that the Services will be consistent with generally accepted business practice in Contractor's area of expertise. Also, Contractor agrees that the Services will be completed on or before August 3, 2018 unless otherwise agreed in a writing signed by Contractor and MHP.

2. Compensation.

In full consideration for Contractor providing the Services and performing all Contractor's other obligations under this Contract, MHP agrees to pay the compensation described in Schedule B to this Contract (the "Compensation"). The maximum total amount paid to Contractor for providing the Services will be ten thousand dollars (\$10,000) unless otherwise agreed in a writing signed by Contractor and MHP.

To the extent that Contractor is or may be deemed to be a state employee as defined in the conflict of interest law, Massachusetts General Law, Chapter 268A and the regulations promulgated thereunder, MHP shall require, as a condition to payment hereunder, the submission of a current Certificate of Completion of the on-line training course offered by the State Ethics Commission.

3. Termination.

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Upon termination of this Contract, Contractor will promptly submit to MHP a final invoice for work performed up to the effective date of termination.

Further, immediately upon any termination of this Contract or other termination of Contractor's right to possess and/or use Confidential Information (as defined in Section 5 herein), Contractor shall turn over to MHP (or destroy and certify the same in writing, if requested in writing by MHP) all disks, tapes, drawings, notes, memoranda, specifications, devices, documents, or any other tangible or intangible embodiments of any Confidential Information, as well as any documents created by Contractor containing, summarizing or referring to such information (including, without limitation, documents, tapes, electronic records, spreadsheets or data and/or reports, entries, email and all reports and documents generated therefrom and all other data and documents whether in electronic format, on CD, DVD or hardcopies) and shall deliver to MHP all finished or unfinished documents, work product, data, studies and reports, and all other property, prepared or purchased by Contractor in the course of performing the Services.

4. Independent Contractor

a. The parties intend and agree that Contractor and any subcontractor ("personnel") hired by Contractor are independent contractors and not employees or agents of MHP. Subject to the terms and conditions of this Contract, Contractor alone will control the manner and means by which the Services are provided to MHP. As neither Contractor nor its personnel hired are MHP's employees, MHP will not take any action or provide Contractor or its personnel with any benefits or commitments, including, without limitation, withholding of FICA (social security) from Contractor's payments; making state or federal unemployment insurance contributions on behalf of Contractor or its personnel; withholding of state and federal income tax from payments to Contractor; making disability insurance contributions on behalf of Contractor or its personnel; and obtaining worker's compensation insurance on behalf of Contractor or its personnel.

b. Contractor shall bear sole responsibility for payment of compensation to its personnel, including, if applicable, state and federal tax withholding, social security taxes, unemployment insurance, health or disability insurance, retirement benefits or other welfare or pension benefits, if any, to which such personnel may be entitled. Contractor agrees to defend, indemnify and hold MHP, its officers, directors, agents and employees and the administrators of MHP's benefits plans, harmless from and against any claims, liabilities, or expenses relating to such compensation, tax, insurance and benefit matters.

c. Contractor shall obtain and maintain in effect written agreements with personnel who participate in or perform any of the Services. Such agreements shall contain terms sufficient for Contractor to comply with all provisions of this Contract, and shall confirm that such personnel shall have no status as employees of MHP and claim under any MHP benefit plan, and shall ensure that such personnel have read and agreed to abide by the terms of this Contract, including, without limitation, paragraph 5.

5. Proprietary/Confidential Information.

Contractor agrees that any inventions, discoveries or improvements made, developed or conceived by Contractor during the performance of the Services will be the exclusive property of MHP, and Contractor will have no right, title or interest in any such proprietary information.

Contractor also agrees that Contractor will not disclose any "Confidential Information" as defined below in Section 5a, and will take reasonable steps to prevent the disclosure of Confidential Information by employees and agents of Contractor.

Contractor shall comply with M.G.L. c. 66A (fair information practices) if Contractor has access to personal information, as defined in M.G.L. c. 93H, or personal data, as defined in M.G.L. c. 66A and shall comply in all respects with the Contractor Certification attached hereto and made a part hereof.

a. **CONFIDENTIAL INFORMATION.** Confidential Information shall mean information that (i) is disclosed in writing or other tangible form to one party by the other party or by a person having an obligation of confidence to such party and is designated in such writing or tangible form as confidential or proprietary (or, if disclosure is made orally, is designated as confidential by the person disclosing the information or is of a nature that the recipient knew or reasonably should have known, under the circumstances, would be regarded by the owner of the information as confidential); (ii) is not generally known in the relevant industry or industry segment; and (iii) affords possessors of the information a commercial or business advantage over others who do not have the information; and (iv) to the extent not included in (i)-(iii) hereof, is information deemed confidential, described in Section 5b below.

Further, without granting by implication any rights with respect to any particular item of Confidential Information, the following also shall be deemed conclusively to be Confidential Information: (i) any data, information, documents, flow charts, logic diagrams, relating to the Confidential Information; and (ii) any accounting, financial or statistical data or information, sales and marketing information, development plans, business plans, strategies, forecasts, customer lists, customer data or the like, not generally known to the public.

b. **INFORMATION DEEMED CONFIDENTIAL.** Without limiting the provisions of the preceding paragraphs and whether or not otherwise meeting the criteria described therein, any and all documents, data, financial statements, or other information containing the identity of and/or pertaining to MHP borrowers or customers ("MHP Customers") and any and all financial information pertaining to MHP Customers as well as any documents created by Contractor containing, summarizing or referring to such information (including, without limitation, spreadsheets or data and/or reports, entries, email and all reports and documents generated therefrom and all other data and documents whether in electronic format, on CD, DVD or hardcopies) shall be deemed conclusively to be Confidential Information.

c. **SECURITY OF CONFIDENTIAL INFORMATION.** Contractor will maintain all such Confidential Information under secure conditions, using reasonable security procedures, practices and measures appropriate to the nature of the Confidential Information, and in any event not less than the same security procedures used by Contractor for the protection of its own Confidential Information of a similar kind, to protect Confidential Information from unauthorized access, destruction, use, modification or disclosure.

d. **NON-DISCLOSURE OBLIGATION.** Except as otherwise may be permitted by this Contract, Contractor shall not disclose any Confidential Information to any third party without the express prior written consent of MHP provided, however, that Contractor may disclose appropriate portions of Confidential Information to those of its personnel who have a substantial need to know the specific information in question in connection with Contractor exercise of rights or performance of obligations

under this Contract so long as all such personnel have been instructed that such Confidential Information is subject to the obligation of confidence set forth by this Contract.

e. **COMPELLED DISCLOSURE.** If Contractor is ordered by a court, administrative agency, or other governmental body of competent jurisdiction to disclose Confidential Information, or if it is served with or otherwise becomes aware of a motion or similar request that such an order be issued, then Contractor will not be liable for disclosure of Confidential Information required by such order if Contractor complies with the following requirements: (i) if an already-issued order calls for immediate disclosure, then Contractor shall move for or otherwise request a stay of such order to permit MHP to respond as set forth in this paragraph; (ii) Contractor immediately notifies MHP of the motion or order by the most expeditious possible means; and (iii) Contractor shall join or agree to (and in any case shall not oppose) a motion or similar request by MHP for an order protecting the confidentiality of the Confidential Information, including joining or agreeing to (and in any case not opposing) a motion for leave to intervene by MHP.

f. **COPYING OF CONFIDENTIAL INFORMATION.** Except as otherwise may be permitted by this Contract, Contractor shall not use, copy, duplicate, compile, disassemble, record, or otherwise reproduce any part of any Confidential Information, nor attempt to do any of the foregoing, without the prior written consent of MHP. Any tangible embodiments of Confidential Information that may be generated, either pursuant to or in violation of this Contract, will be deemed to be the sole property of MHP and fully subject to the obligations of confidence set forth herein.

g. **REPORTS OF MISAPPROPRIATION/UNAUTHORIZED DISCLOSURE/SECURITY BREACH.** Contractor shall immediately report to MHP any attempt by any person of which Contractor has knowledge or becomes aware to use, disclose or copy Confidential Information without authorization by MHP and the nature, circumstances and details of any such attempts and incidents, including at a minimum, the nature of the breach of security or unauthorized acquisition or use of Confidential Information; the number of individuals affected (if applicable); actions taken to address the security issues; measures taken to prevent similar security issues; and contact information for an individual at Contractor concerning the security issue.

6. Ownership of Work Product.

All Contractor's interim and final work product, including but not limited to all reports or other documents prepared pursuant to this Contract, shall be forwarded upon completion to MHP and shall become the exclusive property of MHP. MHP may duplicate, reproduce, publish, and distribute materials prepared pursuant to this Contract without providing additional compensation to Contractor.

7. Assignment / Delegation.

This Contract may not be assigned by Contractor without the prior written approval of MHP. The Services may not be subcontracted or delegated in whole or in part to any other person or entity without the prior written approval of MHP.

8. State Contract Certifications.

Contractor certifies, acknowledges and agrees that it shall observe and at all times material hereto be in compliance with the Contractor Certification annexed hereto and made a part hereof, and

that Contractor's representations and covenant concerning observance and compliance with the contents of the Contractor Certification shall be re-acknowledged and confirmed without further action on the part of the Contractor in connection with each and every future contract for goods and/or services, consulting contract, services contract, and memorandum of understanding between Contractor and MHP.

9. Indemnification.

Contractor will indemnify and hold harmless MHP, including its officers, agents and employees, against any and all claims, liabilities, losses, damages, costs and expenses that MHP may sustain or incur in connection with this Contract or arising out of the Services, including, but not limited to, the negligent, reckless or intentional conduct of Contractor or Contractor's agents or employees.

10. Miscellaneous.

This Contract contains the entire agreement of the parties and may not be modified except by agreement in writing signed by the parties. If any portion of this Contract is found to be unenforceable, the remaining portions of this Contract will continue to be enforced to the fullest extent permitted by law. Time is of the essence of this Contract. Any notice required or permitted to be given under this Contract will be deemed to have been given if in writing and delivered by hand or sent certified mail, postage prepaid, to the party at the address set forth above. This Contract will be governed by the laws of the Commonwealth of Massachusetts.

Signatures next page

IN WITNESS WHEREOF, the parties have entered into this Contract under seal as of the date set forth above.

MASSACHUSETTS HOUSING
PARTNERSHIP FUND BOARD

HANCOCK SURVEY
ASSOCIATES INC.

By: _____
Susan Connelly
Director of Community Assistance

By: _____
Name: _____
Title: _____
Hereunto duly authorized

Approved as to form: _____ Legal Counsel	_____	Date
Approved as to funds: _____ Chief Financial & Administrative Officer	_____	Date

Contractor's Tel. No. _____

Contractor's Fax No. _____

Contractor's Tax ID No. _____

Contractor is a minority business enterprise/sole proprietor ____
Contractor is a women's business enterprise/sole proprietor ____
Contractor is a MA Supplier Diversity Office (SDO) certified minority business enterprise ____
Contractor is a MA Supplier Diversity Office (SDO) certified women's business enterprise ____

CONTRACTOR CERTIFICATION

In connection with the engagement of Hancock Survey Associates, Inc. ("Contractor") a 40B Consultant for the Massachusetts Housing Partnership Fund Board, its successors and assigns, ("MHP") with regard to **40B TA- Windsor Place, Wayland**. Contractor hereby certifies to MHP, under the pains and penalties of perjury, as follows:

The Contractor is qualified to perform the engagement and possesses, or shall obtain, all requisite licenses and permits to complete performance under the engagement; the Contractor is in compliance with all federal and state tax laws, including M.G.L. c. 62C, sec. 49A; pursuant to M.G.L. c. 151A, sec. 19A and M.G.L. 152, the Contractor will comply with all laws and regulations relating to payments to the Employment Security System and required workers' compensation insurance policies; if consistent with accepted business practice in the area of the Contractor's expertise, the Contractor will carry professional and personal liability insurance sufficient to cover its performance under this engagement; the Contractor will comply with all relevant prevailing wage rate and employment laws; the Contractor is in compliance with the provisions of Section 7 of Chapter 521 of the Acts of 1990, as amended by Chapter 329 of the Acts of 1991, and 102 CMR 12.00, and the Contractor is either a "qualified employer" (the Contractor has fifty (50) or more full time employees and has established a dependent care assistance program, child care tuition assistance, or on-site or near-site child care placements) or an "exempt employer"; pursuant to M.G.L. c. 156B, sec. 109 (business corporations), c. 180, sec. 26A (non-profit corporations), and c. 12, sec. 8F (public charities), if applicable, the Contractor has filed all required certificates and reports with the Secretary of State and the Attorney General's Office; the Contractor is not currently debarred or suspended by the federal government or the State under any law or regulation, including Executive Order 147, M.G.L. c. 29, sec. 29F and M.G.L. c. 152, sec. 25C; the Contractor will comply with Executive Orders 130 (anti-boycott covenant), 346 (privatization and hiring state employees), M.G.L. c. 268A (the Conflict of Interest Law), M.G.L. c. 7, sec. 22C (companies with offices in Northern Ireland). Pursuant to Executive Order 481, that the Contractor shall not knowingly use undocumented workers in connection with the performance of this engagement; that pursuant to federal requirements, Contractor shall verify the immigration status of all workers assigned to such engagement without engaging in unlawful discrimination and that the Contractor shall not knowingly or recklessly alter, falsify or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of the engagement may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

For all contracts involving the Contractor's access to personal information, as defined in M.G.L. c. 93H, and personal data, as defined in M.G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth of Massachusetts Information Technology Division's Security Policies available at www.mass.gov/ITD under Policies and Standards.

Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under the engagement, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall:

- (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards and policies;
- (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's Security Policies ("Security Policies") available at www.mass.gov/ITD under Policies and Standards;
- (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors;
- (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss;
- (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Agreement, and any breach of these terms may be regarded as a material breach of this Agreement;
- (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements.

Breach of these terms may be regarded as a material breach of the engagement, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification, withholding of payments, contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to M.G.L. c. 93H and under M.G.L. c. 214, § 3B for violations under M.G.L. c. 66A.

HANCOCK SURVEY ASSOCIATES, INC.

By: _____

Name: _____

Its: _____

Date: _____

Hereunto duly authorized

This certification may be signed and photocopied to be attached to any Commonwealth Contract that does not already contain this Certification Language and shall be interpreted to be incorporated by reference into any applicable contract subject to Executive Order 504 for this Contractor.

Schedule A
Services

Contractor agrees to provide and oversee the following services for **40B TA- Windsor Place, Wayland:**

1. Educate the Town of Wayland ("Town") boards about the comprehensive permit process as needed.
2. In conjunction with the Town, review the comprehensive permit application for completeness and appropriateness, with specific attention to specific issues depending on the Town needs and consultant expertise
3. Assist the Town and local ZBA to identify local concerns and issues that might require outside consultants and/or additional impact studies, with specific attention to flooding concerns and process.
4. Facilitate productive discussion between the Town and the developer about the proposed development. Assist the Town with negotiations as appropriate.
5. Advise Zoning Board of Appeals as needed, with specific attention to identifying key areas of concerns, appropriate conditions in a decision, the 40B process, and other specific issues depending on the Town needs and consultant expertise.
6. Submit a written evaluation of your experience working with the ZBA and Town Boards. The evaluation is either attached to this contract or will be forwarded to you via email.

Schedule B
Compensation

Contractor shall bill MHP for Services at a rate of **\$200 per hour and 50% of the specified billing rate (and no mileage) for travel**. Maximum contract amount is \$10,000.

Contractor estimates s/he will spend **50** hours working on the project. Contractor will bill only for actual hours worked. Contractor will not bill in excess of the billing limit of \$10,000 without prior agreement.

If it appears that the actual number of hours necessary to complete the Services is in excess of the contract amount, Contractor will notify MHP and the Town/ZBA in a timely manner. It is MHP's expectation that any costs above the contract amount will be negotiated with, and paid for by, the town.

*The Commonwealth of Massachusetts is committed to providing citizens with open and transparent government. The legislature passed and the governor signed into law new transparency and accountability reforms as part of the FY 2011 Budget. Open Checkbook provides the public with easily accessible and understandable information to State Government spending. From the Open Checkbook website individuals can search details of state spending, see payroll and pension information and identify vendor payments. As a consultant to MHP, your company name and the amount you have been paid will be posted on Open Checkbook.

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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

September 12, 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 plans a Special 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 residents can consider large projects in the context of a comprehensive, long term financial plan. Annual 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 residents 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 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 dated 8/17/17



DiNapoli, MaryAnn

From: Sarkisian, Sarkis
Sent: Thursday, September 14, 2017 10:26 AM
To: DiNapoli, MaryAnn
Subject: FW: Route 20 Wayland Schedule
Attachments: Wayland rt 20 9-11 (3).pdf

Importance: High

Very important for packets

From: Donnelly, Thomas P (District 3) (DOT) [<mailto:Thomas.P.Donnelly@dot.state.ma.us>]
Sent: Thursday, September 14, 2017 10:22 AM
To: Holder, Thomas; Sarkisian, Sarkis
Cc: Robida, James (DOT); Tannar, Ray (DOT); Pierce Charles (PJ Keating); Jeff Mccorkle Asst. CM (jmccorkle@pjkeating.com)
Subject: Route 20 Wayland Schedule

Good Morning

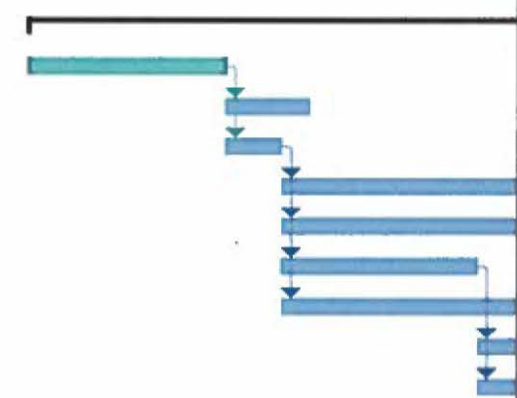
Please find the attached Schedule provided by MassDOT contractor P. J. Keating for the upcoming project. MassDOT has given the contractor permission to start installing construction signs and variable message boards.

We would like to meet the Town at 10:00 am on Monday September 18th in The Town Hall to answer any questions and concerns if possible. Please respond with a different time or date if this is not acceptable.

Thank you

Thomas P. Donnelly
Snow & Ice / Roadside Engineer
MassDOT District Three
508-929-3836

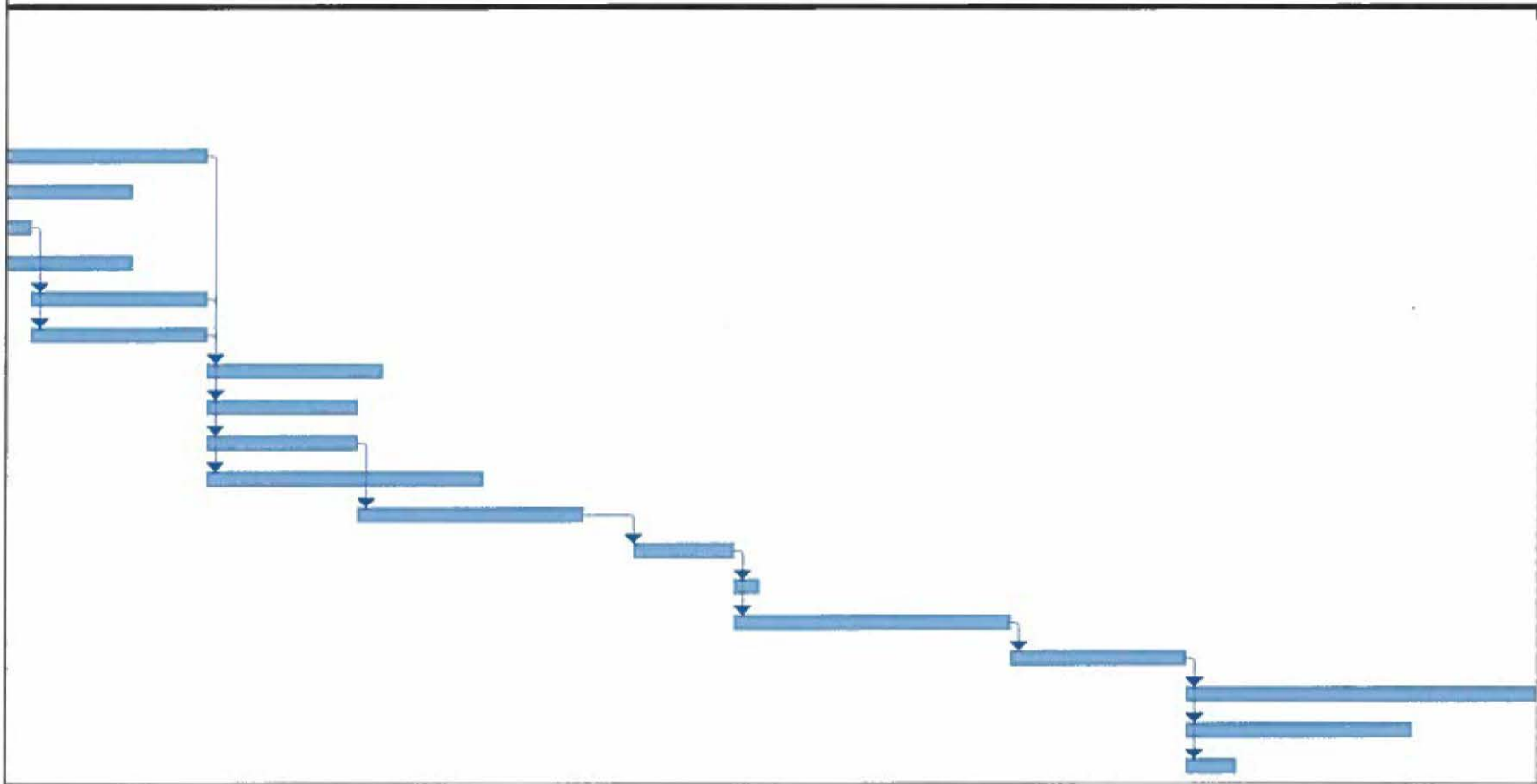
ID	Task Mode	Task Name	Duration	Start	Finish	September 2017												
						4	7	10	13	16	19	22	25	28				
1		Rt 20 Wayland																
2		Notice to proceed	54 days	Wed 9/13/17	Mon 11/27/17													
3		Schedule of Work	5 days	Wed 9/13/17	Tue 9/19/17													
4		Mobilization	3 days	Wed 9/20/17	Fri 9/22/17													
5		Saw cutting Asphalt Pavemen	2 days	Wed 9/20/17	Thu 9/21/17													
6		Unclassified Excavation	10 days	Fri 9/22/17	Thu 10/5/17													
7		Gravel Barrow/Grading sidew	7 days	Fri 9/22/17	Mon 10/2/17													
8		Remove/Reset Granite Curb	5 days	Fri 9/22/17	Thu 9/28/17													
9		Remove Asphalt Curb	7 days	Fri 9/22/17	Mon 10/2/17													
10		Granite Curb WCR Straight	5 days	Fri 9/29/17	Thu 10/5/17													
11		Granite Curb WCR Curved	5 days	Fri 9/29/17	Thu 10/5/17													
12		Form And Grade ADA Ramps	5 days	Fri 10/6/17	Thu 10/12/17													
13		Granite curb Type Va3 Straight	4 days	Fri 10/6/17	Wed 10/11/17													
14		Granite Curb Type Va3 Curve	4 days	Fri 10/6/17	Wed 10/11/17													
15		Asphalt Curb	7 days	Fri 10/6/17	Mon 10/16/17													
16		HMA Sidewalk	7 days	Thu 10/12/17	Fri 10/20/17													
17		Micromilling	4 days	Mon 10/23/17	Thu 10/26/17													
18		Temp Paint	1 day	Fri 10/27/17	Fri 10/27/17													
19		Adjust DI & CB & MH	7 days	Fri 10/27/17	Mon 11/6/17													
20		HMA SCC-12.5 MM Mainline	5 days	Tue 11/7/17	Mon 11/13/17													
21		Drives Excavaten & Grade	10 days	Tue 11/14/17	Mon 11/27/17													
22		Pave Drives	7 days	Tue 11/14/17	Wed 11/22/17													
23		Permanent Paint	2 days	Tue 11/14/17	Wed 11/15/17													



Project: Wayland Ma RT 20 570 Date: Mon 9/11/17	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Progress	
	Project Summary		Manual Summary		Manual Progress	
	Inactive Task		Start-only			
	Inactive Milestone		Finish-only			

October 2017 | November 2017 | Dec 2017

28 | 1 | 4 | 7 | 10 | 13 | 16 | 19 | 22 | 25 | 28 | 31 | 3 | 6 | 9 | 12 | 15 | 18 | 21 | 24 | 27 | 30



Project: Wayland Ma RT 20 570
Date: Mon 9/11/17

Task		Inactive Summary		External Tasks	
Split		Manual Task		External Milestone	
Milestone		Duration-only		Deadline	
Summary		Manual Summary Rollup		Progress	
Project Summary		Manual Summary		Manual Progress	
Inactive Task		Start-only			
Inactive Milestone		Finish-only			

RECEIVED

SEP -5 2017

Board of Selectmen
Town of Wayland

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

PS
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August 31, 2017

A. Alexander Weisheit
aweisheit@k-plaw.com

Middlesex County Sheriff's Department
Civil Process Division
271 Cambridge St.
Cambridge, MA 02141

Re: Town of Wayland, by and through its Building Commissioner v. John H. Archambault et al.
Land Court, Docket No. 17MISC000488

Dear Sir/Madam:

Enclosed for service please find a Summons, Civil Action Cover Sheet, and Complaint, with exhibits, relative to the above-referenced matter.

Please serve the enclosed **at the last and usual address** on the defendants at the following address:

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

Upon making service please forward your Return of Service to me for filing with the Court at your earliest convenience. If you have any questions, please do not hesitate to contact me.

Thank you for giving your attention to this matter.

Very truly yours,



A. Alexander Weisheit

AAW/eon

Enc.

cc: Board of Selectmen (w/o enc.)
Building Commissioner (w/o enc.)

591232/WAYL/0066

KP | LAW

The Leader in Public Sector Law

✓ (10)

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

September 11, 2017

Amy E. Kwesell
akwesell@k-plaw.com

Mr. John H. Archambault
Ms. Christine Moynihan
20 Millbrook Road
Wayland, MA 01778-2206

Re: Town of Wayland by and through its Building Commissioner v. John H. Archambault, et al.
Land Court, Misc. No. 17 MISC 000488

Dear Mr. Archambault and Ms. Moynihan:

Enclosed please find a copy of the Notice of Case Management Conference and Tracking Order.

Very truly yours,


Amy E. Kwesell

AEK/eon

Enc.

cc: Board of Selectmen (w/o enc.)
Building Commissioner (w/o enc.)
591820/WAYL/0066

RECEIVED

SEP 14 2017

**Board of Selectmen
Town of Wayland**



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



ROBERT IRVING
CHIEF OF POLICE

Monthly Update


August 2017

On August 25th, a Wayland man was arrested for Disorderly Conduct, Resisting Arrest and Marked Lanes Violation. Wayland officers had been assisting Natick Police with a lane closure on Route # 27 when the man drove his vehicle around several orange traffic barrels and drove for approximately 200 feet before being stopped by Sgt. Bill Smith. The man was uncooperative and exited his vehicle acting disorderly and aggressively towards officers at the scene. Based on the man's actions and his unruly behavior in public, officers placed him under arrest. When officers attempted to handcuff the man he resisted and had to be forcibly subdued. The man was booked at the police department and transported to Framingham District Court for arraignment.

During the month of August, one person was arrested for Operating with a Suspended License and a second person was arrested and charged on a default warrant issued by the Framingham District Court.

In August, the police department participated in the "Drive Sober or Get Pulled Over" campaign sponsored by the Massachusetts Highway Safety Division. The grant provides funding for increased police patrols to look for intoxicated operators and other motor vehicle infractions in an effort to make our roads safer. The grant will extend to September 4th.

As part of the emergency management function of the police department, support was given to the Wayland Fire Department to purchase a drone to be used for emergency operations. The drone can be used as an invaluable tool for search and rescue, damage assessment and fire detection. Funding for the drone purchase is possible through the use of funds in the Emergency Management budget for the town.


Robert Irving
Chief of Police

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

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

ARIDE (The Advanced Roadside Impaired Driving Enforcement)

MPTC

Franklin PD

Justen Kazan

August 7-8, 2017

Jennifer Ordway

Colin Fitzpatrick

August 31-Sept 1, 2017

Elder Abuse Training for Law Enforcement

REACH Beyond Domestic Violence

Watertown PD

Chris Cohen

August 10, 2017

Ken Davis

Tim Henderson

Lynnet Sloan

Elder Abuse Training for Law Enforcement

REACH Beyond Domestic Violence

Sudbury PD

Tyler Castagno

August 22, 2017

Chris Custodie

Sean Fitzgerald

Chris Hanlon

Mark Hebert

Justen Kazan

Jarrold Kullich

Completed 9-1-2017
Sgt. Gibbons

Wayland Police Department Detective Division Report for August 2017

INVESTIGATIONS

Drug Investigation
Drug Investigation
Noise complaints – Main Street
Larceny over \$250/CC Fraud – Boston Post Road
Larceny over \$250/Fraud – Smokey Hill Road
Suspicious Activity – Wisteria Way
Commercial Burglary – Cochituate Road
Commercial Burglary – Old Sudbury Road
Tagging – MWRA

MEETINGS/TRAININGS

Elder Abuse Training
Ethics Test
EMS Training
Youth Advisory Committee

MISCELLANEOUS

Bullet Proof Vest Grant
Framingham District Court MV/Criminal Hearings
PBT Accuracy check

COMMUNITY SERVICES

“Avita” Carriage House Tour
Council on Aging Prescription Take Back
Citizens Police Academy Prep
Carriage House BBQ

Kenneth M. Ferguson,
Chief

Steven D. Trask,
Executive Officer

Ronald Brandolini,
Deputy Chief

Kevin Slattery,
Deputy Chief

508-532-5926
508-532-5927
Fax 508-532-5899

Framingham Police Department

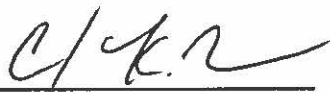
August 7, 2017

Wayland Police Department
Attn: Chief Robert Irving
38 Cochituate Road
Wayland, MA 01778

Chief Irving:

On July 20, 2017 Justin Breakspear, a dangerous felon with a long record of violent crimes and firearms offenses, who was armed with a semi-automatic rifle, fired upon Framingham Police Officers who responded to a domestic situation. Since this incident quickly consumed our resources, a call for mutual aid was made to surrounding law enforcement agencies and officers from the Wayland Police Department responded. The expertise and professionalism exhibited by your personnel helped bring what could easily have been tragedy to a safe and peaceful conclusion. On behalf of the Framingham Police Department, the Town of Framingham, the officers involved, and their family members and loved ones, I thank you and the members of your agency for the invaluable assistance provided on the night of July 20th.

Yours truly,



Kenneth M. Ferguson,
Chief of Police

1 William Welch Way
Framingham, MA 01702
www.framinghampd.org

Barbara Hayes Buell

8/4/17

Dear Officers:

Thank you for your visit to my house a few nights ago ^(8/2) when the lights triggered by a motion detector in our workshop went on (at 1:40 AM). You searched the house to be sure there were no intruders permitted me to get back to sleep. I'm sorry I didn't thank you right then.

Barbara Buell
43 Cochrane Rd.



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BoS

12

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

Wayland Board of Health Director's Report September 11, 2017

File alley project update: this project is now underway again and we are actively going through old files and cleaning things out. We plan to begin work again in the next couple of weeks.

Septic plan scanning-we are working on a plan to scan septic plans and title 5 inspection reports for availability online to reduce foot traffic in the office. Preliminary meetings will be taking place very soon with key contact people.

Septic work and building approvals- we are very busy with building approvals, septic design reviews and soil testing appointments. There are also many visits to our office by residents, builders/engineers, and for project submittals. We also continue to have numerous meetings with residents to provide guidance for potential home renovations/septic projects.

MHOA Conference-Health Agent Darren MacCaughey and I will be attending the Annual Educational MHOA Conference to be held November 15-17 in Falmouth to obtain credits for our licenses and obtain current information regarding regulation changes. I am one of the track chairs for the Wastewater track and have been assisting with coordinating speakers and subject matter for this track, and will also be assisting with introductions and setup during the conference.

Flu Clinics and Nursing-Flu clinic dates have been set for Senior Clinics as follows: Wednesdays 9/13 and 9/20 – 10-3pm, Tuesday 9/26 – 10-3pm, and Thursday 9/28 – 10-3pm. and for Community Clinics October 11, 18 and 25th from 2-7pm. Department staff and other key contacts have been working on a process improvement for our flu clinic registration and we plan to test the process with our Senior Clinics. If all goes well we will roll out for large clinics also, more information to come on this. A letter has gone out to families at the start of school regarding vaccine compliance. This is the first time a letter has been sent to families. We are working aggressively with all schools to ensure we have compliance around herd immunity.

Recreation Commission meeting on grass and artificial turf fields-We received an invitation to a meeting that is being held by the Recreation Commission regarding grass and artificial turf fields that will be held Tuesday September 12th at 7 pm in the Town Building. Board members are encouraged to attend.

Mosquito Control- On August 30th we were notified by MDPH that mosquitoes from testing locations in both North and South Wayland tested positive for West Nile Virus. A press release went out to the

public. People are encouraged to use repellent, and if possible avoid outdoor activity during peak mosquito times of day, also protect yards from becoming a breeding area for mosquitoes(until after the first hard frost). At this time Wayland remains at a low risk level for WNV and remote risk level for EEE. The first mosquito detection of Eastern Equine Encephalitis (EEE) was made in Bristol County on 8/16/17. MDPH also identified the first WNV human case of 2017, in Bristol County. We are receiving updates from Mass DPH regularly regarding mosquito testing results and levels of risk for communities within the state. We will continue to monitor the situation and any new reports from the state. The risk for human transmission of West Nile virus is highest in the months of August and September;

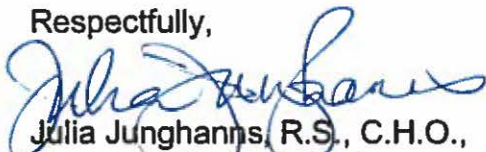
Both the Polystyrene Bylaw and Plastic Bag Bylaw have been approved by the Attorney General's office. The new bylaws will be effective February 4, 2018. We have done another round of outreach to share this information with the identified businesses/Food establishments and Farmers Market vendors. A letter was already distributed to all identified food establishments and farmers market vendors(115 letters sent). We have not had one inquiry or telephone call regarding the new bylaw.

Department staff has also been very busy working on the draft budget and the annual report. Department staff attended the department heads meeting where the budget process was reviewed as well as plans for upgrades to the town website as presented by the IT Director.

A meeting is planned for later this month to discuss the potential new permitting program for Land Use Departments and next steps.

I organized a walk through at the High School Wastewater Treatment Facility which took place on September 7th, a separate memo outlining the details is provided for review at this meeting. Also, a report from the Fire Chief is included, regarding a hazmat incident that took place in the facility on September 6th. An incident report was provided, as well as comments from the walk through, where he was also present.

Respectfully,



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

**Minutes of a Meeting of the
Wayland Community Preservation Committee
Planning Board Office
June 7, 2017**

APPROVED August 28, 2017

CPC Member Attendees: Gretchen Schuler, Chairman, Woody Baston, Maureen Cavanaugh, Susan Green, Ira Montague, Elisa Scola. These members represented a quorum of the Committee.

Other Attendees: Mike Lowery, Karen Lowery
The meeting was called to order at 7:40 p.m.

Public Comment: Mike Lowry submitted an application for the restoration and preservation of the Castle Gate stone pillars at the original entrance to the Mansion Inn (no longer extant). Following discussion, Community Preservation Committee (CPC) members expressed support of the project and agreed it could be presented at the Fall 2017 Special Town Meeting. He is scheduled to meet with the Wayland Historical Commission and asked that CPC the hold off voting until after those discussions.

Minutes: Woody Baston motioned for the minutes from the February 15, 2017 CPC meeting be approved. Elise Scola seconded the motion. The minutes were approved (6-0-0).

Invoices: Community Preservation Coalition membership dues need to be paid in July. In addition, the CPC will cover the legal fees for the Mainstone Farm. Maureen Cavanaugh motioned for the Coalition membership dues and Mainstone Farm closing legal fees be paid from the Community Preservation Act (CPA) Administrative Fund. Elise Scola seconded the motion. The payments were approved (6-0-0).

Wayland’s First High School – CPA Grant Agreement: The CPC discussed the need for a grant agreement for Wayland’s First High School in the form of a preservation restriction. The Board of Selectmen will hold the restriction, which will run for 30 years.

CPA Project Signs: Woody Baston has been working with the Department of Public Works to produce CPA project signs. The first sign should be ready in July. The wood sign will be supported by two metal posts.

Other Business:

Stone’s Bridge – Elisa Scola provided an update on the restoration of the Stone’s Bridge, which is currently out to bid. The work will encompass stabilizing the four footings and one or two of the arches.

CPC Fund: Elisa noticed some discrepancies in the CPA Historic Fund/Monument Fund. Gretchen will follow up and review the Historic Fund.

CPC Projects: The CPC discussed getting an update on current project at its next meeting (e.g., fire suppression, First Parish Church).

Next Meeting: TBD

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Maureen A. Cavanaugh

PUBLIC CEREMONIES COMMITTEE
Minutes of meeting on June 14, 2017

- 1) The committee meeting was called to order at 7:00 p.m.
In attendance: Richard Turner (RT), George Bernard (GB), Carl Bernardo (CB) and John Dyer (JD). Not Present: Dennis Berry (DB) and Stephen Streeter (SS)
- 2) Public Comment: No Public Comment
- 3) Old Business: Approved minutes from May 24, 2017.
- 4) New Business: There was a review of the Memorial Day parade and program on Monday, May 29, 2017. The following issues were discussed in anticipation for next year's program:
 - Request Wayland Junior High Band and/or Wayland High School Band to play additional songs at cemetery. Only one verse of song is currently played by the Wayland High School Band.
 - During the formation of the parade at the WMS request the younger Veterans visit the older Veterans as they sit on the Assisted Living Vans from Carriage House, Sunrise and Traditions.
 - Move podium up the hill and closer to the audience.
 - Wayland Middle School band is always last in the parade, not antique vehicles.
 - American Legion bus should be open for use to those participating in the program who do not want to walk back to the Middle School School after program concludes. This includes active military and speakers.
 - The video taping of the event did not go well. In the future, the videographer should be in a good location to record the parade. The beginning of the program at Lakeview Cemetery was not recorded and this must not happen again.
 - To save time, RT needs to have Master of Ceremony duties either on a laptop computer or on consecutive sheets of paper. The flipping of the three-ring notebook was time consuming and distracting from the program.

Other Business

- GB to have Freedom Essays in three-ring binders and distributed to Wayland High School, Wayland Library and Wayland Town Hall by June 24.

- SS requests two 100-foot-long cables for speaker system to spread them out for various events. This allows the sound system to be more effective. RT to order.
- GB and RT to send out thank you letters for the involvement of COL May and CSM Pintagro on Memorial Day.
- Eight Purple Heart signs have been received and will be installed by DPW at the entrances to Wayland. Many thanks to the Wayland DPW for ordering the signs. August 7, 2017 is Purple Heart Recognition Day. A brief ceremony is being planned by RT and CB for August 7.
- GB to work on Veterans Day program during the summer for a Saturday, November 11, 2017 program.
- RT to discuss Liability of Waiver form (with town officials) that Town of Wayland must provide Trinitarian Congregational Church for use of facilities in preparation of a Veterans Day program scheduled for November 11, 2017.
- RT to obtain quote from town officials on the installation of an electrical outlet at the town building to be used for ceremonies at the Wayland Veterans Memorial.

- Next meeting is Wednesday September 13.

Meeting adjourned at 8:45 P.M.

Respectfully submitted
George Bernard 6/17/2017

Approved By Unanimous Vote 09/13/17

Personnel Board Meeting
Wayland Town Building – Selectmen’s Office
Minutes
July 17, 2017 7:00 pm

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

Also Present: J. Senchyshyn (JS)

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

Public Comment

None.

Executive Session

MJ moved that the Personnel Board enter executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Hear a Step 2 Teamster Grievance; to Discuss Strategy for Collective Bargaining Negotiations for the Police, Fire, AFSCME 1, AFSCME 2, Library and Teamsters Bargaining Units; Review Proposed AFSCME 2 Agreement; Review and Potentially Approve the Executive Session Minutes of 6/19/17.

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

DC seconded the motion.

MJ took a roll call vote:

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

MJ announced that the Board will reconvene in open session in approximately 40 minutes.

The Chair invited K. Bergen, Teamster Rep and M. Maloney, Teamster to join the executive session.

The Board returned to open session at 8:15 pm.

Review of Job Descriptions for the Youth & Family Services Reorganization

JS reported on his last meeting with the members of the Y&F Services Department. He reviewed the final versions of the job descriptions.

DC moved to approve the job descriptions for the Youth and Family Services Director, the Asst. Youth Director/Clinical Supervisor and Clinician-PT. MP seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of Job Description – GIS Coordinator

JS reviewed the final versions of the GIS Coordinator job description.

MP moved to approve the job description for the GIS Coordinator. JG seconded the motion. Four members having voted in the affirmative, the motion passed.

Review of Job Description – Town Surveyor

JS reviewed the job description for the Town Surveyor. The department head duties had been removed. The incumbent requested a number of edits. The members reviewed the edits. The Board was not agreeable to changing the title. JS indicated that he wanted to review several of the proposed changes with the DPW Director. The consensus of the Board was that the job should be re-graded with the change in department head status. JS said he would bring the item back to the Board at the next meeting. Following the approval of a new job description and grade, the Board would address the reclassification request.

CSI Proposal

JS reviewed the status of the draft contract. It did not appear that the language issues with indemnifying the contractor could be resolved. The Board would be interested in alternative service providers.

Proposed Town Meeting Articles

JS presented 2 draft articles. The first article was for funding the initial year of settled collective bargaining agreements. The language for the article was suggested by Town Counsel. The second article was an across-the-board increase for non-union staff. This item was normally presented at Town Meeting in April, but it was delayed this year pending negotiations with the labor unions. JS reviewed the details in both articles.

The BOS would likely open the warrant in late August.

DC moved to approve the 2017 fall Town Meeting warrant article for the Wage and Classification Plan and the warrant article to fund the initial year of the settled Town collective bargaining agreements. JG seconded the motion. Four members having voted in the affirmative, the motion passed.

MJ signed both warrant article submittals.

Vote to Release Executive Session Minutes of 3/13/17

JS noted that the Board voted in executive session to release the executive session minutes of 3/13/17, but had not taken an open session vote to do so.

MP moved to release the executive session minutes of 3/13/17. JG seconded the motion. Four members having voted in the affirmative, the motion passed.

Minutes of 6/19/17

The Board reviewed the draft minutes of 6/19/17 and made the following edit.

... that Norma **Badger** is not ...

DC moved to approve the minutes of 6/19/17 as amended. JG seconded the motion. Four members having voted in the affirmative, the motion passed.

Update - Police Chief Search

JS provided the Board with an update on the Police Chief search. An Assessment Panel had been formed. It is comprised of 3 current and retired Police Chiefs. The Panel reviewed applicants. It was recommended to focus on applicants with Massachusetts police experience. Seven candidates were invited to interview with the Panel. Two subsequently withdrew. The remaining five will interview on 8/2. Those recommended by the Panel to continue would interview with a group of various town board members and department heads later in August. JS asked if a Personnel Board member would like to participate. MJ volunteered.

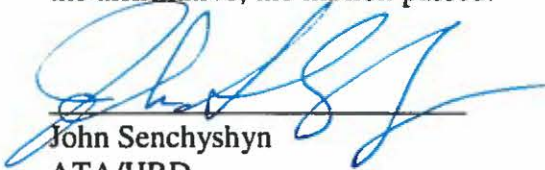
Update - Payroll Outsourcing

JS reported that 3 companies responded to the RFP. An internal committee reviewed the proposals and recommended a company for further feasibility discussions.

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting

None

DC moved to adjourn the meeting at 9:20 pm. JG seconded the motion. Four members having voted in the affirmative, the motion passed.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

July 17, 2017

Document:

Draft Minutes of 6/19/17

Draft Job Descriptions

Y&FS Director

Asst Youth Director/Clinician

Clinician

GIS Coordinator

Surveyor

ATM Articles

Non-Union FY 18 Increase

Settled CBAs

Personnel Board Meeting
Wayland Town Building – Selectmen's Office
Minutes
August 11, 2017 8:00 am

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

Also Present: J. Senchyshyn (JS);

MJ called the meeting to order at 8:01 am.

Public Comment

None.

Executive Session

MJ moved that the Personnel Board enter executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3) to Discuss Strategy for Upcoming Collective Bargaining Negotiations for the Police, Fire, AFSCME 1, and Library Unions.

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

DC seconded the motion.

MJ took a roll call vote:

Member Schneider	Aye
Vice Chair Peabody	Aye
Chair Jones	Aye

MJ announced that the Board will reconvene in open session in approximately 10 minutes.

The Board returned to open session at 8:12 am.

MP moved to adjourn the meeting at 8:13 am. PS seconded the motion. Three members having voted in the affirmative, the motion passed.



John Senchyshyn
ATA/HRD

Documents From Personnel Board Meeting

Regular Session

August 11, 2017

Document:

None



Town of Wayland Massachusetts

Finance Committee

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

FINANCE COMMITTEE

Minutes

**Wednesday, July 26, 2017
Wayland Town Building**

Attendance: D. Watkins, K. Shigley, C. Martin, G. Uveges, S. Correia, and W. Steinberg.

Call to Order: The meeting was called to order by Chair Watkins in the Board of Selectmen Meeting Room at the Town Building at 7:00pm. D. Watkins announced the meeting was being taped by WayCam. He then reviewed the agenda for the meeting.

Public Comment None.

ClearGov Demonstration by Chris Bullock; Discuss Recommendation to BoS: Finance Director B. Keveny briefly described ClearGov and introduced Chris Bullock who presented a quick history of the company, demonstrated how municipalities and the public are using the ClearGov app and discussed some of the product's features including benchmarking. Mr. Bullock added municipalities use ClearGov as a budget visualization tool and showed the Committee how the data can be broken out such as by population and home values.

C. Bullock also pointed out that it's possible for towns to add commentary to help add context to graphs and other visuals. He said a lot of school systems are coming on board to ClearGov and they have been adding non-financial data like test scores and Special Education information.

Due to a potential conflict of interest, D. Watkins recused himself. Vice-Chair Martin chaired this discussion and vote. G. Uveges asked if it was possible to compare budgets. C. Bullock said not yet, but ClearGov is responsive to suggestions from municipalities. To C. Martin's inquiry as to how other communities are communicating to residents that this information exists, C. Bullock replied via local press, Town Hall displays and embedding on website.

Carol Plumb, Bald Rock Road asked if electronics could be found in the budget. C. Bullock said that information is in there and ClearGov is working on how better to

primary and backup roles for Facilities. S. Correia said he will take the Concord, Sudbury River Stewardship Council and C. Martin will be backup as well as with the COA. S. Correia will be backup for C. Martin on the CPC and S. Correia will be the primary for Youth Advisory.

Liaison Roles and Responsibilities Liaison Communication Process:

D. Watkins stated he would like the Committee to share the results of their liaison meetings. He said everyone would be more informed as a group. The Committee agreed B. Keveny will distribute the liaison list at the department head meeting.

Discuss Chair and Vice Chair's Update/Debt Analysis Special Project:

D. Watkins stated the goal was peer understandings of where debt was in other towns. W. Steinberg said he talked to towns directly to get information in the past. D. Watkins suggested writing up a request to push the project forward.

C. Martin moved that K. Shigley write up a debt analysis special project request that D. Watkins will submit to the Town Administrator. Seconded by D. Watkins. Motion passed: 6-0-0. D. Watkins added that to be relevant the project needs to be done by September 30.

FY19 Budget Process Discussion: C. Martin reported that the Board of Public Works (BoPW) has been working on the Water fund and in particular the reserve fund. She said they have asked for input and both she and G. Uveges have attended several of their meetings. S. Correia asked if there has been any further discussion on the future combination of wastewater with the DPW. C. Martin said she would follow up.

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

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the
within the next couple days.

d by S. Correia. Motion

Adjourn: C. Martin moved to adjourn at 9:17pm. Seconded by S. Correia. Motion passed: 6-0-0.

Respectfully Submitted,

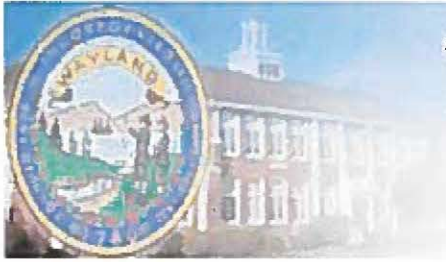
Katelyn O'Brien

Documents:

Source: D. Watkins:

Draft FY19 Liaison Assignments

**Source: B Keveny:
Multi Year Budget Model
Draft: Department Head Budget Memo**



Town of Wayland Massachusetts

Finance Committee

Steven Correia

Jen Gorke

Carol Martin (Vice Chair)

Klaus Shigley

William Steinberg

George Uveges

Dave Watkins (Chair)

FINANCE COMMITTEE

Minutes

Wednesday, August, 14, 2017

Wayland Town Building

7:00pm

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

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. D. Watkins announced the meeting was being taped by WayCam. He then reviewed the meeting agenda.

Public Comment: Carole Plumb, Bald Rock Road, asked if members have updated their conflict of interest paperwork as required by the state. She added the Town Clerk's office did not have updated paperwork on file for all members of the Committee.

Guideline Discussion with School Committee: School Committee member Kathie Steinberg came before the FinCom to formally request budget guidelines to help the School Committee prepare its budget. She said the school administrative team meets near the end of August for a retreat and any extra information would be helpful. Chair Watkins thanked Ms. Steinberg for her input. He said the FinCom's five-year model and budget guidelines should be ready in the September. K. Shigley reiterated there's a difference between the model and guidelines and cautioned not to confuse the model with what will ultimately become the budget.

Discuss Town Administrator's Memo Create Actions and Responses: D. Watkins said he received a response memo from Town Administrator N. Balmer stating the Town's financial advisor would be available to the Committee. Ms. Balmer said a meeting was a great idea and would like to include herself as well the Treasurer, Finance Director and the Board of Selectmen (BoS) liaison.

The Committee then discussed the meeting agenda. K. Shigley said it would be good to know if the financial advisor is an agent for the bank or a fiduciary for the town. After a

brief discussion, the Committee agreed that either way it would benefit from the Financial Advisor's expertise. D. Watkins suggested the Cap -X Stabilization Fund be included on the agenda. The Committee requested G. Uveges create the agenda for the meeting.

K. Shigley shared a memo with the Committee regarding bonds subject to refinance. After a brief discussion, W. Steinberg stated that if there is opportunities to refinance that the town's financial advisor should be looking at this and the Fincom should get a copy of a report each year. D. Watkins said currently the Finance Director and Treasurer work on this directly with the advisor. W. Steinberg stated and C. Martin agreed the Fincom should have that information. The Committee decided to add that bond refinancing to the agenda.

Other topics including comparisons of debt service for peer towns and bond-rating letters were added to the agenda. K. Shigley reiterated that the FinCom needs to know the financial advisor's role. C. Martin added that as with all consultants the Committee should listen and evaluate the advice given. The Committee agreed to proceed.

Report of the Finance Director Capital Memo: B. Keveny reported that the capital memo for department heads is the same as last year. He added his directive will be to review current budgets, start developing FY19 operating budgets and determine how to defend the budget requests.

B. Keveny asked the Committee if they would like department heads to fill out CIP forms for FY19, FY20 and FY21 capital requests. J. Gorke said yes. C. Martin said she likes the 3-year plan. W. Steinberg said he would like to see some level of detail on the status of their outstanding projects if they want new money allocated. C. Martin suggested asking departments heads for completion month and year when asking for a date of capital project completion. S. Correia stated that department heads should be able to provide a detailed explanation of unused capital funds that were appropriated in a prior year before requesting additional capital funds in FY19.

D. Watkins said Fincom doesn't do a great job at a 5-year plan. C. Martin said department heads should be reminded that as the Capital budget takes shape, any changes to the CIP should be forwarded to Brian for inclusion in the master capital budget file, as that is what will appear in the warrant.

Review of Q4 Results: Finance Director Keveny advised the Committee FY17 has closed, the auditors have completed their work, the DOR will be brought in next month and a draft of the financials will be ready in September. Discussing the FY17 fourth quarter results, B. Keveny stated overall it was a good year, with the motor vehicle category driving the bus. B. Keveny pointed out that while the FY17 turn back as stated as \$1.3M, once adjusted for funds sent to the water fund, turn back is actually \$1.2M. He noted that FY16 turnbacks were 2.5% last year and the FY17 was a little over 1.5% or on target. The Committee congratulated B. Keveny. A brief discussion ensued that included FY17 headcounts and turnover. Health Insurance was discussed and B. Keveny said they are going to watch the budget this year.

Discussing the Enterprise funds, B. Keveny said he's reviewing the Wastewater account since there appears to be significant unbudgeted revenue, the Water Fund is stable and the Transfer Station's fund balance has dropped below \$100K. W. Steinberg asked C.

Martin to look into if the number of people using the transfer station has been decreasing.

Discussion Regarding Fall Articles and Monetary Considerations: D. Watkins stated that historically FinCom has not entertained monetary articles at a Fall Town Meeting. Since a number of money articles are being considered for submission for the Fall/Special Town Meeting, Chair Watkins wanted to the Committee to discuss ahead of the August 30th article submission deadline.

S. Correia said fall town meeting has historically been about taking pressure off of Spring Town Meeting. He agreed it was appropriate to request no monetary articles for the Fall town meeting. Attendance is also lower at fall town meeting and that is not fair. K. Shigley agreed but said they should allow for some exceptions. After a brief discussion, the Committee authorized Chair Watkins to advise the Board of Selectmen that the FinCom requests its policy concerning money articles at November's Special Town Meeting be followed. The Committee then discussed several ideas to inform the public about impact potential capital projects will have on the tax rate and individual homeowner's tax bill including articles in the newspaper and possible public forums.

Review Draft of Wayland's Multi Year Budget Model Capital Projects: G. Uveges stated the model tweaks continue. Currently, waiting for capital project discussion with Unibank. K. Shigley added that they are not that far away.

Discussion Guideline Setting and Communication Discussion Regarding Debt Considerations and Communication: Topic deferred to future meeting.

Review Schedule Review Issues/Action List: After reviewing their upcoming schedule, the Committee decided not to meet on Aug. 28th. In addition, the meeting scheduled for 9/11/17 was moved to 9/14/17. The Committee added it was available to meeting with the financial advisor on 9/11, 9/14 or 9/25.

Liaison Assignment Review and Information Reporting : Chair Watkins distributed the most current liaison assignments. After a brief discussion, K. Shigley will take Board of Health, S. Correia will do Surface Water Quality and J. Gorke elected to take on Local Emergency and Dog Control.

Discuss Chair and Vice Chair's Update: Vice-Chair Martin stated her contact phone number was incorrect. Chair Watkins indicated the updated had taken place.

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

Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any: None

Meeting Minutes - Review and Vote to Approve: 7/19 Keveny, 7/26 Keveny: C. Martin moved to approve the minutes of 7/19/17 as written. Seconded by J. Gorke. Motion passed 7-0-0.

Adjourn: C. Martin moved to adjourn at 9:17 p.m. Seconded by J. Gorke. Motion passed: 7-0-0.

Respectfully Submitted,

Katelyn O'Brien

Documents:

Source: D. Watkins:

Town Administrator Memo: Finance Committee Projects

Proposed 2017 Schedule

Draft FY19 Liaison Assignments

Source: B. Keveny:

Fiscal 2017 Budget Status Report

**Municipal Affordable Housing Trust Fund (MAHTF)
Meeting Minutes – August 16, 2017**

Attendance: Mary Antes; Bob Duffy; Stephen Greenbaum; Brian O’Herlihy; and Mike Staiti.

Absent: Susan Weinstein

Others in attendance: Brian Boggia, Executive Director – Wayland Housing Authority.

Open Meeting: M. Antes called the meeting to order at 7:30 PM at the Wayland Town Building. B. O’Herlihy agreed to keep the minutes.

Public Comment: None.

Previous Minutes: July 18, 2017.

Materials Discussed/Distributed: MAHTF financial statements (unaudited) as of July 31, 2017 and annual report from the MAHTF to Community Preservation Committee (“CPC”).

Notes:

- 1) No public comment.
- 2) At 7:32 PM, M. Antes moved, seconded by B. Duffy, that the Trustees enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(6), (a) to consider the purchase, exchange, lease or value of real property. M. Antes, Chair, declared that an open meeting discussion with respect to the purchase, exchange, taking, lease or value of real property may have a detrimental effect on the negotiating position of the MAHTF and (b) to review and consider for approval and hold the executive session minutes for July 18, 2017. Roll call vote: YEA: M. Antes; B. Duffy; S. Greenbaum; B. O’Herlihy; and M. Staiti. NAY: None. ABSENT: S. Weinstein. ABSTAIN: None. Adopted 5-0. The Trustees will reconvene in open session in approximately one hour. M. Antes, Chair, invited attendance by B. Boggia, Executive Director - Wayland Housing Authority.
- 3) The Trustees reconvened in open session at approximately 8:55 PM.
- 4) The Trustees reviewed the draft minutes for the meeting held on July 18, 2017. B. Duffy moved approval of the minutes. M. Staiti seconded. Motion approved 4-0-1.
- 5) The minutes for the meetings held on June 7, 2017 and July 5, 2017 were unavailable for review.
- 6) B. O’Herlihy provided the report of the Treasurer which included a review of the MAHTF financial statements (unaudited) as of July 31, 2017.
- 7) B. O’Herlihy reviewed with the Trustees the annual report from the MAHTF to the CPC. M. Staiti moved approval of the report and authorized B. O’Herlihy to submit the report to the CPC. B. Duffy seconded. Motion approved 5-0.

MAHTF Minutes – 8/16/17
Page 2 of 2

- 8) M. Antes indicated the next meeting is scheduled for September 6, 2017. The Trustees agreed to defer a potential meeting with one or more members of Weston's affordable housing trust until the October 4, 2017 meeting.

Adjourn: B. Duffy moved to adjourn the meeting at approximately 9:10 P.M. S. Greenbaum seconded. Motion approved 5-0.

Respectfully submitted,

Brian T. O'Herlihy

BOS, HOLD 18



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

March 31, 2017

RECEIVED

SEP -5 2017

Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Board of Selectmen
Town of Wayland

Dear Board:

We are pleased to inform you that Chapter 90 local transportation aid funding for Fiscal Year 2018 will total \$200 million statewide, pending final legislative approval.

This letter certifies that, pending final passage of the bond authorization, your community's Chapter 90 apportionment for Fiscal Year 2018 is \$478,557. This apportionment will automatically be incorporated into your existing 10-year Chapter 90 contract, which will be available on the MassDOT website, <http://www.massdot.state.ma.us/chapter90>.

The Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

We would also like to encourage you to explore opportunities for additional infrastructure funding through MassDOT's Complete Streets and Municipal Small Bridge Programs (further information available at: <http://www.massdot.state.ma.us/>). For program specific questions please contact the following:

- **Chapter 90 Program** – Capital Budget Liaison Linda Chuang at (857) 368-9075 or Lijung.Chuang@dot.state.ma.us
- **Complete Streets and Municipal Small Bridge Program** - MassDOT Community Relations Director Rick Colon at (857) 368-9010 or Rick.Colon@dot.state.ma.us

Thank you for all that you do to make the Commonwealth of Massachusetts a great place to live, work and raise a family.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



MASSDOT STANDARD CONTRACT FORM

This form is issued and published by the Massachusetts Department of Transportation (MassDOT or Department). Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osd under [Guidance For Vendors - Forms](#) or www.mass.gov/osd under [OSD Forms](#).

CONTRACTOR LEGAL NAME: Town of Wayland (and d/b/a):	DEPARTMENT NAME: Massachusetts Department of Transportation MMARS Department Code: DOT
Legal Address: (W-9, W-4, T&C): 41 Cochituate Road Wayland, MA 01778	Business Mailing Address: 10 Park Plaza, Boston, MA 02116
Contract Manager: Tom Holder	Billing Address (if different):
E-Mail: tholder@wayland.ma.us	Contract Manager: Michelle Ho
Phone: 508-358-3678 Fax: 508-358-4082	E-Mail: Michelle.Ho@state.ma.us
Contractor Vendor Code: : VC6000192027	Phone: 857-368-8895 Fax: 857-368-0661
Vendor Code Address ID (e.g. "AD001"): AD001 . AD001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): INTF00X02018S0051018
<input type="checkbox"/> NEW CONTRACT	<input checked="" type="checkbox"/> CONTRACT AMENDMENT
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input checked="" type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	Enter Current Contract End Date Prior to Amendment: <u>June 30, 2017</u> Enter Amendment Amount: \$ ____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following MassDOT TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> MassDOT Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for MassDOT/Commonwealth owed debts under 815 CMR 9.00. <input checked="" type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). _____	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); x_ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Extending the original Chapter 90 Contract for 10 more years. Please note MMAS document identifiers have been adjusted.	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 3. were incurred as of ____, 20__, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth and MassDOT from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2027</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the MassDOT Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>4-13-17</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>NAN BALMER</u> Print Title: <u>TOWN ADMINISTRATOR</u>	AUTHORIZING SIGNATURE FOR MassDOT: X: <u>[Signature]</u> Date: <u>7/28/17</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: _____