

**TOWN OF WAYLAND - TOWN CLERK'S OFFICE**  
**NOTICE OF MEETINGS OF TOWN BOARDS/COMMITTEES/COMMISSIONS**

Posted in accordance with the provisions of the Open Meeting Law

[www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting)

PLEASE TYPE OR PRINT LEGIBLY

NAME OF BOARD/COMM: \_\_\_\_\_ Board of Public Works

FILED BY: \_\_\_\_\_ Dan Cabral

DATE OF MEETING: \_\_\_\_\_ April 25, 2017

TIME OF MEETING: \_\_\_\_\_ 7:00 PM

PLACE OF MEETING: \_\_\_\_\_ DPW Facility – 66 River Road

**NOTE:** Notices and agendas are to be posted at least 48 hours in advance of the meetings excluding Saturdays, Sundays, and legal holidays. Please keep in mind the Town Clerk's business hours of operation and make the necessary arrangements to be sure this notice is received and stamped in an adequate amount of time.

**Board of Public Works - MEETING AGENDA**

- 7:00 Announcements
- 7:01 Public Comment
- 7:05 Water Abatement Request – 47 Rice Road
- 7:15 Water Rate Discussion with David Fox
- 7:45 Preliminary Discussion – Providing DPW Management Oversight for WWMD C Functions
- 8:00 Discussion on Status of Current Water Ban
- 8:10 DPW Director's Operational Report
- 8:20 Election of Chair and Vice Chair
- 8:25 Board Members' Reports, Concerns, and Updates
- 8:40 Topics not Reasonably Anticipated by the Chair 48 Hours Prior to Posting, if any
- 8:45 Review and Approve Minutes (Delivered in Advance of the Meeting)
- 8:50 Adjourn

**NOTE:** Per changes to the Open Meeting Law, notice of any meeting of a public body shall include "A listing of topics that the chair reasonably anticipates will be discussed at the meeting". AG's Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed. Please list those topics on the above agenda

**NOTE:** Times are approximate and the Agenda Items may not be discussed in the exact order listed

**BoPW Meeting 4/25/2017**

**Water Abatement Request – 47 Rice Road**

Andrew Marks  
47 Rice Road  
Wayland, MA 01778  
March 30, 2017

Department of Public Works - Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

Request for Abatement of Water Bill - Account 0800975

Dear Sirs:

This is a request for an abatement of my current water bill, the amount of which -- \$1813.91 -- is **almost five times more** than the average for the similar period the two years prior. Clearly something is very wrong.

I first realized that there was a problem when the bill arrived in mid-March. I immediately phoned DPW and discussed diagnostic procedures to determine if there was an undetected leak. After running the recommended diagnostic, I determined that there was no detectable leak. I requested a visit from the DPW to do further diagnosis. Earlier today a DPW worker arrived at my home and analyzed the water meter, the irrigation system shut-off valve (our irrigation system has not been used since 2012), and the water system in the house in general. He detected no leaks and no problems with the meter.

I do recall turning off from inside the house the pipe leading to one of the outside spigots sometime in January. I turned that pipe back on today when the DPW left my house, but it did not seem that the spigot was leaking from the outside. I am at a total loss to explain the extraordinary jump in water use in the last half year. Moreover, a reading on the meter today suggests that there has been no abnormal water use since the last reading three weeks ago. Only 500 cubic feet have been used during that period.

I intend to have both of the outside spigots of my house replaced within the next month, although I am not convinced they are the source of the problem.

In light of the above, I think it is clear that I did not intentionally use the enormous amount of water being billed and it can only be attributed to an undetected leak which somehow fixed itself or a spigot left open for some period of time perhaps by my landscaper. Given my past history of water use, I am asking for an abatement of the current bill to \$500. This amount places part of the cost of the excess water use on me since this is 35% higher than my average payments for the winter half-year period over the past two years (which is \$370). It also recognizes that I did not actually "use" all of the water being billed by reducing my bill to an amount somewhat in line with my previous bills.

Sincerely,



Andrew Marks



**TOWN OF WAYLAND, DPW-WATER DIV  
41 COCHITUATE RD, WAYLAND MA 01778**

Hours: Monday 8 AM to 7 PM  
Hours: Tuesday 8 AM to 4 PM  
Hours: Friday 8 AM to 12:30 PM  
Phone: 508 358-3672

SUPERSTRUCTURES  
47 RICE ROAD  
WAYLAND, MA 01778

**Remittance Coupon Please Return  
With Payment**

Account Number: 0800975

New Charges: \$1,813.91  
Credits: \$0.00  
Past Due: \$0.00  
Interest: \$0.00  
**Total Due: 04/20/17 \$1,813.91**

04 00 004549 0000181391 042017 00001813916

Account #	Service Location	Parcel Identifier	Billing Date	Due Date	Total Due
0800975	47 RICE ROAD	049-003	3/13/2017	4/20/2017	\$1,813.91

Meter Readings				Usage Summary		New Charge Summary			
Meter	Date	Type	Read	Rate	Total Usage	Charge	Quantity	Amount	Total
07982521	3/7/2017	ACT	310,000	RES	17,700	ADMINISTRATIVE FEE-RES	1	\$30.00	\$30.00
07982521	9/20/2016	ACT	292,300			Water		\$1,783.91	\$1,783.91
						<p>YOUR WATER USAGE IS HIGH Please check for possible leaks Toilet, Irrigation, Sink, Spigot, Plant New Shrubs/Trees, Fill a Pool Need assistance, Call 508-358-3672</p>			

**Tax Payer Message**

**Water Saving Tips:**  
Check faucets and pipes for leaks. A small drip from a worn faucet washer can waste 20 gallons of water per day. Larger leaks can waste hundreds of gallons.

Cut your showers short. Older shower heads can use as much as 5 gallons of water per minute. Speed things up in the shower for some serious water savings.  
Check your toilets for leaks. Put a little food coloring in your toilet tank. If, without flushing, the color begins to appear in the bowl within 30 minutes, you have a leak that should be repaired immediately.

Limited supplies of Water Conservation Kits are available at the Wayland DPW Office, located at 66 River Road. Contact the office for details.  
FYI - Your water usage is shown above in Cubic Feet.  
1 cubic foot of water equals 7.48052 gallons.

**PLEASE NOTE THAT THE PAYMENT BILLING ADDRESS HAS CHANGED TO:  
P.O. BOX 663 MEDFORD, MA 02155-0007**

**Rate Information**

**RESIDENTIAL RATES:**

LESS THAN 1500 cubic feet \$5.15 per 100 cubic feet  
1,501 - 3,000 cubic feet \$6.67 per 100 cubic feet  
3,001 - 8,000 cubic feet \$7.63 per 100 cubic feet  
8,001 - Plus cubic feet \$12.63 per 100 cubic feet

**IF YOUR WATER BILL IS NOT PAID IN FULL  
WHEN DUE, YOU WILL BE CHARGED INTEREST  
AT THE RATE OF 14% PER YEAR AND  
COLLECTION COSTS**

**TOWN OF WAYLAND, DPW-WATER-DIV**  
**DEPARTMENT OF PUBLIC WORKS**  
66 River Road  
Wayland MA 01778  
Phone 508-358-3672

## Usage History Report

Account: 0800975      Location: 47 RICE ROAD      Route: 2  
Owner: MARKS ANDREW

Meter #:	07982521	Read Date	Read Type	Reading	Usage	Bill Date	Comments
Serial #:	53141000	3/7/2017	ACTUAL	310,000	17,700	3/13/2017	Read Import on 3/13/201
Head #:		9/20/2016	ACTUAL	292,300	4,700	10/14/2016	Read Import on 10/6/201
Head Type:		3/9/2016	ACTUAL	287,600	4,100	4/11/2016	Read Import on 3/21/201
Walk Seq.:	805520	9/18/2015	ACTUAL	283,500	5,800	9/29/2015	Read Import on 9/29/201
Dials:	6	3/24/2015	ACTUAL	277,700	6,100	4/2/2015	Read Import on 3/30/201
Brand:	SENSUS SR11	9/29/2014	ACTUAL	271,600	6,100	11/7/2014	Read Import on 10/20/20
Type:	Wand	3/18/2014	ACTUAL	265,500	5,100	4/11/2014	Read Import on 3/27/201
Size:	0.63	9/25/2013	ACTUAL	260,400	6,000	11/8/2013	Read Import on 10/25/20
Exchange:	B-Wand	3/13/2013	ACTUAL	254,400	3,700	4/22/2013	Read Import on 4/3/2013
Install Date	10/29/1997	10/22/2012	ACTUAL	250,700	5,500	11/28/2012	Read Import on 11/7/201
Replace Date:		4/9/2012	ACTUAL	245,200	4,000	6/1/2012	Read Import on 5/9/2012
Status:	ACTIVE	11/8/2011	ACTUAL	241,200	11,700	11/28/2011	Read Import on 11/10/20
Location:	FRONT RIGHT	3/31/2011	ACTUAL	229,500	4,900	4/25/2011	Read Import on 4/25/201
		10/13/2010	ACTUAL	224,600	9,300	10/25/2010	Read Import on 10/26/20
		4/7/2010	ACTUAL	215,300	6,500	4/23/2010	Read Import on 4/22/201
		10/1/2009	ACTUAL	208,800	10,800	10/20/2009	Read Import on 10/19/20
		4/1/2009	ACTUAL	198,000	5,600	4/22/2009	Read Import on 4/22/200
		10/2/2008	ACTUAL	192,400	12,800	10/28/2008	Read Import on 10/28/20
		4/8/2008	ACTUAL	179,600	6,200	4/28/2008	Read Import on 4/24/200
		11/7/2007	ACTUAL	173,400	15,000	12/21/2007	
		4/10/2007	ACTUAL	158,400	6,500	5/4/2007	
		10/24/2006	ACTUAL	151,900	11,400		
		5/9/2006	ACTUAL	140,500	5,900		
		10/13/2005	ACTUAL	134,600	12,300		
		5/14/2005	ACTUAL	122,300	5,500		
		9/22/2004	ACTUAL	116,800	10,400		
		5/10/2004	ACTUAL	106,400	0		



# TOWN OF WAYLAND DEPARTMENT OF PUBLIC WORKS

Permit# \_\_\_\_\_

41 Cochituate Road  
Wayland, MA 01778

TEL: 508-358-3672

EMAIL: water@wayland.ma.us

FAX: 508-358-3679

## Application & Agreement for the Installation of an Underground Irrigation System

As governed by Town Bylaw Chapter 191

Please complete all applicable sections of this application and review the attached bylaws concerning irrigation systems.

Systems which cover more than 15,000 square feet are prohibited from being installed or expanded.

Location: 47 Rice Road

Lot Area & Description (limited to 15,000 square feet): \_\_\_\_\_

Owner: Andrew Marks

Address: 47 Rice Road

Phone: 508 651 9926

Contractor: None (System has been shut off since 2012)

(Name of company servicing summer/fall)

Address: Previous on/off serviced by M J Henley

Phone: \_\_\_\_\_

Please attach a proposed plan of the installation & calculation of the square footage.

### The Plan MUST include:

- ☐ Area covered by the irrigation system
- ☐ The location of the entire septic system (within 20 ft of a septic system prohibited)
- ☐ Backflow device (manufacturer and model)
- ☐ Rain Gauge / Moisture Detector (manufacturer and model)
- ☐ Programmable Timer
- ☐ Shutoff Valve
- ☐ WELL WATER (Irrigation Only)

System was installed No plan is prior to 2017 available but I can confirm the system is equipped with backflow device, rain gauge, programmable timer and shutoff valve

I/we understand and agree that the Town of Wayland does not guarantee to furnish constant water pressure nor uninterrupted service, and that the Board of Public Works reserves the right to restrict the use of water during dry seasons or under any emergency condition.

Owner Signature: [Signature]

Date: 3/30/17

Contractor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

The Board of Public Works and the Department of Public Works urge conservation and the prevention of water waste. Please conserve by watering at appropriate time of the day.

DPW Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Fee: <u>\$88.00</u> Check# <u>                    </u>
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**BoPW Meeting 4/25/2017**

**Water Rate Discussion with David Fox**



**BoPW Meeting 4/25/2017**

**Preliminary Discussion – Providing DPW Management  
Oversight for WWMDC Functions**

# WWMDC Future—DRAFT

## Fred Knight, chair of WWMDC

### Summary

This **DRAFT** white paper makes a three-step proposal to modernize the oversight of Wayland's wastewater system.

First, the WWMDC (Wayland Wastewater Management District Commission) needs a town employee with expertise in wastewater to oversee operations, namely periodic billing, administrative activities, contracted services, interaction with WWMDC, system maintenance, and response to emergencies. My estimate of the need is ~10% of a full-time position; see the table. Step one should be taken as soon as possible to make the DPW Director oversee wastewater operations. To enable step one, the WWMDC will allocate up to \$25,000 to be paid to the DPW.

Second, the WWMDC should be replaced by moving its functions under the Board of Public Works (BOPW) in order to consolidate all functions dealing with water in one department. This move requires action by Town Meeting (just like Article 18 of the 2011 Annual Town Meeting) and subsequent action by the state legislature to amend the duties of the BOPW.

Third, Town Meeting needs to approve moving the WWMDC functions under the BOPW.

These three steps can be taken in sequence, with adequate time in between to assess viability. These steps are important to place responsive operation of the wastewater system under employees of the Town of Wayland and to merge all functions dealing with water under one department. Since its creation, the WWMDC has relied on volunteers to oversee the wastewater operation. With the system having increased in size (39 to ~140 users) and its infrastructure starting to age, these steps are needed to make the wastewater system viable in the long term.

### History

In 1994, the Wastewater Management Committee was formed by the Town of Wayland to investigate options to on-site septic systems and to provide the Town with proposals for developing such options. Town Meeting instructed the Selectmen to develop the necessary legislation to create an administrative body capable of developing and carrying out construction and maintenance of small-scale alternative systems where applicable. In 1995, the Wastewater Management Committee employed the firm of Camp Dresser & McKee Inc. to study three areas to provide information from each area that would help in analyzing the future needs of the Town.

These areas were:

- Route 20 Area
- Dudley Pond
- Cochituate Area, including Mel's Plaza and the Villa Restaurant

In November 1995, Camp Dresser & McKee provided a report for the WWMDC, which was created by the State Legislature in 1996 under Chapter 461 of the Acts of 1996. The WWMDC decided to provide wastewater service for the Route 20 Area only. In 1999, the Town acquired the Raytheon wastewater treatment plant that had been constructed in 1971 and then upgraded in 1974. The WWMDC constructed a collection system along Route 20 from the intersection with Route 27 and on Route 27 north to the split near the library to the treatment plant. Businesses

and residents in the Route 20 Area were invited to join the system. The system became operational in 2000. The system operates under a permit issued jointly by the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP).

The WWMD is composed of three commissioners and an account specialist and has jurisdiction over the following functions:

- operation of the WWTP using a contractor, with day-to-day contact with the operators via the facilities manager for Wayland,
- actions pertaining to users including setting rates and joining or leaving the WWMD,
- administrative matters handled by the WWMD account specialist, including sending out bills, monitoring funds and the budget, setting meeting agendas, writing minutes, and tending to administrative details for the WWMD,
- maintenance of system and emergency response
- interaction with DEP on permitting.

The 5-year renewal of the NPDES operating permit jointly issued by the state DEP and the federal EPA, issued in September 2008, was appealed by the Department of the Interior and a Sudbury resident. The modified permit was reissued in October 2009 with very strict regulations pertaining to discharge of phosphorus. The permitted discharge from the wastewater treatment plant to the wetland adjacent to Sudbury River or to the Sudbury River is an annualized average of 52,000 gallons per day. The average discharge was approximately 11,000 gallons per day (gpd) during FY2010 and has been increasing annually due to more users and the operation of the Town Center and condos. The flow measured daily is ~26,000 gpd in 2017. A renewal of this permit was applied for in June 2015 (check this). As of April 2017, the new permit has not been issued.

As a result of strict regulations, the old age of the WWTP (built in 1971), and the need to maintain existing rated capacity, a new treatment plant (WWTF) was designed starting in FY2010. Construction commenced in February, 2011, and the new WWTF began operation in November 2013, well ahead of the DEP deadline to meet the more stringent discharge requirements. Since November 2013, the new WWTF has been in continuous operation. Its cost of \$5.4M is being paid through a betterment, with the town contributing its fair share via a payment in lieu of betterment (PILOB).

A requirement of the state legislation is that the wastewater system and the WWMD be self-sustaining as an Enterprise Fund. Thus, Wayland General Fund monies may not be used to subsidize the WWMD. The cost of the system and the WWMD is financed by betterments, privilege fees, and user fees. User fees are billed quarterly and are based on allocated capacity and water use. A penalty is assessed for water usage exceeding 50 % of Title V design flow.

For more detail, the latest annual report is attached as an Appendix. However, since fall of 2016, there have been three emergencies. In October 2016, an anti-siphon valve near 310 Boston Post Road failed and had to be rebuilt by Ed O'Neal; total cost about \$3,000. In February 2017, a back hoe doing dry-well work "nicked" the main wastewater line; total cost under \$10,000 but may be covered by owner's insurance. In April 2017, Moodz had a persistent backup that was fixed, but whose cause is still under investigation. As a result of these mishaps, there is increased need for maintenance on the system and for a codified emergency response method.

## Activities in General

The table indicates the amount of time that I estimate is needed to provide oversight of the WWMDC operations. The proposal would be to eliminate any involvement by the Facilities Manager and pay for a fraction of the DPW Director's time. The table makes an estimate of ~10% of a full-time position divided into categories as shown. Portions of the column marked Facilities Manager are grayed out to indicate that the DPW Director would perform these duties. In the last column, monthly hours for oversight by the DPW Director total to ~10% of a full-time position.

Category	Activity	Responsibility							Proposed
		WWMDC chair	WWMDC Acct Specialist	Finance Director	Facilities Manager	DPW staff	Town Administrator	Town Treasurer	
Financial	Budget Preparation	x	x	x	x				1
	Billing	x	x			x			4
	Invoice preparation	x	x						
	Payment Collection							x	
	Payment of WWMDC bills		x						
Meetings	Agendas	x	x						2
	Minutes	x	x						
Town Meeting	Budget Preparation	x	x	x	x				1
	Budget Presentation	x	x						
Interaction with Outside Agencies	DEP/EPA	x			x		x		1
Web site	Maintenance	x	x						
Records	Maintain files		x						
	Satisfy Outside Requests		x						
Users	Correspondence		x						
	Hearings	x	x						
System	Maintenance	x	x		x				4
	Emergency Response	x	x		x				2
Total (% FTE)	All tasks			Reduce to	0%			Increase to	~10%

## Recent Developments (in brief, for discussion)

First, the WWMDC has seen continued cooperation by the National Development in adhering to their need to control aggregate design flow for Town Center. The WWMDC, BoH, and Building Department have pooled their resources to establish a good record of design flow for users.

This record is kept up to date by Jane Capasso, WWMDc account specialist, because we need to stay within the DEP-mandated level of 45,000 gpd in aggregate for the Town Center businesses, condos, and municipal pad. Second, the new process of obtaining building permits in town is working well and has been successfully tested twice. In this process, the BoH develops initial needs and then gets WWMDc buy-in when the proposed development is in the WWMD. Only after agreement can a developer proceed. Fees that need to be collected have been properly billed and paid. Third, the WWMDc is revising its Rules and Regulations to codify response to future user modification requests and is establishing a procedure by which a change in use can trigger a process of evaluation and decision by the WWMDc. Fourth, there remains a need to get official supervision for the WWMDc activities. This is an unmet need. I hope that the DPW Director can fill this role, which I estimate to be 10% of an FTE and for which the WWMDc allocates funds. Fifth, there is a real need for general system maintenance and periodic inspection of the piping system outside the TC. This was brought to our attention with an emergency last October 2016 and two more-recent events. Last October, Julia Junghanns reacted swiftly to avert a major event. We need both periodic inspections and on-call emergency response capability. I hope that this can be handled via the DPW.

## Conclusion

This white paper discusses proposed changes in the oversight of Wayland's wastewater system in three steps. Step one should be done as soon as possible; steps two and three should be done in the future, say within the next couple years.

First, the WWMDc needs a town employee with expertise in wastewater to oversee operations, namely periodic billing, administrative activities, contracted services, interaction with WWMDc, system maintenance, and response to emergencies. The estimated need is ~10% of a full-time position. Step one should be taken as soon as possible to make the DPW Director oversee wastewater operations. To enable step one, the WWMDc will allocate up to \$25,000 to be paid to the DPW.

Second, the WWMDc should be replaced by moving its functions under the Board of Public Works (BOPW) in order to consolidate all functions dealing with water in one department. This move requires action by Town Meeting (just like that proposed in 2011) and subsequent action by the state legislature to amend the duties of the BOPW.

Third, Town Meeting needs to approve moving the WWMDc functions under the BOPW.

These three steps can be taken in sequence, with adequate time in between to assess viability. These steps are important to place responsive operation of the wastewater system under employees of the Town of Wayland and to merge all functions dealing with water under one department. Since its creation the WWMDc has relied on volunteers to oversee the wastewater operation. With the system having increased in size (39 to ~140 users) and its infrastructure starting to age, these steps are needed to make the wastewater system viable in the long term.

## Appendix 1: FY2016 Annual Report

### Wayland Wastewater Management District Commission

**FY 2016 Annual Report, September 2016**

The Wayland Wastewater Management District Commission (WWMDc) operates a sewer system that serves business and residential properties along Route 20 from Route 27 to the Town Center development. Waste-

water discharged into the system flows to a treatment plant located on Town-owned property within the Town Center development. The treated wastewater is discharged to the Sudbury River.

**Wastewater Treatment Facility:** The contract for daily operation of the Wayland Wastewater Treatment Facility (WWTF) came due for re-bidding in August. The request for proposal issued by the WWMDC drew only one response, from Whitewater—the current plant operator. The contract was renewed with Whitewater for a one-year term, with an option for two one-year renewals.

The WWTF continued to operate with no significant operational issues in Fiscal Year 2016. There was no detected infiltration of groundwater into the WWMDC system in FY2016. While the plant did continue to experience an elevated number of operational alarms related to tank levels within the plant, the number of calls declined in comparison to FY2015. In an annual review meeting with Whitewater, the plant operator, the WWMDC reiterated the need to take remedial action to address repeat problems quickly so as to reduce the number and cost of emergency calls.

**Discharge Permits and System Usage:** The WWTF continues to operate under permits issued jointly by the Federal Environmental Protection Agency (EPA) and the State Department of Environmental Protection (DEP). The permits allow discharge of an annualized average limit of 52,000 gallons per day (GPD) into the Sudbury River. An application for renewal submitted on time in June 2013 seeks an increase in discharge capacity to 80,000 GPD. As of June 2016, the application remains pending with the EPA.

In FY2016, the average discharge from the plant rose to approximately 25,730 GPD, up about 15% from 22,430 GPD in FY2015. Growth in flow resulted from the continued completion and occupancy of commercial and residential buildings in the Town Center development. Flow is expected to continue to increase as the final planned buildings at the Town Center development are completed and occupied, although the average flow is expected to remain well below the current permitted limits.

**Title 5 Allocations for Connected Users:** Following the sale of the Town Center Development by Twenty Wayland LLC, the WWMDC undertook a review of Town Center Title 5 design flow allocations to determine if the flows assigned during the development's planning phase were still correct for the businesses that currently occupy the completed buildings. Due to the absence of a defined process for reviewing user allocations as well as a lack of clarity over jurisdictional responsibilities of the WWMDC, the Board of Health and the Building Department, no immediate action was taken. The WWMDC is working to revise its policies to provide for periodic reviews of assigned design flows, and ensuring that Title 5 standards are applied equitably to all connected users.

**Available Capacity:** The WWMDC identified 820 GPD of design flow available to be assigned to a user for a one-time cost, which would be based on the per gallon rate used to calculate betterment allocations. The owner of the Whole Food Plaza and the Town Library both expressed interest in purchasing this capacity. Eventually the design flow capacity was offered to the Library at a cost of \$56,000. An article to fund the purchase was included in the Annual Town Meeting warrant and approved by voters. As of the end of FY2016, the WWMDC and the Board of Selectmen had not yet set a date to complete the transfer agreement and payment.

**Administration and Finances:** Income for FY2016 was \$1,271,768. Of this amount \$504,268 represented betterment and interest payments, plus a \$500,671 contribution from the Town of Wayland as a "Payment in Lieu of Betterment" based on its share of usage of the WWTF. Operating income was \$257,233, and operating expenses were \$206,727.

The WWMDC developed a budget for FY2017 of \$743,412. This includes \$265,940 operating income and expenses, and \$477,472 capital expenses (bond and interest payments).

The Commission's undesignated fund balance at the end of FY2016 was \$1,303,231, of which \$911,583 represents money collected to pay off the outstanding construction bonds and interest. At the end of FY 2016, the outstanding balance on the WWTF bonds was \$4,767,285.

The WWMDC voted to engage the Abrahams Group to review its financial management practices and to develop and automate standard monthly reporting. Additionally, the Abrahams Group was asked to evaluate the

sufficiency of funds available to pay off bonds, to model a cash flow analysis over the lives of the bonds, as well as to examine the disposition of bond proceeds to quantify any leftover uncommitted funds.

**Commission Membership and Staffing:** The Wastewater Management District Commission operated with full membership for all of FY2016: Fred Knight, Chair; Sam Potter; and Rick Greene. In July 2015, Jane Capasso was hired as the WWMD's part-time Account Specialist; over the course of FY2016, Jane succeeded in resolving a backlog of administrative issues, improve communications with other town departments, and bringing greater order to the Board's financial reporting.

In the Spring of 2016, Town Administrator Nan Balmer met with the WWMD to explore ideas for hiring a part-time Executive Administrator (estimated at 20% FTE) to manage day to day technical issues related to system operations. This proposal is still under review. Discussions were also held about potentially combining WWMD operations with Wayland's Water Enterprise Fund.

## **Appendix 2: Excerpt from 2011 Annual Town Meeting**

See Article 18 from the 2011 Annual Town Meeting. The link to on-line warrant is [http://www.wayland.ma.us/Pages/WaylandMA\\_Selectmen/FinalWarrant2011.pdf](http://www.wayland.ma.us/Pages/WaylandMA_Selectmen/FinalWarrant2011.pdf).

ARTICLE 18: AMEND SPECIAL ACT ESTABLISHING DEPARTMENT OF  
PUBLIC WORKS BY TRANSFERRING DUTIES OF  
WASTEWATER MANAGEMENT DISTRICT COMMISSION TO  
BOARD OF PUBLIC WORKS

*Proposed by: Wastewater Management District Commission, Board of Public Works*

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act which amends Chapter 347 of the Acts of 2008 by abolishing the Wayland Wastewater Management District Commission and transferring its authority and powers to the Board of Public Works effective July 1, 2012, substantially the same as follows:

[key to revisions; underlining = additions; ~~striketrough~~ = deletions]

**CHAPTER 347 of the Acts of 2008**

**CHAPTER 347 AN ACT AUTHORIZING THE TOWN OF WAYLAND TO ESTABLISH A  
DEPARTMENT OF PUBLIC WORKS.**

SECTION 1. Chapter 130 of the acts of 1962 is hereby repealed.

SECTION 2. Chapter 254 of the acts of 1966 is hereby repealed.

SECTION 2A. Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, is hereby repealed.

SECTION 3. There is hereby established in the town of Wayland a department of public works, in this act called the department, which shall be under the supervision, direction and control of the town administrator.

SECTION 4. (a) There shall be a board of public works consisting of 5 members, in this act called the board. From the effective date of this act until not earlier than the 2010 annual town election, the members of the board shall be designated as follows:

(i) 1 member who shall be appointed by the board of road commissioners;

(ii) 1 member who shall be appointed by the board of water commissioners;

(iii) 1 member who shall be appointed by the park and recreation commission;

(iv) 1 member who shall be appointed by the board of health; and

(v) 1 member who shall be appointed by the board of selectmen. In making their appointments to the board, the board of road commissioners, the board of water commissioners, the park and recreation commission and the board of health shall consider their respective current and former members. When the initial board first enters upon the performance of its duties it shall file written notice thereof with the town clerk whereupon the board of road commissioners and the board of water commissioners shall be abolished and the park and recreation commission shall thereafter be known as the recreation commission. Vacancies occurring in the board after its initial appointment and before the 2010 annual



town election shall be filled by roll call vote of the board of selectmen and the remaining members of the board acting jointly. Commencing with the 2010 annual town election, the manner of selection of the members of the board shall be by election at the annual town election. The initial members thereof shall be elected to terms as follows, 1 to serve for 1 year, 2 to serve for 2 years, and 2 to serve for 3 years and thereafter when the term of member expires, such member's successor shall be elected for a term of 3 years. In all cases, each member shall serve until his successor is appointed or elected and qualified. Vacancies in the elected board shall be filled in accordance with section 11 of chapter 41 of the General Laws. All members of the board shall be registered voters of the town.

(b) The board shall have the powers and duties vested by general or special law or by town by-law in the following boards, commissions and officers, except as provided in this act:-

- (1) road commissioners and board of road commissioners;
- (2) surveyors of highways;
- (3) superintendent of streets;
- (4) water commissioners and board of water commissioners;
- (5) park commissioners, except conducting recreation activities or programs;
- (6) cemetery commissioners;
- (7) tree warden; ~~and~~
- (8) sewer commissioners, with respect to the town's wastewater managements system, including, but without limiting the generality of the foregoing, the following rights and powers which shall be exercised consistent with the official planning documents adopted from time to time by boards and commissions of the town including, without limitation, the town of Wayland Open Space and Recreation Plan;

(a) to adopt rules, regulations, and procedures in connection with the performance of its functions and duties, and regarding the use of, and connection to, the wastewater management system. As used in this act, "wastewater management system" means the wastewater collection, treatment and disposal systems serving more than one facility as defined in Title V of the state environmental code to be constructed and or to be in the possession of and under the jurisdiction, control and regulation of the board, but owned by the town, including all plants, works, instrumentalities or parts thereof, lands, easements, rights in land and water rights, rights of way, contract rights, franchises and privileges, all publicly constructed main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, pumping and ventilating stations, disposal and treatment plants, or works, structures, equipment, vehicles, appliances and adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such wastewater disposal systems, and all facilities, betterments, extensions, improvements and enlargements thereto hereafter constructed or acquired. Any such wastewater management system shall be subject to the rules and regulations of said board of health of the town, applicable laws of the commonwealth and any approvals required thereunder. The board may, by regulation, prescribe civil penalties, which shall enure to said town, in accordance with section ten of chapter eighty-three of the General Laws for the violation of any rule or regulation prescribed by the board. The board may further assess fines not exceeding three hundred dollars for each violation of its rules and regulations in accordance with section twenty-one of chapter forty of the General Laws;

(b) to maintain an office in the town at such place or places as it may determine;

(c) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal governments, donation or appropriation of any property or money

in aid of the purposes of the board and to accept contributions of money, property, labor or other things of value;

(d) to acquire in the name of said town by purchase, lease, lease-purchase, sale and leaseback, gift or devise, or to obtain options for the acquisition of, any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(e) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein, consistent with all requirements of the General Laws;

(f) to enter onto any land to make surveys, borings, soundings and examinations thereon, provided that the board shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within said town in the name of the board in accordance with the provisions of chapters seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that said board shall not exercise the power of eminent domain without the prior approval of the town meeting and the selectmen of the town. The board may order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any wastewater disposal project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof may be reimbursed by the board for reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the board relating to any such structure in public ways or lands. If any such owner shall fail to comply with any such order of the board relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the board may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the board by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for reimbursement of cost provided for above. This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the metropolitan district commission or installed under license or permits granted by said department or commission, except with its approval;

(g) to contract for and purchase wastewater disposal and treatment services from, and to provide wastewater disposal and treatment services to, any person, private or public corporation or public instrumentality or town, the commonwealth and the federal government when necessary or convenient for the operation of the wastewater management system;

(h) to construct, improve, extend, enlarge, maintain and repair the wastewater management system; provided, however, despite anything else in this act to the contrary, the power granted in this clause to construct, extend and enlarge the wastewater management system shall be limited in that the board shall not:

(i) provide service to replace, repair or upgrade an existing facility's system at the same design flow unless and until the board of health has approved such replacement, repair or upgrade; unless

there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by the Massachusetts department of environmental protection; or

(ii) provide service to a new facility's system or for an increase in design flow to an existing facility's system if that new system or increase in design flow could not have been permitted in the absence of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, unless there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by said department of environmental protection; or

(iii) compel the owner of a home, facility or lot who can demonstrate compliance with Title V of the state environmental code and the regulations of said board of health to join the wastewater management system, unless required to do so by said board of health or otherwise required to do so by law; or

(iv) notwithstanding the provisions of section three of chapter eighty-three of the General Laws, require the connection of any home, facility or lot to the wastewater management system;

(i) to use monies borrowed or appropriated by the town for the purposes of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, provided that the principal of, premium, if any, and interest on all notes and bonds issued by the town for the wastewater management system, unless otherwise provided by the town, shall be payable solely from the funds provided therefor from revenues as herein provided, but shall be general obligations of the town for payment of which the full faith and credit of said town shall be pledged;

(j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(k) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act;

(l) to provide financing, technical and administrative assistance and to provide or cause to be provided maintenance for systems, including alternative systems, serving single facilities, as defined in Title V of the state environmental code;

(m) to administer and execute the provisions of section one hundred and twenty-seven B 1/2 of chapter one hundred and eleven of the General Laws as they pertain to inadequate septic tanks; provided, however, that said board of health has first made findings consistent with its authority as provided in said section one hundred and twenty-seven B 1/2 as to any affected owner;

(n) to create an overall wastewater policy and plan for said town;

(o) to fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for wastewater collection, treatment and disposal and other services, facilities and commodities furnished or supplied by it based on sewer capacity or on water usage or both sewer capacity and water usage. Subject to the provisions of this paragraph, fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and revised by the

board at least annually in accordance with procedures to be established by the board for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The board shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the legislative and executive bodies of said town and be published in a newspaper of substantial circulation in said town at least one month in advance of the hearing. No later than the date of such publication, the board shall make available to the public and deliver to the selectmen its most recent financial statement, the proposed schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The board may combine its fees, rates and other charges for wastewater services provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the board shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions. Subject to paragraph (f) of section 4 of this act, the fees, rates, rents, assessments and other charges established by the board in accordance with this paragraph shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (1) to pay the current expenses of the board relative to the wastewater management system, (2) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by said town for said system as the same become due and payable, (3) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (4) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the wastewater management system and (5) to pay or provide for any amounts which the board may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of bonds issued for the board relative to said system.

(i) On or before one year after the effective date of this act and annually thereafter, the board shall prepare a proposed capital improvement program for the next three succeeding fiscal years and shall adopt a capital improvement budget for the next succeeding fiscal year for the wastewater management system. Such program and budget shall include a description of the projects proposed to be undertaken during such periods, the costs proposed to be incurred on such projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, rents and other charges of said system. The program and budget shall be annually prepared and the budget shall be presented for approval to the town meeting without review or approval of the board of selectmen. The board shall submit its capital budget for said system to the finance committee for review and recommendation. The board shall hold at least one public hearing on said proposed capital improvement program and budget prior to adoption, which hearing may be combined with a hearing provided in this paragraph (o), notice of which shall be delivered to said board of selectmen and be published in a newspaper of substantial circulation in the town at least one month in advance of the hearing. No later than the date of such publication the board shall make available to the public and deliver to said board of selectmen copies of the proposed program and budget. The annual operating budget of the wastewater management system shall be submitted to the finance committee for review and recommendation, and all funds expended by the board relative to said system shall be subject to appropriation by town meeting;

(ii) The board shall undertake a study and examination of its estimated expenses and costs of constructing, maintaining, operating and improving the system, and shall prior to one year after the effective date of this act promulgate in accordance with this paragraph a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of this paragraph (o). Such schedule shall become effective upon promulgation. Such schedule shall provide for the metering, monitoring and other measuring of, and charging for, wastewater management services provided by the board to consumers of such services in said town, including said town, the commonwealth and all independent

agencies and authorities of said town and the commonwealth, and any exemptions from such charges provided to the commonwealth or said town under any general or special law, are hereby declared inapplicable as of the date such schedule shall be in force; provided, however, that no betterment or special assessment shall be made by the board under the authority of chapters forty, eighty, eighty-three of the General Laws or any other provision of law against property owned by the commonwealth or any town of the commonwealth, or any political subdivisions thereof. The board shall have the benefit, without further acceptance of sections sixteen A and sixteen B of said chapter eighty-three. Applications for abatements in accordance with section sixteen E of said chapter eighty-three shall be made within thirty days after the date of such demand. Upon written application, the board shall issue lien certificates in accordance with section twenty-three of chapter sixty of the General Laws. No recordation of certificates issued by said town pursuant to said section twenty-three of said chapter sixty shall affect liens for the unpaid fees, rates, assessments, and other charges of the board;

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act; and

(q) consistent with the constitution and laws of the commonwealth, the board shall have such other powers as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act relative to the wastewater management system; provided, however, that nothing in this act shall impose any duty on the board to maintain groundwater levels within or without the boundaries of said town; and

(89) any other public works related powers and duties that may be, from time to time, vested in the board by general or special law, town by-law or town meeting vote.

(c) The town's sanitary landfill and any other solid waste disposal facilities or services that may be provided, made available or arranged by the town shall be under the supervision and control of the board.

(d) In addition, the board shall be responsible for the custody, care, management, control, operation, repair and maintenance of all town-owned land, equipment, facilities, vehicles and other personal property and accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the board of road commissioners, the board of water commissioners, ~~and~~ the park and recreation commission and the Wayland wastewater management district commission and used by the commissions for public works or park purposes. In consultation with the recreation commission, the board shall annually establish a plan for the periodic maintenance, repair and improvement of all town-owned land on which programs, events and activities are conducted or coordinated by the recreation department. The board shall be responsible for carrying out the plan.

(e) The board shall have the authority to adopt and amend rules and regulations relative to all matters and affairs under its jurisdiction. Prior to adopting or amending such rules and regulations, the board shall hold a public hearing thereon, notice of which, giving the time, date and place shall be placed in a newspaper of general circulation in the town, once in each of 2 successive weeks, with the first such publication being not less than 14 days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the office of the town clerk whereupon they shall take effect. After any such rules and regulations are so filed, they may be published and included in the code of the town of Wayland or in separate pamphlets and shall be posted on the town's official website or on the official website of the board and a copy shall be filed in the town library.

(f) The town is hereby authorized to establish an Enterprise Fund in accordance with the provisions of section fifty-three F 1/2 of chapter forty-four of the General Laws for the operation of the wastewater

management system.

SECTION 5. The town administrator, in consultation with the board, shall appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a director of public works, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The director shall exercise and perform, under the operational and administrative direction of the town administrator and the policy direction of the board, the powers, rights and duties which have been transferred to the department and as set forth in the town's by-laws. The director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as director of public works. The director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 6. No existing contract, agreement or liability shall be affected by the abolition or modification of a board, commission or office effectuated by this act, but the board shall in all respects be the lawful successor of the boards, commissions and offices so abolished or modified.

SECTION 7. Each regular full-time or part-time employee of a board, commission or office abolished or modified by this act shall be transferred to and become an employee of the department. No such employee shall forfeit rate of compensation, grade, step or time of service solely on account of the establishment of the department. All collective bargaining agreements or employment contracts in force on the effective date of this act shall not be affected by this act. Nothing in this section shall be construed as limiting the town's rights, including, but not limited to, the right to determine the level of services, to reorganize, to create and abolish positions, to combine positions, reclassify positions, modify the organizational structure of the department of public works or to negotiate and agree to amendments, modifications or revisions to any collective bargaining agreement or employment contract or to amend or modify any by-law of the town.

SECTION 8. (a) Upon the filing of written notice in accordance with subsection (a) of section 4, the town's park and recreation commission shall be thereafter known as the recreation commission. The recreation commission shall consist of 5 members elected for terms of 3 years. The terms of the members of the recreation commission shall be staggered in the same manner as the terms of the park and recreation commission. The members of the park and recreation commission in office immediately prior to the effective date of this act shall continue in office as members of the recreation commission provided for in this section.

(b) The recreation commission shall have the power and authority to conduct recreation programs and activities on land or in facilities or buildings owned, leased or held by the town for park, playground or recreation purposes and, with the approval of the school committee, for school purposes.

(c) The recreation commission shall also be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the park and recreation commission and held or employed for playground or recreation purposes.

(d) The town administrator, in consultation with the recreation commission, shall also have the power and authority to appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a recreation director, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The recreation director shall exercise and perform, under the supervision and direction of the board and the administrative direction of the town administrator, the powers, rights and duties of the commission set forth in this

section and the town's by-laws. The recreation director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as the recreation director. The recreation director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 9. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute. Insofar as the provisions of this act relative to the town's wastewater management system are inconsistent with the provisions of any general or special law, administrative order or regulation, or law of said town other than rules and regulations of the board of health, the provisions of this act shall be controlling. It being necessary for the welfare of the town of Wayland and its inhabitants, this act shall be liberally construed to effect its purposes.

SECTION 109. This act shall take effect on ~~July 1, 2009~~ July 1, 2012.  
~~Approved October 6, 2008~~

**FINANCE COMMITTEE COMMENTS:** This article proposes to start the process of moving the functions of the Wastewater Management District Commission (WWMDC) under the Board of Public Works (BOPW) in order to consolidate all functions dealing with water in one department. This move requires passage of this article and subsequent action by the state legislature to amend the duties of the BOPW. The WWMDC has overseen the operation and finances of the Wastewater Management District (WWMD) in the center of Wayland since 1999. The current Wastewater Treatment Plant (WWTP) has been in operation for almost 40 years, and a new WWTP is currently being constructed. The anticipated transfer of control from the WWMDC to the BOPW would occur after the new WWTP comes on line. The proposed schedule would have a transfer on July 1, 2012, which gives time to complete the WWTP construction and for the state legislature to act.

WWMDC Background:

In 1994, the Wastewater Management Committee was formed by the Town of Wayland to investigate options to on-site septic systems and to provide the Town with proposals for developing such options. Town Meeting instructed the Selectmen to develop the necessary legislation to create an administrative body capable of developing and carrying out construction and maintenance of small-scale alternative systems where applicable. In 1995, the Wastewater Management Committee employed the firm of Camp Dresser & McKee Inc. to study three areas to provide information from each area that would help in analyzing the future needs of the Town. These areas were:

- Route 20 Area
- Dudley Pond
- Cochituate Area, including Mel's Plaza and the Villa Restaurant

In November 1995, Camp Dresser & McKee provided a report for the WWMDC, which was created by the State Legislature in 1996 under Chapter 461 of the Acts of 1996. The WWMDC decided to provide wastewater service for the Route 20 Area only. In 1999, the Town acquired the Raytheon wastewater treatment plant that had been constructed in 1971 and then upgraded in 1974. The WWMDC constructed a collection system along Route 20 from the intersection with Route 27 and on Route 27 north to the split near the library to the treatment plant. Businesses and residents in the Route 20 Area were invited to join the system. The system became operational in 2000. The system operates under a permit issued jointly by the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP).

WWMDC Operations:

The WWMDC is composed of three commissioners and an operational executive and has jurisdiction over the following functions:

- operation of the WWTP using a contractor, with day-to-day contact with the operators via the facilities manager for Wayland,
- actions pertaining to users including setting rates and joining or leaving the WWMD,
- administrative matters handled by the WWMDC operational executive, including sending out bills, monitoring funds and the budget, setting meeting agendas, writing minutes, and tending to administrative details for the WWMDC,
- oversight of the design, the bidding, and the construction of the new WWTP,
- interaction with DEP on permitting.

The 5-year renewal of the NPDES operating permit jointly issued by the state DEP and the federal EPA, issued in September 2008, was appealed by the Department of the Interior and a Sudbury resident. The modified permit was reissued in October 2009 with very strict regulations pertaining to discharge of phosphorus. The permitted discharge from the wastewater treatment plant to the wetland adjacent to Sudbury River or to the Sudbury River is an annualized average of 52,000 gallons per day. The average discharge during FY2010 was approximately 11,000 gallons per day.

As a result of these strict regulations, the old age of the current plant (built in 1971), and the need to maintain existing rated capacity, plans been made to construct a new treatment plant. The design of the new plant was completed in FY2010. Construction of the new treatment plant commenced in February, 2011 with operations expected to begin operations in spring 2012, well ahead of the DEP deadline to meet the more stringent discharge requirements.

WWMDC Operating Finances:

A requirement of the State Legislation is that the wastewater system and the WWMDC be self-sustaining as an Enterprise Fund. Thus, Wayland General Fund monies may not be used to subsidize the WWMDC. The WWMDC currently operates as an Enterprise Fund and will continue under the same structure following the merger. The cost of the system and the WWMDC is financed by betterments, privilege fees, and user fees. User fees are billed quarterly and are based on allocated capacity and winter water use to exclude outdoor use. A penalty is assessed for water usage exceeding 50 % of capacity.

In FY2010, WWMDC income was \$211,673 and expenses were \$214,240 for a slight operating deficit of \$2,566. The WWMDC's cash balance as of June 30, 2010 was \$250,375. Unlike the DPW merger, there is no economic argument either for or against this merger. There are no employees of WWMDC and operations are managed by a third-party contractor. Currently there are about 40 customers that are billed quarterly. Administration of the WWMDC plant is currently handled by a part-time clerk and construction and legal support for the plant construction is provided by Town officials.

New WWTP:

As a result of new strict regulations, the old age of the current plant (built in 1971), and the need to plan for future growth plans have been made to construct a new treatment plant. Town Meeting, both in April 2008 and November 2008, approved a total budget of \$5.6 million for the new plant. The design of the new plant was completed in FY2010. Construction of the new treatment plant commenced in February, 2011 with operations expected to begin operations in spring 2012, well ahead



of the DEP deadline to meet the more stringent discharge requirements. As of June 30, 2010, the total expenditures for the new plant were \$642,045, for engineering design, an emergency generator, and road access.

**Summary:** In summary, a yes vote on this article would start the process of moving the functions of the WWMD under the BOPW in order to consolidate all functions dealing with water in one department. Following passage of this article, the Selectmen would request action by the state legislature to amend the duties of the BOPW to include those of the WWMD and the WWMD would cease to exist. The anticipated transfer of control from the WWMD to the BOPW would occur on July 1, 2012, after the new WWTP comes on-line.

Both the WWMD and BOPW boards voted unanimously to support this merger.

**ARGUMENTS IN FAVOR:** This merger would create a single department to manage all water related functions within the town and possibly lead to some operational efficiency. The timely addressing of issues related to wastewater would be enhanced by having the Director of Public Works overseeing the WWMD and having direct knowledge of its status. As anticipated by this article, a reasonable time for the transfer from the WWMD to BOPW is after the completion of the new WWTP. Both the WWMD and its operational executive will be available until the transfer to consult with the BOPW, and the town's facilities manager will provide continuity of oversight.

**ARGUMENTS OPPOSED:** Some would argue that a separate wastewater organization would provide more autonomy and focus on this function.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote 4-0.

**QUANTUM OF VOTE:** Majority – see Massachusetts Constitution Amendment Article 2, Section 8(1).

*For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, email [fturkington@wayland.ma.us](mailto:fturkington@wayland.ma.us), or Fred Knight, Chair, Wastewater Management District Commission, at [fred@knightway.org](mailto:fred@knightway.org).*

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## ARTICLE 19: AMEND ZONING BYLAW – ZONING BYLAW RECODIFICATION

*Proposed by: Planning Board*

To determine whether the Town will vote amend the Town's Zoning Bylaw, Chapter 198 of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below in underlining as being added, and by adding the following three Attachments to the end of the Bylaw: Table of Dimensional Requirements, Table of Permitted Principal Uses by Districts, and Table of Permitted Accessory Uses by District; text that is not being changed is shown for informational purposes only; page numbers are shown for reference purposes only and are not part of the proposed amendments.

### Chapter 198: ZONING

[HISTORY: Adopted by the Special Town Meeting of the Town of Wayland 10-11-1972 by Art. 10. Amendments noted where applicable. (Note: The numbering and format of the Zoning Bylaw as it appears in this chapter was adopted by the Annual Town Meeting 5-14-1998 by Art. 46.)] Note that all revision dates will need to be updated to include the most recent amendments.

**BoPW Meeting 4/25/2017**

**Discussion on Status of Current Water Ban**

## **Don Millette's Summary**

On 4/14/17, the Drought Management Task force met to discuss drought conditions across the State. The Northeast Region Drought Status has been reduced to a "Drought Advisory" from a "Drought Watch". For the first time in recent memory, Wayland remained in a Full Water Ban over the winter months. Typically the outdoor watering ban is lifted once the watering season is over, last year because of the drought status we did not. Wayland remains in a full Water Ban as of this date.

With the recent easing of the Drought Status, I recommend that we ease our Outdoor Watering Restrictions to allow outdoor watering 2 days a week (Tuesdays and Thursdays during the evening hours of 7:00pm to 7:00am). This recommendation is based on the fact that the Static Water Levels (water levels when the wells are not pumping) in our wells have increased an average of 1 foot since April of 2016.

I would also like to ask the Board to reaffirm last year's vote to allow the DPW Director and Water Superintendent to adjust the Water Conservation Restrictions during the Summer Months if needed.



## Energy and Environmental Affairs

EEA Home > Water Deficit Continues Through Most of Massachusetts

CHARLIE BAKER  
GOVERNOR

KARYN POLITO  
LIEUTENANT GOVERNOR

MATTHEW A. BEATON  
SECRETARY

For Immediate Release - April 14, 2017

### Portion of Commonwealth Returns to Normal Drought Level, Water Deficit Continues Throughout State

Monitoring of Water Resources to Continue, Indoor Water Conservation by Public Necessary


#### Media Contact

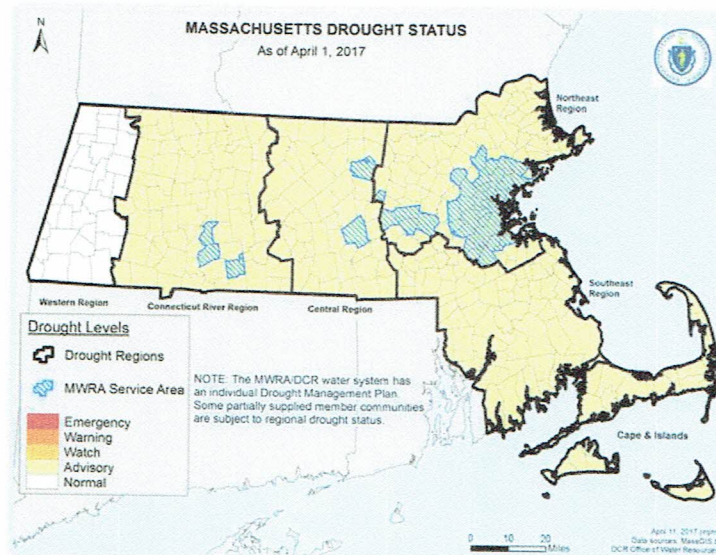
Katie Gronendyke - 617-626-1129 or  
[katie.gronendyke@state.ma.us](mailto:katie.gronendyke@state.ma.us)

**BOSTON** – While the month of March started to see higher levels of precipitation across the Commonwealth, a majority of the state continues to experience a water deficit. As a result, Energy and Environmental Affairs (EEA) Secretary Matthew Beaton today declared the following drought levels throughout the Commonwealth: a Drought Advisory for the Connecticut River Valley, Central, Northeast, Southeast Regions as well as the Cape and Islands; down from a Drought Watch for the Connecticut River Valley and Southeast Region in the month of March, and unchanged for the Central and Northeast Regions and the Cape and Islands. Additionally, Secretary Beaton declared Normal Conditions for the Western Region, down from a Drought Advisory in the month of March. The declarations were the result of a recommendation issued from a recent meeting of the [Drought Management Task Force](#), comprised of state and federal officials, and other entities, and will remain in effect until water levels return to normal in the affected regions.

"Even with widespread rain conditions recently experienced throughout Massachusetts, the state as a whole has not fully rebounded from over two years of a precipitation deficit," said **Energy and Environmental Affairs Secretary Matthew Beaton**. "It is difficult for periods of heavy rain to absorb into the ground to impact hydrological systems, and as a result, it is still important to incorporate best water conservation practices into our daily lives to not stress water systems."

"While recent precipitation has helped to reduce the severity of the drought in parts of the state, drought conditions continue and the public is urged to take steps to reduce both indoor and outdoor water usage," said **Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz**. "Additionally, brush and wildland fires often occur during the spring and with dry conditions, the public is urged to exercise extreme caution when using matches, charcoal grills, and other open flames during outdoor activities."

A Drought Advisory, as outlined in the [Massachusetts Drought Management Plan](#)  1MB, indicates a level of dry conditions that warrants closer tracking by government agencies.



The state continues to intensely monitor and assess the drought situation, and any associated environmental and agricultural impacts. As the Commonwealth transition's into the growing and watering season, the state reminds residents to think carefully about what they plant, encourages good landscape practices, recommends watering plants only early in the morning or late in the evening to minimize evaporation. Furthermore, residents are asked reduce indoor water use, address leaks as soon as possible, and for larger buildings and businesses to conduct water audits to ensure they identify areas of leaks and potential water conservation. All these steps will greatly help reduce water use to ensure essential needs such as drinking water and fire protection are being met, habitats have enough water to recover, and to stretch our

water supplies. Furthermore, the state asks the public to be mindful of the amount of water they are using, and to reduce indoor water use, address leaks as soon as possible, and for larger buildings and businesses to conduct water audits to ensure they identify areas of leaks and potential water conservation. All these steps will greatly help reduce water use to ensure essential needs such as drinking water and fire protection are being met, habitats have enough water to recover, and to stretch our water supplies into the summer.

The Massachusetts Department of Environmental Protection (MassDEP) continues to provide technical assistance to communities on managing systems, including assistance on use of emergency connections and water supplies, as well as assisting towns on how to request a declaration of drought emergency.

"Public water suppliers across the Commonwealth are good stewards of the environment," said **Massachusetts Department of Environmental Protection Commissioner Martin Suuberg**. "As the spring and summer seasons approach, MassDEP will continue to work with local water systems."

Task Force officials also noted the lack of snow pack in March that would typically result in slow recharge of the ground. Additionally, officials noted that while reservoir levels are recovering during this natural recharge period, some are still below normal. The Massachusetts Water Resources Authority (MWRA) water supply system is not currently experiencing drought conditions, as defined within its individual plan.

"The recent rainfall has certainly helped, but the Quabbin Reservoir remains below the normal level for this time of year," said **MWRA Executive Director Fred Laskey**. "It is important that customers in our service area continue to conserve water, particularly as the warmer summer season approaches, so that the reservoir can fully recover to normal levels."

The declaration of a Drought Advisory requires the Drought Management Task Force to meet on a regular basis to more closely assess conditions across the state, coordinate dissemination of information to the public, and help state, federal and local agencies prepare any responses that may be needed in the future. The Task Force will next meet in May. For further information on water conservation and what residents can do, [visit the Executive Office of Energy and Environmental Affairs' drought page](#), the [Department of Conservation and Recreation's drought management page](#), and the [MassDEP Water Conservation page](#).

**BoPW Meeting 4/25/2017**

**DPW Director's Operational Report**

# **DPW Director's Report**

**April 25, 2017**

## **Water Division**

### **Superintendent**

- Lead and Copper Sampling Plan submitted to DEP. 30 Lead and Copper samples will be collected in the 3<sup>rd</sup> Quarter of 2017.
- Information gathering for the 2016 Consumer Confidence Report
- Happy Hollow Permanent Generator Bid Opening took place on 4/20/2017
- Reviewed Plans and Bid Specifications for the Reeves Hill Tank Cleaning and Rehabilitation Project. Meeting with Engineers on 4/25 to finalize.
- Working with Engineers to complete NEPDS Discharge Permit for Water Treatment Plant

### **Treatment**

- Located Sludge Removal Company to remove Iron / Manganese from Ozone Contact tank. Quote to come.
- Scheduled repair of leaking seal on Finish Water Pump #1 in Treatment Plant
- Scheduled 16,000 hour service on Treatment Plant Air Compressor System
- Re-plumbed Hypochlorite injection manifold in Treatment Plant
- Yearly Bulk Chemical Tank Cleaning completed at Happy Hollow
- Repaired several small ozone system leaks in the Treatment Plant

### **Distribution**

- American Flow Control Hydrant Rep. on site to diagnose issue with Darling Fire Hydrant at 53 Highland Circle
- Seasonal Meters Installed
- Inspect 3 Water Service Installations
- Continue Spring Cleanup of Water Division Facilities
- Fire Hydrant Flushing Program has begun. Approx. 25% complete as of 4/21/17

## **Highway & Park Division**

- 39 Service Requests Completed
- Installed athletic fields
- Aerated all fields
- Turned on and maintained all field irrigation systems
- Responded to 18 pothole complaints
- Conducted multiple berm repairs
- Conducted 5 Burial Interments
- Responded to 1 snow and ice events which required plowing
- Responded to 6 sign requests
- Rebuilt 6 Catch Basins / Manholes
- Contracted removal of trees in Mill Pond
- Began roadway cleaning and sweeping
- Set up and took down voting booths for Town elections

## **Transfer Station Division**

- In FY2017, 1931 Full Stickers have been sold as of 4/20/17. Of those, 1341 were paid by check (69%), 474 were paid by credit card on-site (25%), and 116 were purchased online (6%). At this point in FY2016, 2077 stickers had been sold (7% decrease).
- In FY2017, 195 Recycle-Only Stickers have been sold as of 4/20/17. Of those, 154 were paid by check (79%) and 41 were paid by credit card on-site (21%). At this point in FY2016, 206 stickers had been sold (5% decrease).



March 29, 2017

5 Centennial Drive, Peabody, MA 01960 (HQ)  
Tel: 978.532.1900

Thomas Holder, Director  
Department of Public Works  
66 River Road  
Wayland, MA 01778

Re: Boston Post Road Landfill, Materials Handling and Storage Facility Feasibility Study  
**Proposal for Engineering Services**

Dear Mr. Holder:

Following up on our recent discussion, Weston & Sampson Engineers, Inc. proposes to provide assistance to the Town of Wayland for evaluating the feasibility of developing the former Boston Post Road Landfill for use as a materials handling and storage facility. Based on our discussions, we recommend the following scope of work.

- **Review Landfill Status (\$2,500):** Weston and Sampson will collect existing information available on the landfill and surrounding site. This item also includes a kickoff meeting and site walk with the Town and staff to identify storage needs. Under this task, we will produce sensitive receptors maps.
- **Concept Layout (\$4,800):** We will develop concept layouts for a materials handling and storage area for the Town's review and comment. The concepts will show the layout of bins, paving and driveway extents, preliminary grading based on available topographic information, and conceptual stormwater management structures if necessary. We will also include standard details of storage bins. We have budgeted for up to three draft conceptual layouts.
- **Permitting Review (\$3,400):** This item includes a memorandum that will summarize the regulatory pathway for permitting the storage facility. We will meet with MassDEP to review the concept layouts and to gain an understanding of the permitting that will be required. The memorandum will also identify additional permitting that may be required, such as wetlands and Natural Heritage and Endangered Species Program (NHESP).
- **Order of Magnitude Cost Estimate (\$3,000):** We will develop an order of magnitude cost estimate for site development and permitting of the materials handling and storage facility. The cost estimate will be based on recent competitive bids and will be escalated to 2018, or date of Town's choosing.

**Our fee to complete this work is not to exceed \$13,700 and will be billed on a percentage complete basis.**

We are prepared to begin this work immediately upon authorization, and will arrange for a site walk and meeting within two weeks from the Notice to Proceed.

Weston & Sampson's services will be provided as described herein and in accordance with the attached Weston & Sampson General Terms and Conditions dated July 1, 2016, which are a part of our agreement with you.

If you agree with this proposal and wish to retain us to provide the proposed services, please sign and return one copy of this proposal to us as authorization to proceed with performance of the services. Also please sign, date, and return the enclosed Terms and Conditions that are hereby incorporated by reference.



We are pleased to submit this proposal and look forward to working with you on this project.

If you have any questions on this matter, please contact me.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.

By:



Jeffrey J. Alberti, LEED AP  
Vice President

ACCEPTED FOR:

TOWN OF WAYLAND

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By Its \_\_\_\_\_

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Date: \_\_\_\_\_

Enclosures – Standard Terms and Conditions

## WESTON & SAMPSON GENERAL TERMS AND CONDITIONS

1. It is understood that the Proposal attached hereto and dated March 29, 2017 is valid for a period of ninety (90) days. Upon the expiration of that period of time or the delay or suspension of the services, WESTON & SAMPSON reserves the right to review the proposed basis of payment and fees, to allow for changing costs as well as to adjust the period of performance to conform to work loads. References herein to WESTON & SAMPSON are understood to refer to WESTON & SAMPSON ENGINEERS, INC.
2. Invoices will be submitted periodically (customarily on a monthly basis), and terms are net cash, due and payable upon receipt of invoice. If the OWNER fails to make any payment due to WESTON & SAMPSON for services and expenses within thirty (30) days after receipt of WESTON & SAMPSON'S statement therefor, WESTON & SAMPSON may, after giving seven (7) days' written notice to the OWNER, suspend services under this Agreement. Unless payment is received by WESTON & SAMPSON within seven (7) days of the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services, WESTON & SAMPSON shall have no responsibility to the OWNER for delay or damage caused the OWNER because of such suspension of services.
3. WESTON & SAMPSON will serve as the professional representative of the OWNER as defined by the Proposal or under any Agreement and will provide advice, consultation and services to the OWNER in accordance with generally accepted professional practice consistent with that degree of skill and care ordinarily exercised by practicing design professionals performing similar services in the same locality, at the same site and under the same or similar circumstances and conditions. Therefore, estimates of cost, approvals, recommendations, opinions, and decisions by WESTON & SAMPSON are made on the basis of WESTON & SAMPSON'S experience, qualifications and professional judgment. Accordingly, WESTON & SAMPSON does not warrant or represent that bids or negotiated prices will not vary from the OWNER'S budget for the project, or from any estimate of the Cost of the Work evaluation prepared or agreed to by WESTON & SAMPSON. WESTON & SAMPSON makes no warranty or guarantee, express or implied, regarding the services or work to be provided under this Proposal or any related Agreement. Notwithstanding any other provision of these General Terms and Conditions, unless otherwise subject to a greater limitation, and to the fullest extent permitted by law, the total liability in the aggregate, of WESTON & SAMPSON and their officers, directors, employees, agents, and independent professional associates, and any of them, to OWNER and any one claiming by, through or under OWNER, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of in any way related to WESTON & SAMPSON'S services, the project, or this Agreement, from any cause or causes whatsoever, including but not limited to, the negligence, errors, omissions, strict liability, breach of contract, misrepresentation, or breach of warranty of WESTON & SAMPSON or WESTON & SAMPSON'S officers, directors, employees, agents or independent professional associates, or any of them, shall not exceed the greater of \$50,000 or the total compensation received by WESTON & SAMPSON hereunder and OWNER hereby releases WESTON & SAMPSON from any liability above such amount. WESTON & SAMPSON shall have no upfront duty to defend the OWNER but shall reimburse defense costs of the OWNER to the same extent of its indemnity obligation herein.
4. Where the Services include subsurface exploration, the OWNER acknowledges that the use of exploration equipment may alter or damage the terrain, vegetation, structures, improvements, or the other property at the Site and accepts the risk. Provided WESTON & SAMPSON uses reasonable care, WESTON & SAMPSON shall not be liable for such alteration or damage or for damage to or interference with any subterranean structure, pipe, tank, cable, or other element or condition whose nature and location are not called to WESTON & SAMPSON'S attention in writing before exploration begins.
5. WESTON & SAMPSON and its consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous waste in any form at the project site. Accordingly, the OWNER agrees to assert no claims against WESTON & SAMPSON, its principals, agents, employees and consultants, if such claim is based, in whole or in part, upon the negligence, breach of contract, breach of warranty, indemnity or other alleged obligation of WESTON & SAMPSON or its consultants, and arises out of or in connection with the detection, assessment,

abatement, identification or remediation of hazardous materials, pollutants or asbestos at, in, under or in the vicinity of the project site identified in the Proposal. OWNER shall defend, indemnify and hold harmless WESTON & SAMPSON, its principals, agents, employees, and consultants and each of them, harmless from and against any and all costs, liability, claims, demands, damages or expenses, including reasonable attorneys' fees, with respect to any such claim or claims described in the preceding sentence, whether asserted by OWNER or any other person or entity. WESTON & SAMPSON shall not be liable for any damages or injuries of any nature whatsoever, due to any delay or suspension in the performance of its services caused by or arising out of the discovery of hazardous substances or pollutants at the project site.

6. WESTON & SAMPSON agrees to purchase at its own expense, Worker's Compensation insurance, Comprehensive General Liability insurance, and Engineer's Professional Liability insurance and will, upon request, furnish insurance certificates to OWNER reflecting WESTON & SAMPSON's standard coverage. WESTON & SAMPSON agrees to purchase whatever additional insurance is requested by OWNER (presuming such insurance is available, from carriers acceptable to WESTON & SAMPSON) provided OWNER reimburses the premiums for additional insurance.
7. As a part of this Agreement, OWNER without cost to WESTON & SAMPSON agrees to do the following in a timely manner so as not to delay the services of WESTON & SAMPSON:
  - a. Designate in writing a person to act as OWNER'S representative with respect to work to be performed under this Agreement, such person to have complete authority to transmit instructions, receive information, interpret and define OWNER'S policies and decisions with respect to materials, equipment elements and systems pertinent to the work covered by the Agreement.
  - b. Through its officials and other employees who have knowledge of pertinent conditions, confer with WESTON & SAMPSON regarding both general and special considerations relating to the Project.
  - c. Assist WESTON & SAMPSON by placing at the disposal of WESTON & SAMPSON, all

available information pertinent to the Project including previous reports and other data relative to design or construction of Project.

- d. Furnish or cause to be furnished to WESTON & SAMPSON all documents and information known to OWNER that relate to the identity, location, quantity, nature or characteristics of any hazardous waste at, on or under the site. In addition, OWNER will furnish or cause to be furnished such other reports, data, studies, plans, specifications, documents and other information on surface and subsurface site conditions required by WESTON & SAMPSON for proper performance of its services.
  - e. WESTON & SAMPSON shall be entitled to rely, without liability, on the accuracy and completeness of information and documents provided by the OWNER, OWNER'S CONSULTANTS and CONTRACTORS and information from public records, without the need for independent verification.
  - f. Pay for all application and permit fees associated with approvals and permits for all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
  - g. Arrange for and make all provisions for WESTON & SAMPSON and its agents to enter upon public and private lands as required for WESTON & SAMPSON to perform its work under this Agreement.
  - h. Furnish WESTON & SAMPSON with all necessary topographic, property, boundary and right-of-way maps.
  - i. Cooperate with and assist WESTON & SAMPSON in all additional work that is mutually agreed upon.
  - j. Pay WESTON & SAMPSON for work performed in accordance with terms specified herein.
8. The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. If the Project is suspended or

- abandoned in whole or in part for more than three (3) months, WESTON & SAMPSON shall be compensated for all services performed prior to receipt of written notice from OWNER of such suspension or abandonment, together with the other direct costs then due. If the Project is resumed after being suspended for more than three (3) months, WESTON & SAMPSON'S compensation shall be equitably adjusted. In the event of termination by either party, WESTON & SAMPSON shall be compensated for all services performed prior to receipt of written termination, together with other direct costs then due, including WESTON & SAMPSON's independent consultants, and for the services necessary to affect termination.
9. The OWNER and WESTON & SAMPSON waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages, but only to the extent covered by any property or other insurance in effect whether during or after the project. The OWNER and WESTON & SAMPSON shall each require similar waivers from their contractors, consultants and agents.
10. All Drawings, diagrams, plans, specifications, calculations, reports, processes, computer processes and software, operational and design data, and all other documents and information produced in connection with the project as instruments of service, regardless of form, shall be confidential and the property of WESTON & SAMPSON, and shall remain the sole and exclusive property of WESTON & SAMPSON whether the project for which they are made is executed or not. The OWNER shall not have or acquire any title to or ownership rights in any of the documents or information prepared by WESTON & SAMPSON. OWNER may make and retain copies for information and reference in connection with the use and occupancy of the Project by the OWNER and others; however, such documents are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other Projects. Any reuse without written verification or adaptation by WESTON & SAMPSON for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to WESTON & SAMPSON or to WESTON & SAMPSON's independent consultants, and OWNER shall indemnify and hold harmless WESTON & SAMPSON and WESTON & SAMPSON's independent consultants from all claims, damages, losses, and expenses, including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle WESTON & SAMPSON to further compensation at rates to be agreed upon by OWNER and WESTON & SAMPSON.
11. The substantive laws of the Commonwealth of Massachusetts shall govern any disputes between WESTON & SAMPSON and the OWNER arising out of the interpretation and performance of this Agreement.
12. WESTON & SAMPSON and the OWNER agree that any disputes arising under this Agreement and the performance thereof shall be subject to nonbinding mediation as a prerequisite to further legal proceedings.
13. WESTON & SAMPSON shall not be required to sign any documents, no matter by who requested, that would result in WESTON & SAMPSON having to certify, guaranty, or warrant the existence of conditions that would require knowledge, services or responsibilities beyond the scope of this Agreement.
14. Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the OWNER or WESTON & SAMPSON. WESTON & SAMPSON'S services hereunder are being performed solely for the benefit of the OWNER, and no other entity shall have any claim against WESTON & SAMPSON because of this Agreement or WESTON & SAMPSON'S performance of services hereunder.
15. Notwithstanding anything to the contrary contained herein, OWNER and ENGINEER agree that their sole and exclusive claim, demand, suit, judgment or remedy against each other shall be asserted against each other's corporate entity and not against each other's shareholders, A/E's, directors, officers or employees.
16. To the extent they are inconsistent or contradictory, express terms of this Proposal take precedence over these General Terms and Condition. It is understood and agreed that the services or work performed under this Proposal or any Agreement are not subject to any provision of any Uniform Commercial Code. Any terms and conditions set forth in OWNER'S purchase order, requisition, or other notice or authorization to proceed are inapplicable to the services under this Proposal or any related Agreement, except when

specifically provided for in full on the face of such purchase order, requisition, or notice or authorization and specifically accepted in writing by WESTON & SAMPSON. WESTON & SAMPSON'S acknowledgement of receipt of any purchase order, requisition, notice or authorization, or WESTON & SAMPSON'S performance of work subsequent to receipt thereof, does not constitute acceptance of any terms or conditions other than those set forth herein.

Approved by:

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OWNER Name

---

Signature

Date

---

Printed Name and Title

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General Terms and Conditions.docx

17. If any provision of this Agreement shall be finally determined to be invalid or unenforceable in whole or in part, the remaining provisions hereof shall remain in full force and effect, and be binding upon the parties hereto. The parties agree to reform this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision.
18. The parties to this contract recognize their obligations under the Massachusetts Data Security Law and Regulations, G. L. c. 93H and 93I and 201 CMR 17.00, to safeguard "personal information" as defined below. Both parties hereby represent that they have adopted the required Written Information Security Program, have taken the other steps required to safeguard personal information and are in full compliance with the law. The parties agree that in furtherance of their legal obligations, they will not transmit, communicate or otherwise provide to each other any personal information, unless it is necessary to comply with their obligations under this Agreement. The parties also agree that when it is not necessary for them to transmit, communicate or otherwise provide to each other any personal information as part of their obligations hereunder, they will take active steps to prevent such transmission, communication, or transfer. For purposes of this Agreement, "personal information" means a Massachusetts residents first name and last name or first initial and last name in combination with any one or more of the following data elements that relate to such resident: (a) Social Security number; (b) driver's license number or state-issued identification card number; or (c) financial account number, or credit or debit card number, with or without any required security code, access code, personal identification number or password, that would permit access to a resident's financial account.

**BoPW Meeting 4/25/2017**

**Election of Chair and Vice Chair**

## **BoPW Meeting 4/25/2017**

### **Board Members' Reports, Concerns, and Updates**

**BoPW Meeting 4/25/2017**

**Review and Approve the Minutes of the 4/12/2017 Meeting**



# **WAYLAND BOARD OF PUBLIC WORKS**

DPW Facility  
66 River Road  
Wayland, MA 01778  
April 12, 2017

## **MEETING MINUTES DRAFT**

Present: M. Lowery (Acting Chair), T. Abdella, W. Baston, M. Wegerbauer, T. Holder (DPW Director)

Absent: J. Mishara.

Meeting opened at 7:05 PM

Lowery announced that the meeting is being recorded.

Lowery noted that Transition Wayland's Annual Wayland Cleans Up will be occurring this month.

Lowery noted that the Solar Panels on the roof of the DPW Facility are up and running.

### **Review and Discussion of Policy for the Grading of Dirt Roads**

Lowery noted that according to Town bylaw, a resident must petition the Board for any maintenance or repairs to be made on private roads.

Wegerbauer urged the Board to form a policy dictating what maintenance should occur on dirt roads.

Baston distributed a draft table of contents as guidance for the formulation of a Board of Public Works Policy Book.

Lowery suggested that, as a policy, the Board does not need to be consulted if repairs are made in the interest of public safety.

Holder reviewed a list of dirt roads located within Town, and discussed the difference between a common driveway and a private way.

Wegerbauer made a motion to authorize the DPW to address any emergency situations on private roads where such issues might impede emergency response. Otherwise, non-emergency requests should come before the Board for approval.

Baston 2<sup>nd</sup>, all in favor.

***Items Included in the Packet for Discussion***

*- Town Bylaw: Repairs to Private Ways*

***Items Distributed for Discussion***

*- Draft Board of Public Works Table of Contents*

*- Comparison between a Common Driveway and a Private Roadway*

*- List of Dirt Roads in Wayland*

**Public Comment**

Duane Galbi of 190 Stonebridge Road appeared before the Board to ask if the planned Happy Hollow Well Site Access Road needed to be 19 feet wide as planned.

Lowery responded that the road was designed to allow for two vehicles to pass each other.

Michael Delman of 192 Stonebridge Road appeared before the Board to ask how often two-way traffic could be anticipated on the access road.

Lowery noted that two-way traffic will occur at times in addition to anticipated pedestrian traffic.

Delman asked if the road will be curbed.

Holder noted that the road is designed to be sheet-drained, and as such he believes there is no curbing in the design.

Delman asked if the road will be accessible by the public.

Baston noted that it will be gated and locked.

Christopher Barr of 21 Riverview Avenue noted that he is in agreement with the comments made by Galbi and Delman.

**Discussion of Actions and Results of Annual Town Meeting**

Lowery discussed the results of Town Meeting, and urged the DPW to establish purchase orders for the projects approved as soon as possible.

**Status Updates**

**Agreements to Maintain Library Drainage**

Holder noted the Middlesex County Mosquito Control has committed to clean out the drainage swale, and are currently in discussion to coordinate with the Conservation and Health Departments.

**Permitting for Triangular Laydown Area**

Holder noted the he met with Conservation Administrator Linda Hansen, and will be contacting a consultant to delineate the wetlands to facilitate removing the material currently on the site.

Holder added that Hansen is certain a Notice of Intent will be required for the preparation of the laydown area.

Baston suggested that the neighbors be notified when work is underway.

#### **Briefing on Meeting with David Fox**

Lowery discussed a recent meeting with David Fox, discussing the status of the rate model and Fox's preliminary suggestions.

[Abdella arrived at 7:52 PM]

Lowery discussed the Finance Department's position on borrowing for Water Capital Projects.

#### **Proposal for Review of Land South of Route 20 for Laydown Area**

Holder noted that he is trying to expedite a service agreement with Weston and Sampson to review the site.

Abdella noted that he has information from the WRAP committee on the parcel he will distribute.

#### **Fields Opening Status**

Senior Foremen Joe Doucette discussed the current status of fields, noting which fields are open and when others are estimated to be opened.

Wegerbauer requested that areas other than fields that could be used for practice be identified.

Lowery asked about the status of hiring a Town Engineer and DPW Superintendent.

Holder noted that follow-up interviews are scheduled for the Town Engineer tomorrow, and two interviews for the DPW Superintendent's position are scheduled for Friday.

Baston discussed the status of the Library Drainage system following recent rain, noting that water is not currently passing through the new pipe.

#### **Communications Received by BOPW**

##### **Letter from Oak Hill Area Residents**

Wegerbauer made a motion to authorize Lowery to write a letter to the Oak Hill Neighborhood Association and provide a copy of Chris Brown's 1/31/2017 letter to Eversource regarding sensitive areas around the wellhead capture zones.

Baston 2<sup>nd</sup>, all in favor.

## **Selectmen Questions**

Lowery discussed a recent conversation with Selectman Mary Antes regarding a resident's attempt to buy the easement at the Habitat for Humanity site, and Lowery advised the DPW to acquire the easement as quickly as possible.

### ***Items Included in the Packet for Discussion***

- 3/30/17 Letter from Oak Hill Neighborhood Association re: Eversource Planned Maintenance

### ***Items Distributed for Discussion***

- 1/31/2017 Letter from Chris Brown to Eversource re: Wayland Wellhead Capture Zones – Sensitive Areas

## **DPW Director's Financial Report**

The Board reviewed the DPW Financial Report.

Holder discussed the potential encumbrance of surplus FY2017 Highway funds to begin MS4 storm water management permitting.

### ***Items Included in the Packet for Discussion***

- 4/7/2017 DPW Financial Report

## **Board Members' Reports, Concerns, and Updates**

Baston noted the IW Harding is currently working on the Rail Trail project.

Baston suggested that he will provide an update on field status for the Wayland Weekly Buzz.

Abdella noted that he observed a number of vehicles parked in the right-of-way during snow events in his neighborhood.

Doucette noted that the police were notified of the vehicles impeding snow operations.

Lowery noted he attended a meeting with the Historical Commission regarding their monument preservation project in North Cemetery.

Lowery suggested a regular monument maintenance program be considered in the future.

The Board discussed the potential for utilizing CPC funding for the preservation of monuments.

Lowery discussed the repair and preservation of the pillars at Castle Gate.

Lowery expressed his desire to see the Stone's Bridge land be changed from Highway to Park custody at a future Town Meeting.

Lowery discussed the clearing of culverts under the Town Building driveway.

Lowery urged the Board to contemplate what objectives they wished to accomplish in the following year.

**Topics Not Reasonably Anticipated by the Chair 48 Hours Prior to Posting, is any**

Lowery discussed the letter received from the attorneys at 8 Glezen Lane seeking reimbursement for the estimated \$32,000 cost for the design and construction of their septic system.

Holder noted that Health Department Director Julia Junghanns has contacted KP Law and is awaiting their response.

Lowery discussed Town Administrator Nan Balmer's request for the DPW to provide oversight to the wastewater system.

Wegerbauer suggested that any consideration be delayed until several ongoing issues with the DPW are addressed.

Lowery noted that Balmer is not proposing the Board take over the Waste Water Management District Commission, but is seeking Holder's oversight of the wastewater system.

The Board determined that Balmer should first send a memo of the WWMDC's specific needs prior to further discussion by the Board.

Holder noted that he is not prepared to offer any operational support from the Water Division but, with the Board's support, would begin management oversight in small steps.

Lowery clarified that he would respond to Balmer with the suggestion that an outline of what services they feel the DPW would provide for further discussion by the Board.

***Items Distributed for Discussion***

*- 4/12/17 Email from Lowery to Balmer re: WWMDC*

**Review and Approve the Minutes of the 3/29/2017 Meeting**

Wegerbauer made a motion to approve the minutes as presented.

Lowery 2<sup>nd</sup>, all in favor.

***Items Included in the Packet for Discussion***

*- 3/29/2017 BOPW Meeting minutes Draft*

Holder noted that National Public Works Week is in May, and discussed having an open house at the DPW Facility with tours of the Water Treatment Facility also available.

Abdella made a motion to adjourn.

Baston 2<sup>nd</sup>, all in favor.

Meeting adjourned at 8:55 PM.

Respectfully submitted,  
Daniel Cabral  
DPW Office Coordinator-Administrator

**BoPW Meeting 4/25/2017**

**Topics Not Reasonably Anticipated by the Chair 48 Hours Prior  
to Posting**