

PACKET

OCT 30

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, October 30, 2017
6:40 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.

- 6:40 pm 1.) Open meeting and enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to discuss whether the Town should pursue legal proceedings with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(2), a discussion of the Town Administrator's contract, 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.) Appointments: Interview and vote to appoint candidate to the Wastewater Management District Commission
1. Wastewater Management District Commission
 - Uday Virkud
- 7:30 pm 5.) Special Town Meeting: Vote to sign the Special Town Meeting Warrant
- 7:35 pm 6.) Oxbow Meadows: Discuss and vote to sign the contract to construct Oxbow Meadows Field
- 7:50 pm 7.) FY19 Budget: Discuss FY19 Budget Guideline and Multi-year Financial Plan with Finance Director
- 8:10 pm 8.) FY19 Budget: Vote to approve and submit to the Finance Committee the FY19 Operating Budgets for Departments under the Board of Selectmen
- 8:25 pm 9.) Town Administrator Contract: Vote to approve Town Administrator Contract
- 8:30 pm 11.) Minutes: Vote to approve minutes of October 10, 2017

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Proposed Agenda Page Two

- 8:35 pm 12.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2), Section 21(a)(3), Section 21(a)(6), and Section 21(a)(7) to review and consider for approval the potential release of the following Executive Session minutes 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: September 27, 2017 and October 10, 2017
APPROVE AND RELEASE WITH REDACTIONS: September 5, 2017; September 18, 2017; and October 2, 2017
- 8:50 pm 13.) Executive Session Minutes: Vote to approve and hold the Executive Session minutes of September 27, 2017 and October 10, 2017; Vote to approve and release with redactions the Executive Session minutes of September 5, 2017; September 18, 2017; and October 2, 2017
- 8:55 pm 12.) Consent Calendar: Review and vote to approve (*see separate sheet*)
- 9:00 pm 13.) Review correspondence (*see separate index sheet*)
- 9:05 pm 14.) Report of the Town Administrator
1. Correspondence
- 9:10 pm 15.) Selectmen's reports and concerns
- 9:15 pm 16.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:20 pm 17.) Adjourn

4. Appointment to WWMDC

DATE: October 30, 2017

TO: Board of Selectmen

FROM: David Porter, Assistant to the Town Administrator and Board of Selectmen

RE: Interview for the Wastewater Management District Commission

Mr. Uday Virkud, a Wayland resident and registered voter, expressed interest in and willingness to serve as a member of the Wastewater Management District Commission. He will attend the Board of Selectmen meeting to introduce himself and answer any questions you may have.

Fred Knight, Chairman of the WWMDC, recommends Mr. Virkud's appointment for a three-year term ending on June 30, 2020.

6. Oxbow Meadows

DATE: OCTOBER 24, 2017
TO: BOARD OF SELECTMEN
FROM: NAN BALMER, TOWN ADMINISTRATOR
RE: OXBOW MEADOWS: CONSTRUCTION AGREEMENT

REQUESTED ACTION:

VOTE TO AUTHORIZE THE TOWN ADMINISTRATOR TO SIGN THE CONTRACT WITH NETCO CONSTRUCTION PROJECT MANAGERS, INC. FOR CONSTRUCTION OF AN ATHLETIC FIELD AT OXBOW MEADOWS

BACKGROUND:

The following update was provided by Katherine Brenna, Recreation Director:

- **OXBOW MEADOWS SITE LOCATION:**
91 Oxbow Road; Assessors Map 01, Lot 047 | 10.71 acres
North Wayland, Wayland-Lincoln town line
- **SUMMARY OF SITE HISTORY:**
1954 Nike Missile Site – Battery #73
1974 deactivated/decommissioned
2003 deemed excess real property by the General Services Administration (GSA)
2004 transferred to Town in Federal “Land to Parks Program”, Town established Nike Site Advisory Committee, and parcel was divided in two: Lot 2A for Affordable Housing built in 2008 (89 Oxbow Road), and Lot 1A for passive & active recreation.
2004 Town Meeting, \$200,000 of Community Preservation Act (CPA) funds were appropriated for the demolition of the existing structures including removal of asbestos and lead paint materials on both lots.
2015 ATM voted to design athletic field at Oxbow Meadows, Marshall Gary, LLC
2017 ATM voted to construct an athletic field at Oxbow Meadows Lot 1A.
- **CURRENT CONDITIONS**
Lot 1A IS currently an open flat meadow with a walking trail surrounding; Marshall Gary LLC design calls for a multi-purpose rectangular natural grass playing field, irrigation connected to town water supply, no field lights or significant structures, 55 total parking spaces where 10 already exist, existing trails will remain intact. Area will be maintained by DPW. It is essential to add another field in town to help rehab/rest other fields in town, and alleviate the well-documented over-usage of existing assets. (Gale Associates Report 2010 and 2014, Weston & Sampson 2016 Open Space and Recreation Plan.)

- **TOWN MEETING ACTION:**

- a. 2004 Special Town Meeting Vote to Acquire land (Lots 1A -Rec, 2A -Housing) and create Nike Site Reuse Advisory Committee (NSRAC)
- b. 2008 ATM passed \$250,000 CPA funds to work on Lot 2A for housing
- c. 2015 ATM passed (vote 83 to 67) to fund design study for Lot 1A Oxbow Meadows Site for Recreation; Contracted Marshall Gary LLC for design, \$20,000 CPC funds
- d. 2017 ATM voted to approve with 2/3 vote (252 to 64) to construct athletic field at Oxbow Meadows; additionally the article was supported unanimously by FinCom, CPC, Recreation, BoPW, and BOS. CPC Funds \$300,000 – low bidder is NETCO, for \$253,720, construction will not require taxpayer funds.

- **DESCRIPTION OF DRAFT AGREEMENT/CONTRACT WITH NETCO:**

Draft Contract is attached; the actual contract will have language in section 16-C, may have different dates and will have bid, insurance and IFB attached.

- **PROJECT TIMETABLE**

If contract is awarded now, aim to begin November 2017, Phase 2 and seed in Spring 2018, grass would establish for 2 growing seasons, available for play in Spring 2019.

WHY REC COMMISSION WANTS TO AWARD NOW

Timing of this project is critical, have already missed most of the 2017 fall growing season, awarding now would allow NETCO, Inc. to prep site this Fall to begin work in early spring, leading to use in Spring 2019. Property was tested before housing went in; nothing indicates that this parcel differs in any way from the parcel the housing unit was built on in 2008. It was deemed suitable for housing, a much higher litmus test than for a recreation field, where the project will go 18” – 2’ into ground. If we wait 9 months, we’d lose two growing seasons, and it wouldn’t be playable until Fall 2020.

- **SITE PLAN APPROVAL:**

August 9, 2017 Planning Board voted to approve with conditions the Site Plan for Oxbow Meadows Athletic Field with conditions to address concerns raised by neighbors.

MAJOR CONCERNS RAISED BY NEIGHBORS:

- **FIELD USAGE RESTRICTIONS**

Concern with out-of-town groups renting Oxbow: It is in the jurisdiction of the Recreation Commission to impose restrictions on any recreation site, currently out of town groups make up 10% or less of all usage.

- **PLANNING BOARD CONDITIONS:**

To address, noise, traffic, and unsightliness the Planning Board conditions limit hours/times of construction; limits on field usage hours, planting 6’ evergreens shading screening the parking lot; erosion controls, portable toilet, TEC revisit traffic study after completion, no scoreboards, lights, permanent seating, sound or concessions. No idling of vehicles.

- **CONSERVATION COMMISSION CONDITIONS:**
To address some concerns the Conservation Commission conditions limit square footage of impervious surface, removal of no more than 40 trees; planting plan to compensate for tree removal, graded to control runoff.

 - **ZBA and LAND COURT STATUS**
 - **RE: ENVIRONMENTAL TESTING**
Tetra Tech initial review 7/11/17 concurred with previous drainage/storm water, parking, environmental and traffic studies and **“do not expect there to be any outstanding environmental risks at the site.”**

 - ZBA ruled no jurisdiction, no buildings at 10/10 appeal
Zoning Board of Appeals had been provided a 9/26/17 opinion letter from Underground Energy, LLC recommending that additional testing be performed at the site of the proposed Oxbow Meadow soccer field.

Recreation, in response to opinion letter has contracted Tetra Tech to conduct second peer review to be completed by 10/30. The objective of Tetra Tech is to review an opinion letter from Underground Energy LLC and respond to the Town of Wayland Recreation Commission with recommendations.

 - **LAND COURT:**
Pending action in Land Court: November 20 hearing/conference – possible 9 month timeline
-

EXHIBITS:

1. Oxbow Meadows [Field Design Schematic](#)
2. Site Plan Approval – [Planning Board approval 8/8/2017](#)
3. ZBA Letter from Underground Energy, LLC (sent to BOS)
4. Tetra Tech Peer Review #1 and 10/30 response. (will provide on 10/30)
5. Draft Contract with *Netco Construction Project Managers, Inc. (attached)*
6. [Town Meeting Results](#)

DRAFT AGREEMENT

#18-1008

BETWEEN
THE TOWN OF WAYLAND, MASSACHUSETTS
AND
NETCO CONSTRUCTION PROJECT MANAGERS, INC.
FOR CONSTRUCTION SERVICES

THIS AGREEMENT made this _____ day of _____
in the year Two Thousand and Seventeen between **NETCO Construction Project Managers, Inc.**, with a usual place of business at **21 Worthen Road, Lexington, MA 02421**, hereinafter called the CONTRACTOR, and the Town of Wayland, MA, acting by its Board of Selectmen, with a usual place of business at 41 Cochituate Road, Wayland, MA 01778, hereinafter called the OWNER.

The CONTRACTOR and the OWNER, for the consideration hereinafter named, agree as follows:

1. Scope of Work

The Contractor shall furnish all labor, materials, equipment and insurance to perform all work required for the project known as the **Oxbow Meadows Athletic Field Construction Project**, in strict accordance with the Contract Documents and all related Drawings and Specifications. The said Documents, Specifications, Drawings and any GENERAL SUPPLEMENTARY CONDITIONS are incorporated herein by reference and are made a part of this Agreement.

2. Contract Price

The Owner shall pay the Contractor for the performance of this Agreement, subject to additions and deductions provided herein, in current funds, the sum of **\$253,720.00**.

3. Commencement and Completion of Work and Liquidated Damages

It is agreed that time is of the essence of this Agreement. The Contractor shall commence and prosecute the work under this Agreement upon execution hereof and shall complete the work on or before **April 30, 2018**.

A. Definition of Term: The Term "Substantial completion" shall mean the date certified by the Owner when construction is sufficiently complete, in accordance with the Contract

Documents, so the Owner may occupy the project, or designated portion(s) thereof, for the use for which it is intended.

- B. **Time as Essential Condition:** It is understood and agreed that the commencement of and substantial completion of the work are essential conditions of this Agreement. It is further agreed that time is of the essence for each and every portion of the Contract Documents wherein a definite and certain length of time is fixed for the performance of any act whatsoever; and where under the Contract Documents any additional time is allowed for the completion of any work, the new time fixed by such extension shall be of the essence of this Agreement. It is understood and agreed that the times for the completion of the work are reasonable, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.
- C. **Progress and Completion:** Contractor shall commence work promptly upon execution of this Agreement and shall prosecute and complete the work regularly, diligently and uninterruptedly at such a rate of progress as will insure Substantial Completion within the stipulated number of calendar days.
- D. **Liquidated Damages:** It is expressly agreed between the Contractor and the Owner that the Contractor will be responsible for all damages which may arise due to the Contractor's failure to substantially complete the work within the above specified time. If the Contractor shall neglect, fail or refuse to complete the work within the specified number of days, or any extension thereof authorized by the Owner, Contractor agrees, as a part of the consideration for the execution of this Contract by the Owner, to pay the Owner the amount specified herein, not as a penalty, but as liquidated damages for such breach of contract as hereinafter set forth, for each and every calendar day, excluding Saturdays, Sundays and legal Holidays, that the Contractor shall be in default of Substantial completion after the date specified in the Agreement. Due to the impracticability and extreme difficulty of fixing and ascertaining the actual damages the Owner would in such event sustain, said amount is agreed to be the amount of damages which the Owner would sustain, and said amount shall be retained from time to time by the Owner from current periodic estimates. The amount of liquidated damages shall be \$500.00 per day.

4. Performance of the Work

- A. **Direction of the Work:** The Contractor shall supervise and direct the Work, using his best skills and attention which shall not be less than such state of skill and attention generally rendered by the contracting profession for projects similar to the Project in scope, difficulty and location. The Contractor shall maintain adequate supervisory personnel at the project site during the performance of the Work. He shall be solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the Work under the Agreement.
- B. **Responsibility for the Work:** (1) The Contractor shall be responsible to the Owner for the acts and omissions of his employees, Subcontractors and their agents and employees,

and other persons performing any of the Work under a contract with the Contractor. This obligation shall also extend to the presence on the Site of suppliers of materials or equipment, their employees, contractors, and agents engaged in the work.

(2) The Contractor shall not be relieved from his obligations to perform the Work in accordance with the Contract Documents either by the activities or duties of the Owner in its administration of the Agreement, or by inspections, tests or approvals required or performed by persons other than the Contractor.

C. Permits and Fees: Unless otherwise expressly provided, the Contractor shall secure and pay for all permits and fees, licenses and inspections necessary for the proper execution and completion of the Work which are customarily secured after execution of the Agreement and which are legally required at the time the bids are received, and the same shall at all times be the property of the Owner and shall be delivered to the Owner upon completion of the Project.

D. Notices, Compliance With Laws: (1) The Contractor shall give all notices and comply with all federal, state and local laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the performance of the Work. The Contractor shall provide the Owner with reproductions of all permits, licenses and receipts for any fees paid. The Owner represents that it has disclosed to the Contractor all orders and requirements known to the Owner of any public authority particular to this Agreement.

(2) If the Contractor observes that any of the Contract Documents are at variance with applicable laws, statutes, codes and regulations in any respect, he shall promptly notify the Owner in writing, and any necessary changes shall be accomplished by appropriate modification.

(3) If the Contractor performs any Work which he knows or should know is contrary to such laws, ordinances, rules and regulations, and without such notice to the Owner, he shall assume full responsibility therefor and shall bear all costs attributable thereto.

(4) In the performance of the Work, the Contractor shall comply with all applicable federal, state and local laws and regulations including those relating to workplace and employee safety. The Contractor shall notify the Owner immediately of any conditions at the place of the work which violate said laws and regulations and shall take prompt action to correct and eliminate any such violations.

E. Project Superintendent: The Contractor shall employ a competent superintendent and necessary assistants who shall be in attendance at the Project site at all times during the progress of the Work. The superintendent shall represent the Contractor and all communications given to the superintendent shall be as binding as if given to the Contractor. Important communications shall be confirmed in writing. Other communications shall be so confirmed on written request in each case.

- F. Progress Schedule: The Contractor, immediately after being awarded the Contract, shall prepare and submit for the Owner's information an estimated progress schedule for the Work. The progress schedule shall be related to the entire Project to the extent required by the Contract Documents, and shall provide for expeditious and practicable execution of the Work.
- G. Drawings, Specifications and Submittals:
- (1) The Contractor shall maintain at the site for the Owner one record copy of all Drawings, Specifications, Addenda, Change Orders and other Modifications, and "As-Built" Drawings and Specifications in good order and marked currently to record all changes made during construction, and approved Shop Drawings, Product Data and Samples. These shall be delivered to the Owner upon completion of the Work.
 - (2) By approving and submitting Shop Drawings, Product Data and Samples, the Contractor represents that he has determined and verified all materials, field measurements, and field construction criteria related thereto, or will do so, and that he has checked and coordinated the information contained within such submittals with the requirements of the Work and of the Contract Documents.
 - (3) The Contractor shall not be relieved of responsibility for any deviation from the requirements of the Contract Documents by the Owner's approval of Shop Drawings, Product Data or Samples unless the Contractor has specifically informed the Owner in writing of such deviation at the time of submission and the Owner has given written approval to the specific deviation. The Contractor shall not be relieved from responsibility for errors or omissions in the Shop Drawings, Product Data or Samples by the Owner's approval thereof.
 - (4) The Contractor shall direct specific attention, in writing or on resubmitted Shop Drawings, Product Data or Samples, to revisions other than those requested by the Owner on previous submittals.
 - (5) No portion of the Work requiring submission of a Shop Drawing, Product Data or Sample shall be commenced until the submittal has been approved by the Owner. All such portions of the Work shall be in accordance with approved submittals.
- H. Protection of the Work and Owner's Property: The Contractor shall at all times safely guard the Owner's property from injury or loss in connection with this Agreement. He shall at all times safely guard and protect his own work, and that of adjacent property from damage. The Contractor shall replace or make good any such damage, loss or injury. The Contractor shall clean the work area and restore it to its original condition upon completion of the work.
- I. Quality of the Work: The Contractor shall perform the work in a good, workmanlike manner. The Contractor hereby guarantees that the entire work constructed by him under

the Agreement will meet fully all requirements thereof as to quality of workmanship and materials. The Contractor hereby agrees to make at his own expense any repairs or replacements made necessary by defects in materials or workmanship supplied to him that become evident within one (1) year after the date of the final payment, and to restore to full compliance with the requirements set forth herein any part of the work constructed hereunder, which during said one (1) year period is found to be deficient with respect to any provisions of the Contract Documents. The Contractor also agrees to hold the Owner harmless from claims of any kind arising from damage due to said defects. The Contractor shall make all repairs and replacements promptly upon receipt of written orders for same from the Owner. If the Contractor fails to make the repairs and replacements promptly, the Owner may do the work and the Contractor shall be liable to the Owner for the cost thereof.

- J. Warranty: The Contractor guarantees to Owner that all materials incorporated into the work will be new unless otherwise specified or agreed. Prior to final payment, the Contractor shall deliver to the Owner all manufacturers' warranties, together with such endorsements or assignments as are necessary to ensure to the Owner the full rights and benefits of such warranties.

5. Affirmative Action/Equal Employment Opportunity

The Contractor is directed to comply with all applicable State Laws, Ordinances, Bylaws, and rules and regulations regarding affirmative action/equal employment opportunity requirements. Failure of the Contractor to comply with any such law, rule or regulation shall constitute grounds for the Owner to terminate the Agreement.

6. Site Information Not Guaranteed; Contractor's Investigation

All information given in the Contract Documents relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources at present available to the Owner. All such information is furnished only for the information and convenience of the Contractor and is not guaranteed.

It is agreed and understood that the Owner does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures encountered during construction will be the same as those indicated in the Contract Documents.

Contractor has familiarized himself with the nature and extent of the Contract Documents, work, locality, and with all local conditions and federal, state, and local laws, rules, ordinances, and regulations that in any manner may affect costs, progress, or performance of the work. Contractor has made, or has caused to be made, examinations, investigations, and tests and studies of such reports and related data in addition to those referred to in the paragraph above as he deems necessary for the performance of the work at the Contract Price, within the Contract Time, and in accordance with the other Terms and Conditions of the Contract Documents; and no additional examinations, tests, investigations, reports, and similar data are or will be required by the Contractor for such purposes.

Contractor has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the Contract Documents. Contractor has given the Owner written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract Documents, and the resolution thereof by the Owner is acceptable to the Contractor.

It is further agreed and understood that the Contractor shall not use or be entitled to use any of the information made available to him or obtained in any examination made by him in any manner as a basis of or ground for any claim or demand against the Owner, arising from or by reason of any variance which may exist between the information made available and the actual subsurface conditions or other conditions or structures actually encountered during the construction work, except as may otherwise be expressly provided for in the Contract Documents.

7. Project Architect or Engineer

There **is** a project architect-engineer for this project who is **Marshall / Gary, LLC**. Except as otherwise indicated in the Contract Documents, the Architect/Engineer shall be a representative of the Owner and the Contractor shall direct all communications, questions and comments on the work and the performance thereof to the Architect/Engineer. Except as otherwise provided, the Architect/Engineer shall have all the authority of the Owner set forth in the Contract Documents. In general, the Architect/Engineer shall have the authority to review the performance of the work, reject work which is defective or otherwise does not comply with the Contract Documents and to order the Contractor to remedy defective work and take such actions which are necessary to make the work conform to the Contract Documents.

8. Wage Rates

Prevailing Wage Rates as determined by the Commissioner of the Department of Labor and Workforce Development under the provisions of Massachusetts General Laws, Chapter 149, Section 26 to 27G, as amended, apply to this project. It is the responsibility of the Contractor to provide the Town with certified payrolls and to comply with all requirements of the above-cited statutes.

The schedules of prevailing wage rates are included in the Contract Documents.

9. Payments to the Contractor

Within fifteen (15) days after receipt from the Contractor of a proper and satisfactory periodic estimate requesting payment of the amount due for the preceding month, the Owner shall have fifteen (15) days to make payment for:

- A. The work performed during the preceding month.
- B. The materials not incorporated in the Work but delivered and suitably stored at the site (or at some location agreed upon in writing) to which the Contractor has title, or to which a Subcontractor has title and has authorized the Contractor to transfer title to the Owner.

- C. Less the following retention items:
1. A retention based on an estimate of the fair value of the Owner's claims against the Contractor.
 2. A retention for direct payments to Subcontractors, if any, based on demands for same in accordance with the provisions of Section 39F of Chapter 30 of the General Laws.
 3. A retention not exceeding five percent (5%) of the approved amount of the periodic payment.
- D. After the receipt of a periodic estimate requesting final payment and within sixty-five (65) days after the Contractor fully completes the Work, or substantially completes the Work so that the value of the Work remaining to be done is, on the estimate of the Owner, less than 1% of the original Contract Price, or substantially completes the Work and the Owner takes possession or occupancy, whichever occurs first, the Owner shall pay the Contractor the entire balance due on the Contract less:
1. A retention based on an estimate of the fair value of the Owner's claims against the Contractor and of the cost of completing the incomplete and unsatisfactory items of work.
 2. A retention for direct payments to Subcontractors, if any, based on demands of same in accordance with the provisions of Section 39F of Chapter 30 of the General Laws, or based on the record of payments by the Contractor to the Subcontractors under this Contract if such record of payment indicates that the Contractor has not paid Subcontractors as provided in Section 39F of Chapter 30 of the General Laws.

If the Owner fails to make payment as herein provided, there shall be added to each such payment, daily interest at the rate of 3 percentage points above the rediscount rate than charged by the Federal Reserve Bank of Boston, commencing on the first day after said payment is due, and continuing until the payment is delivered or mailed to the Contractor; provided that no interest shall be due, in any event, on the amount of a periodic estimate for final payment until fifteen (15) days after receipt of such a periodic estimate by the Owner as provided in the first paragraph of this Article. The Contractor agrees to pay to each subcontractor a portion of any such interest paid in accordance with the amount due each subcontractor.

The Owner may make changes in any periodic estimate submitted by the Contractor and the payment due on said periodic estimate shall be computed in accordance with the changes so made, and such changes and any requirements for a corrected periodic estimate shall not affect the due date for the periodic payment or the date for the commencement of interest charges on the amount of the periodic payment computed in accordance with the changes made, as provided herein; provided further, that the Owner may, within seven (7) days after receipt, return to the Contractor for correction, any periodic estimate which is not in acceptable form or which

contains computations not arithmetically correct, and in that event, the date of receipt of such periodic estimate shall be the date of receipt of the corrected periodic estimate in proper form and with arithmetically correct computations. The date of receipt of a periodic estimate received on a Saturday shall be the first working day thereafter.

- E. Changes in the Work: No changes in the work covered by the approved Contract Documents shall be made without prior written approval of the Owner. Charges or credits for the work covered by the approved change shall be determined by one or more, or a combination of the following methods:
- (a) Unit bid prices previously approved.
 - (b) An agreed lump sum.
 - (c) The actual cost of:
 - (1) Labor.
 - (2) Materials entering permanently into the work.
 - (3) The ownership or rental cost of construction equipment during the time of use on the extra work.
 - (4) Power and consumable supplies for the operation of power equipment.
 - (5) Wages to be paid.

To the cost under (c) there shall be added a fixed fee to be agreed upon but not to exceed fifteen percent (15%) of the actual cost of work. The fee shall be compensation to cover the cost of supervision, overhead, bond, profit and any other general expenses.

- F. Claims for Additional Costs: If the Contractor wishes to make a claim for an increase in the Contract Sum, he shall give the Owner written notice thereof within twenty days after the occurrence of the event giving rise to such claim. This notice shall be given by the Contractor before proceeding to execute the Work, except in an emergency endangering life or property. No such claim shall be valid unless so made. Any change in the Contract Sum resulting from such claim shall be authorized by Change Order.

The Contractor hereby agrees that the Contractor shall have no claim for damages of any kind against the Town on account of any delay in the commencement or performance of the work and/or any hindrance, delay or suspension of any portion of the work including, but not limited to, any claims or damages on account of having to perform out of sequence work, claims for damages on account of loss of production or other interference with the work whether such delay is caused by the Town or otherwise, except as and to the extent expressly provided under G.L. c.30, §390 in the case of written orders by the

Town. The Contractor acknowledges that the Contractor's sole remedy for any such claim will be an extension of time as provided herein.

10. Final Payment, Effect

The acceptance of final payment by the Contractor shall constitute a waiver of all claims by the Contractor arising under the Agreement.

11. Contract Documents

The Contract Documents consist of the following, together with this Agreement:

Invitation to Bid
Instructions to Bidders
This Contract Form
Bid Form
Materials Payment Bond
Non-Collusion Certificate
Tax Compliance Certificate
Clerk's Certificate of Corporate Vote
Certificate of Insurance
General Conditions
Supplementary General Conditions
General Requirements
Specifications and Addenda
Contract Drawings
Schedule of Prevailing Wages

12. Terms Required By Law

This Agreement shall be considered to include all terms required to be included in it by the Massachusetts General Laws, and all other laws, as though such terms were set forth in full herein.

13. Indemnification

The Contractor shall indemnify and hold harmless the Owner from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising out of the performance of this Agreement when such claims, damages, losses, and expenses are caused, in whole or in part, by the acts, errors, or omissions of the Contractor or his employees, agents, subcontractors or representatives.

14. Insurance

The Contractor shall purchase and maintain such insurance as will protect both the Owner and the Contractor from claims which may arise under the Agreement, including

operations performed for the named insured by independent contractors and general inspection thereof by the named insured. In addition, the Contractor shall require its subcontractors to maintain such insurance. Coverage shall be provided for:

- .1 claims under workers' or workmen's compensation, disability benefit and other applicable employee benefit acts;
- .2 claims for damages because of bodily injury, occupational sickness or disease, or death of Contractor's employees;
- .3 claims for damages because of bodily injury, sickness or disease, or death of any person other than Contractor's employees;
- .4 claims for damages insured by usual personal injury liability coverage which are sustained (1) by any person as a result of an offense directly or indirectly related to the employment of such person by the Contractor, or (2) by any other person;
- .5 claims for damages, including damages to the Work itself, because of injury to or destruction of tangible property, including loss of use resulting therefrom; and
- .6 claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.
- .7 claims involving contractual liability applicable to the Contractor's obligations under Article 13.

The limits of liability for coverage required under the preceding paragraph shall be as Specified in the Supplemental Conditions.

Except for Workmen's Compensation, all liability coverage shall name the Town as an additional insured and shall provide for 30 days prior written notice to the Town of any modification or termination of coverage provided thereby. The Contractor shall provide the Owner with appropriate certificate(s) of insurance evidencing compliance with this provision prior to the commencement of any work under this Agreement.

15. Notice

All notices required to be given hereunder shall be in writing and delivered to, or mailed first class to, the parties' respective addresses stated above. In the event that immediate notice is required, it may be given by telephone or facsimile, but shall, to the extent possible, be followed by notice in writing in the manner set forth above.

16. Termination

A. Each party shall have the right to terminate this Agreement in the event of a failure of the other party to comply with the terms of the Agreement. Such termination shall be

effective upon seven days' notice to the party in default and the failure within that time of said party to cure its default.

- B. The Owner shall have the right to terminate the Agreement without cause, upon ten (10) days' written notice to the Contractor. In the event that the Agreement is terminated pursuant to this subparagraph, the Contractor shall be reimbursed in accordance with the Contract Documents for all Work performed up to the termination date, and for all materials or equipment not incorporated in the Work, but delivered and suitably stored at the site. Payment for material or equipment stored at the site shall be conditioned upon submission by the Contractor of bills of sale or such other evidence as is satisfactory to Owner to establish the Owner's title to such material or equipment or otherwise protect the Owner's interests.
- C. **[Language to be included by Town Counsel for early termination.]**

17. Miscellaneous

- A. Royalties and Patents: The Contractor shall pay all royalties and license fees. He shall defend all suits or claims for infringement of any patent rights and shall save the Owner harmless from loss on account thereof, except that the Owner shall be responsible for all such loss when a particular design, process or the product of a particular manufacturer or manufacturers is specified; but if the Contractor believes or has reason to believe that the design, process or product specified is an infringement of a patent, he shall be responsible for such loss unless he promptly gives such information to the Owner, and thereafter the Owner insists on the use of the design, process or products specified.
- B. Assignment: The Contractor shall not assign or transfer any of its rights, duties or obligations under this Agreement without the written approval of the Owner.
- C. Governing Law: This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.
- D. By its signature hereon, the Contractor certifies, under the pains and penalties of perjury, that it has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

[Remainder of page intentionally blank.]

AGREED:

TOWN OF WAYLAND, MASSACHUSETTS
(Owner)

_____ Date: _____
Lea Anderson, Chair, Board of Selectmen

CONTRACTOR: _____

By _____ Date: _____

(Name)

(Title)

(Address)

(City and State)

Approved as Project Manager:

By _____ Date: _____
Katherine Brenna, Recreation Director

Approved as Architect/Engineer:

By _____ Date: _____
Marshall / Gary LLC

Approved as to Form:

By _____ Date: _____
KP Law, P.C., Town Counsel

In accordance with G.L. c.44, Section 31C, this is to certify that an appropriation in the amount of this contract is available therefor and that the Town Administrator has been authorized to execute the contract and approve all requisitions and change orders.

By _____ Date: _____
Brian, Keveny, Director of Finance

23201903-54199
Appropriation No.

Purchase Order No.

CERTIFICATE OF VOTE
(to be filed if Contractor is a Corporation)

I, _____, hereby certify that I am the duly qualified
(Secretary of the Corporation)

and acting Secretary of _____ and I further certify that a meeting of the

(Name of Corporation)

Directors of said Company, duly called and held on _____, at which
(Date of Meeting)

all Directors were present and voting, the following vote was unanimously passed:

VOTED: To authorize and empower

Anyone acting singly, to execute Forms of General Bid, Contracts or Bonds on behalf of the Corporation.

I further certify that the above vote is still in effect and has not been changed or modified in any respect.

By: _____
(Secretary of Corporation)

A True Copy:

Attest: _____
(Notary Public)

My Commission Expires: _____
(Date)



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BRIAN KEVENY
FINANCE DIRECTOR
TEL. (508) 358-3610
www.wayland.ma.us

To: Board of Selectmen
From: Brian Keveny, Finance Director
Date: October 25, 2017
Subject: Fiscal 2019 Operating Budget

I would like to take this opportunity to review with you the Multi Year Budget Model which was developed by the Finance Committee and myself. Over the course of the last few years the Finance Committee has expressed an interest in developing a long range budgetary model which would include both General Fund expenses and revenues. A long range model provides assumptions on the use of taxation and free cash as well as a projection of tax rates.

The Multi Year Budget Model was developed to include all reoccurring costs and potential new General Fund operating initiatives. Each town department payroll and non- payroll expense lines were evaluated and projections determined over a five year period. The School Department was also very helpful in providing a multi- year budget forecast. For Fiscal 2019 the following new expense initiative were included:

- 1) Creating and funding a Capital Stabilization Fund using Taxation as funding source \$400,000. This amount has now been reduced to \$100,000
- 2) Funding the school busing initiative as an Unclassified Budget line, \$271,000.
- 3) Including reoccurring capital expenses in operating budgets. Amounts need to be determined.
- 4) Adding new town and school employees and the related employee benefit costs.

Additionally the model eliminated the use of Free Cash to support the General Fund operating budget. This adjustment resulted in the increased use of taxation as an alternative. By incorporating both expense and revenue projections the model produced a projection which the Finance Committee considered in developing their Fiscal 2019 Budget Guideline. The following are Fiscal 2019 expense trends which totaled \$3,362,165.

- 1) Committed town and school payroll increases- \$1,272,413
- 2) Committed net change in Unclassified budgets-\$445,530
- 3) Potential town and school increases in non-payroll expenses-\$402,368
- 4) Potential new town FTE's and related benefit costs-\$600,000
- 5) Potential new Capital Stabilization Fund-\$400,000

Attached for your review is a detailed reconciliation of these projections. After the compilation of the model it was determined that additional school expenses were not included. The Finance Committee is aware of this issue. I look forward to review this with you on October 30, 2017.

	A	B	C	D	E	F	G	
	Totals 5-Year Model	Committed Increases	1 % increase above FY 18	New FY 19 Initiatives	Totals 5-Year Model	Adjustments to budget	Net Budget	
	77,090,084.00	-	-	-	77,090,084.00	-	77,090,084.00	
1	Town Payroll	238,963.73	238,963.73	-	-	238,963.73	-	238,963.73
2	School Payroll	1,033,450.21	1,033,450.21	-	-	1,033,450.21	-	1,033,450.21
	Unclassified							
3	Debt and Interest	(575,740.50)	(575,740.50)	-	-	(575,740.50)	-	(575,740.50)
4	Retirement	286,615.00	286,615.00	-	-	286,615.00	-	286,615.00
5	Insurance 328	575,824.00	575,824.00	-	-	575,824.00	-	575,824.00
6	Other Insurance	6,800.00	6,800.00	-	-	6,800.00	-	6,800.00
7	Medicare Tax	60,000.00	60,000.00	-	-	60,000.00	-	60,000.00
8	Resv Salary Adjustment	92,885.06	92,885.06	-	-	92,885.06	-	92,885.06
9	Town Expenses	271,229.03	-	271,229.03	-	271,229.03	-	271,229.03
10	School Expense	131,139.28	-	131,139.28	-	131,139.28	-	131,139.28
11	School Bus Parking	241,000.00	241,000.00	-	-	241,000.00	-	241,000.00
12	Capital Transfer	400,000.00	-	-	400,000.00	(400,000.00)	-	← Add to from \$0 balance
13	New FTE	600,000.00	-	-	600,000.00	(600,000.00)	-	← Add to from \$0 balance
14	Proposed Budget	80,452,249.81	-	-	-	80,452,249.81	-	79,452,249.81
15	\$ Inc. to Prior Year	3,362,165.81	1,959,797.51	402,368.31	1,000,000.00	3,362,165.81	(1,000,000.00)	2,362,165.81
16	5-Year Model % Inc. to FY 18	4.36%	0	0	0	0		3.06%
17	% Inc. to FY 18 Budget	-	2.54%	0.52%	1.30%	4.36%		
18	Rolling % Inc. to FY 18	-	2.54%	3.06%	4.36%			
18	% Inc. to 5-Year \$ Inc.	-	58.29%	11.97%	29.74%	100.00%		



 @waylandfincom

TOWN OF WAYLAND

41 COCHITUATE
ROAD
WAYLAND, MASSACHUSETTS 01778

FINANCE COMMITTEE

STEVEN CORREIA
JEN GORKE
CAROL MARTIN (Vice Chair)
KLAUS SHIGLEY
WILLIAM STEINBERG
GEORGE UVEGES
DAVE WATKINS (Chair)

TO: All Department Heads, Town Boards, Officers and Committees charged with the expenditure of Town money

FROM: Dave Watkins, Finance Committee Chair

DATE: October 2, 2017

SUBJECT: FY 2019 Finance Committee Budget Guideline

Per Town Bylaw 19-4, all Town boards, officers and committees charged with the expenditure of Town money must provide the Finance Committee with detailed estimates of the amounts you deem necessary for the administration of your respective board, office or committee for FY 2019, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in FY 2018. You must also file estimates of all probable items of income which may be received during FY 2019 resulting from the administration of your board, office or committee.

Due to expected limited growth in non-taxation revenue and anticipated fixed costs, the dependency on taxation to fund the budget will need to be carefully managed to support an overall budget increase of less than 3.5%. In FY 2019, the Town budget will increase because of committed¹ costs over FY 2018 of 2.5% or \$1.9M. The Finance Committee is requesting that any additional FY 2019 expenses above this increase be limited to \$600K between the Town and School. This increase is consistent with the FY 2018 increase in expenses, provides consistency year over year in Town taxation and is in line with the 5-year Finance Committee model.

Please represent a budget that you feel is necessary to support the needs of the community and that you can defend to the Finance Committee. Eliminate costs for anything you do not have to do in FY 2019 and subsequent years. As always in preparing your proposed FY 2019 budget, please strive to be as accurate as possible and identify and present efficiencies. We anticipate that most Departments will require few, if any, changes to their overall budgets. The Finance Committee understands that Departments need to meet their mandated and contractual obligations, and to present a budget that meets the needs of their constituents. Please be innovative as to how your budget, on a long-term basis, can help the Town to be efficient and effective in meeting our goal.

The Finance Committee is also committed to continue to increase our reserve balances. It is important that any expenditures be prioritized so that the Committee can adhere to their five-year plan.

¹ Committed costs include Town and School Payroll, Unclassified, Debt & Interest, Retirements, Insurance 32B, Other Insurance, Medicare Tax and Reserve for Salary Adjustment.

Consistent with the Finance Director's instructions, once your Board or Committee has approved your full-time equivalent (FTE) resources, please insert them in the budget. Departments should report on any new headcount by including planned salaries and benefits including planned exits and resulting new hires and planned part time or contingent positions.

In preparing your budgets for FY 2019, be mindful of your budgets to eliminate the probability of any large turnbacks. If you experienced a turnback in FY 2018, please work with the Finance Director to review your budget so that turnbacks are minimized in FY 2019.

In FY 2019, the Finance Committee will change from a consolidated review of the unclassified budgets to a budget that is broken out as unclassified but fully allocated to the Town and School. Prepare your budgets accordingly. For example, liability insurance costs, retirement, unemployment, should be broken about between the School and Town.

Lastly, provide sufficient detail so that the Finance Committee can most effectively review your budget for potential recommendation to the Town at ATM. Insufficient detail will result in process delays or our inability to recommend your budget.

Capital

Provide more detailed justification and any cost benefit information relevant to your requests. Review all open capital requests when the Finance Committee reviews your FY 2019 CIPs. Also, provide a status report on your open projects and be prepared to discuss any open balances from prior year requests.

FY 2019 Bond Rating Considerations

In February, 2017 Wayland was assigned Aaa with negative outlook by Moody's. The Finance Committee anticipates that Moody's will review the actions recommended and taken by Annual Town Meeting. In FY 2018 the Finance Committee recommended an operating budget that used \$500K of free cash. This year the Finance Committee will recommend that the use of Free Cash and Overlay Surplus be eliminated from the operating budget. It is important that Departments carefully evaluate the use of all sources of alternative funding versus borrowing with the Town Administrator and Finance Director since decisions on funding are made in collaboration and most often crafted by Town Administrator and Finance Director.

As in past years, budget meetings with the Finance Committee will be scheduled during evenings in January. The dates and specific times for these budget meetings will be distributed at a later date.

We thank you in advance for your assistance in the FY 2019 operating budget process. Attachments:

1. Finance Committee Liaison Assignments
2. Board of Selectmen Liaison Assignments

8. FY19 Operating Budgets

DRAFT

DATE: October 30, 2017

TO: Finance Committee

FROM: Nan Balmer, Town Administrator

RE: FY 19 Operating Budgets for Departments under jurisdiction of the Board of Selectmen

The Board of Selectmen voted on October 30, 2017 to submit to the Finance Committee preliminary FY19 operating budgets for departments and expenses under its jurisdiction. The operating budgets are provided to the Finance Committee in hard copy and will be supplemented at a later time by the Town Administrator's recommended operating budgets for departments not under the Board of Selectmen.

Please note the following requirements of the Wayland Town Code:

1. All departments must submit proposed operating and capital budgets to the clerk of the Finance Committee by December 15th.
2. The Town Administrator must provide recommendations on all capital and operating budgets by January 15th.

Please note as well that while the Finance Committee creates an Omnibus Budget for recommendation to Town Meeting, the Board of Selectmen, Town Administrator and other elected bodies of the Town together comprise the chief executive and managerial authorities and set departmental budget priorities for the Town. Therefore, please refer any requests for expenditure reductions to the Town Administrator, Board of Selectmen and other elected bodies.

As you may remember, the Board of Selectmen limited its requests for new funding in FY 18 and made budget cuts where possible for two reasons: 1) To provide leadership in the initiative to reduce the Town's reliance on free cash in filling operating budget deficits and, 2) To thoroughly document and justify all non school expenses.

This year, the Selectmen approved the submission of operating budgets including the highlighted changes below. A more detailed summary of budget changes is attached.

1. Improved Public Safety: The Selectmen have for several years considered and supported increased personnel in the Police Department (1 new Patrolman) and Fire Department (2 Fire Fighter / Paramedics). These positions are included for FY 19.
2. Legal Services: The Selectmen request additional funding for legal services for: 1) Labor Counsel - Additional hours are required due to the retirement of John Senchyshyn and the loss of his institutional knowledge and expertise, 2) Special Counsel for River's Edge - Upon approval of a site plan for the River's Edge project, the Town will become eligible for partial relief from the requirements of MGL "40B". 40B enables developers to construct new housing with limited regulatory oversight from the Town as long as affordable housing is included in the projects until the Town has at least 10% of its housing inventory certified by the Commonwealth as affordable.
3. Organizational Development: The Selectmen will continue to work to improve the Town's overall management structure, and especially will emphasize the financial management changes recommended to the Selectmen and Finance Committee by the Collins Center for Public Management under two MA Community Compact Best Practice Grants.

4. Professional Development and Training: A high priority Selectmen's goal to be carried out by a new HR Director will be increased performance evaluation and employee goal setting, combined with an organized program of training and career development opportunities for all staff. Additional funding is requested and will result in a payoff in improved service to residents and employee motivation.

Finally, for FY 19 the departmental budgets are again presented in a consistent, thorough and transparent way to justify all expenses, and provide a basis for management, accountability and cost control.

A public presentation on the Selectmen's FY 19 budget priorities and the budget development process will be provided upon request. Additional information will be provided to the Finance Committee as the FY19 budget process continues.

Thank you.

Nan Balmer
(508) 237-1330

DRAFT

9. Town Administrator Contract

DATE: October 30, 2017

TO: Board of Selectmen

FROM: David Porter, Assistant to the Town Administrator and Board of Selectmen

RE: Public availability of the Town Administrator Contract

The final Town Administrator Contract will be available to the public after it is discussed in Executive Session and approved in Open Session.

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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



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

DRAFT

BOARD OF SELECTMEN

Meeting Minutes

October 10, 2017

6:30 p.m.

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

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist (6:56 pm), Cherry C. Karlson

Absent: Douglas A. Levine

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resource Director John Senchyshyn

A1. 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 Selectmen's Meeting Room of the Wayland Town Building and noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM.

M. Antes stated that the Library and League of Women Voters are hosting a discussion on How to Talk to Legislators so They Will Listen, and the Historical Society will host an event on October 21st about ceramics and their history in Wayland. C. Karlson announced there would be a community forum about potential future uses for the 5 Concord Road Library Building on October 19th.

A2. Collins Center Projects: Overview of Financial Management Structure and Financial Policies Michael Ward and Rick Kingsley from The Collins Center came before the Board to discuss their recommendations for Wayland's financial management structure and financial policies. R. Kingsley stated that all financial policies should be evaluated and updated frequently. Some of the policies he discussed include free cash and reserve levels, revenue and expenditure forecasting, and capital financing. M. Ward discussed the management aspect of the report. He stated Wayland's structure is unable to adapt to all the changes in the public sector, and the Town's financial structure is fragmented and decentralized. The report breaks it down into four sections and M. Ward discussed three themes from the report including a clearer division of authority, financial policy making, and the annual budget process. He stated the Finance Director and Town Administrator both have weak and inconsistent authority in our current bylaws. The report gave recommendations that would bring the Town more in line with its peers and best practices. He noted that many of the recommendations would require bylaw changes, special acts or a new charter.

L. Jurist asked how Wayland became this way structurally. M. Ward said some municipalities have adapted to change quicker. L. Anderson noted that any policy needs the support of the legislative body (Town meeting) and the Board should do a better job educating the public about the policies so they will vote to change them. S. Correia, member of the Finance Committee, asked if Wayland should have a more centralized government structure, like a Town Manager. M. Ward said that is functionally what they are referring to in their recommendation whether the position is called a town administrator or a town manager. Finance Committee member Klaus Shigley asked how the town would get all the departments to report to the Town Administrator. M. Ward said the departments would move under the Town Administrator for their day-to-day responsibilities.

Finance Committee Chair D. Watkins asked about the exposure to costs and the risks of these costs.

At 7:20 pm, N. Balmer left to attend a portion of the Finance Committee meeting.

A3. Public Comment Bill Sterling discussed the three letters the Council on Aging requested that he write to the Board of Selectmen regarding the proposed COA/Community Center – reconvening the CoA/CC Committee, funding a contract to complete the analysis of space needs, and supporting a FY19 capital request for planning and design bid documents.

A4. FY19 Budget: Meet with department heads regarding new positions for departments under the Board of Selectmen

- **Conservation Department** Linda Hansen, Conservation Administrator, discussed the need for more hours for the position of Land Manager. She stated they would like to increase the hours from 19 to 28 so he can spend more time working on Conservation lands. The Town has added new properties (Mainstone) without increasing staff support. She stated the Conservation Commission voted to support the increase in hours and they will go to the Personnel Board next Monday if the Board of Selectmen supports it.
- **Council on Aging** Julie Secord, Director of Council on Aging (COA) and COA Board member Nancy Liefer attended to request increasing the Project Coordinator's hours from 18 to 24 (minimum) or 30 (maximum). J. Secord discussed the increase in demand of services and the diverse group of people who utilize Wayland's COA to support her request.
- **Fire Department** Fire Chief David Houghton and Deputy Chief Neil McPherson requested an increase in Fire Department staffing. They stated that the last time there was a staffing increase was in 1974. They request 2 new paramedic/firefighters which would allow them to run ALS 24 hours/day, 7 days/week. Chief Houghton stated they are far below their peer communities' staffing levels. He also explained how the success of the two new positions could be measured after a full year.
- **Police Department** Police Chief Patrick Swanick came before the Board to request one new police officer position. He discussed all the new projects (commercial and residential) coming into Wayland that increase the need and reviewed Department staffing levels.

N. Balmer returned to the meeting.

J. Senchyshyn asked the Board if they support the requests. M Antes said they are all legitimate requests. N. Balmer stated these positions are needed and she recommends that the Board approve them. The Board agreed to support the new personnel requests and asked J. Senchyshyn to take the request to the Personnel Board for consideration.

A5. Town Office Organization: Assistant Town Administrator N. Balmer discussed the questions the Board posed the last time the position of Assistant Town Administrator was discussed. She said she talked to The Collins Center about the Board's concerns. She said much of E. Doucette's job now is what would be required of the Asst. Town Administrator and that there will be time for her to do what's necessary. She stated E. Doucette is fully committed to the position for at least two years. M. Antes asked how HR Assistant Marianne Moore fits in to the whole picture and if the new HR Director needs to be full-time. N. Balmer stated while the Town might find itself overstaffed in the HR department in the long run, to start the HR Director will be busy with performance management and professional development. C. Karlson said she agrees separating the positions of Asst. Town Administrator and HR Director is the next step, but remains concerned about the sustainability of this staffing model, particularly looking at succession planning. She is worried about the longevity of knowledge in the office and the reality of E. Doucette's workload. N. Balmer stated that Doucette is already doing the job of Asst. Town Manager, but is just not official empowered. N. Balmer said she currently doesn't have an alternative solution. She would like to give employees in the Finance Department the opportunity to step up to take over E. Doucette's job duties. She discussed concrete ways to measure the success of the Assistant Town Administrator position. L. Anderson said she is inclined to agree

with this and understands C. Karlson's concern about succession planning. L. Jurist said he agrees and thinks N. Balmer should go forward with it. C. Karlson reminded the Board that it has no authority to staff the position as N. Balmer stated in her memo. C. Karlson said she is comfortable is the stand-alone position but still wants to make certain that the new job description is what the Town and Town Administrator really needs and wants to add value.

A6. FY19 Budget: Operating budgets for departments under the Board of Selectmen C. Karlson asked N. Balmer to explain the overall purpose and goals for this year's budget request. N. Balmer responded that the overall financial goal from last year of cost containment was achieved. This year the new initiative is personnel. She also mentioned accountability and transparency as key components. N. Balmer recommended still sticking to FinCom's goal of having a fiscally conservative budget. E. Doucette came before the Board to discuss some of the budgets under the Board, including the Selectmen's budget, legal budget, IT, Facilities, Police, Fire, COA. E. Doucette asked the Board how they would like the information organized in the future. C. Karlson requested information about the impact of personnel costs related to the STM articles and for year over year budget comparisons with explanations of changes. N. Balmer said she has told the Finance Director that the Board will vote on the budget on Oct. 30.

A10. Consent Calendar: Review and Vote to Approve (See Separate Sheet) M. Antes moved, seconded by C. Karlson, to approve the Consent Calendar. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0

A7. Special Town Meeting Articles: Discuss all articles; Potential vote to insert articles in Special Town Meeting Warrant and potential vote to take a position on Special Town Meeting Articles; Vote to order articles

C. Karlson moved, seconded by M. Antes that the BOS insert Article I "Appropriate Funds to Construct New Library Building." YEA: None. NAY: L. Anderson, M. Antes, L. Jurist, C. Karlson. ABSENT: D. Levine. ABSTAIN: none. Opposed 0-4

The Board discussed the Aqueduct Pedestrian Crossing Article. M. Antes said that S. Correia suggested it should be a DPW article and he feels this article can wait until ATM. L. Jurist asked about the safety issue. C. Karlson also brought up the liability perspective and noted the Board committed to constructing the crossings when it authorized signature of the MWRA's agreement. C. Karlson moved, seconded by M. Antes to insert and recommend approval of Article M "Appropriate Funds to Install Weston Aqueduct Pedestrian Crossing." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

C. Karlson suggested the Board discuss if requesting planning money is asking for a capital project. L. Jurist discussed how the field facilities are not usable, need to be updated and have become a safety issue. The Board discussed Article K "Synthetic Turf Field at Loker Conservation and Recreation Area" at great length.

L. Anderson stated she's not comfortable going ahead with Article K. C. Karlson asked L. Jurist if Facilities and Recreation could get this done in time for consideration at ATM. L. Jurist stated it would be a shame if all three recreation related articles weren't on the Warrant together.

L. Jurist moved, seconded by M. Antes, that the BOS insert and support Articles J "High School Stadium Complex Renovation Design Fees," and Article P "Appropriate Funds for Design of Part 2 of the High School Athletic Preferred Improvement Plan." YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

L. Jurist moved, seconded by M. Antes, that the BOS insert Article K "Synthetic Turf Field at Loker Conservation and Recreation Area" into the Warrant. YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

The Board decided not to take a position to support Article K at this time. They then discussed the order of the articles using the draft order in the packet. L. Jurist was concerned about the order of

the recreation articles since they are towards the end of the Warrant. He stated that the people who will want to vote for those articles might have issues staying until the end of the night.

C. Karlson moved, seconded by M. Antes, that the Board order the articles as presented with the amendment that Articles J, P, and K be moved to be considered after Article C "Gifts of Land". YEA: L. Anderson, M. Antes, C. Karlson, L. Jurist. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

A8. Town Administrator Review: Deliver final Town Administrator Evaluation and discuss Board of Selectmen goals L. Anderson presented the Town Administrator's evaluation. She said the Board has high expectations and N. Balmer either met the Board's expectations and/or was close to meeting the expectations. The discussion was organized along the lines of N. Balmer's goals. L. Anderson reviewed the contents of the evaluation and noted the evaluation would be available as part of the public record in J. Senchyshyn's office. Each Board member discussed their goals for the Board for the upcoming year, including a more centralized government, the River's Edge project, Town Center viability, long range planning, improving communications, and complete ongoing projects. C. Karlson noted that N. Balmer and Board members should be more aware of the evaluation timeframe next year.

A9. Minutes: Review and Vote to Approve Minutes of October 2, 2017 None.

A11. Review Correspondence (See Separate Index Sheet) L. Anderson noted several items on plowing private roads. M. Antes noted Correspondence item eleven regarding the town's receipt of the Sustainable Materials Recovery Program grant.

A12. Report of the Town Administrator

1. **ATM Schedule** The Board reviewed the latest calendar. N. Balmer will do a final review of the document.
2. **Private Roads** N. Balmer suggested that the Board might want to look at this issue as a discussion about adoption of the BoPW's suggested policy, timing of implementation, review the suggested roads and type of notification for residents. L. Jurist stated the Board needs sensitivity to the timeframe since residents need to be notified and given sufficient time to make plans. The Board decided to discuss and vote on this issue at the Oct. 30 meeting.

L. Jurist left the meeting at 10:10 pm.

3. **Article N: Non-medical/Recreational Marijuana Moratorium - Planning Board Hearing**
N. Balmer stated that Town Counsel has looked at the process around this requested change to the bylaws. Upon submission, the article was referred to the Town Planner, the Planning Board held an advertised public hearing and voted to support the article and the Board voted to insert the article into the Warrant.

A13. Selectmen's Reports and Concerns M. Antes discussed the Housing Trust's goal of looking for houses with enough land and space to have multiple units on the property and specifically spoke of the Hammond Way property. N. Balmer suggested asking the Housing Partnership's transaction counsel's opinion on the timing of purchase and adding a second unit. L. Anderson confirmed that everyone received the new Open Meeting Law regulations and inquired about a training session on the new Open Meeting Law. N. Balmer said D. Porter is working on that and will meet with D. Levine.

A14. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any None.

A15. Open Meeting and Enter into Executive Session Pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3), to Discuss Whether the Town Should Pursue Legal Proceedings with Respect to the Town's Agreement with Twenty Wayland, LLC, relative to Property and Development located off 400-440 Boston Post Road At 10:21 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)(3), to discuss whether the town should pursue legal proceedings with respect to the town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: L. Anderson, M. Antes, C. Karlson, NAY: none. ABSENT: D. Levine, L. Jurist. ABSTAIN: none. Adopted 3-0. The Chair invites attendance by Town Administrator Nan Balmer. The Board will reconvene in open session in approximately five minutes solely for the purpose of adjourning.

A15.) Adjourn There being no further business before the Board, M. Antes moved, seconded by C. Karlson, to adjourn the meeting at 10:35 p.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 October 10, 2017

1. Letter of 10/25/2017 from Bill Sterling to Board of Selectmen re: 5400.58-2-funding
2. Flyer for public forum titled "What do you think 5 Concord Road Should Become?" on Oct. 19
3. Email of 10/5/2017 from Carolyn Murray to Nan Balmer re: Loker/Dow Conservation Recreation area
4. Email of 10/6/2017 from John Kelly to Board of Selectmen re: Wayland Plowing Issue Oct. 10th Meeting.
5. Annual Town Election and Annual Town Meeting Schedule for 2018
6. Wayland Town Administrator 2017 Final Evaluation
7. Council on Aging – FY19 Budget Detail

Items Included as Part of Agenda Packet for Discussion During the October 10, 2017 Board of Selectmen's Meeting

1. Report on Financial Management Policies, Edward J. Collins Center for Public Management
2. Financial Management Structure Review (Draft, 10/03/2017), Edward J. Collins Center for Public Management
3. Position Modification Request Form – Land Manager (Conservation)
4. Executive summary, PowerPoint presentation, and New Position Request Form – Firefighter/EMT, A and B shift (Fire Department)
5. Memorandum re: Authorized Strength of the Police Department; and supporting material
6. New Position Request Form – Police Officer
7. Memorandum from N. Balmer re: Town Administrator's Office Organization
8. Memorandum from E. Doucette, Financial Administrator re: FY19 Draft Operating Budget for Departments under Jurisdiction of the Board of Selectmen (with attached report)
9. Memorandum from N. Balmer re: Special Town Meeting Articles
10. Article List for November 14, 2017 Special Town Meeting
11. Proposed STM 2017 Article Order (Draft for Discussion, October 10, 2017)
12. Memorandum from Linda Hansen, Conservation Administrator, to N. Balmer re: Weston Aqueduct Pedestrian Crossings
13. Massachusetts Water Resources Authority 8(m) Permit, No. 16-1784, May 2016 (with two figures, maps of public access path)
14. Construction Cost Estimate for Wayland Aqueduct crossing at Old Connecticut Path and Pine Brook Road
15. Construction Cost Estimate for Wayland Aqueduct crossing at Stonebridge Road
16. Photographs of Weston Aqueduct Pedestrian Crossings at Elm Street in Framingham and Sudbury River
17. Town Administrator's Report for week ending October 10, 2017
18. Annual Town Election and Annual Town Meeting Schedule for 2018



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, October 30, 2017
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road Wayland

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of re-appointing Joseph Nolan as Wayland's representative on the Metrowest Regional Transit Authority Advisory Board for a one-year term
3. Vote the question of approving a one-day liquor license for Russell's Garden Center for a Ladies' Night Out event to be held on Thursday, November 9, 2017



METROWEST REGIONAL TRANSIT AUTHORITY
Public Transportation System

37 Waverly St, Framingham, MA 01702

Ph. (508) 935 2222 • Fax (508) 935 2225 • Toll Free (888)996 9782 • www.mwrta.com

October 3, 2017

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

RECEIVED
OCT 06 2017
Board of Selectmen
Town of Wayland

Re: MWRTA Advisory Board

Dear Ms. Anderson:

Pursuant to Massachusetts General Law, Chapter 161B, Sections 3 & 5, each Chief Elected Executive Official of a city or town that is a member of the Authority, is that municipality's representative to the Authority's Advisory Board. The Chief Elected Executive may, in writing, appoint a designee to act for her/him on the Advisory Board.

Given that the majority of municipal elections in the MetroWest region are conducted in the spring, and that most of the boards of selectman are then re-organized where the Chairperson is likely to change, the MWRTA asks that each member community re-certify with the name and contact information of its representative to the Authority, in writing, as soon as a Chairperson is selected.

Advisory Board members have four major duties; hire an administrator, approve a budget, set fares, and finally, to advocate for their respective municipalities by working with the administrator to improve public transportation options as well as to be the conduit for their municipal officials to the Authority.

The Authority expects to meet at least on a quarterly basis, but may have a couple of monthly meetings when votes need to be taken. As the public transportation system grows and develops, the relationship between the Advisory Board members themselves has proven to be beneficial as a regional tool to begin initiatives in other important area of municipal concern, like planning and resource sharing. If I can provide assistance, or further information, please do not hesitate to contact me.

Sincerely,

Ed Carr
Administrator



October 23, 2017

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

I am the owner of 397 Boston Post Road in Wayland , MA and give my approval for wine tasting as one of the activities of our annual event Ladies' Night Out which will take place here at Russell's Garden Center on Thursday November 9.2017 from 4-8 pm. This is primarily a shopping event, customers come and go and do not stay for the entire four hours. Over the course of this four hour period we estimate, on the basis of sale transactions, that close to 400 people are in attend.
Thank you in advance for your consideration of our request.

Timothy H. Skehan
CEO
Russell's Garden Center
397 Boston Post Road
Wayland, MA 01778
508 358-2283 x 344
skehan@russellsgardencenter.com



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

TEL. (508) 358-7755
www.wayland.ma.us

APPLICATION FOR ONE DAY LIQUOR LICENSE

CHECK ONE

- Application by a manager for a one-day liquor license for the sale or service of BEER & WINE to be drunk on the premises
- Application by a manager of a nonprofit organization for a one-day liquor license for the sale or service of ALL ALCOHOLIC BEVERAGES OR BEER & WINE to be drunk on the premises

DATE OF EVENT BEING APPLIED FOR: THURSDAY NOVEMBER 9, 2017
 Exact times of the license: FROM 4:00 am/pm TO 8:00 am/pm

The undersigned hereby applies for a License for a One Day Liquor License in accordance with the provisions of the Statutes relating thereto:

Full name, address, phone(s), and email of the organization making this application:

RUSSELL'S GARDEN CENTER
397 BOSTON POST ROAD
WAYLAND, MA. 01778
508.358-2283x394 mariew@russellsgardencenter.com

Full name, address, phone (s), and email of the manager who shall be responsible for this license:

MARIE WINTER
RUSSELL'S GARDEN CENTER 397 BOSTON POST RD WAYLAND
508.358-2283 X394
MARIEW@RUSSSELLSGARDENCENTER.COM

Is the Applicant or Caterer TIPS Certified? Yes No If yes, please attach documentation.

Description of Event: LADIES NIGHT OUT - SHOPPING, MUSIC,
DEMONSTRATIONS, CHOCOLATE, WINE & FOOD SAMPLING

Number of Attendees _____ (If number of attendees exceeds 150 people, a police detail will be required)

Is the applicant a non-profit organization duly registered with the Secretary of State? If yes, please attach appropriate documentation.

Location where event shall be held:

Has the approval of the property owner been obtained? Yes No

Please supply written confirmation from the owner of the property stating that approval is given for the sale and service of alcohol, and the occupancy number for the location.

Has the applicant been issued similar license in Wayland in the past 12 calendar months?

Yes No If yes, when? OCTOBER, 2017

Please attach a floor plan or diagram (8 1/2 x 11 sketch is acceptable) showing the exact location within the event area where alcoholic beverages will be dispensed.

The applicant hereby states that the applicant has received a copy of the Licensing Authority's regulations pertaining to One Day Liquor Licenses and is aware of and shall comply with all applicable statutes, bylaws, and regulations.

Signature of Applicant: Marie M Winter Date: 10/24/17

Return this form, along with check for fee of \$25 made out to the TOWN OF WAYLAND, to:

BOARD OF SELECTMEN
Wayland Town Building
41 Cochituate Road
Wayland MA 01778

If you have any questions, please call MaryAnn DiNapoli, Executive Assistant, Board of Selectmen, at 508-358-3621, or email mdinapoli@wayland.ma.us.

A certificate of insurance, showing evidence that the applicant has appropriate liability insurance, must be included with this completed application.

Congratulations!

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

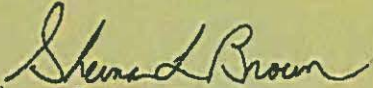
Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

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

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

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

Sincerely,



Sherman Brown

Senior Vice President, National Restaurant Association Solutions



ID # 8758908

CARD # 14215217

ServSafe Alcohol® CERTIFICATE

NOEL POWELL



NAME

10/5/2018

DATE OF EXAMINATION

Card expires three years from the date of examination. Local laws apply

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Sherman Brown
Senior Vice President, National Restaurant Association Solutions

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

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



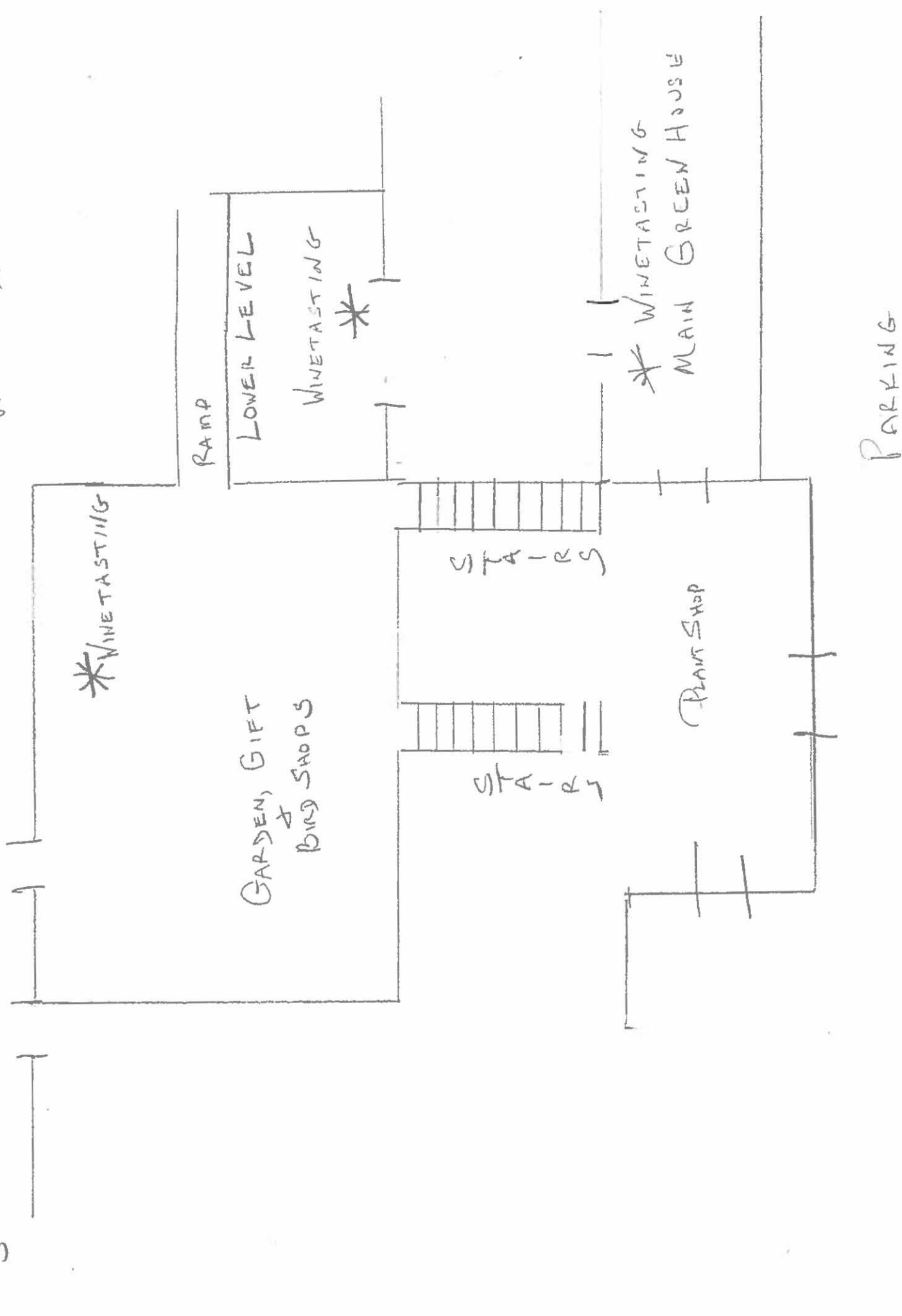
175 West Jackson Boulevard,
Suite 1500
Chicago, IL 60604-2814
1-800-SERVSAFE
312.715.1010 In the Chicago area
ServSafe.com

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RUSSELL'S GARDEN CTR
397 BOSTON POST ROAD
WAYLAND, MA 01778

W ↑ E
↓ S





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

TOWN OF WAYLAND

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BOARD OF SELECTMEN

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DOUGLAS A. LEVINE

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF
SELECTMEN FROM OCTOBER 20, 2017, THROUGH AND
INCLUDING OCTOBER 27, 2017, OTHERWISE NOT
LISTED AND INCLUDED IN THE CORRESPONDENCE
PACKET FOR OCTOBER 30, 2017**

Items distributed to the Board of Selectmen – October 20-October 27, 2017

1. None

**Items distributed for information and use by the Board of Selectmen at the
Meeting of October 23, 2017**

1. Letter from S. Clark, Department Secretary of the Massachusetts Department of Telecommunications and Cable, re: License Expiration Notice (Comcast)
2. Draft Fiscal Year 2019 Operating Budget for Departments under the jurisdiction of Board of Selectmen
3. Letter from N. Abend, re: Historical perspective on the plowing of private roads
4. Letter from K. Harvey, Director of Constance Rose House, re: Proposed removal of Wampum Path from maintenance of snow and ice (with enclosures)
5. "Questions and Responses Regarding DPW Report on Roads of 10.18.17 Re 'How We got Here'" from Malcolm Astley
6. Two photographs of plot plans on Jennison Road, submitted by D. Gilbreath and H. Podell

**Items included as part of Agenda Packet for discussion during the October 30, 2017
Board of Selectmen's Meeting**

1. Memo from D. Porter to Board of Selectmen, re: Interview for the Wastewater Management District Commission
2. Memo from N. Balmer to Board of Selectmen, re: Oxbow Meadows: Construction Agreement
3. Draft Agreement with Netco Construction Project Managers for construction of the Oxbow Meadows Athletic Field
4. Memo from B. Keveny, Finance Director, to the Board of Selectmen, re: Fiscal 2019 Operating Budget
5. Draft Memo from N. Balmer, to Finance Committee, re: FY19 Operating Budgets for Departments under the jurisdiction of the Board of Selectmen
6. Memo from D. Porter to Board of Selectmen, re: Public availability of the Town Administrator Contract
7. Draft Meeting Minutes from Board of Selectmen Meeting of October 10, 2017



NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
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TOWN OF WAYLAND

41 COCHITUATE ROAD
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BOARD OF SELECTMEN

LEA T. ANDERSON
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CHERRY C. KARLSON
DOUGLAS A. LEVINE

BOARD OF SELECTMEN
Monday, October 30, 2017
Wayland Town Building
Selectmen's Meeting Room

CORRESPONDENCE

Selectmen

1. Email from D. Leard, LEPC Chairman, re: Private Roads Public Hearing Comments
2. Email from M. Lowery, re: A Modest Proposal – Plowing Private Roads / Driveways: Robinhood Rd
3. Email from C. Brown, re: 2015 Plowing “Decision”
4. Letter from S. Carel, re: Comprehensive Permit Application for 24 School Street

Minutes

5. None

State and Regional

6. Invitation to the Massachusetts Municipal Association Annual Meeting on January 19-20, 2018
7. Letter from B. Lorion, Acting District 3 Highway Director, MassDOT, re: National Bridge Inspection Standards Bridge Inspection Reports
8. Letter from J. Austin, K.P. Law, to J. Sclarsic, Director of the Division of Open Government in the Office of the Attorney General, re: Town of Wayland Zoning School Committee – Consolidation Response to June 7, 2017 and July 18, 2017 Complaints of George Harris
9. Letter from C. Murray, K.P. Law, to J. Sclarsic, Director of the Division of Open Government in the Office of the Attorney General, re: Town of Wayland School Committee – Response to September 19, 2017 Complaint of George Harris

David Porter

From: Balmer, Nan
Sent: Wednesday, October 25, 2017 8:32 AM
To: David Porter
Subject: FW: Private Roads Public Hearing Comments
Attachments: Private Roads.docx

Correspondence

From: DJL@emergencypreparedness4all.com [mailto:DJL@emergencypreparedness4all.com]
Sent: Tuesday, October 24, 2017 10:06 PM
To: Anderson, Lea; Holder, Thomas; Balmer, Nan
Subject: Private Roads Public Hearing Comments

To: Lea Anderson, Chairperson – Board of Selectmen
Thomas Holder, Director – Department of Public Works
Nan Balmer, Town Administrator

Please accept my attached comments as they relate to last evenings Public Hearing. I thought the hearing was most productive and certainly raised some good questions that probably require further discussion. Thank you all for taking the time to schedule and listen to comments from Wayland residents. It was appreciated by many.

Doug Leard, MSEM
LEPC Chairman

Good evening Ladies & Gentlemen of the Board of Public Works and the Board of Selectmen

I want to thank everyone for taking the time to listen to the public last evening. I certainly understand the difficult issues presented by the Board of Public Works last evening and I hope the Board members took the comments as constructive. I do believe the solutions are not easy. Going forward I personally see the Planning Board serving as an active participant of this quandary; in addition to the Board of Public Works and the Board of Selectmen.

Telling Wayland residents that their streets, that have been plowed by the town for years, will no longer be plowed brought about much discussion and concern. Based on my personal and professional experiences I do see a potential public safety concern. The fact that DPW trucks possess fire/police radios offers no guarantee that a town plow will have a private road plowed in advance of the arrival of first responders in an emergency. A call for a medical emergency generally requires the closest engine company, an ambulance and Car 2 (Shift commander). A call for a working building fire general requires two engine companies, a ladder truck, an ambulance, Car 2, the Fire chief, a police cruiser and depending on the nature of the call additional fire apparatus. If the policy is that private road will not be plowed then it can be expected that the snow accumulation on the roads will be great, given that the roads have not been plowed for the duration of the snow storm. This potential large accumulation of snow will as a result require an additional plowing effort by DPW crews in order to clear the roadway for sufficient access for apparatus.

Look at a worst-case scenario: Take for example a private road (i.e. Quincy Road off Pemberton Road) with three houses situated on the road. The occupant of #7 (a 2-family home) calls 911 at 2:15 AM to report smoke in their apartment. It has been snowing since 4:00AM yesterday and the road has not been plowed. The DPW hears the fire department dispatched for a possible house fire. The closest plow driver immediately stops plowing and heads to Quincy Road. (Will their response be at the posted speed limit or maybe faster?) The next problem is Fire Station 2 in Cochituate is about .3 of a mile away and unless the plow driver is located around the corner the closest engine company will be off at the house before the plow gets there. Assuming the plow arrives after the first engine company where does the plow now push the snow so as not to impede access to the house by the soon to be arriving fire fighters and apparatus? The first arriving engine company has two fire fighters on it. (With more on their way.) They must first size-up the situation at hand. Is there a fire? Where is the fire located? At 2:15AM in the morning are there people still in the house? Have all occupants been accounted for? Without going into the details of fighting a fire, my point here is where does the responsibility fall?

In addition, last evening there were also questions asked about:

- What impact would the new policy have on home insurance policies of those properties located on the private road?
- How do you treat those private roads that are owned fully by a single home owner or owned, in part, by all residences on the road?
- Will there be an impact to property values located on the private road?
- Will there be an impact on the taxes to these properties?
- Is it possible to alter the definitions of all roads as "public roads?"

Thanks very much for listening.

Doug Leard, MSEM
LEPC Chairman

David Porter

From: Balmer, Nan
Sent: Tuesday, October 24, 2017 12:33 PM
To: David Porter
Subject: Fwd: A Modest Proposal - Plowing Private Roads / Driveways: Robinhood Rd

Correspondence

Nan Balmer
(508) 237-1330

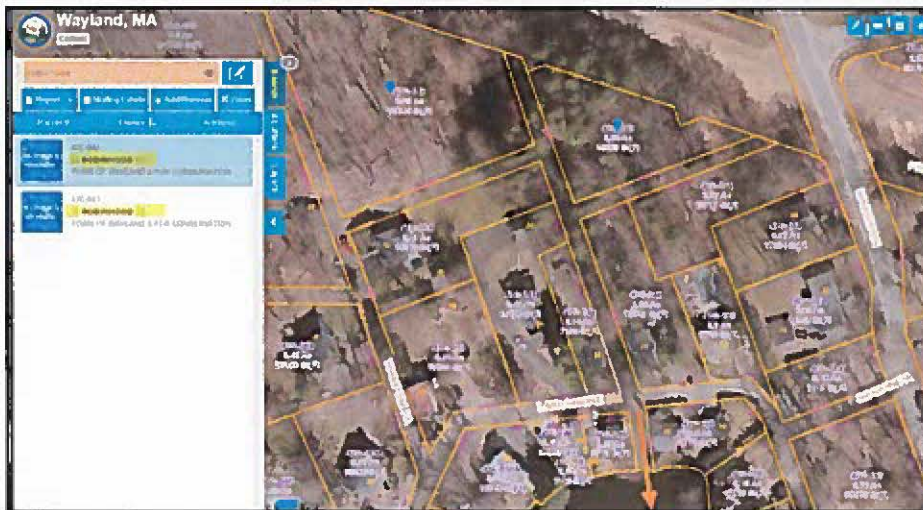
Begin forwarded message:

From: "Mike Lowery" <lowery.mike@gmail.com>
To: "Holder, Thomas" <tholder@wayland.ma.us>, "Baston, Woody" <woodybaston@gmail.com>, "Balmer, Nan" <nbalmer@wayland.ma.us>, "Anderson, Lea" <landerson@wayland.ma.us>
Subject: A Modest Proposal - Plowing Private Roads / Driveways: Robinhood Rd

Dear Selectmen and BoPW,

Down in the Southern Provinces of Wayland, as you might expect, we have some special cases. I submit Robinhood Rd for your review.

The town owns two parcels identified in the GIS as being on Robinhood Rd.



The property is absent from the Town Clerks list of Accepted (and Private) Streets, but it is shown on the "Plan of Woodland Park, Wayland, Mass." by E. Worthington Engineer dated Sept 3, 1914, recorded as Plan 543 in the South Middlesex Registry of deeds.



It might be argued by some that Robinhood Rd should not be plowed. In as much as there is no road surface on which to travel north of Lakeshore drive (aka 'Lake Path;), we grant that this is partially true.

However, the *southern* portion of Robinhood Rd, provides a quasi public access to all residents whose original deed was part of Woodland Park - a significant number of Wayland taxpayers!

And it terminates in access to Dudley Pond - a town-owned recreational resource!

While it could be argued that for most of the year, Robinhood Rd has only one connection: Lakeshore Drive (a partially private, but public access way) - one must consider that in the WINTER time, it also provides access to Dudley Pond which is often frozen to the extent that cars have been seen entering/existing.

It provides ingress to Dudley Pond for snowmobiles (well, maybe we don't need plowing for that).

Further, it provides a possible path for the fire department to launch its boat

in rescue emergencies, and in the fall is used by Dudley Pond residents for seasonally allowed watercraft removal.

Given recreational impacts, and public safety roles, the residents of 'Woodland Park' request that the town consider extending plowing services to the southern portion of ROBINHOOD RD. (And we wouldn't mind your dropping a little sand down at the water end.)



(photo courtesy Google Street View)

In case you can't find it - it adjoins 20 Lakeshore Drive - there's a sign too!

Latitude:

Longitude:

Thank you for your consideration,
Grateful taxpayers of Woodland Park.

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

David Porter

From: Balmer, Nan
Sent: Tuesday, October 24, 2017 11:06 AM
To: David Porter
Subject: FW: 2015 Plowing "Decision"
Attachments: WayBoPWCommonDriveway&PrivateWay (1).docx

Correspondence

From: Chris Brown [<mailto:cbrown93@comcast.net>]
Sent: Tuesday, October 24, 2017 10:07 AM
To: Baston, Woody; Lowery, Mike; Anderson, Lea; Karlson, Cherry
Cc: Balmer, Nan; Holder, Thomas
Subject: 2015 Plowing "Decision"

All:

As you may recall, I was Chairman of the Board of Public Works in 2015. I had hoped to attend last night's discussion over plowing of private roads to provide some historical knowledge of what happened back with the 2105 "decision" to not plow certain areas. Unfortunately, I got tied up with work, but was able to catch the tail end of the discussion on WayCam. While I may have missed something earlier in the proceedings, based on what I heard at the end, this background information may be useful to you:

The 2015 "decision" had nothing to do with Private Roads. It was about Common Driveways. It is a distinctive legal point. Private Roads open to public use may look like any Public Road, but rather than the Town owning the road, it is owned by the abutters. Common Driveways, however, is private property with an easement granted to the owner of a property to pass over that easement to get to their property. Common Driveways are frequently properties behind another property and the only way of access from a road is over the property abutting the road. Because Common Driveways are private property and easements are only granted to allow for passage by the abutting property owners, the Town is not permitted to plow these areas.

Furthermore, the reason why I have entitled this email 2015 Plowing "Decision" in quotes is because there was no decision nor vote on the matter in 2015. In an opinion from then Town Counsel, Mark Lanza, he wrote on Nov. 16, 2015, "Where using Town funds to plow private ways not open to public use (i.e., private driveways) is not lawful, the BoPW need not take any vote to reaffirm that it will comply with the law."

While the additional Private Roads the BoPW has suggested the Town stop plowing in 2017 is a valid debate, according to our 2015 Town Counsel, plowing the areas halted in 2015 would not be lawful.

Mark drafted this attached comparison of Private Roads vs. Common Driveways for everyone's reference.

You may consider this email Public Comment for your respective Boards.

Regards,
Chris Brown

**COMPARISION BETWEEN A TYPICAL COMMON DRIVEWAY AND
A TYPICAL PRIVATE ROADWAY WHERE THE ABUTTERS HAVE
DEEDED RIGHTS OF ACCESS IN WAYLAND, MASSACHUSETTS**

	<u>Common Driveway</u>	<u>Private Roadway</u>
1. Is the Way a Separate Parcel of Land ?	No	Yes
2. Are the Sidelines of the Way Property Lines ?	No	Yes
3. Do Abutters Own to the Centerline ?	No	Yes
4. Can Abutters Install Utilities ?	No	Yes
5. Can the Area of Land within the Way be Included in the Lot for Zoning Purposes ?	Yes	No
6. Can the Way Serve as a Street to Meet Minimum Lot Frontage Zoning Requirements ?	No	Yes, if open to public
7. Can Abutters Make Repairs and Maintain the Way ?	No, unless agreement allows it	Yes
8. How are the Sidelines of the Way Shown on a Plan ?	Dashed or Hyphenated Line	Solid or Unbroken Line
9. May Town Remove Snow and Ice ?	No	Yes, if open to public
10. Police and Fire Access in Emergencies ?	Yes	Yes
11. Has a Name with a Street Sign ?	No	Yes

To the Members of:

Wayland Board of Health

Wayland Zoning Board of Appeals

Wayland Conservation Commission

Wayland Board of Selectmen

I am writing to you to express my thanks to the Conservation Commission for voting to have a title search undertaken regarding 24 School Street, and if necessary, a survey to determine the boundary of the land.

I am thankful for your decision as I am concerned by inconsistencies in the reported lot size. I want to be sure that the proposed project does not encroach upon Town owned land. I am also concerned that if the lot size is smaller than reported, then the scale of the project design plans may need to be re-evaluated. The smaller lot size may have implications regarding storm-water and wastewater, and other issues of which I am unaware but that will be relevant to members of the ZBA, Conservation Commission, and the Board of Health. These concerns are explained in section I of this document. Furthermore, In March of this year, I contacted Alf Berry, Town Surveyor with my concerns. Below is his response which seems to indicate that a thorough title search and survey of the land would be necessary to determine the true boundaries of this property. Section II contains his assessment of the situation.

Given the confusion around the property lines and lot size, I am thankful that that the Town is looking into this matter. Thank you for acting to protect the Town owned land that borders 24 School Street.

Sincerely,

Sheila Carel

Section I: Inconsistent data reported in the Comprehensive Permit submitted to Mass Housing

Within the same document, the Comprehensive Permit, the developer provided inconsistent information regarding the lot size. The project proponent reported the lot size as being .87 acres. (Figure 1 : Source Page 5 of the Comprehensive Permit) In the same document, the project proponent included an image which showed the property at .65 acres (Figure 2), the same figure presented in the real estate adds, and found on the Town Assessor's Map. Also included in the Comprehensive Permit was an existing conditions map which listed the dimensions of the parcel (164.29 feet from School Street to the western edge of the property, 234 feet north, 139.09 feet east, and 204.01 feet south, at the corner of East Plain Street and School Street. (Figure 3) Given the confusion as to the lot size, I used an on-line acreage calculator and used the afore mentioned measurements. Since I did not see any measurements regarding angles on the existing conditions map, I measured it using Wayland GIS and found 297.9 feet. (Figure 4) If the calculations are correct, then the actual square footage of the site is more to the order of 31,841 square feet, roughly 6024 square feet smaller than reported. (Figure 5) I then tried calculating it on another site and got the same square footage and acreage. (Figure 6)

Figure 1 Reported Square footage (Source the Comprehensive Permit page 5)

Buildable Area Calculations	Sq. Feet/Acres (enter "0" if applicable—do not leave blank)
Total Site Area	37,865.00
Wetland Area (per MA DEP)	0.00
Flood/Hazard Area (per FEMA)	0.00
Endangered Species Habitat (per MESA)	0.00
Conservation/Article 97 Land	0.00
Protected Agricultural Land (i.e. EO 193)	0.00
Other Non-Buildable (Describe)	0.00
Total Non-Buildable Area	0.00
Total Buildable Site Area	37,865.00

Current use of the site and prior use if known: The property's current use is residential. The current owners had obtained a Special Permit from the Wayland Zoning Board of Appeals to operate a chimney repair and restoration business. The Special Permit that allowed this business use expired on July 28, 2012.

Figure 2 Image showing the property at .65 acres, the same figure presented in the real estate adds, and found on the Town Assessor's Map. (Source Comprehensive Permit)

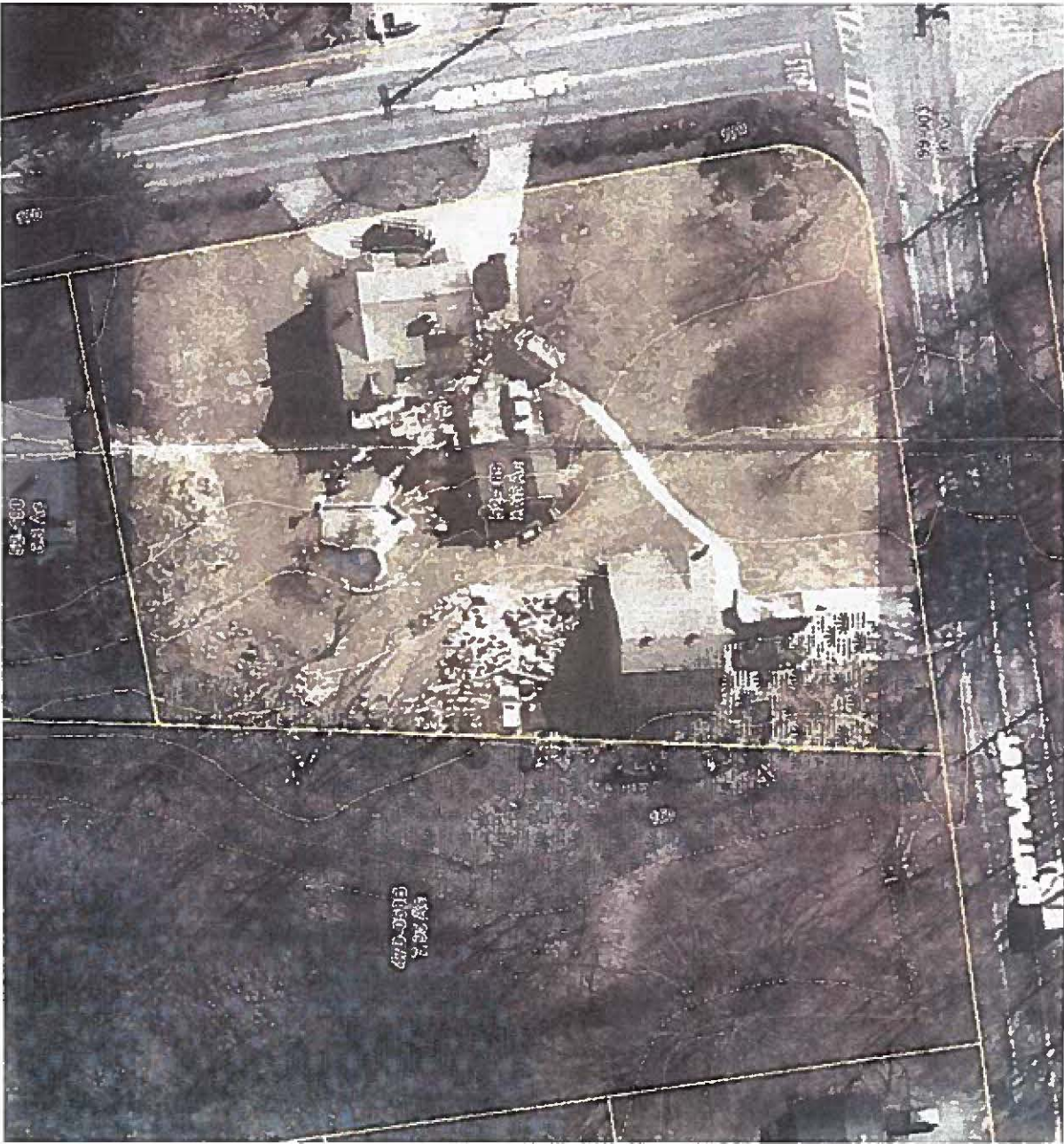
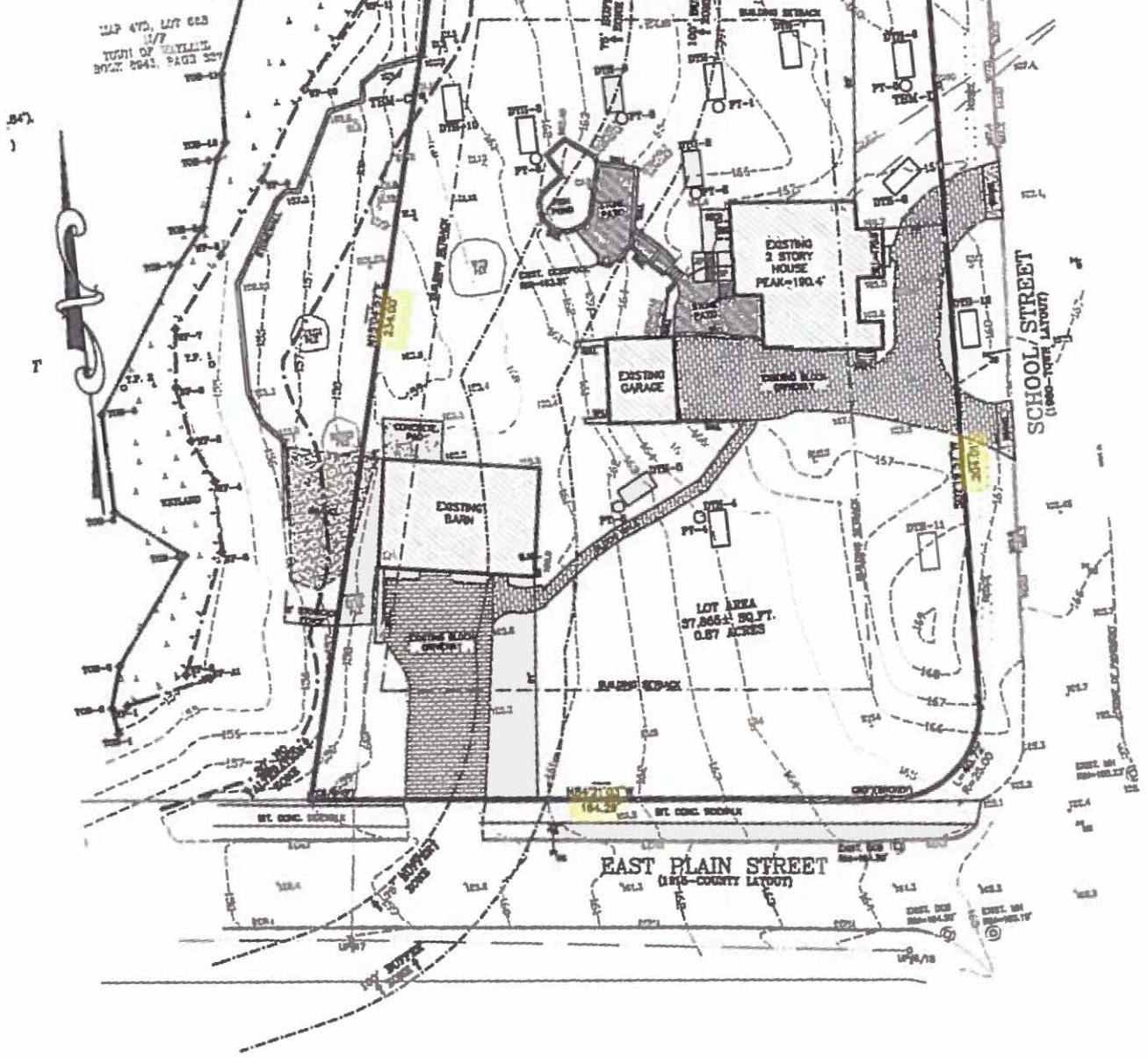


Figure 3 Existing Conditions Map (Source Comprehensive Permit) Lengths of the property lines are highlighted in yellow.

	SULL
No.	
DTH-8 ELEV	
0'-14" A6 FIVE 5	
14'-25" A6 FIVE 5	
25'-64" C1 S&S	
64'-122" C2 S&S	
NO STANDING OR	
NO REFUSAL	
REDOX 870' 7.5'	
ESTIMATED DESIGN 8	

340
 LOCATE
 BOUNDS
 FOR
 LOCATING
 AREA



MAP 47D, LOT 683
 TOWN OF WYLLIE
 BOOK 8643, PAGE 327

MAP 82, LOT 100
 633 SCHOOL STREET
 N/7
 LINDA P MILLER
 BOOK 8218, PAGE 222

EAST PLAIN STREET
 (1968-COUNTY LAYOUT)

SCHOOL STREET
 (1860-TOWN LAYOUT)

LOT AREA
 37,868± SQ.FT.
 0.87 ACRES



Figure 4 Diagonal measurement of the property from Wayland GIS (While Wayland GIS may not be exact, this number is a close approximation to what a professional surveyor will likely find.) The diagonal line is roughly 297.9 feet.

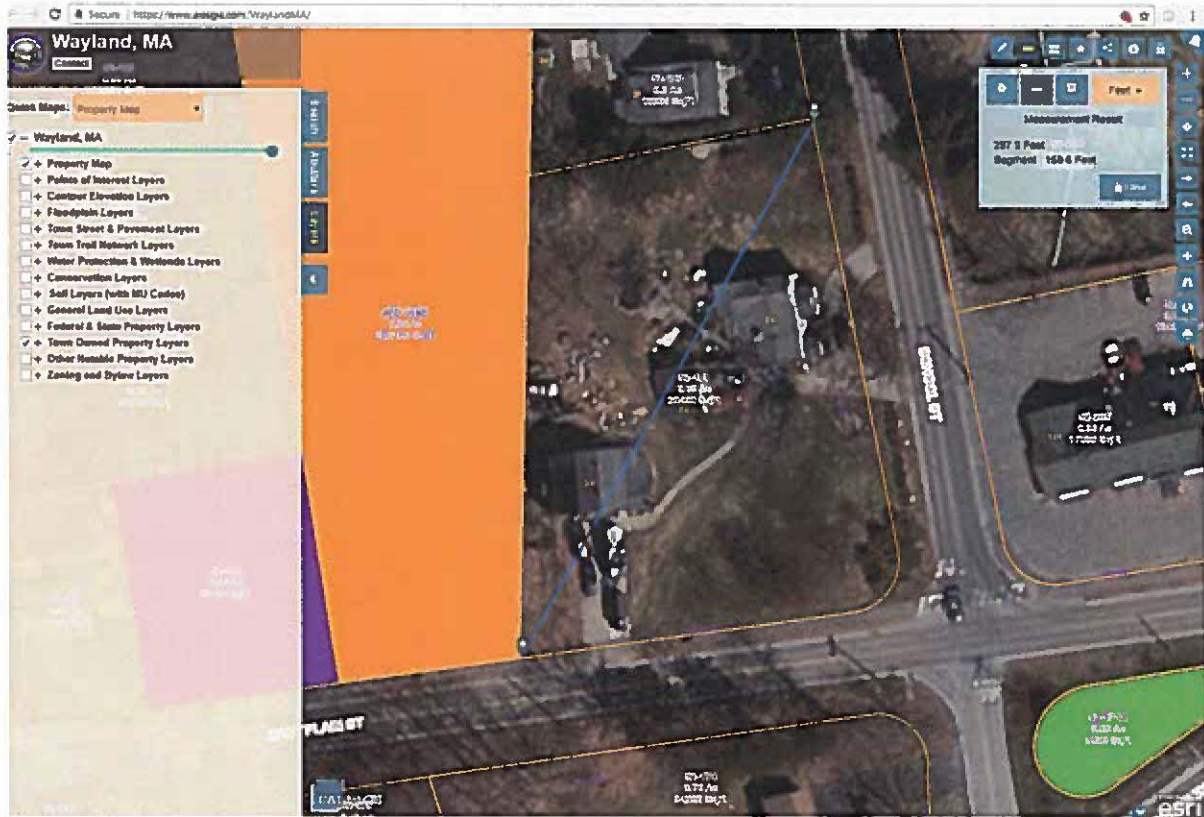


Figure 5 Image from an on-line calculator using the information from the existing conditions and a diagonal measurement from Wayland GIS

mathcentraluregina.ca/qq/database/qq.09.06/s/foursidedlot.php



Not what you need?
Try our search.

Question from many people:

I have a real estate property and the lot size is something I need to find out. I know the lengths of the four sides, but it isn't a rectangle. It is an odd shape. How do I find the acreage?

Frequently Asked Question

We often get questions about the area of parcels of land. We've created a tool (below) that should help you if your property has **four sides** you can measure. In addition to the four sides, we'll need to know either a diagonal or the degrees of one of the angles. Note that this tool assumes the shape is convex, not concave.

Start by choosing one corner of your property to be corner A. Then label the other three corners clockwise as B, C and D.

Please enter all your information into the form below.

Then click **Recalculate** to find the area of the property.

All distances are measured in:

meters yards feet

Here are my calculations:

Enter all of these measurements:

Distance from A to B is

Distance from B to C is

Distance from C to D is

Distance from D to A is

With the diagonal, the lot is divided into two triangles and I know all the lengths of the sides of these triangles, so I can use [Heron's formula](#) to find the area of each triangle:

$$S_{ADB} = (164.29 + 297.9 + 204.01) / 2 = 333.10$$

$$A_{ADB} = \text{SQRT}((333.10)(333.10 - 164.29)(333.10 - 297.9)(333.10 - 204.01)) = 15985.$$

Enter one of these measurements:

Angle at corner A is degrees

Angle at corner B is degrees

Angle at corner C is degrees

Angle at corner D is degrees

Diagonal distance from A to C is

Diagonal distance from B to D is

$$S_{CDB} = (234 + 297.9 + 139.09) / 2 = 335.50$$

$$A_{CDB} = \text{SQRT}((335.50)(335.50 - 234)(335.50 - 297.9)(335.50 - 139.09)) = 15856.$$

That makes a total for the two triangles (which is the area of your property) of:

15856 + 15985
= 31841 square feet
= 3537.9 square yards
= 2958.1 square meters
= 0.73097 acres
= 0.29581 hectares

*Note: if you put ridiculous information into this form, you should expect to get nonsense answers back.

Figure 6 Image from a second on-line calculator confirms the calculations from the first one.

www.calcul.com/show/calculator/land-conversion?a=164.29&b=234&c=139.09&d=204.01&e=297.9&f=null&rectangle=false&metric=false

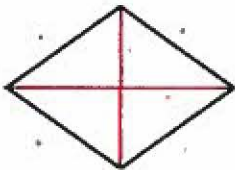
Calcul

Conversion > Land Conversion Calculator

Land Conversion Calculator

Try our free land (area) measurement conversion calculator. Use the tools to calculate and measure the square foot, square yard, or square inch volume of any given area based on total width and length. Area measurement converter is also available.

Rectangle plot **Quadrangle plot** Imperial Metric



a	164.29	feet
b	234	feet
c	139.09	feet
d	204.01	feet

Choose one diagonal.

e	297.9	feet
f		feet

Area

- 4585126.872 square inches
- 31841.159 square feet
- 3537.907 square yards
- 0.731 acres
- 2958.14 square meters

Section II Opinion of Alf Berry, Town Surveyor

The email below from Alf Berry, former Town Surveyor alludes to the need for a complete title search and survey. I have highlighted the relevant comments in yellow for your convenience.

Berry, Alfred ABerry@wayland.ma.us via waylandma.onmicrosoft.com Mar 15

to Sheila, Sarkis, GEORGE, Mary, Linda, Joshua

Hello Sheila,

The GIS is not a substitute for a proper on-the-ground survey. It is only a tool to assist in making general decisions. While most of the parcels shown on the GIS are approximately based on plans of record, that is not always the case. This property is one such case as there is no survey plan of record referred to in the deed for this specific parcel.

I have reviewed the site plan and compared it with the existing survey of the school parcel. I find the new plan to be consistent with the existing plan of the school parcel both mathematically and the monuments referred to. Both plans refer to the 1960 layout of School street. The new plan was prepared by a licensed professional who is trained to do proper research. As a licensed professional myself I find no technical issues with the plan as presented.

The new existing conditions plan does show various encroachments such as a stone wall, gravel parking area, and fencing. Those are title issues which should be addressed by Town Counsel or the School Committee as they are the custodial board.

The deed describes a six sided figure which is not reflected on any of the various plans, including the 1957 plan that you refer to. In fact, if you look at all of the surrounding parcels on the GIS, none of the parcels on the 1957 plan correspond very well with current parcel configurations. Without performing a complete title search of the private property in question, I cannot give an opinion as to why this is. My guess is that the current deed description does not reflect prior out sales which are reflected on the new plan and the plan of the school property. It wouldn't be the first time that I've seen that. That's where proper research comes in. As this is a private property, it is not my responsibility to perform a complete title search or survey of the land in question, or any submitted development plan for that matter, and will defer to the licensed professional who is putting his/her stamp on the plan.

Having said all that, it is my opinion that the plan conforms to the various professional standards and laws that govern land surveying and the determination of boundaries. The encroachments should be addressed by the School Committee and/or Town Counsel.

I hope that this clears things up for you.

Regards,
Alf Berry, PLS
Town Surveyor



RECEIVED

OCT 23 2017

Dear Municipal Leader,

Board of Selectmen
Town of Wayland

The program for the MMA's 39th Annual Meeting & Trade Show is taking shape, and we're sure you're not going to want to miss it!

Join your colleagues from across the state for this must-attend event, which kicks off with a keynote address by accomplished filmmaker, author and mountaineer (and Marblehead resident) **David Breashears** and features **26 information-packed workshops** on a range of timely municipal topics such as climate change, recreational marijuana, the opioid crisis, and economic development. (Please check the workshop list included in the enclosed brochure.)

This high-energy conference is designed exclusively for you and other city and town leaders to promote learning, problem solving and idea sharing on the major issues and challenges facing Massachusetts communities.

We urge you to register today for this exciting event, to be held on Friday and Saturday, January 19 and 20, 2018, at the Hynes Convention Center and Sheraton Boston Hotel. Online registration is now available – visit members.mma.org — and a reduced rate is available for early registrants.

The agenda includes nationally known speakers and experts on leadership, management and public policy. A highlight of the MMA Annual Meeting is the largest **municipal Trade Show** in New England, with more than 200 exhibitors who provide products and services that are vital to local governments.

On Friday evening, we will hear from top state officials as well as award-winning novelist and Boston native **Dennis Lehane** ("Mystic River," "Gone Baby Gone," "The Wire"). On Saturday evening, we will close out the conference with entertainment by **Beatlejuice**, who have been entertaining audiences across New England for two decades with spot-on renditions of the hits of the Fab 4.

This year's conference features a new orientation session for first-time attendees – whether you're newly elected or appointed. The session will be held from 8 to 9 a.m. on January 19, just prior to the Opening Session, which starts at 9:30.

If you've already registered, we thank you very much! If not, please **visit members.mma.org to register** for the meeting and see more details on the exciting program and workshops.

We look forward to seeing you in January at the conference!



Together



FOR A *Stronger* FUTURE

MMA Annual Meeting and Trade Show
January 19 and 20, 2018
Boston

RECEIVED

OCT 23 2017

Board of Selectmen
Town of Wayland

Join more than 1,000 local leaders at this must-attend event, featuring distinguished speakers, state and national leaders, experts on key municipal and national issues, and hundreds of Trade Show exhibitors. The high-energy, two-day event is devoted to learning, problem-solving, and idea sharing.

NETWORKING

The MMA Annual Meeting is a rich environment for idea exchange and problem-solving. Local leaders have countless opportunities to discuss the challenges they face and to learn what their peers are doing to move their communities forward.

The event also features business meetings specifically for mayors, councillors and aldermen, selectmen, town managers and administrators, and finance committee members.



TRADE SHOW

More than 200 exhibitors will be on hand to showcase the latest in products and services tailored to Massachusetts cities and towns. The MMA's Trade Show provides a great opportunity to find out what's new in the municipal marketplace. The Trade Show will also feature a series of Learning Lab workshops.

WORKSHOPS

A central feature of the MMA Annual Meeting is the wide selection of workshops covering the latest developments affecting local government. **Here are the 2018 workshop titles:**

- Addressing Off-Duty Misconduct in the Social Media Age
- Best Practices for Veterans' Services Programs
- Boost Your Downtown With Better Parking Management
- Combatting Climate Change With Clean Energy
- Dealing With the Spillover Effects of the Opioid Epidemic
- Developments and Initiatives in Municipal Finance
- Do's and Don'ts of Municipal Social Media Policies
- Employment Liability Best Practices
- High-Quality Budget Presentations and GFOA Best Practices
- Hiring and Training a Modern Police Force
- Inspire Engagement With a Citizens Academy
- Labor Law Update: Recent Cases and Agency Decisions
- Leading Locally on Economic Development
- Leading the Way to a Thriving Workplace
- Marijuana Law: The Way Forward for Municipalities
- Municipal Law Update
- New Public Works Project Strategies
- Not Just for Accountants: Know Your Chart of Accounts
- A Practical Approach to Mitigating Cybersecurity Risks
- Recruiting a Town Manager in Times of Change
- Strategies for Managing Health Care Costs
- Strong Families Make Strong Communities
- Successful and Effective Land Use and Zoning Policies
- Using Municipal Cooperation to Improve Services and Achieve Savings
- Weathering Climate Change Through Preparation
- Your Role in Making Your Community Healthier

As always, there will be ample opportunities for questions and interaction with presenters and colleagues.



GET THE MMA ANNUAL MEETING APP!

Make the most of your MMA Annual Meeting experience with our official app. Find out how to get it in the December Beacon.

SPEAKERS

Each year, the MMA Annual Meeting features dynamic and inspiring speakers, with messages tailored to local government.



Keynote Address

David Breashears

An accomplished filmmaker, author, mountaineer and speaker, Breashears co-directed and photographed the first-ever IMAX film shot from Mount Everest. Since 1978, he has combined his climbing and filmmaking skills to complete more than 40 film projects. A faculty member at MIT's Sloan School of Management, he is also the founder and Executive Director of GlacierWorks. He will talk about leadership, planning and team building.



Friday Dinner

Dennis Lehane

Award-winning author and Boston native Lehane is best known for his novels "Mystic River," "Gone, Baby, Gone," "Shutter Island" and "Live by Night," all of which have been adapted into popular films. Lehane has published more than a dozen novels, and has also written for the acclaimed HBO series "The Wire" and "Boardwalk Empire." He has taught fiction writing at several colleges.



Saturday Evening Entertainment

Beatlejuice

For more than 20 years, Beatlejuice has been entertaining audiences across New England with the timeless hits of the Fab 4. Beatlejuice covers every era of the Beatles catalog, faithfully reproducing some of the greatest songs ever written. Close your eyes, and you'll be convinced you're listening to John, Paul, George and Ringo.

Speakers for the closing session and Women Elected Municipal Officials Luncheon are to be announced.

SCHEDULE AT A GLANCE

Friday, January 19

8-9 a.m.	Orientation for first-time attendees
9:30-11 a.m.	Keynote Address
11 a.m.-5 p.m.	Trade Show
Noon-1:30 p.m.	WEMO Luncheon
2-3:30 p.m.	Workshops
3:45-5 p.m.	Workshops
6-7 p.m.	Opening Reception
7-9 p.m.	Banquet Dinner

Saturday, January 20

7:30-8:30 a.m.	Member Associations' Breakfast
8:30-10 a.m.	Business meetings for member associations
10 a.m.-2 p.m.	Trade Show
10:15-11:50 a.m.	MMA Annual Business Meeting
Noon-1:30 p.m.	MIA Luncheon/Business Meeting
2-3:30 p.m.	Workshops
3:45-5 p.m.	Closing Session
6-7:15 p.m.	President's Reception/ Municipal Awards Ceremony
7:15-9:15 p.m.	Banquet Dinner

Follow #MassMuni18 on Twitter for the latest news.

2018 ANNUAL MEETING & TRADE SHOW

January 19 & 20, 2018 | Hynes Convention Center and Sheraton Boston Hotel, Boston



PROGRAM REGISTRATION FORM

New Registration I've already registered but need to make changes (e.g., add'l dinner tickets - name field required)

Name (please print or type)

First name or nickname for badge

Title

Municipality, organization or other affiliation

Street address

City or town State ZIP

Daytime phone number Fax number

E-mail address

Guest's first name Guest's last name

Please note: "Personal guest" registration category is not for use by co-workers or associates within your community, organization or business.

Are you a first-time attendee? yes no

Your registration fee includes admission to the keynote address, all workshops, your member group business meeting, the trade show, and the opening and president's receptions.
Cancellations: Refunds will be made in full for registration or meal tickets ONLY if you notify the MMA by a letter on municipal letterhead postmarked no later than Jan. 3, 2018.

Hotel reservations must be made directly with the Sheraton Boston Hotel at (800) 325-3535 or online through the MMA website.

For more information about the hotel, visit www.sheratonbostonhotel.com or www.mma.org.

Please complete this form and return to:
Annual Meeting, Massachusetts Municipal Association
One Winthrop Square, 2nd floor, Boston, Massachusetts 02110
or fax to (617) 695-1314 or email to amregistrations@mma.org

A. Conference Pre-registration DEADLINE: JANUARY 10, 2018

- Member.....\$180
- Business Program Member\$180
- Other Government Entities.....\$295

All registrations after Jan. 10 deadline must be processed on-site. There will be an additional \$50 charge for on-site registration.

Subtotal A \$ _____

B. Events

NUMBER OF TICKETS

_____ Friday Dinner @ \$39 per person \$ _____

_____ Saturday Dinner @ \$45 per person \$ _____

_____ Women Elected Municipal Officials lunch (Friday) @ \$29 per person \$ _____

Subtotal B \$ _____

Total Due A+B \$ _____

Make check payable to Massachusetts Municipal Association.

Credit Card Information (All Fields Required)

Card Holder's Name

Card Holder's Email Address (receipt will be emailed)

Card Holder's Billing Address

City or town State ZIP

Card Number Exp. Date

Card Holder's Signature

For up-to-date info visit www.mma.org
(617) 426-7272 | (800) 882-1498

✓ DPW Director



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Acting Highway Administrator



October 11, 2017

Town of Wayland
Board of Selectmen
41 Cochituate Rd.
Wayland, MA 01778

RECEIVED

OCT 23 2017

Board of Selectmen
Town of Wayland

Attn: Stephen Kadlik, Director of Highway Operations

SUBJECT: NATIONAL BRIDGE INSPECTION STANDARDS (NBIS)
BRIDGE INSPECTION REPORTS

W-11-002 (8XF) PELHAM IS RD / SUDBURY RIVER Dated: 06/05/17

Dear Mr. Kadlik:

As part of the Massachusetts Bridge Inspection Program, MassDOT - Highway Division performs the inspection of municipally owned bridges that have a clear span of 20 feet or greater. These bridges are scheduled to be inspected every two years or less.

For your records is a copy of recent bridge inspection field report for the referenced municipally owned bridge. Repair, rehabilitation or reconstruction of any bridges to address the deficiencies reported is the owner/custodian's responsibility. Chapter 90 funds may be used for these purposes.

Questions regarding the content of the report may be directed to the District Bridge Inspection Engineer, Mahmood Azizi, at 508-929-3822.

Sincerely,

Barry Lorion
Acting District 3 Highway Director
District 3 Highway Director

MA/ma
cc: BIE (2), DHD D-3, DBIE D-3
Enclosure

2-DIST 03 B.I.N. 8XF

STRUCTURES INSPECTION FIELD REPORT

BR. DEPT. NO. W-11-002

ROUTINE ARCH INSPECTION

CITY/TOWN WAYLAND	8-STRUCTURE NO. W11002-8XF-MUN-NBI	11-Kilo POINT 000.644	41-STATUS A:OPEN	90-ROUTINE INSP DATE JUN 5, 2017
07-FACILITY CARRIED HWY PELHAM IS RD	MEMORIAL NAME/LOCAL NAME	27-YR BUILT 2012	106-YR REBUILT 0000	YR REHAB'D (NON 106) 0000
06-FEATURES INTERSECTED WATER SUDBURY RIVER	26-FUNCTIONAL CLASS Urban Local	DIST. BRIDGE INSPECTION ENGINEER M. Azizi		
43-STRUCTURE TYPE 111 : Concrete Arch - Deck	22-OWNER Town Agency	21-MAINTAINER Town Agency	TEAM LEADER B. Smith	
107-DECK TYPE N : Not applicable	WEATHER Overcast	TEMP (air) 14°C	TEAM MEMBERS M. MCGINTY	

ITEM 58		N	
DECK		DEF	
1. Wearing surface	8	-	
2. Deck Condition	N	-	
3. Spandrel Fill	8	-	
4. Curbs	8	-	
5. Median	N	-	
6. Sidewalks	8	-	
7. Parapets	N	-	
8. Railing	7	-	
9. Anti Missile Fence	N	-	
10 Drainage System	N	-	
11. Lighting Standards	N	-	
12 Utilities	8	-	
13 Deck Joints	N	-	
14	N	-	
15	N	-	
16	N	-	

ITEM 59		7	
SUPERSTRUCTURE		DEF	
1. Arch/Arch Ring	7	-	
2. Keystone Area	N	-	
3. Stringers	N	-	
4. Floorbeams	N	-	
5. Spandrel Walls	8	-	
6. Spring Lines	H	-	
7. Diaphragms/Cross Frames	N	-	
8. Conn Plt's, Gussets & Angles	N	-	
9. Pin & Hangers	N	-	
10 Masonry Joints	N	-	
11.Rivets & Bolts	N	-	
12 Welds	N	-	
13 Deformation/Flattening	8	-	
14 Member Alignment	8	-	
15 Paint/Coating	N	-	
16	N	-	

ITEM 60		8	
SUBSTRUCTURE		DEF	
1. Abutments		Dive	Cur
a. Pedestals	N	N	-
b. Bridge Seats	N	N	-
c. Backwalls	N	N	-
d. Breastwalls	N	N	-
e. Wingwalls	N	8	-
f. Slope Paving/Rip-Rap	N	N	-
g. Pointing	N	N	-
h. Footings/Pile caps	N	H	-
i. Piles	H	H	-
j. Scour	8	H	-
k. Settlement	N	8	-
l. Abutment Pile Caps	8	N	-
m.	N	N	-
2. Piers or Bents		N	
a. Pedestals	N	N	-
b. Caps	N	N	-
c. Columns	N	N	-
d. Stems/Webs/Pierwalls	N	N	-
e. Pointing	N	N	-
f. Footing	N	N	-
g. Piles	N	N	-
h. Scour	N	N	-
i. Settlement	N	N	-
j.	N	N	-
k.	N	N	-
3. Pile Bents		N	
a. Pile Caps	N	N	-
b. Piles	N	N	-
c. Diagonal Bracing	N	N	-
d. Horizontal Bracing	N	N	-
e. Fasteners	N	N	-

CURB REVEAL (In millimeters)

E	W
187	200

Year Painted **N**

COLLISION DAMAGE: Please explain
None Minor () Moderate () Severe ()

APPROACHES		DEF	
a. Appr. pavement condition	8	-	
b. Appr. Roadway Settlement	8	-	
c. Appr. Sidewalk Settlement	8	-	
d.	N	-	

LOAD DEFLECTION: Please explain
None Minor () Moderate () Severe ()

LOAD VIBRATION: Please explain
None Minor () Moderate () Severe ()

OVERHEAD SIGNS (Attached to bridge)		(Y/N) N	
		DEF	
a. Condition of Welds	N	-	
b. Condition of Bolts	N	-	
c. Condition of Signs	N	-	

Any Fracture Critical Member: (Y/N) **N**

Any Cracks: (Y/N) **N**

UNDERMINING (Y/N) If YES please explain **N**

COLLISION DAMAGE: None Minor () Moderate () Severe ()

I-60 (Dive Report): **8** I-60 (This Report): **8**

93B-U/W (DIVE) Insp **08/02/2016**

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 5, 2017
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ITEM 61 7
CHANNEL & CHANNEL PROTECTION

	Dive	Cur	DEF
1.Channel Scour	8	H	-
2.Embankment Erosion	7	7	-
3.Debris	7	8	-
4.Vegetation	7	8	-
5.Utilities	N	N	-
6.Rip-Rap/Slope Protection	N	N	-
7.Aggradation	7	8	-
8.Fender System	N	N	-

STREAM FLOW VELOCITY:
Tidal () High () Moderate (X) Low () None ()

ITEM 61 (Dive Report): 7 ITEM 61 (This Report): 7

93b-UW INSP. DATE: 08/02/2016

ITEM 36 TRAFFIC SAFETY

	36	COND	DEF
A. Bridge Railing	1	7	-
B. Transitions	1	8	-
C. Approach Guardrail	1	7	M-A
D. Approach Guardrail Ends	1	8	-

WEIGHT POSTING Not Applicable

	H	3	3S2	Single
Actual Posting	N	N	N	N
Recommended Posting	N	N	N	N

Waived Date: 00/00/0000 EJDMT Date: 00/00/0000

Signs In Place (Y=Yes, N=No, NR=Not Required)
Legibility/Visibility

At bridge		Other Advance	
N	S	N	S
/	/	/	/

CLEARANCE POSTING

Not E W

ft		in		meter
Actual Field Measurement	0	0	0	
Posted Clearance	0	0	0	

Signs In Place (Y=Yes, N=No, NR=Not Required)
Legibility/Visibility

At bridge		Advance	
E	W	E	W
/	/	/	/

ACCESSIBILITY (Y/N/P)

	Needed	Used
Lift Bucket	N	N
Ladder	N	N
Boat	N	N
Waders	Y	Y
Inspector 50	N	N
Rigging	N	N
Staging	N	N
Traffic Control	N	N
RR Flagger	N	N
Police	N	N
Other:		
Float Tube	Y	Y

TOTAL HOURS 8

PLANS (Y/N): Y

(V.C.R.) (Y/N): N

TAPE#: _____

List of field tests performed:
None

RATING
Rating Report (Y/N): N
Date: 00/00/0000
Inspection data at time of existing rating
1 58: - 1 59: - 1 60: - Date :00/00/0000

~~(To be filled out by DBIE)~~
Request for Rating or Rerating (Y/N): Y If YES please give priority:
HIGH (X) MEDIUM () LOW ()
REASON: Never been rated.

CONDITION RATING GUIDE (For Items 58, 59, 60 and 61)

CODE	CONDITION	DEFECTS
N	NOT APPLICABLE	
G 9	EXCELLENT	Excellent condition.
G 8	VERY GOOD	No problem noted.
G 7	GOOD	Some minor problems.
F 6	SATISFACTORY	Structural elements show some minor deterioration.
F 5	FAIR	All primary structural elements are sound but may have minor section loss, cracking, spalling or scour.
P 4	POOR	Advanced section loss, deterioration, spalling or scour.
P 3	SERIOUS	Loss of section, deterioration, spalling or scour have seriously affected primary structural components. Local failures are possible. Fatigue cracks in steel or shear cracks in concrete may be present.
C 2	CRITICAL	Advanced deterioration of primary structural elements. Fatigue cracks in steel or shear cracks in concrete may be present or scour may have removed substructure support. Unless closely monitored it may be necessary to close the bridge until corrective action is taken.
C 1	"IMMINENT" FAILURE	Major deterioration or section loss present in critical structural components or obvious vertical or horizontal movement affecting structure stability. Bridge is closed to traffic but corrective action may put it back in light service.
0	FAILED	Out of service - beyond corrective action.

DEFICIENCY REPORTING GUIDE

DEFICIENCY: A defect in a structure that requires corrective action.

CATEGORIES OF DEFICIENCIES:

M= Minor Deficiency - Deficiencies which are minor in nature, generally do not impact the structural integrity of the bridge and could easily be repaired. Examples include but are not limited to: Spalled concrete, Minor pot holes, Minor corrosion of steel, Minor scouring, Clogged drainage, etc.

S= Severe/Major Deficiency - Deficiencies which are more extensive in nature and need more planning and effort to repair. Examples include but are not limited to: Moderate to major deterioration in concrete, Exposed and corroded rebars, Considerable settlement, Considerable scouring or undermining, Moderate to extensive corrosion to structural steel with measurable loss of section, etc.

C-S= Critical Structural Deficiency - A deficiency in a structural element of a bridge that poses an extreme unsafe condition due to the failure or imminent failure of the element which will affect the structural integrity of the bridge.

C-H= Critical Hazard Deficiency - A deficiency in a component or element of a bridge that poses an extreme hazard or unsafe condition to the public, but does not impair the structural integrity of the bridge. Examples include but are not limited to: Loose concrete hanging down over traffic or pedestrians, A hole in a sidewalk that may cause injuries to pedestrians, Missing section of bridge railing, etc.

URGENCY OF REPAIR:

I = Immediate- [Inspector(s) immediately contact District Bridge Inspection Engineer (DBIE) to report the Deficiency and to receive further instruction from him/her].

A = ASAP- [Action/Repair should be initiated by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) upon receipt of the Inspection Report].

P = Prioritize- [Shall be prioritized by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) and repairs made when funds and/or manpower is available].

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8.-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 5, 2017
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REMARKS

BRIDGE ORIENTATION

According to the plans the approaches are North and South and the elevations are East and West. This is a single span precast concrete arch bridge with 7 arch segments and 6 longitudinal joints numbered West to East. The river flows East to West.

GENERAL REMARKS

The Sudbury River is capable of excessive change in waterline elevation, up to 6 ft. high. **See Photo 1.**

ITEM 58 - DECK

Item 58.6 - Sidewalks

There is minor sand buildup throughout the West sidewalk.

Item 58.8 - Railing

There are several transverse hairline through cracks throughout both rail bases. **See Photo 2.**

ITEM 59 - SUPERSTRUCTURE

Item 59.1 - Arch/Arch Ring

There are many full width transverse cracks throughout all the arch segments. **See Photo 3.** There is minor vegetation debris caught in many areas of the arch joints that have been submerged by high water, heaviest to joints #5 and #6.

ITEM 60 - SUBSTRUCTURE

Item 60.1 - Abutments

Item 60.1.h - Footings/Pile caps

The footings are the pile caps for each abutment and are hidden by the cutoff steel sheeting cofferdams.

ITEM 61 - CHANNEL AND CHANNEL PROTECTION

Item 61.2 - Embankment Erosion

There are areas of minor erosion at all four corners.

TRAFFIC SAFETY

Item 36c - Approach Guardrail

Both West approach guardrails are significantly higher than standard height requirement, up to 39 in. to the top of rail at the Northwest approach guardrail. **See Photo 4.** There are several offset blocks that have rotated out of plumb.

Photo Log

- Photo 1 : East elevation.
- Photo 2 : East bridge rail base near South end.
- Photo 3 : Arch segment #1 near midspan.
- Photo 4 : Northwest approach guardrail.

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8.-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 5, 2017
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PHOTOS



Photo 1: East elevation.



Photo 2: East bridge rail base near South end.

CITY/TOWN Wayland	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8.-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE JUN 5, 2017
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PHOTOS



Photo 3: Arch segment #1 near midspan.



Photo 4: Northwest approach guardrail.

National Bridge Element Inspection

BDEPT# W-11-002

Date 06/05/2017

B.I.N. 8XF

District Bridge Inspection Eng'r Mahmood Azizi

Item 8 W11002-8XF-MUN-NBI

Inspecting Agency Mass. Highway Dept.

Span Group 1

Team Leader Doug Smith

Town Wayland

Team Member(s) Michael McGinty

District 3

EI #	Element Name	Units	Env.	Total Q.	% or Q	State 1	State 2	State 3	State 4
144	Re Conc Arch	feet	2	438.000	<input type="checkbox"/> %	438.000			
Notes :									
220	Re Conc Pile Cap/Ftg	feet	2	60.000	<input type="checkbox"/> %	60.000			
Notes :									
331	Re Conc Bridge Railing	feet	2	125.000	<input type="checkbox"/> %	125.000			
Notes :									

Report Date: May 31, 2017

State Information				Classification	Code
BDEPT#= W11002	Agency Br.No.	(112) NBIS Bridge Length		Y	
Town= Wayland	L.O.	(104) Highway System		N	
B.I.N= 8XF	AASHTO= 079.0	(26) Functional Class -	Urban Local	19	
RANK= 5017 H.I.= NA	Identification	FHWA Select List= N	(100) Defense Highway	0	
(8) Structure Number	W110028XFMUNNBI	(101) Parallel Structure		N	
(5) Inventory Route	151000000	(102) Direction of Traffic -	2-way traffic	2	
(2) State Highway Department District	03	(103) Temporary Structure		N	
(3) County Code 017 (4) Place code	73790	(105) Federal Lands Highways		0	
(6) Features Intersected	WATER SUDBURY RIVER	(110) Designated National Network		N	
(7) Facility Carried	HWY PELHAM IS RD	(20) Toll -	On free road	3	
(9) Location	.4MI SW OF RT. 20	(21) Maintain -	Town Agency	03	
(11) Kilometerpoint	0000.644	(22) Owner -	Town Agency	03	
(12) Base Highway Network	N	(37) Historical Significance	not eligible	N	
(13) LRS Inventory Route & Subroute	000000000000	Condition		Code	
(16) Latitude	42DEG 21MIN 33.35 SEC	(58) Deck		N	
(17) Longitude	71DEG 22MIN 07.40 SEC	(59) Superstructure		8	
(98) Border Bridge State Code	Share %	(60) Substructure		8	
(99) Border Bridge Structure No. #		(61) Channel & Channel Protection		7	
		(62) Culverts		N	
Structure Type and Material		Load Rating and Posting		Code	
(43) Structure Type Main:	Concrete	Code	111	(31) Design Load -	HS 20=MS 18
Arch - Deck	Jointless bridge type:	Not applicable		(63) Operating Rating Method -	Allowable Stress Design (ASD) in M.T.
(44) Structure Type Appr:	Other	Code	000	(64) Operating Rating	44.1
(45) Number of spans in main unit		Code	001	(65) Inventory Rating Method -	Allowable Stress Design (ASD) in M.T.
(46) Number of approach spans		Code	0000	(66) Inventory Rating	32.4
(107) Deck Structure Type -	Not applicable	Code	N	(70) Bridge Posting	5
(108) Wearing Surface / Protective System:				(41) Structure -	Open
A) Type of wearing surface -	Not applicable=no deck	Code	N	Appraisal	
B) Type of membrane -	Built-up	Code	1	(67) Structural Evaluation	8
C) Type of deck protection -	Epoxy Coated Reinforcing	Code	1	(68) Deck Geometry	2
Age and Service				(69) Underclearances, vert. and hertz.	N
(27) Year Built			2012	(71) Waterway adequacy	4
(106) Year Reconstructed			0000	(72) Approach Roadway Alignment	6
(42) Type of Service: On -	Highway			(36) Traffic Safety Features	1 1 1 1
Under -	Waterway	Code	15	(113) Scour Critical Bridges	8
(28) Lanes: On Structure	02	Under structure	00	Inspections	
(29) Average Daily Traffic			001550	(90) Inspection Date	06/18/15
(30) Year of ADT	2013	(109) Truck ADT	03 %	(91) Frequency	24 MO
(19) Bypass, detour length			000 KM	(92) Critical Feature Inspection	6-5-17
Geometric Data				(93) CFI DATE	
(48) Length of maximum span			0019.0M	(A) Fracture Critical Detail	N 00 MO A) 00/00/00
(49) Structure Length			00019.0M	(B) Underwater Inspection	Y 36 MO B) 08/02/16
(50) Curb or sidewalk:	Left 01.5 M Right		00.0M	(C) Other Special Inspection	N 00 MO C) 00/00/00
(51) Bridge Roadway Width Curb to Curb			006.1M	(*) Other Inspection ()	N 00 MO *) 00/00/00
(52) Deck Width Out to Out			008.4M	(*) Closed Bridge	N 00 MO *) 00/00/00
(32) Approach Roadway Width (w/shoulders)			006.1M	(*) UW Special Inspection	N 00 MO *) 00/00/00
(33) Bridge Median -	No median	Code	0	(*) Damage Inspection	N 00 MO *) 00/00/00
(34) Skew	00 DEG	(35) Structure Flared	N	Rating Loads	
(10) Inventory Route MIN Vert Clear			99.00M	Report Date	00/00/00
(47) Inventory Route Total Horiz Clear			06.1M	H20	Type 3 Type 3S2 Type HS
(53) Min Vert Clear Over Bridge Rdwy			99.00M	Operating	27.0 34.0 49.0 49.0
(54) Min Vert Underclear ref	N		00.00M	Inventory	20.0 25.0 36.0 36.0
(55) Min Lat Underclear RT ref	N		00.00M	Field Posting	
(56) Min Lat Underclear LT			00.00M	Status	DESIGN
Navigation Data				Posting Date	06/18/13
(38) Navigation Control -	Not applicable, no waterway	Code	N	Actual	2 Axle
(111) Pier Protection		Code		Recommended	3 Axle
(39) Navigation Vertical Clearance			000.0M	Missing Signs	N
(116) Vert-lift Bridge Nav Min Vert Clear			M	Misc.	
(40) Navigation Horizontal Clearance			0000.0M	Bridge Name	N Anti-missile fence N Acrow Panel N Jointless Bridge
				Freeze/Thaw	N : Not Applicable
				Accessibility (Needed/Used)	
				N / N	Liftbucket N / N Rigging
				N / N	Ladder N / N Staging
				N / N	Boat N / N Traffic Control
				Y / Y	Wader N / N RR Flagperson
				N / N	Inspector 50 N / N Police
					Inspection Hours: 008

8

06/18/15
6-5-17

P / N Other
Float Tube

717

Report Date: June 5, 2017

State Information				Classification				Code				
BDEPT#= W11002				Agency Br.No.				(112) NBIS Bridge Length				Y
Town= Wayland				L.O.				(104) Highway System				N
B.I.N= 8XF				AASHTO= 079.0				(26) Functional Class - Urban Local				19
RANK= 5017 H.I.= NA				FHWA Select List= N				(100) Defense Highway				0
(8) Structure Number				W110028XFMUNNBI				(101) Parallel Structure				N
(5) Inventory Route				151000000				(102) Direction of Traffic - 2-way traffic				2
(2) State Highway Department District				03				(103) Temporary Structure				N
(3) County Code 017				(4) Place code 73790				(105) Federal Lands Highways				0
(6) Features Intersected				WATER SUDBURY RIVER				(110) Designated National Network				N
(7) Facility Carried				HWY PELHAM IS RD				(20) Toll - On free road				3
(9) Location				.4MI SW OF RT. 20				(21) Maintain - Town Agency				03
(11) Kilometerpoint				0000.644				(22) Owner - Town Agency				03
(12) Base Highway Network				N				(37) Historical Significance not eligible				N
(13) LRS Inventory Route & Subroute				000000000000				Condition				Code
(16) Latitude				42DEG 21MIN 33.35SEC				(58) Deck				N
(17) Longitude				71DEG 22MIN 07.40SEC				(59) Superstructure				7
(98) Border Bridge State Code				Share %				(60) Substructure				8
(99) Border Bridge Structure No. #								(61) Channel & Channel Protection				7
								(62) Culverts				N
Structure Type and Material								Load Rating and Posting				Code
(43) Structure Type Main: Concrete				Code 111				(31) Design Load - HS 20=MS 18				5
Arch - Deck				Jointless bridge type: Not applicable				(63) Operating Rating Method - Allowable Stress Design (ASD) in M.T.				B
(44) Structure Type Appr: Other				Code 000				(64) Operating Rating				44.1
(45) Number of spans in main unit				001				(65) Inventory Rating Method - Allowable Stress Design (ASD) in M.T.				B
(46) Number of approach spans				0000				(66) Inventory Rating				32.4
(107) Deck Structure Type - Not applicable				Code N				(70) Bridge Posting				5
(108) Wearing Surface / Protective System:								(41) Structure - Open				A
A) Type of wearing surface - Not applicable=no deck				Code N				Appraisal				Code
B) Type of membrane - Built-up				Code 1				(67) Structural Evaluation				7
C) Type of deck protection - Epoxy Coated Reinforcing				Code 1				(68) Deck Geometry				2
								(69) Underclearances, vert. and horiz.				N
Age and Service								(71) Waterway adequacy				4
(27) Year Built				2012				(72) Approach Roadway Alignment				6
(106) Year Reconstructed				0000				(36) Traffic Safety Features				1 1 1 1
(42) Type of Service: On - Highway								(113) Scour Critical Bridges				B
Under - Waterway				Code 15				Inspections				
(28) Lanes: On Structure 02				Under structure 00				(90) Inspection Date 06/05/17				(91) Frequency 24 MO
(29) Average Daily Traffic				001550				(92) Critical Feature Inspection:				(93) CFI DATE
(30) Year of ADT 2013				(109) Truck ADT 03 %				(A) Fracture Critical Detail N 00 MO A)				00/00/00
(19) Bypass, detour length				000KM				(B) Underwater Inspection Y 36 MO B)				08/02/16
								(C) Other Special Inspection N 00 MO C)				00/00/00
Geometric Data								(*) Other Inspection () N 00 MO *)				00/00/00
(48) Length of maximum span				0019.0M				(*) Closed Bridge N 00 MO *)				00/00/00
(49) Structure Length				00019.0M				(*) UW Special Inspection N 00 MO *)				00/00/00
(50) Curb or sidewalk: Left 01.5 M				Right 00.0M				(*) Damage Inspection N 00 MO *)				00/00/00
(51) Bridge Roadway Width Curb to Curb				006.1M				Rating Loads				
(52) Deck Width Out to Out				008.4M				Report Date 00/00/00				H20 Type 3 Type 3S2 Type HS
(32) Approach Roadway Width (w/shoulders)				006.1M				Operating				27.0 34.0 49.0 49.0
(33) Bridge Median - No median				Code 0				Inventory				20.0 25.0 36.0 36.0
(34) Skew 00 DEG				(35) Structure Flared N				Field Posting				
(10) Inventory Route MIN Vert Clear				99.00M				Status DESIGN				Posting Date 06/18/13
(47) Inventory Route Total Horiz Clear				06.1M				Actual				2 Axle 3 Axle 5 Axle
(53) Min Vert Clear Over Bridge Rdwy				99.00M				Recommended				
(54) Min Vert Underclear ref N				00.00M				Missing Signs N				
(55) Min Lat Underclear RT ref N				00.0M				Misc.				
(56) Min Lat Underclear LT				00.0M				Bridge Name				N Anti-missile fence N Acrow Panel N Jointless Bridge
Navigation Data								Freeze/Thaw N : Not Applicable				
(38) Navigation Control - Not applicable, no waterway				Code N				Accessibility (Needed/Used)				
(111) Pier Protection				Code				N / N Liftbucket				N / N Rigging Y / Y Other
(39) Navigation Vertical Clearance				000.0M				N / N Ladder				N / N Staging Float Tube
(116) Vert-lift Bridge Nav Min Vert Clear				M				N / N Boat				N / N Traffic Control
(40) Navigation Horizontal Clearance				0000.0M				Y / Y Wader				N / N RR Flaggerperson Inspection
								N / N Inspector 50				N / N Police Hours: 008

2-DIST 03 B.I.N. 8XF

**UNDERWATER OPERATIONS TEAM
ROUTINE UNDERWATER INSPECTION REPORT**

BR. DEPT. NO. W-11-002

CITY/TOWN WAYLAND	8-STRUCTURE NO. W11002-8XF-MUN-NBI	LEVEL OF INSPECTION II	93B-DATE INSPECTED AUG 2, 2016
07-FACILITY CARRIED HWY PELHAM IS RD	ACCESS TO BRIDGE EMBANKMENT	UNDERWATER OPERATIONS ENGINEER RANDI E. BONICA	
06-FEATURES INTERSECTED WATER SUDBURY RIVER	DEPTH 1 m	VISIBILITY 1 m	TEAM LEADER (DIVE MASTER) ROGER WYKES
BOTTOM CONDITION BOULDERS, SILT, GRAVEL	CURRENT SLIGHT	TEAM MEMBERS B. COURVILLE	

ITEM 60 SUBSTRUCTURE	8 DEF	ITEM 61 CHANNEL & CHANNEL PROTECTION	7 DEF	ITEM 62 CULVERTS	N DEF
1. Abutments	8	1. Channel Scour	8	1. Roof	N
a. Pedestals	N	2. Embankment Erosion	7	2. Floor	N
b. Bridge Seats	N	3. Debris	7	3. Walls	N
c. Backwalls	N	4. Vegetation	7	4. Headwall	N
d. Breastwalls	N	5. Utilities	N	5. Wingwall	N
e. Wingwalls	N	6. Rip-Rap/Slope Protection	N	6. Pipe	N
f. Slope Paving/Rip-Rap	N	7. Aggradation	7	7. Protective Coating	N
g. Pointing	N	8. Fender System	N	8. Embankment	N
h. Footings	N	a. Piles	N	9. Wearing Surface	N
i. Piles	H	b. Diagonal Bracing	N	10. Railing	N
j. Scour	8	c. Horizontal Bracing	N	11. Sidewalks	N
k. Settlement	N	d. Wales	N	12. Utilities	N
l. Abutment Pile Caps	8	e. Fasteners	N	13. Member Alignment	N
2. Piers or Bents	N	f. Ladders	N	14. Deformation	N
a. Pedestals	N	9.	N	15. Scour	N
b. Caps	N	ITEM 59 SUPERSTRUCTURE		16. Settlement	N
c. Columns	N	1. Arch/Arch Ring	8	17.	N
d. Stems/Webs/Pierwalls	N		N	18.	N
e. Pointing	N		N	UNDERMINING (Y/N)	
f. Footing	N				N
g. Piles	N				
h. Scour	N				
i. Settlement	N				
j.	N				
k.	N				
3. Pile Bents	N				
a. Pile Caps	N				
b. Piles	N				
c. Diagonal Bracing	N				
d. Horizontal Bracing	N				
e. Fasteners	N				

DEFICIENCY REPORTING GUIDE

DEFICIENCY: A defect in a structure that requires corrective action.

CATEGORIES OF DEFICIENCIES:

M= Minor Deficiency- Deficiencies which are minor in nature, generally do not impact the structural integrity of the bridge and could easily be repaired. Examples include but are not limited to: Spalled concrete, Minor scouring, etc.

S= Severe/Major Deficiency- Deficiencies which are more extensive in nature and need more planning and effort to repair. Examples include but are not limited to: Moderate to major deterioration in concrete, Exposed and corroding rebars, Deteriorated timber piles, Considerable settlement, Considerable scouring or undermining, etc.

C-S= Critical Structural Deficiency- A deficiency in a structural element of a bridge that poses an extreme unsafe condition due to the failure or imminent failure of the element which will affect the structural integrity of the bridge.

C-H= Critical Hazard Deficiency- A deficiency in a component or element of a bridge that poses an extreme hazard or unsafe condition to the public, but does not impair the structural integrity of the bridge. Examples include but are not limited to: Any part of piles or fender system which are projecting outward and may become a safety hazard for the navigational traffic, etc.

URGENCY OF REPAIR:

I=Immediate- [Inspector(s) immediately contact District Bridge Inspection Engineer (DBIE) to report the Deficiency and to receive further instruction from him/her.]

A=ASAP- [Action/Repair should be initiated by District Maintenance Engineer or the responsible party (if not a State owned bridge) upon receipt of the Inspection Report.]

P=Prioritize- [Shall be prioritized by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) and repairs made when funds and/or manpower is available.]

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE AUG 2, 2016
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REMARKS**GENERAL REMARKS**

- 1) Orientation - When facing downstream looking at bridge, abutments are labeled left and right.
- 2) Sta 10+00 is at the downstream end.
- 3) New concrete pre-cast sectionalized arch.

ITEM 61 - CHANNEL AND CHANNEL PROTECTION**Item 61.2 - Embankment Erosion**

There is some minor erosion at downstream right embankment.

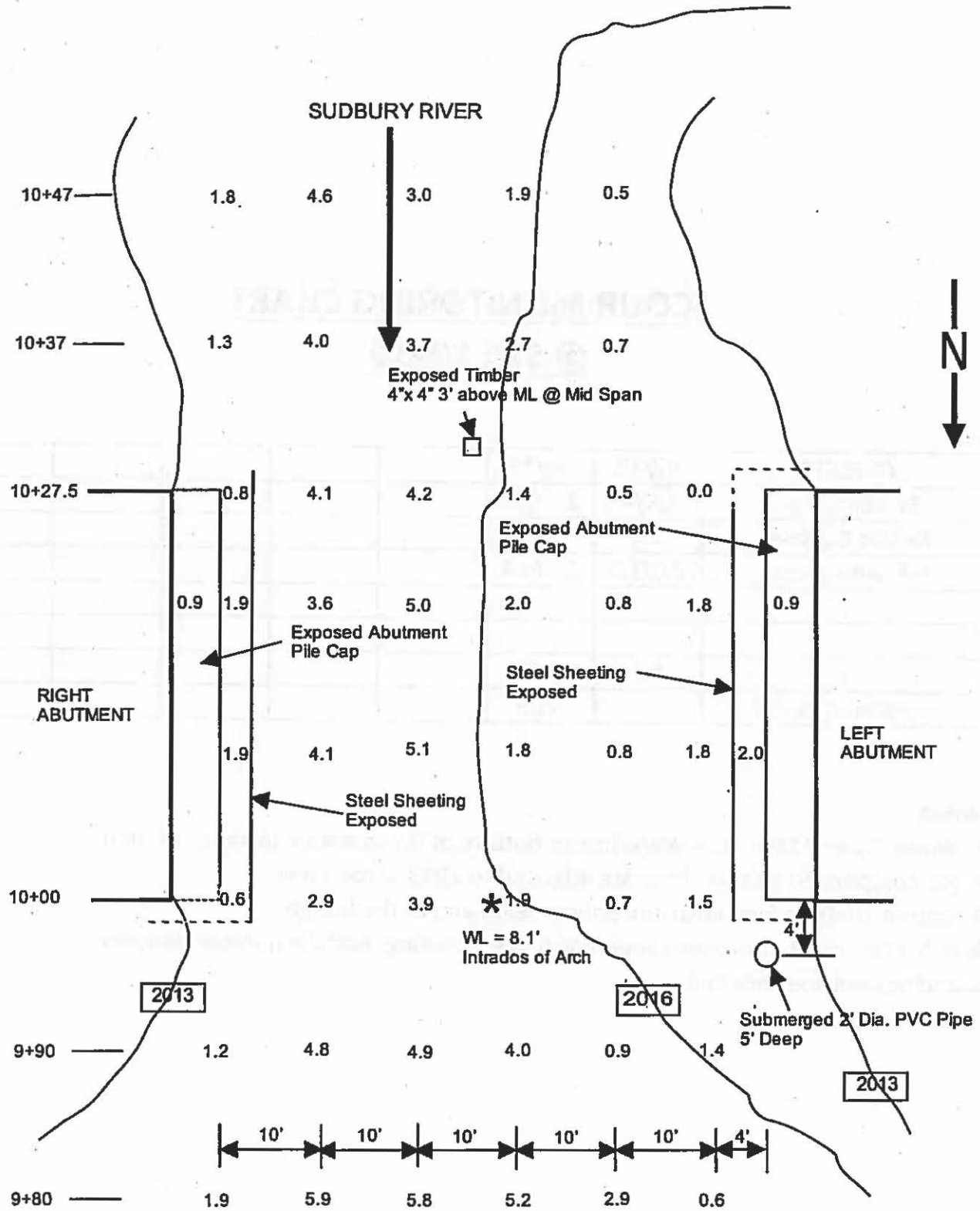
Sketch / Chart Log

Sketch 1 : PLAN

Chart 1 : SCOUR MONITORING

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE AUG 2, 2016
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SKETCHES



Note: Soundings are in feet, taken from the 2013 Inspection Report.

Sketch 1: PLAN

CITY/TOWN WAYLAND	B.I.N. 8XF	BR. DEPT. NO. W-11-002	8.-STRUCTURE NO. W11002-8XF-MUN-NBI	INSPECTION DATE AUG 2, 2016
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CHARTS

SCOUR MONITORING CHART @ STA 10+10

OFFSETS	07/13	08/16					
Rt Abutment	1.9/-	2.1/3.5					
Center Channel	1.8	2.2					
Left Abutment	2.0/1.8	2.1/1.4					
Y	8.1	10.0					
Correction Factor	-	+1.9					

Notes:

1. Water Control Shot (Y) = Waterline to bottom of downstream Intrados of Arch.
2. For comparison all soundings are adjusted to 2013 water level.
3. Station 10+00 is located at the downstream end of the bridge.
4. (-/-) Top number denotes sounding inside sheeting. Bottom number denotes soundings outside sheeting.

REQUEST FOR BRIDGE RATING/RE-RATING FORM

To be filled out by DBIE:

District: 3 Town: Wayland Br. No.: W-11-002 BIN No. 8XF
 Facility Carried: PELHAM IS RD I-43/Structure Type (Main): Concrete Arch - Deck Code: 111
 Features Intersected: SUDBURY RIVER I-44/Structure Type (Appr.): Other Code: 000
 Plans Available (Y / N) Full Set (Y / N) Partial Set (Y / N) Rating (Y) (N) Re-Rating (Y / N)
 Date of Last Rating: N/A Previous Rating Book Available in District (Y / N)

Reason for Rating Request:

- Deck Explain: _____
 - Superstructure Explain: _____
 - Substructure Explain: _____
 - Never been Rated before
 - New/Rehabed Bridge New Date of Item 27: 2012 New date of Item 106: _____
 - Previous Rating was based on Engineering Judgment without calculations Date of rating: _____
- Priority: High Medium Low

Remarks & Comments:

DBIE's Signature: [Signature] Date of Submission to ABIE: 8/17/12
 Please attach a copy of the latest SIA, Routine, Special member & Dive Report

To be filled out by the Area Engineer:

- I agree with the above request from the DBIE and the attached submitted documentation by the District is sufficient for Rating purposes
- I do not agree with the above request from the DBIE because: _____

Plans available in Boston: (Y / N) Full Set: (Y / N) Partial Set: (Y / N) VIRTIS File: (Y / N)
 Previous Rating Report is available in Boston Office: (Y / N) Date of Rating: _____
 This structure is designed by: In-House: (Y/N) Consultant: (Y/N) Project #: _____ Consultant Firm: _____

Remarks & Comments:

ABIE's Signature _____ Date of Submission to BIE _____

To Be Filled out by Bridge Inspection Engineer

- Assign to Consultant
- Recommend to be assigned to In-House R&O unit
- Part of Design Consultant contract, Design Firm: _____
- Do not assign, because: _____
- Return it to the District because: _____

Bridge Inspection Engineer's Signature _____ : Date of Submission to State Bridge Engineer _____

To Be Filled out by State Bridge Engineer

- Assign to Consultant
- Assign to In-House R&O unit
- Part of Design Consultant contract, Design Firm: _____
- Do not assign, because: _____

State Bridge Engineer's Signature _____ Date of Submission to Bridge Inspection Engineer _____

To Be Filled out by Bridge Inspection Engineer

- Assign to In-House R&O Unit Date: _____
- Assign to Consultant Date: _____ Consultant: _____ Contract No. & Assignment No. _____

Remarks: _____

October 18, 2017

RECEIVED
OCT 23 2017
Board of Selectmen
Town of Wayland

Janelle M. Austin
jaustin@k-plaw.com

BY HAND AND FIRST CLASS MAIL

Jonathan Sclarsic, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Wayland Zoning School Committee –
Consolidated Response to June 7, 2017 and July 18, 2017 Complaints of George Harris

Dear Mr. Sclarsic:

Enclosed please find the Town of Wayland School Committee's ("School Committee") consolidated response to Mr. George Harris' further correspondence to your office arising from his June 7, 2017 and July 18, 2017 complaints alleging violations of the Massachusetts Open Meeting Law ("OML"). The School Committee submits this further response to your Office, and, as set forth in detail herein, the School Committee respectfully maintains that it has complied with the Open Meeting Law on both occasions. A copy of Mr. Harris' June 7, 2017 OML complaint is enclosed as Exhibit A and a copy of the July 18, 2017 OML complaint is enclosed as Exhibit B. The School Committee listed the Complaints on the meeting notice for its October 2, 2017 meeting in open session for further discussion, during which members of the School Committee and the public discussed the substance of the complaints. I have enclosed a copy of the meeting notice as Exhibit C. The School Committee voted to authorize this response following its deliberation on October 2, 2017.

Relevant Background

By way of background, the School Committee is comprised of five elected Wayland residents each serving three-year April-to-April terms. The School Committee members terms are staggered, whereby two members are elected one year, two members the next year and one member the third year. The School Committee's current chair is Ellen Grieco. Its mission is to support the Wayland Public Schools to set policy, hire and oversee the Superintendent of Schools and recommend an appropriate budget that delivers high-quality curricular educational programs to the children entrusted to its care. Its meetings, meeting notices and minutes are available online at: <http://www.wayland.k12.ma.us>.

Jonathan Sclarsic, Esq.
Director, Division of Open Government
October 18, 2017
Page 2

Response to Complaint

June 7, 2017 Complaint

On or about June 7, 2017, Mr. Harris submitted an OML complaint against the School committee alleging that the School Committee failed to identify certain non-union personnel in its executive session meeting notice held on May 8, 2017. Exhibit A. The School Committee submits that it did not violate the OML in its May 8, 2017 meeting notice. As stated in the attached meeting notice, a copy of which is enclosed as Exhibit D, the School Committee listed, with specificity, more than fifty (50) non-union personnel positions that were being negotiated, as well as non-union positions at the Children's Way Program and the Before/After School Extension Program ("BASE"). The specific programs were listed in the meeting notice sufficient to advise members of the public that such positions for such programs were being discussed. While the School Committee acknowledges that in the future, the School Committee shall continue to carefully evaluate each executive session and shall disclose on its meeting notices as much information as possible relative to non-union personnel negotiations. The School Committee maintains, however, that it did not intend to circumvent the requirements of the OML, and, indeed reached out to the Division of Open Government for further clarification on this matter via e-mail on July 5, 2017. Exhibit E. The School Committee further submits that based on the information contained in the meeting notice, including the more than fifty positions for which negotiations were underway, including for the Director of the Children's Way Program, as well as the specific programs at issue, no intentional violation of the OML occurred. The School Committee will, as noted, by both the Chair in her July 5, 2017 e-mail as well as the Committee's discussion on October 2, 2017 strive to include as much specificity in future meeting notices, including the specific positions, following guidance from Town Counsel in compliance with the OML.

July 18, 2017 Complaint

On or about July 18, 2017, Mr. Harris submitted an OML complaint to the School Committee alleging violations of the OML for requests for executive session minutes from May 22, 2017 and "executive session minutes of all deliberations of the Wayland School Committee during 2017 pertaining or relating to the selection of and contract negotiations with Arthur Unobskey as the Superintendent of the Wayland Public Schools." Exhibit B. The School Committee responded to Mr. Harris' request for such minutes on July 26, 2017. The School Committee's response was not an intentional violation of the OML. Specifically, the records have been provided to Mr. Harris, and the minor delay in production of the requested minutes was due to an unforeseen medical emergency affecting the School Committee Chair, of which Mr. Harris was aware. While the School Committee understands that there was a minimal delay in its response, it provided the requested materials to Mr. Harris within thirty (30) days, and requested a verbal extension to produce the records, and its actions

Jonathan Sclarsic, Esq.
Director, Division of Open Government
October 18, 2017
Page 3

in not doing so prior to such date was based on unanticipated personal conditions and not based on any intent of the School Committee to not comply with the OML.

Conclusion

As discussed at its October 2, 2017 meeting in open session, the School Committee will continue to ensure that its meeting notices contain the requisite specificity under the OML, including for its executive sessions, and will also ensure that all meeting minute requests are processed in a timely fashion, including in the event unforeseen circumstances arise.

Please do not hesitate to contact me to discuss in further detail.

Very truly yours,



Janelle M. Austin

JMA/ekh

Enc.

cc: School Committee
Board of Selectmen
Mr. George Harris

593394/WAYL/0001



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George

Last Name: Harris

Address: 8 Holiday Road

City: Wayland

State: MA

Zip Code: 01778

Phone Number: 1 (508) 358-2379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual

Organization

Media

Public Body that is the subject of this complaint:

City/Town

County

Regional/District

State

Name of Public Body (including city/town, county or region, if applicable): Wayland School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May 8, 2017

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement and exhibit for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

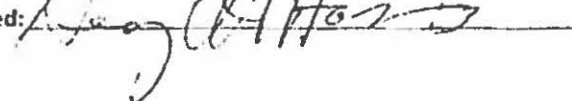
II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: June 7, 2017

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPRN MEETING LAW COMPLAINT

Wayland School Committee

The Wayland School Committee (Committee) violated the Open Meeting Law, G.L. c. 30A, § 21(a)(2) by failing to identify certain nonunion personnel in its public meeting notice for an executive session to be held on May 8, 2017.

The deficient meeting notice is attached as Exhibit 1. Item 10(c) lists various nonunion positions to be discussed. At the end of the list appear "The Children's Way" and "BASE." These are activities conducted by the Wayland Public Schools. The personnel to be discussed are not identified, in violation of the Open Meeting Law.

ACTIONS REQUESTED

1. The Committee shall acknowledge the violation alleged above.
2. The Committee shall forthwith identify the nonunion personnel not identified in its meeting notice.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: +1 (508) 358-2379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wayland School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: July 7, 2017

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement with two exhibits for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.


II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-7540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: July 18, 2017

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland School Committee

This is a complaint that Wayland School Committee ("Committee") violated the Open Meeting Law by failing to respond within 10 days to requests for the minutes of executive sessions or portions thereof, pursuant to G.L. c. 30A, § 22(g)(2).

On June 26, 2007, I sent two requests by email to Ellen Grieco, chair of the Committee, for specific executive session minutes or portions thereof, as detailed in attached Exhibits 1 and 2. Responses were due from the Committee no later than July 6, 2017. None has been received to date.

ACTIONS REQUESTED

1. The Committee shall acknowledge the violations alleged above.
2. The Committee shall respond within five days to my requests for minutes.

Subject: Request for Minutes

From: George Harris <geoharris2@gmail.com>

Date: 6/26/2017 10:17 AM

To: Ellen Grieco <ellen_grieco@wayland.k12.ma.us>

CC: Diane Marobella <diane_Marobella@wayland.k12.ma.us>

Hi Ellen,

This is a request to inspect the executive session minutes of all deliberations of the Wayland School Committee during 2017 pertaining or relating to the selection of and contract negotiations with Arthur Unobskey as the Superintendent of the Wayland Public Schools.

Thank you.

George

Subject: Request for Minutes

From: George Harris <geoharris2@gmail.com>

Date: 6/26/2017 12:04 PM

To: Ellen Grieco <ellen_grieco@wayland.k12.ma.us>

CC: Diane Marobella <diane_Marobella@wayland.k12.ma.us>

Hi Ellen,

This is a request for the minutes of the May 22, 2017 executive session topic 8(d) pertaining to non-union personnel. Thank you.

George

WAYLAND PUBLIC SCHOOLS
Wayland, Massachusetts 01778

Regular Meeting
School Committee Room

Monday – 7:00 P.M.
October 2, 2017

AGENDA

Est. Time

- 7:00** **1. Comments & Written Statements from the Public**
- 7:15** **2. Special Matters**
- (a) Review and Discuss a Report from Weston & Sampson regarding School Bus Parking at the Old Landfill
 - (b) Discussion and Possible Vote to Receive TEC Bus Access Site Line Assessment for 526 Boston Post Road
 - (c) High School Master Athletic Plan Update
 - Status, Communication to Community and other Town Boards/Committees, FAQ's, and Steps to Move Forward
 - Possible Vote to Approve Joint CPC/SC Article
- 7:50** **3. Financial Matters**
- (a) Discussion and Possible Vote to Approve METCO Bus Fees for 2017-2018
 - (b) Review and Possible Vote of Wastewater Treatment Plant FY19 CIP Modification
 - (c) Discussion and Possible Vote to Approve 2017 – 2018 Student Activity Accounts
 - (d) Discussion of Budget Calendar, Budget Presentations and Potential Budget Guidance from the Finance Committee and the Board of Selectmen
 - (e) Report regarding Ongoing Work from the Finance Subcommittee
- 8:25** **4. Educational Matters**
- (a) Hear Superintendent's Report regarding School Events and Ongoing Initiatives
 - (b) Update regarding School Start Times
 - (c) Continued Discussion of Policy JJIF – Head Injury and Concussions in Extracurricular Activities, including Review of Topics for Further Discussion
- 8:40** **5. Administrative/Procedural Matters**
- (a) Update regarding Rollout of New Student Information System
 - (b) Discussion of Open Meeting Law Complaints Filed by George Harris on August 22, 2017, August 31, 2017 and June 7, 2017 (Alleging Insufficient Detail of Executive Session Minutes), July 18, 2017 (Alleging Failure to Timely Produce Minutes) and September 19, 2017 (Alleging Insufficient Detail in Agenda), and Letter to AGO Seeking to Add Claim of Intentional Violation to Earlier Complaint
 - (c) Review of Outstanding Document Requests and Response
 - (d) Review of Training Commitments for Committee Members
 - (e) Review of Public Communications from the School Committee, including Article on *Starting the New Year*
- 9:15** **6. Matters Not Reasonably Anticipated by the Chair**
- 9:20** **7. Consent Agenda**
- (a) Approval of Accounts Payables & Payroll Warrants
 - (b) Approval of WHS Student Musicians to Attend the 2017 NAFME All Nationals Music Festival in Orlando, Florida

- 10/2/2017 (c) Approval of Minutes
• Regular Session of September 5, 2017

9:25 8. Executive Session

- (a) Discuss Strategy with Respect to Collective Bargaining with Custodians, WTA (including review of final contract), WESA, and Food Service Workers, and Discuss Strategy with Respect to Negotiations with Non-Union Personnel as Listed on the Meeting Notice, all pursuant to M.G.L. c.30A, §21(a)(2) and (3), including Potential Request for Funding at Fall Town Meeting
(b) Discussion of Open Meeting Law Complaints Filed by George Harris on July 7, 2017 Alleging Insufficient Detail in Executive Session Minutes, July 18, 2017 Alleging Failure to Produce Minutes, both in Violation of M.G.L. c.30A, §22, and September 19, 2017 Alleging Insufficient Detail in Agenda in Violation of M.G.L. c.30A, §20
(c) Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
• September 18, 2017

10:05 9. Regular Matters (continued)

- (a) Possible Vote to Ratify the WESA Memorandum of Agreement
(b) Possible Vote to Approve the Warrant Article to Request Funding at Fall Town Meeting for Negotiated Wage Settlements
(c) Possible Vote to Send Response to Open Meeting Law Complaint of September 19, 2017 to Attorney General

10:15 10. Adjournment

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Non-Union Positions

Accountant/Analyst
Accounts Payable Specialist
AD/VM Ware System Administrator
Administrative Assistants to the Assistant Superintendent (2 positions)
Administrative Assistant to the Director of Student Services
Administrative Assistant to the School Committee
Administrative Assistant to the Superintendent
Assistant Director of Student Services
Assistant Principal, Claypit Hill School
Assistant Principals, Wayland High School (2 positions)
Assistant Principal, Wayland Middle School
Assistant Superintendent
Athletic Director
Board Certified Behavior Analyst
Certified Occupational Therapist (1.5 positions)
Certified Occupational Therapy Assistants (2 positions)
Computer Technicians (2 positions)
Data Manager

Director of Elementary Curriculum Assessment and Accountability for Humanities
Director of Elementary Curriculum Assessment and Accountability for Math and Science
Director of Student Services
Director of Technology and Accountability
Director of the Children's Way*
Director of Wayland School Community Programs*
Early Childhood Coordinator
English Language Learners Coordinator
Facilities Manager
Human Resources Director
MAC System Administrator
METCO Administrative Assistant*
METCO Bus Monitor*
METCO Coordinator (Elementary – 2 positions)*
METCO Coordinator at Wayland High School*
METCO Coordinator at Wayland Middle School*
METCO Director*
Network Administrator
Physical Therapists (2 positions)
Principal, Claypit Hill Elementary School
Principal, Happy Hollow Elementary School
Principal, Loker Elementary School
Principal, Wayland High School
Principal, Wayland Middle School
School Business Administrator
Special Education Tutor
Transportation Coordinator
Wayland Bus Driver
WaylandCares Community Outreach Coordinator*
WSCP Accounts Communications Coordinator*
WSCP Accounts Coordinator*
WSCP Accounts Receivable Clerk*
WSCP Activities Coordinator of the Pegasus Program*
WSCP Administrative Assistant, TCW*
WSCP Administrative Coordinator*

Funded through Special Revenue Funds

WAYLAND PUBLIC SCHOOLS
Wayland, Massachusetts 01778

Regular Meeting
School Committee Room

Monday – 7:00 P.M.
May 8, 2017

AGENDA

Est. Time

- 7:00 p.m. **1. Special Matters**
- (a) Receive and Hear Presentation of the "Training Global Citizens" ACE Report
 - (b) Receive and Hear Presentation of the "Nurturing Early Childhood Development" ACE Report
 - (c) Discussion and Possible Vote to Approve Order of Conditions for the WHS Building Construction Project
- 7:45 **2. Comments & Written Statements from the Public**
- 8:00 **3. Executive Session #1**
- (a) Discussion regarding a Residency Matter, pursuant to M.G.L. c.30A, §21(a)(7), in Order to Comply with the Massachusetts Student Records Regulations, 603 CMR 23:00; the Family Educational Rights and Privacy Act, 20 U.S.C., §1232g; and the Massachusetts Right to Privacy Law, M.G.L. c.214, §1B
- 8:30 **4. Financial Matters**
- (a) Review Status for School Bus Parking including Request for Proposal, Communication to Public, an Update regarding Discussions with the Department of Public Works and the Board of Selectmen, and Possible Related Next Steps for School Bus Parking
 - (b) Discussion and Review of the Financial Report for Quarter 3
 - (c) Receive and Review The Education Cooperative FY2018 Budget
 - (d) Review and Possible Approval of Two Invoices regarding the Loker School MSBA Accelerated Repair Project from Colliers International and CBI Consulting, Inc.
- 9:00 **5. Educational Matters:**
- (a) Hear Superintendent's Report
- 9:05 **6. Administrative/Procedural Matters**
- (a) Update regarding School Start Times, including a Task Force Update
 - (b) Discussion of Superintendent's Evaluation – Goals 3 and 4
 - (c) Discussion regarding Wayland Buzz Communication, including Wayland Buzz Program on the Open Meeting Law
 - (d) Vote to Approve Dr. Arthur Unobskey's Employment Agreement
 - (e) Discussion of and Possible Vote to Approve School Committee Officers and Representatives on Various Committees and Organizations
- 9:40 **7. Policy Subcommittee Update**
- (a) Review and Possible Vote to Approve the Following Policies:
 - Policy IJND (Access to Digital Resources)
 - Policy IJNDB (Empowered Digital Use)
- 9:50 **8. Matters not Reasonably Anticipated by the Chair**
- 9:55 **9. Consent Agenda**
- (a) Approval of Accounts Payables & Payroll Warrants
 - (b) Approval of Minutes
 - Regular Session of March 13, 2017
 - Special Session of March 20, 2017

5-8-2017

- Special Session of March 21, 2017
- Special Session of March 22, 2017
- Special Session of April 12, 2017

10:00

10. Executive Session #2

- (a) Discuss Strategy with Respect to Threatened Litigation under Title IX Anti-Retaliation Provisions and M.G.L. c. 149, §185, by the Former Athletic Director against the Wayland Public Schools and the School Committee, pursuant to M.G.L. c.30A, §21(a)(3)
- (b) Discuss Strategy with Respect to and in Preparation for Collective Bargaining with Custodians, pursuant to M.G.L. c.30A, §21(a)(3)
- (c) Discuss Strategy with Respect to and in Preparation for Negotiations with Non-Union Personnel, pursuant to M.G.L. c.30A, §21(a)(2) (Non-union personnel are listed below)
- (d) Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
 - January 3, 2017
 - March 21, 2017
 - April 12, 2017

10:30

11. Adjournment

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

May 8, 2017

2016-2017 Non-Union Positions

Accountant/Analyst

Accounts Payable Specialist

AD/VM Ware System Administrator

Administrative Assistant for the School Committee

Administrative Assistant to the Assistant Superintendent (2 positions)

Administrative Assistant to the Director of Student Services

Administrative Assistant to the Superintendent

Assistant Director of Student Services

Assistant Principal, Claypit Hill School

Assistant Principal, Wayland High School (2 positions)

Assistant Principal, Wayland Middle School

Assistant Superintendent

Athletic Director

Athletic Trainer

Board Certified Behavior Analyst

Certified Occupational Therapist

Certified Occupational Therapy Assistant (3 positions)

Computer Technician (2 positions)

Data Manager

Director of Elementary Curriculum Assessment and Accountability for Humanities


Director of Elementary Curriculum Assessment and Accountability for Math and Science

Director of Student Services

Director of Technology and Accountability

Director of The Children's Way

Director of Wayland School Community Programs



Early Childhood Coordinator
English Language Learners Coordinator
Facilities Manager
Food Service Director
Human Resources Director
MAC System Administrator
METCO Administrative Assistant
METCO Bus Monitor
METCO Coordinator (Elementary)
METCO Coordinator at Wayland High School
METCO Coordinator at Wayland Middle School
METCO Director
Network Administrator
Physical Therapist (2 positions)
Principal, Claypit Hill Elementary School
Principal, Happy Hollow Elementary School
Principal, Loker Elementary School
Principal, Wayland High School
Principal, Wayland Middle School
School Business Administrator
Special Education Tutor
Transportation Coordinator
Wayland Bus Driver
WaylandCares Community Outreach Coordinator
WSCP Accounts Communications Coordinator
WSCP Accounts Coordinator
WSCP Accounts Receivable Clerk
WSCP Activities Coordinator of the Pegasus Program
WSCP Administrative Assistant, TCW
WSCP Administrative Coordinator

The Children's Way
BASE



Ellen Grieco
<ellen_grieco@wayland.k12.ma.us>

Open Meeting Maw Complaint of June 7, 2017

4 messages

Ellen Grieco <ellen_grieco@wayland.k12.ma.us> Wed, Jul 5,
2017 at 6:13
AM

To: "openmeeting@state.ma.us" <openmeeting@state.ma.us>
Cc: George Harris <geoharris2@gmail.com>

Office of the Attorney General
Division of Open Government

Re: Open Meeting law Complaint of June 7, 2017

Dear Sir or Madam:

Attached is an Open Meeting law Complaint filed against the Wayland School Committee regarding the Agenda for the Executive Session of the Committee's Meeting on May 8, 2017. The Complaint contends that the Agenda in listing non-union positions to be discussed, summarized the listing of all positions at The Children's Way and BASE (the before and after school program) with out listing each position under those organizations separately, and that these positions should have been listed separately.

The Committee agrees to acknowledge that the Complaint is

correct, the Agenda insufficient and to revise the Agenda and list the positions separately if G.L. c. 30A, sec 21 (a) (2) requires it to do so. I telephoned the Office of the Attorney General to address this question and did not receive a substantive response. In addition, the Statute does not provide specific legal guidance as to whether there is a violation in the Agenda.

The Committee will meet again on July 24, 2017. If you can provide some guidance on this matter, we will address it appropriately.

Thank you,

Ellen Grieco
Wayland School Committee, Chair

Preview attachment 17-06-07 OML Complaint.PDF



17-06-07 OML Complaint.PD



17-06-07 OML Complaint.pdf

208K

Ellen Grieco <ellen_grieco@wayland.k12.ma.us>

Thu, Jul 6,
2017 at 6:30
AM

To: Nate Buffum <nate_buffum@wayland.k12.ma.us>, Jeanne Downs <Jeanne_Downs@wayland.k12.ma.us>, Kim Reichelt <kim_reichelt@wayland.k12.ma.us>, Kathie Steinberg <kathie_steinberg@wayland.k12.ma.us>
Cc: Arthur Unobskey <arthur_unobskey@wayland.k12.ma.us>

FYI. No discussion please.

[Quoted text hidden]

 **17-06-07 OML Complaint.pdf**
208K

Ellen Grieco <ellen_grieco@wayland.k12.ma.us> Wed, Jul 19,
2017 at 2:45
PM

To: "jonathan.sclarsic@state.ma.us"
<jonathan.sclarsic@state.ma.us>, "Maher, Kaitlin (AGO)"
<kaitlin.maher@state.ma.us>
Cc: George Harris <geoharris2@gmail.com>

Hi Jonathan and Kaitlin.

Just FYI, I submitted the 6/7/2017 OML Complaint referenced in Mr. Harris' email of today, 7/19/17, and the Committee's response to that complaint on July 5, 2017 as agreed. See below. Thanks

Ellen Grieco
Chair, Wayland School Committee

----- Forwarded message -----

From: **Ellen Grieco** <ellen_grieco@wayland.k12.ma.us>
Date: Wednesday, July 5, 2017

Subject: Open Meeting Maw Complaint of June 7, 2017
To: "openmeeting@state.ma.us"
<openmeeting@state.ma.us>
Cc: George Harris <geoharris2@gmail.com>

[Quoted text hidden]

 **17-06-07 OML Complaint.pdf**
208K

Maher, Kaitlin (AGO)
<Kaitlin.Maher@massmail.state.ma.us>

Wed, Jul 19,
2017 at 2:48
PM

To: Ellen Grieco <ellen_grieco@wayland.k12.ma.us>
Cc: "Sclarsic, Jonathan (AGO)" <jonathan.sclarsic@state.ma.us>

Ms. Grieco,

Thank you. Your response is in the case file.

Sincerely,
Kadie

Kaitlin Maher

Paralegal, Division of Open Government

Office of the Massachusetts Attorney General

One Ashburton Place, 20th Floor

Boston, MA 02108

Ph: (617) 963-2451

Fax: (617) 727-5785

Kaitlin.Maher@State.MA.US

From: Ellen Grieco [mailto:ellen_grieco@wayland.k12.ma.us]

Sent: Wednesday, July 19, 2017 2:46 PM

To: Sclarsic, Jonathan (AGO)

<Jonathan.Sclarsic@MassMail.State.MA.US>; Maher, Kaitlin (AGO) <Kaitlin.Maher@MassMail.State.MA.US>

Cc: George Harris <geoharris2@gmail.com>

Subject: Open Meeting Maw Complaint of June 7, 2017

Hi Jonathan and Kaitlin.

Just FYI, I submitted the 6/7/2017 OML Complaint referenced in Mr. Harris' email of today, 7/19/17, and the Committee's response to that complaint on July 5, 2017 as agreed. See below. Thanks

The Committee agrees to acknowledge that the Complaint is correct, the Agenda insufficient and to revise the Agenda and list the positions separately if G.L. c. 30A, sec 21 (a) (2) requires it to do so. I telephoned the Office of the Attorney General to address this question and did not receive a substantive response. In addition, the Statute does not provide specific legal guidance as to whether there is a violation in the Agenda.

The Committee will meet again on July 24, 2017. If you can provide some guidance on this matter, we will address it appropriately.

Thank you,

Ellen Grieco

Wayland School Committee, Chair

Preview attachment 17-06-07 OML Complaint.PDF





17-06-07 OML Complaint.PD

Sclarsic Committee

KP | LAW

The Leader in Public Sector Law

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

October 20, 2017

RECEIVED
OCT 23 2017
Board of Selectmen
Town of Wayland

Carolyn M. Murray
cmurray@k-plaw.com

Jonathan Sclarsic, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Wayland School Committee –
Response to September 19, 2017 Complaint of George Harris

Dear Mr. Sclarsic:

Please be advised that this office serves as Town Counsel to the Town of Wayland. On or about September 20, 2017, the Wayland School Committee (“Committee”) received an Open Meeting Law complaint from Mr. George Harris (“Complaint”). A copy of the Complaint is attached as Exhibit A. The Board listed the Complaint on the meeting notice for its October 16, 2017 meeting (a copy of the meeting agenda is attached hereto as Exhibit B), discussed the substance of the Complaint and voted to authorize this response following its deliberation. Since the Complaint alleges violations from the Committee’s meetings held on August 21, 2017 and September 5, 2017, this correspondence shall serve as a consolidated response to the items listed in the Complaint.

As set forth in detail below, the Committee denies that its meeting notices for meetings held on August 21, 2017 and September 5, 2017 violated the Open Meeting Law in any manner since the matters discussed were not reasonably anticipated by the Chair prior to the meeting and several of the items, as specified below, related to other matters listed on the agenda. Nonetheless, at its meeting on October 16, 2017, the Committee, through the Chair, has committed to work closely with School officials to provide additional detail, when known and available, in its future meeting agendas relative to the Superintendent’s report to the Committee.

Relevant Background

By way of background, the School Committee is comprised of five elected Wayland residents each serving three-year April-to-April terms. The School Committee members terms are staggered, whereby two members are elected one year, two members the next year and one member the third year. The School Committee’s current chair is Ellen Grieco. Its mission is to support the Wayland Public Schools to set policy, hire and oversee the Superintendent of Schools and recommend an appropriate budget that delivers high-quality curricular educational programs to the children entrusted to its care. Its meetings, meeting notices and minutes are available online at: <http://www.wayland.k12.ma.us>.

Jonathan Sclarsic, Esq.
Director, Division of Open Government
October 20, 2017
Page 2

Response to Complaint

Mr. Harris' Complaint alleges that the Committee meeting notices for August 21, 2017 and September 5, 2017 did not include sufficient detail regarding the contents of the Finance Subcommittee and Superintendent's presentations to the Committee. Pursuant to G.L. c. 30A, §20(b), meeting notices "shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting." The issue here is whether the failure to include specific items of which the Chair was not aware of at any time prior to the meeting violated the Open Meeting Law. As discussed in detail below, because the topics raised by the Finance Subcommittee member and the Superintendent at the meetings at issue were not reasonably anticipated by the Chair 48 hours before the meeting, and will likely be topics which will be scheduled for further detailed discussion at subsequent meetings, no violation exists.

August 21, 2017 Meeting

The School Committee's chair, Ellen Grieco, coordinates the School Committee meeting agendas, including the August 21, 2017 meeting agenda, in coordination with the School Department's administrative staff. The Complaint alleges that the meeting notice for the August 21, 2017 meeting lists under financial matters "Report from Finance Subcommittee" and under educational matters "hear Superintendent's Report." A true and accurate copy of the meeting agenda is attached to Exhibit A.

According to the minutes of the August 21, 2017 meeting, attached as Exhibit C, a member of the Finance Subcommittee reported financial matters regarding the High School Master Athletic Plan, the Loker kitchen and the use of data, as well as a review of the budget calendar for the FY19 budget. The Master Athletic Plan was separately listed on the agenda specifically under "special matter." Exhibit A. Review of the FY19 budget calendar was also listed under "Financial Matters." Exhibit A. The Loker kitchen and use of data were matters not anticipated by the Chair prior to the meeting.

With respect to the "Superintendent's Report," as was her regular practice, in preparation for the September 5, 2017 Committee Meeting, Chair Grieco reviewed matters for the meeting notice, including from the Superintendent. The Superintendent did not provide any items for discussion or inclusion in the meeting notice, and thus the agenda again stated: "Superintendent's Report." Exhibit A. With respect to the Superintendent's Report, the Chair was also unaware of the Superintendent's decision to discuss the Administrative Council's retreat or the school calendar. The School Committee notes that "update regarding school start times" was, also listed on the meeting notice, since such matter was then anticipated by the Chair.

Jonathan Sclarsic, Esq.
Director, Division of Open Government
October 20, 2017
Page 3

The Committee denies that its Chair was aware of the Finance Subcommittee member's intention to raise these specific matters for discussion during its August 21, 2017 meeting. A public body need only list topics in the meeting notice that were reasonably anticipated by the chair. G.L. c. 30A, § 20(b). After soliciting comments and items for inclusion in the meeting notice prior to public posting, Chair Grieco was unaware of the matters to be addressed, if any, by the Finance Subcommittee or Superintendent during the meeting. Thus, if Chair Grieco did not know that the Finance Subcommittee or Superintendent would report certain items to the Committee, there was no requirement that she note such items in the meeting notice. Indeed, when the Chair is aware that specific items will be addressed at a meeting, such matters are detailed in the meeting notices. As the meeting notice for the August 21, 2017 meeting demonstrate, there is a significant amount of specificity included in the School Committee's meeting notice sufficient to alert members of the public of the topics to be discussed at the meeting. Exhibit A. Therefore, since the Chair did not reasonably anticipate that certain items would be discussed, after soliciting input, 48 hours before the meeting, there was no violation of the Open Meeting Law.

September 5, 2017 Meeting

As was her regular practice, in preparation for the September 5, 2017 Committee Meeting, Chair Grieco reviewed matters for the meeting notice, including from the Superintendent. The Superintendent did not provide any items for discussion or inclusion in the meeting notice, and thus the agenda again stated: "Superintendent's Report." Exhibit A. According to the minutes of this meeting (see Exhibit D), the following unanticipated items were raised by the Superintendent:

- Report on the first day of school and the time he spends at the schools; informed the School Committee about back-to-school and curriculum nights.

Chair Grieco was not aware of the Superintendent's intention to raise these specific issues during the Committee's September 5, 2017 meeting, and thus, such matters were not reasonably anticipated by the chair. G.L. c. 30A, § 20(b). As such, if the Chair did not know, even after reasonable diligence, that the Superintendent would present on these items to the Committee during the meeting, after reasonable inquiry, there was no requirement that she note that statement in the meeting notice. Therefore, there was no anticipated discussion concerning the items raised by the Superintendent in violation of the Open Meeting Law. Despite its compliance with the Law, following its review and discussion of the Complaint on October 16, 2017, in coordination with Town Counsel, the School Committee has voted to continue to strive to work closely with School officials and Committee members to include all available information on its meeting minutes, including as indicated on the enclosed October 16, 2017 meeting notice.

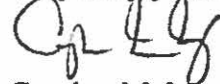
Jonathan Sclarsic, Esq.
Director, Division of Open Government
October 20, 2017
Page 4

Conclusion

As set forth above, it is the School Committee's position that it did not violate the Open Meeting Law with respect to the listing of topics on its August 21, 2017 and September 5, 2017 agendas, as the Chair listed those topics that she reasonably anticipated would be discussed, or the meeting notice addressed such items under other topics, as specified above. However, the School Committee acknowledges and understands the important goals that the Open Meeting Law is intended to promote, and therefore, at its October 16, 2017 meeting, the Chair announced to the Committee that, going forward, the Committee would strive to further contact school subcommittee members and the Superintendent in advance of Committee meetings, to identify those topics that they may wish to present to the Committee and list those topics on each agenda.

Please do not hesitate to contact me to discuss in further detail.

Very truly yours,



Carolyn M. Murray

CMM/JMA/jsh

Enc.

cc: School Committee
Board of Selectmen
Mr. George Harris

594838/WAYL/0001

EXHIBIT A



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: George Last Name: Harris

Address: 8 Holiday Road

City: Wayland State: MA Zip Code: 01778

Phone Number: +1 (508) 358-2379 Ext. _____

Email: geoharris2@gmail.com

Organization or Media Affiliation (if any): None

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wayland School Committee

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 08/21 & 09/05/2017

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached statement with two exhibits for a full explanation.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached statement.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

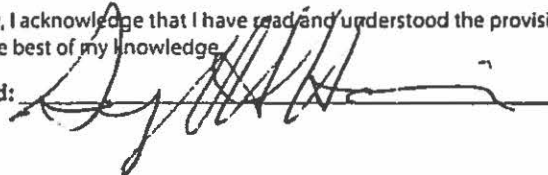
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:



Date:

09/19/2017

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:

OPEN MEETING LAW COMPLAINT

Wayland School Committee

This is a complaint that the Wayland School Committee ("Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Committee's meeting notices for August 21 and September 5, 2017 were not sufficiently detailed.

The Open Meeting Law requires that public bodies post notice at least 48 hours prior to a meeting and include a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b). Public bodies must list topics for discussion with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). The Division of Open Government generally considers a topic description sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion." OMI. 2014-69 (Wayland School Committee).

The meeting notice for the Committee's August 21, 2017 meeting lists under 3. Financial Matters (a) "Report from Finance Subcommittee"¹ and under 4. Educational Matters (a) "Hear Superintendent's Report." See Exhibit 1 attached hereto.

The meeting notice for the Committee's September 5, 2017 meeting lists under 4. Educational Matters (a) "Hear Superintendent's Report." See Exhibit 2 attached hereto.

It is the chair's lawful duty to list topics on the meeting notice with sufficient specificity so as to "reasonably advise the public of the issues to be discussed at the meeting." Here the chair has failed to do so by stating in the August 21 notice: "Report from Finance Subcommittee." That description does not so much as hint at what financial issues will be discussed. It is the chair's duty to inquire of the Finance Subcommittee what subjects it plans to report and then incorporate those subjects in the meeting notice for the benefit of the public.

Likewise, "Hear Superintendent's Report" in both notices tells the public nothing about the issues to be discussed at the meeting. It is the chair's duty to inquire of the Superintendent what subjects he plans to report and then to incorporate those subjects in the meeting notice for the benefit of the public.

The inadequate topic descriptions constitute violations of the Open Meeting Law.

¹ The Finance Subcommittee consists of two Committee members appointed by the five-member Committee.

ACTIONS REQUESTED

1. The Committee shall acknowledge that the subject meeting notices were not sufficiently detailed in violation of the Open Meeting Law.
2. In the future, the Committee shall comply with the Open Meeting Law's requirements for posting notices of meetings that reasonably advise the public of the issues to be discussed at those meetings.

WAYLAND PUBLIC SCHOOLS
Wayland, Massachusetts 01778

Regular Meeting
School Committee Room

Monday – 7:00 P.M.
August 21, 2017

AGENDA

Est. Time

- | | |
|-------------|--|
| 7:00 | 1. Comments & Written Statements from the Public |
| 7:15 | 2. Special Matter
(a) Update regarding the High School Master Athletic Plan, including Outreach to Other Committees/Boards, Community Members, Staff and Students, Review of Draft Article for Special Town Meeting and Possible Vote to Submit Article |
| 7:35 | 3. Financial Matters
(a) Report from Finance Subcommittee
(b) Review and Discussion of 2017-2018 Wayland Youth Basketball Gym Use Agreement and Possible Vote to Authorize the Chair to Sign the Agreement
(c) Review of Schedule for FY19 Budget Preparation, Analysis, Presentation, and Coordination with Finance Committee and Board of Selectmen
(d) Review Draft FY19 Capital Improvement Plans (CIP) for Wayland Schools, Including Five-Year Capital Plan and Outstanding Capital Projects |
| 8:00 | 4. Educational Matters
(a) Hear Superintendent's Report
(b) Update regarding School Start Times |
| 8:15 | 5. Administrative/Procedural Matters
(a) Discussion of School Committee Protocols and Goals for FY18
(b) Review of Process and Timing for Superintendent's Evaluation for FY18
(c) Preliminary Discussion and Review of Draft of Annual Town Report
(d) Discussion of Ongoing and Future School Committee Communications with the Public
(e) Discussion of Respective Roles of School Committee and Finance Subcommittee
(f) Discussion of School Committee Meetings and Topics for Fall 2017 |
| 9:00 | 6. Policy Matters
(a) Review and Vote to Approve Policy JLCA (Physical Examinations) |
| 9:10 | 7. Matters Not Reasonably Anticipated by the Chair |
| 9:15 | 8. Consent Agenda
(a) Approval of Accounts Payables & Payroll Warrants
(b) Approval of Minutes <ul style="list-style-type: none"> • Special Session of April 2, 2017 • Special Session of May 23, 2017 • Regular Session of July 24, 2017 |
| 9:20 | 9. Executive Session
(a) Discuss Strategy with Respect to Collective Bargaining with Custodians, including Potential Request for Funding at Fall Town Meeting, pursuant to M.G.L. c.30A, §21(a)(3) |

8-21-2017

- (b) Discuss Strategy with Respect to Contract Negotiations with Non-Union Personnel, as listed on the Meeting Notice, pursuant to M.G.L. c.30A, §21(a)(2)
- (c) Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
 - August 7, 2017

9:40

10. Regular Matters (continued)

- (a) Possible Vote to Ratify the Custodial Memorandum of Agreement
- (b) Possible Vote to Approve the Non-Union Contracts as Listed on the Meeting Notice

9:45

11. Adjournment

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Assistant Principals (3)

School Principals (5)

WAYLAND PUBLIC SCHOOLS
Wayland, Massachusetts 01778

Regular Meeting
School Committee Room

Monday – 7:00 P.M.
September 5, 2017

AGENDA

Est. Time

- | | |
|------|--|
| 7:00 | 1. Comments & Written Statements from the Public |
| 7:15 | 2. Special Matter
(a) Review and Possible Vote to Receive the Weston and Sampson Master Plan Summary Report
(b) Discussion and Possible Vote to Support Recreation Commission's Warrant Article regarding the Design Fees for the Development of a Synthetic Turf Field at the Loker Conservation and Recreation Area for Fall Town Meeting |
| 7:45 | 3. Financial Matters
(a) Review and Possible Vote to Approve Payment of a Prior Year Invoice from David C. Nickerson for the Rental of Equipment for the WHS 2017 Graduation
(b) Review Draft FY19 Capital Improvement Plans (CIP) for Wayland Schools, including Five-Year Capital Plan and Outstanding Capital Projects
(c) Report from Finance Subcommittee |
| 8:15 | 4. Educational Matters
(a) Hear Superintendent's Report
(b) Update regarding School Start Times |
| 8:30 | 5. Administrative/Procedural Matters
(a) Discussion of Open Meeting Law Complaints Filed by George Harris on August 22, 2017 and August 31, 2017 both regarding the Insufficient Detail of Executive Session Minutes
(b) Discussion of School Committee Protocols and Goals for FY18
(c) Preliminary Discussion and Review of Draft of Annual Town Report
(d) Discussion of the Role of Subcommittees on the School Committee
(e) Discussion of School Committee Meetings, Topics and Communications with the Public for Fall 2017
(f) Discussion of Prospective School Committee Schedule for FY18 |
| 9:15 | 6. Matters Not Reasonably Anticipated by the Chair |
| 9:20 | 7. Consent Agenda
(a) Approval of Accounts Payables & Payroll Warrants
(b) Approval of Minutes <ul style="list-style-type: none"> • Special Session of April 2, 2017 (re-vote) • Regular Session of August 7, 2017 |
| 9:30 | 8. Executive Session
(a) Discuss Strategy with Respect to Collective Bargaining with WESA, pursuant to M.G.L. c.30A, §21(a)(2)
(b) Review of Executive Session Minutes for Possible Declassification, pursuant to M.G.L. c.30A, §22 <ul style="list-style-type: none"> • March 24, 2017 |

9-5-2017

- April 12, 2017
 - June 12, 2017
- (c) Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
- August 21, 2017

9:45

10. Regular Matters (continued)

- (a) Possible Vote to Ratify the WESA Memorandum of Agreement
- (b) Possible Vote to Declassify Executive Session Minutes as Listed on the Meeting Agenda

10:00

11. Adjournment

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

EXHIBIT B

WAYLAND PUBLIC SCHOOLS
Wayland, Massachusetts 01778

Regular Meeting
School Committee Room

Monday – 7:00 P.M.
October 16, 2017

AGENDA

Est. Time

- 7:00** **1. Comments & Written Statements from the Public**
- 7:15** **2. Special Matter**
 (a) Special Thank You to School Support Organizations
- 7:25** **3. Financial Matters**
 (a) Review, Discuss, and Possible Vote to Accept the Following Reports:
 • FY17 Support Organizations' Expenditure Report
 • FY18 Support Organizations' Budget
 • FY17 Quarter 4 Financial Report
 • FY17 DESE End-of-Year-Report
 (b) Update regarding the Recommendations Made in the TEC Bus Access Site Line
 Assessment for 526 Boston Post Road
 (c) High School Master Athletic Plan Update
 • Status, Communication to Community and other Town Boards/Committees,
 FAQ's, and Steps to Move Forward
 (d) Discussion of Budget Calendar, Budget Presentations, Finance Committee
 Guideline and Communication with Finance Committee
 (e) Report regarding Ongoing Work from the Finance Subcommittee
- 8:10** **4. Educational Matters**
 (a) Hear Superintendent's Report regarding School Events and Ongoing Initiatives
 (b) Update regarding School Start Times
 (c) Continued Discussion of Head Injury and Concussions in Extracurricular Activities,
 including Review of Wellness Topics for Further Discussion Going Forward
- 8:20** **5. Administrative/Procedural Matters**
 (a) Discussion of Open Meeting Law Complaints Filed by George Harris on August 22,
 2017, August 31, 2017 and June 7, 2017 (Alleging Insufficient Detail of Executive
 Session Minutes), July 18, 2017 (Alleging Failure to Timely Produce Minutes),
 September 19, 2017 (Alleging Insufficient Detail in Agenda), and September 28,
 2017 (Alleging Failure to Produce Minutes in a Timely Manner)
 (b) Review of Outstanding Document Requests and Response
 (c) Review of Public Communications from the School Committee
- 9:40** **6. Matters Not Reasonably Anticipated by the Chair**
- 9:45** **7. Consent Agenda**
 (a) Approval of Accounts Payables & Payroll Warrants
 (b) Approval of Minutes
 • Regular Session of September 18, 2017
 • Regular Session of October 2, 2017

10-16-17

9:50

8. Executive Session

- (a) Discuss Strategy with Respect to Collective Bargaining with Food Service Workers, pursuant to M.G.L. c.30A, §21(a)(3)
- (b) Discussion of Open Meeting Law Complaints Filed by George Harris on July 7, 2017 Alleging Insufficient Detail in Executive Session Minutes, July 18, 2017 Alleging Failure to Produce Minutes, both in Violation of M.G.L. c.30A, §22, and September 19, 2017 Alleging Insufficient Detail in Agenda in Violation of M.G.L. c.30A, §20, and September 28, 2017 Alleging Failure to Produce Minutes in a Timely Manner in Violation of M.G.L. c.30A, §22
- (c) Review of Executive Session Minutes for Possible Declassification, pursuant to M.G.L. c.30A, §22
- (d) Approval of Executive Session Minutes, pursuant to M.G.L. c.30A, §22:
 - October 2, 2017
 - July 24, 2017 (re-vote amended minutes)

10:10

9. Regular Matters (continued)

- (a) Possible Vote to Declassify Executive Session Minutes as Listed on the Meeting Agenda

10:15

10. Adjournment

"The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

Agenda Items 8(c) and 9(a):

July 24, 2017

August 7, 2017

August 21, 2017

August 29, 2017

September 5, 2017

September 18, 2017

EXHIBIT C

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 21, 2017

A Regular Meeting of the Wayland School Committee was held on Monday, August 21, 2017, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair
Jeanne Downs, Vice Chair
Nate Buffum (arrived at 7:02 p.m.)
Kim Reichelt
Kathie Steinberg

Also:

Arthur Unobskey
Superintendent

Brad Crozier
Assistant Superintendent

Susan Bottan
School Business Administrator

Marlene Dodyk
Director of Student Services

Also:

Ben Keefe, Public Buildings Director
Asa Foster, Recreation Commission
Heath Rollins, Athletic Director

Chair Ellen Grieco convened the regular session at 7:00 p.m.; the meeting is being recorded by WayCAM.

1. Comments & Written Statements from the Public:

Tom Sciacca commented on the limitations of CPA money according to a revised law. Land and historical preservation and affordable housing are considered to be primary uses for CPA money and recreation use is secondary. Tom noted that the revision to the law did not allow the use of an artificial turf field, but the law, in his opinion, was drafted carelessly; he explained. Tom commented on grass maintenance and the importance of how lawns and fields are properly built, receive proper mowing, and have appropriate water drainage. Tom believes that outdoor activity is better for children than playing on a sports team. However, playing sports is one way to be outdoors. In addition, Tom commented that football is not healthy and injures kids according to much evidence, and it should not be continued to be promoted given all of the evidence presented.

Speaking for himself, Brud Wright provided a different view from the previous comments, but agreed with the comments regarding field maintenance. The fields are being overused because of the success of the athletic programs in Wayland. The field at the town building will be the first field to be rebuilt and the future use on this field will be limited. However, with the installation of a turf field in town, it will help alleviate the use of some of the grass fields and help to maintain the right balance using a mix of fields. Brud believes that outdoor activity is good, but sports teaches kids so much about life lessons, including learning how to win and lose graciously. Finally, he commented that the master plan has been needed for a long time and he looks forward to it coming to fruition.

Joe Schwendt commented that he and his children play sports on many of the fields in Wayland and added that most grass fields cannot be used when there is a wet spring. He noted that Wayland's fields are not as nice as surrounding towns and supports moving forward with the master plan. Finally, Joe believes that sports are incredibly important and fosters behaviors in kids and enriches their lives beyond the classroom.

Chris Fay runs a national non-profit that is related to sports and firmly believes that sports play a huge role in the success of the lives of kids. He commented that 70% of kids in New England drop out of all sports before their teenage years causing them to miss out on those life lessons that sports provides, such as doing better in school and in relationships, as well as staying from drugs and alcohol. Therefore, Chris believes that investing in sports fields will play a huge role in the success of the community.

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 21, 2017

2. **Special Matter:**

Update regarding the High School Master Athletic Plan, including Outreach to Other Committees/Boards, Community Members, Staff and Students, Review of Draft Article for Special Town Meeting, and Possible Vote to Co-sponsor and Submit Article with Recreation Commission, and to Present Article to the Board of Selectmen:

Jeanne updated the School Committee on a meeting with other Boards that some School Committee members attended to review and discuss the High School Master Athletic Plan and to receive input in terms of drafting a warrant article. The meeting was attended by Council on Aging, Finance Committee, Board of Selectmen, Library Committee, River Stewardship Committee. Kathie has communicated with the Board of Health and Conservation Commission in this regard, as they did not attend the meeting.

The feedback and questions received were about the master plan, why it was being pursued at this time, and the use of the Loker Conservation site. Jeanne explained the designation of monies in the turf field replacement fund for the replacement of the High School turf field, and she referred to a memo to the Board of Selectmen issued by the Finance Committee regarding the request for emergency funding only at the Special Fall Town Meeting. Ellen informed the School Committee of her discussion with the Finance Committee Chair in terms of the requests for funds at Fall Town Meeting and alternative funding sources.

CPC funds are available but have limited uses and currently exclude stadiums, bleachers, lighting and turf fields. Kathie explained the process were the School Committee to submit an application for design fees from the CPC. Jeanne presented an overall description of the use and the necessary non-use of the facilities at this time by the High School athletic teams and town youth sports.

Given the different sources from which money will be available to fund the design fee, the request for \$152,000 at Fall Town Meeting is needed to make up the difference. A discussion ensued regarding the urgency/emergency of such a request for funding. Athletic Director Heath Rollins confirmed and elaborated on the upcoming track schedules, including the need to travel to other towns for team competitions, the condition and use of the tennis courts, and the possible safety issues on the fields.

The School Committee reviewed and discussed the draft article for language and the accuracy of information in the article. The Committee discussed the potential schedule for the design, bidding and construction phases, particularly the possibility of having some flexibility in the process, and the potential of submitting two articles. Ben Keefe contributed to this conversation in terms of the process, including the Loker conservation land. It was suggested that an additional document be provided explaining the urgency and/or emergency in requesting funds at Fall Town Meeting. Jeanne and Heath Rollins will work together on a cover memo for submission. A School Committee meeting will be posted for August 29th to meet the article deadline.

Upon a motion duly made by Ellen Grieco, seconded by Kathie Steinberg, the School Committee voted unanimously (5-0) to approve the article for submission to the Board of Selectmen for inclusion for Fall Town Meeting as drafted and amended tonight and to authorize Jeanne Downs to further amend it as discussed.

Ellen Grieco moved that the School Committee vote to submit an application to the CPC for \$126,000 to fund the design phase of the High School Master Plan, as discussed, and that the School Committee authorize the Finance Subcommittee to draft and submit the application. The motion was seconded by Kim Reichelt.

After further discussion regarding the amount of money requested for Parts 1 and 2 of the project, the previous motion was withdrawn.

Upon a motion duly made by Ellen Grieco, seconded by Kathie Steinberg, the School Committee voted unanimously (5-0) to apply to the CPC for design fee funding for Part 2 and for Part 1 as appropriate on the High School Master Plan as discussed this evening and that the School Committee authorize the Finance Subcommittee to prepare and submit the application.

Another discussion in terms of what CPC funds will pay for followed the motion.

3. **Financial Matters:**

(a) Report from Finance Subcommittee:

Jeanne reported on the ongoing work of the Finance Subcommittee, such as the High School Master Athletic Plan, the Loker kitchen, the use of data relative to MUNIS and RADAR as gathered by Susan Bottan, and a review of the

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 21, 2017

budget calendar with the hopes of the School Committee liaisons to the schools present the FY19 budget.

- (b) Review and Discussion of 2017-2018 Wayland Youth Basketball Gym Use Agreement and Possible Vote to Authorize the Chair to Sign the Agreement:
Ben Keefe commented that the gym use fee for FY18 is the same as last year.

Upon a motion duly made by Kathie Steinberg, seconded by Jeanne Downs, the School Committee voted unanimously (5-0) to authorize Ellen Grieco to sign the agreement with Wayland Youth Basketball.

- (c) Review of Schedule for FY19 Budget Preparation, Analysis, Presentation, and Coordination with Finance Committee and Board of Selectmen:
The School Committee reviewed its budget schedule. Ellen reported that the Finance Committee is currently engaged in "modeling" for the purpose of a forecasting budget tool and will provide the Committee with its budget model by September 15th. A discussion ensued in this regard.

The School Committee discussed following last year's process whereby each member presents the superintendent's recommended budget during the first two weeks of January at its assigned school aligned with the school principals and PTO representatives. Other presentations will include the town stakeholders, such as the Council on Aging. The Finance Committee may be invited to a School Committee meeting in September for the purpose of receiving the budget guidelines.

- (d) Review Draft FY19 Capital Improvement Plans (CIP) for Wayland Schools, including Five-Year Capital Plan and Outstanding Capital Projects:
Susan reported that Brian Keveny has released the deadlines and guidelines for the capital and operating budgets for FY19. The principals will identify their school building capital needs on September 6, and the School Committee will review and approve the first draft of the FY19 CIPs on September 18. Ben Keefe addressed the High School Master Athletic Plan in terms of capital requests for spring Town Meeting for which he will write to include Parts 1 and 2. Susan updated the School Committee regarding the proposed FY19 CIP for the Loker School kitchen.

4. **Educational Matters:**

- (a) Hear Superintendent's Report:
Arthur informed the School Committee that Administrative Council's retreat will be held at the Koch Institute on the first day and the Public Safety Building on the second day. He referred to the agenda, which includes goal setting. Arthur noted that the teachers and other staff will return on August 30th and students return on September 5th.
- (b) Update regarding School Start Times:
Arthur reported that there are three evening meetings scheduled for the task force: September 11th, September 25th, and October 23rd. The task force will present its work to the School Committee in early November. Arthur commented that, depending on the decision, March is the deadline to change teachers' schedules. A discussion ensued in terms of timing and communicating to the public once a decision is reached.

A member of the audience suggested that a poll be established for the purpose of getting public opinion on the options that will be presented.

5. **Administrative/Procedural Matters:**

- (a) Discussion of School Committee Protocols and Goals for FY18:
Although School Committee protocols exist, the School Committee discussed establishing a set of annual goals in November after the district goals are established. Ellen clarified some of the issues that will be addressed this school year, such as school start times and the High School Master Athletic Plan.
- (b) Review of Process and Timing for Superintendent's Evaluation for FY18:
The Superintendent Evaluation Subcommittee will meet in the imminent future.
- (c) Preliminary Discussion and Review of Draft of Annual Town Report:
This agenda topic was passed over.

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 21, 2017

(d) Discussion of Ongoing and Future School Committee Communications with the Public:

The following is a list of ongoing and potential future topics in terms of communications with the public:

- New Student Information System
- High School Master Plan
- School Start Times
- Use of Facilities after School Hours
- Community Programs
- The Creation of a Welcoming Environment in the Schools
- What's New in STEAM
- Social and Emotional Trends and the Need for More Services
- Concussions, Safety, and the Future of Football
- The New Website
- Benefits of Team Sports
- Northeastern Study Follow-up
- The Benefits of the Solar Panels, including Cost Savings

A discussion ensued about the types of information that is provided in the student information systems.

(e) Discussion of Respective Roles of School Committee and Finance Subcommittee:

The School Committee discussed the appropriate protocol/guidelines that its subcommittees should follow when drafting agendas, having meeting discussions, and communicating with other town boards and the School Committee. The School Committee will continue this discussion at a future meeting.

(f) Discussion of School Committee Meetings and Topics for Fall 2017:

This agenda topic was passed over.

6. **Policy Matters:**

(a) Review and Vote to Approve Policy JLCA (Physical Examinations):

Upon review of Policy JLCA, one change was made.

Upon a motion duly made by Ellen Grieco, seconded by Kim Reichelt, the School Committee voted unanimously (5-0) to approve Policy JLCA (Physical Examinations) as drafted and discussed with one amendment.

7. **Matters not Reasonably Anticipated by the Chair:**

Some School Committee members will attend the August 30th staff meeting.

8. **Consent Agenda:**

(a) Approval of Accounts Payables & Payroll Warrants:

- Wayland Public Schools Accounts Payables Warrant, dated August 21, 2017, in the amount of \$553,044.59
- Wayland Public Schools Payroll Warrant, dated August 16, 2017, in the amount of \$291,967.64

(b) Approval of Minutes:

- Special Session of April 2, 2017
- Special Session of May 23, 2017
- Regular Session of July 24, 2017

Upon a motion duly made by Kathie Steinberg, seconded by Ellen Grieco, the School Committee voted unanimously (5-0) to approve the Consent Agenda.

9. **Executive Session:**

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted unanimously (5-0) to enter Executive Session at 9:34 p.m., to discuss strategy with respect to and in preparation for collective bargaining with Custodians, including Potential Request for Funding at Fall Town Meeting, as permitted by M.G.L. c.30A, §21(a)(3) as such discussion in open meeting may have a detrimental effect on the bargaining position of the School Committee and an Executive Session is necessary to protect the bargaining position of the School Committee; discuss strategy with respect to contract negotiations with non-union personnel as listed on the meeting notice, as permitted by M.G.L. c.30A, §21(a)(2), as such discussion in open meeting may have a detrimental effect on the bargaining position of the

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – August 21, 2017

School Committee and an Executive Session is necessary to protect the bargaining position of the School Committee; and approval of the following Executive Session minutes, as permitted by M.G.L. c.30A, §22: August 7, 2017. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Jeanne Downs, Vice Chair	X	
Nate Buffum	X	
Kim Reichelt	X	
Kathie Steinberg	X	

The School Committee will be joined by Arthur Unobskey, Superintendent of Schools, Brad Crozier, Assistant Superintendent of Schools, John Senchyshyn, Human Resources Director and Assistant Town Manager (by remote), and Diane Marobella, recording secretary.

The School Committee will reconvene in open session for a possible vote to ratify the Custodial Memorandum of Agreement and a possible vote to approve the non-union contracts as listed on the meeting notice.

9. **Regular Matters (continued):**

(a) Possible Vote to Ratify the Custodial Memorandum of Agreement:

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted unanimously (6-0) (including John Senchyshyn by remote) to ratify the Custodial Memorandum of Agreement.

(b) Possible Vote to Approve the Non-Union Contracts as Listed on the Meeting Notice:

Upon a motion duly made by Ellen Grieco, seconded by Kim Reichelt, the School Committee voted unanimously (5-0) to approve the non-union contracts as discussed.

10. **Adjournment:**

Upon a motion duly made by Ellen Grieco, seconded by Kathie Steinberg, the School Committee voted unanimously (5-0) to adjourn at 10:15 p.m.

Respectfully submitted,

Arthur Unobskey, Clerk
Wayland School Committee

Observers:

Tom Sciacca, WVN and BUZZ
Heidi Seaborg, Recreation Commission
Elisabeth Rainge, 18 Old Tavern Road

Corresponding Documentation:

1. Agenda & Backup Information
2. Wayland Youth Basketball Gym Use Agreement
3. Capital Projects & 5 Year Capital Plan
4. Status of Capital Projects
5. Policy JLCA – Physical Examinations of Students
6. Draft Joint Warrant Article re: the Master Athletic Plan
7. Regular Session Minutes of July 24, 2017
8. Executive Session Motion

EXHIBIT D

MINUTES – WAYLAND SCHOOL COMMITTEE

Regular Meeting – September 5, 2017

A Regular Meeting of the Wayland School Committee was held on Monday, September 5, 2017, at 7:00 P.M. in the School Committee Room of the Wayland Town Building.

Present were:

Ellen Grieco, Chair (arrived at 7:27 p.m.)
Jeanne Downs, Vice Chair (arrived at 7:44 p.m.)
Nate Buffum
Kim Reichelt
Kathie Steinberg

Also:

Arthur Unobskey
Superintendent

Brad Crozier

Assistant Superintendent (arrived at 7:42 p.m.)

Susan Bottan

School Business Administrator

Also:

Ben Keefe, Public Buildings Director

Because Ellen Grieco and Jeanne Downs were attending a Board of Selectmen meeting, School Committee member Kathie Steinberg convened the regular session at 7:07 p.m.; the meeting is possibly being recorded by WayCAM.

1. Comments & Written Statements from the Public:

There were no public comments or written statements.

2. Educational Matters (taken out of order):

Upon a motion duly made by Kim Reichelt, seconded by Nate Buffum, the School Committee voted unanimously (3-0) to begin the meeting with agenda item 4(a).

(a) Hear Superintendent's Report:

Arthur reported on the first day of school and the time he spent at the schools. Arthur informed the School Committee about upcoming back-to-school and curriculum nights.

Upon a motion duly made by Kim Reichelt, seconded by Kathie Steinberg, the School Committee voted unanimously (3-0) to discuss agenda item 4(b).

(b) Update regarding School Start Times:

Regarding school start times, Arthur has consulted with Dual County superintendents. He has recruited Boston parents to be a part of the task force that will meet again on September 11th. The hope is to have a decision by early November at which time he will present it to the School Committee for a possible vote by early January.

3. Financial Matters (taken out of order):

Upon a motion duly made by Kim Reichelt, seconded by Kathie Steinberg, the School Committee voted unanimously (3-0) to hear agenda item 3(a).

(a) Review and Possible Vote to Approve Payment of a Prior Year Invoice from David C. Nickerson for the Rental Equipment for the WHS 2017 Graduation:

Susan informed the School Committee that the invoice from David C. Nickerson is a prior year invoice for the rental of equipment for the 2017 graduation ceremonies in the amount of \$1,089.25. The money was not encumbered due to miscommunication; therefore, the money will be requested at Fall Town Meeting.

Upon a motion duly made by Kim Reichelt, seconded by Nate Buffum, the School Committee voted unanimously (3-0) to approve the payment of the prior year invoice from David Nickerson in the amount of \$1,089.25.

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – September 5, 2017

4. Consent Agenda:

(a) Approval of Accounts Payables & Payroll Warrants:

- Wayland Public Schools Accounts Payables Warrant, dated September 5, 2017, in the amount of \$215,565.82
- Wayland Public Schools Payroll Warrant, dated August 30, 2017, in the amount of \$1,426,320.27

(b) Approval of Minutes:

- Special Session of April 2, 2017 (re-vote)
- Regular Session of August 7, 2017

Upon a motion duly made by Kim Reichelt, seconded by Nate Buffum, the School Committee voted unanimously (3-0) to approve the Consent Agenda, except for the April 2, 2017 special session minutes.

5. Financial Matters (continued):

(a) Review Draft FY19 Capital Improvement Plans (CIP) for Wayland Schools, including Five-Year Capital Plan and Outstanding Capital Projects:

Susan provided the funding status of the FY19 CIPs based on FY18 information. She distributed a chart of the funding status of the CIPs for which she explained the format in more detail. Although it appears to be a negative balance for the Loker kitchen project, Susan noted that this will be looked at more closely by the Finance Department. However, the true balance is \$208,000 in the town's account. Susan explained in more detail and will consult with Brian Keveny in this regard. Ben Keefe reported that he is in negotiations with the architect regarding the Loker kitchen project.

Susan distributed and the School Committee reviewed a summary of all the CIPs reviewed by the School Committee to date. Susan noted the shifting and changing of prioritizing the CIPs, all of which are noted on the draft list for FY19. Principals may submit additional projects that they would like to be considered going forward and will be added to the list. Susan explained the reasons why some capital projects might be shifted in terms of prioritization, such as the need to repair or replace something immediately.

Ellen arrived at 7:27 p.m.

Some projects might be deferred and/or postponed for more than one year. A discussion ensued in terms of the large amount of capital funds that will be requested for other town building projects and how it might affect school capital projects going forward. Ben Keefe commented that the list is not a complete list and doesn't include some of the smaller capital projects; therefore, prioritization and careful planning is extremely important, as some projects may not be funded. The middle school fields were discussed and Ben added that Phase 3 of the high school master athletic plan should be added to the list of capital projects. The FY19 capital projects will be approved by the School Committee on September 18th and submitted to the Finance Committee by September 28th.

Ben noted that some issues were found by the DEP at the wastewater treatment plant and will need to be addressed in the near future. There is \$59,000 left from the high school construction of which \$50,000 can be used toward these repairs, leaving \$9,000 for landscaping at the high school. Although it is not confirmed, the wastewater treatment plant repairs could cost about \$125,000. Ben also mentioned two sets of Order of Conditions for the high school parking lot and the Loker Conservation site.

(b) Report from Finance Subcommittee:

Kathie reported that the Finance Subcommittee has been working on the high school master athletic plan and will work on the CIPs at its Thursday meeting. The subcommittee will also meet with the Conservation Commission Thursday evening regarding the placement of a field at Loker Conservation relative to the wetlands area.

Brad arrived at 7:42 p.m.

Jeanne arrived at 7:44 p.m.

The subcommittee will also review the budget calendar once the FinCom's budget guidelines are known. Klaus Shigley is the FinCom liaison to the School Committee.

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – September 5, 2017

6. **Special Matters:**

(a) Review and Possible Vote to Receive the Weston & Sampson Master Plan Summary Report:

Ellen updated the School Committee about a Conservation Preservation Commission meeting that she and Kathie attended. Ellen noted that comments were made by the Conservation Commission regarding the School Committee's non-commitment to the High School Athletic Master Athletic Plan that was developed ten years ago. Ellen suggested that the School Committee address the Conservation Commission's concerns as they move forward with the current master plan. Jeanne updated the Committee regarding the incomplete Order of Conditions and the process to close it by Weston and Sampson in order to move forward with the current project. A discussion followed in this regard.

Jeanne reported on the warrant workshop she attended earlier in the evening for the purpose of reviewing all potential articles for Fall Town Meeting. At the workshop, Jeanne was asked about the guarantee that the designs for the master athletic plan will be finished in time to request the construction funds at Annual Town Meeting and how the turf vs. grass fields issue will be addressed by the School Committee.

Upon a motion duly made by Kathie Steinberg, seconded by Kim Reichelt, the School Committee voted unanimously (5-0) to receive the Weston & Sampson Wayland High School Master Plan Summary Report.

A School Committee meeting will be posted for September 12th in case a quorum is present at the Recreation Commission meeting.

(b) Discussion and Possible Vote to Support Recreation Commission's Warrant Article regarding the Design Fees for the Development of a Synthetic Turf Field at the Loker Conservation and Recreation Area for Fall Town Meeting:

This discussion and vote was postponed until the meeting of September 18th and after the Recreation Commission's public forum on September 12th.

7. **Administrative/Procedural Matters:**

(a) Discussion of Open Meeting Law Complaints Filed by George Harris on August 22, 2017 and August 31, 2017 both regarding the Insufficient Detail of Executive Session Minutes:

The School Committee discussed the OML complaints filed by George Harris of August 22, 2017 and August 31, 2017, both of which are similar in nature and content stating that the minutes he requested had insufficient detail. The Committee's response is due on Friday, September 8th and the members reviewed their options. The Committee discussed the amount of detail in the minutes in question and what is required in terms of summarizing a discussion. Kathie will consult with the Town Administrator to possibly invite Town Counsel to the September 18th meeting, and Ellen will request an extension to respond to the OML complaints from the Attorney General's office.

(b) Discussion of School Committee Protocols and Goals for FY18:

The School Committee will draft its goals for FY18 after the district goals are established by the Superintendent. By the end of October, Arthur will have his school-based goals in place and his personal goals will be done by mid-November.

(c) Preliminary Discussion and Review of Draft of Annual Town Report:

Jeanne distributed the draft annual town report to the School Committee and noted the areas in which she had some concerns. She asked the School Committee to review the draft report in order to provide feedback at the September 18th meeting.

(d) Discussion of the Role of Subcommittees on the School Committee:

The School Committee discussed the roles of the Finance Subcommittee and Policy Subcommittee in terms of discussions, fact finding and research, and decision making. The Policy Subcommittee will research an existing policy or the possibility of drafting a policy in this regard.

(e) Discussion of School Committee Meetings, Topics and Communications with the Public for Fall 2017:

The School Committee reviewed topics to write about and share with the public, such as the arrival of the Chinese Exchange Program students and the High School Master Plan. Jeanne will draft a master list and schedule for the Committee's September 18th meeting.

MINUTES – WAYLAND SCHOOL COMMITTEE
Regular Meeting – September 5, 2017

(f) Discussion of Prospective School Committee Schedule for FY18

The School Committee reviewed its FY18 meeting schedule. The Budget Hearing will take place on January 22, 2018 at which the Committee will vote on the recommended FY19 school budget. It was noted that Annual Town Meeting begins on April 2, 2018.

8. **Matters not Reasonably Anticipated by the Chair:**

None.

9. **Executive Session:**

Agenda item 8(a) was not discussed due to a posting error.

Upon a motion duly made by Ellen Grieco, seconded by Jeanne Downs, the School Committee voted unanimously (5-0) to enter Executive Session at 8:49 p.m. to review the following Executive Session Minutes for possible declassification, as permitted by M.G.L. c.30A, §22 and as noted on the meeting agenda: March 24, 2017, April 12, 2017, June 12, 2017; and approval of the following Executive Session minutes, as permitted by M.G.L. c.30A, §22: August 21, 2017. A roll call vote was taken as follows:

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>
Ellen Grieco, Chair	X	
Jeanne Downs, Vice Chair	X	
Nate Buffum	X	
Kim Reichelt	X	
Kathie Steinberg	X	

The School Committee will be joined by Arthur Unobskey, Superintendent of Schools, Brad Crozier, Assistant Superintendent of Schools, and Diane Marobella, recording secretary.

The School Committee will reconvene in open session for a possible vote to approve the declassification and release of the following minutes as noted on the meeting agenda: March 24, 2017, April 12, 2017, and June 12, 2017.

10. **Regular Matters (continued):**

(a) Possible Vote to Ratify the WESA Memorandum of Agreement:

This agenda topic was passed over.

(b) Possible Vote to Declassify Executive Session Minutes as Listed on the Meeting Agenda:

Upon a motion duly made by Ellen Grieco, seconded by Kim Reichelt, the School Committee voted unanimously (5-0) to declassify the March 24, 2017, April 12, 2017, and June 12, 2017 Executive Session minutes as amended and redacted as discussed in Executive Session.

11. **Adjournment:**

Upon a motion duly made by Ellen Grieco, seconded by Kathie Steinberg, the School Committee voted unanimously (5-0) to adjourn at 9:10 p.m.

Respectfully submitted,

Arthur Unobskey, Clerk
Wayland School Committee

Corresponding Documentation:

1. Agenda & Backup Information
2. Weston & Sampson Master Plan Summary Report
3. Article for STM re: Loker Conservation Turf Field
4. FY17 Invoice from David Nickerson
5. OML Complaints of August 22, 2017 and August 31, 2017
6. Five-Year Capital Plan & Projected Capital Requests
7. School Committee Annual Report
8. School Committee Protocols
9. 2017-2018 Meeting Schedule
10. Regular Session Minutes of August 7, 2017

11. Executive Session Motion