

**TOWN OF WAYLAND**  
**NOTICE OF MEETING**

Michael Lowery, Chair  
Clifford Lewis, Vice Chair

Jon Mishara  
Mike Wegerbauer  
Patrick Murphy

Posted in accordance with the provisions of the Open Meeting Law  
[www.mass.gov/jao/openmeeting](http://www.mass.gov/jao/openmeeting)

<b>NAME OF BOARD:</b>	<b>BOARD OF PUBLIC WORKS</b>
<b>DATE OF MEETING:</b>	Thursday June 4, 2020
<b>TIME OF MEETING:</b>	9:00 AM
<b>PLACE OF MEETING:</b>	TOWN BUILDING 41 Cochituate Rd. Wayland, MA 01778

**AGENDA**

**NOTE: In compliance with the revised Open Meeting Law requirements, the meeting will be live streamed on WayCAM, with all BOA members participating by teleconference. Public comment will be received by phone at 508-358-6812 for this meeting. The phone number will be active during the public comment portion of the meeting. All calls during the public comment period will be addressed. Thank you in advance for your patience and understanding.**

- 9:00 Announcements
- 9:02 Town Administrator COVID Update
- 9:10 Water Ban Discussion and Possible Vote
- 9:20 Water Enterprise Fund Financial/Rate Forecasting Discussion
- 9:35 Director's Report
- 9:40 Board Members' Reports, Concerns, and Updates
  - Appointment process for Conservation Commission members
  - Restoration of evening meetings
  - Cremation area in town cemeteries – as a future topic
- 9:45 Topics Not Reasonably Anticipated by the Chair 48 Hours Prior to Posting, if any
- 9:50 Public Comment
- 9:55 Review and Approve the Minutes of the May 13, 2020 Meeting
- 10:00 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 6/04/2020**

### **Announcements**

**BOPW Meeting 6/04/2020**

**Town Administrator Update**

**BOPW Meeting 6/04/2020**

**Water Ban Discussion and Possible Vote**

## **BOPW Meeting 6/04/2020**

### **Water Enterprise Fund**

### **Financial/Rate Forecasting Discussion**



### Scenario 1 - Standard Capital Spending Scenario

## DPW Water Enterprise Fund

**400,000 One Time Quarterly Acceleration**

**5% One Time Meter Replacement**

### 2% Annual Reduction in Water Use

### 2.5% Annual Increase in Water Usage Revenue

**3.25% Annual Increase in Salaries and Indirects and OPEB**

### 2.50% Annual Increase in Expenses

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Budget	FY 2022	FY 2023	FY 2024	FY 2025
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Est. YE		Projection	Projection	Projection	Projection
Costs	Salaries	\$ 659,201	\$ 658,359	\$ 655,094	\$ 675,805	\$ 624,068	\$ 675,988	\$ 744,874	\$ 777,975	\$ 811,600	\$ 837,977	\$ 865,211	\$ 893,331
	Expenses	\$ 1,205,400	\$ 1,306,762	\$ 1,266,113	\$ 1,397,457	\$ 1,417,684	\$ 1,331,772	\$ 1,000,650	\$ 1,215,502	\$ 1,496,000	\$ 1,533,400	\$ 1,571,735	\$ 1,611,028
	Contingency return (unspent)									(50,000)	(50,000)	(50,000)	(50,000)
	Indirect Costs	\$ 273,000	\$ 448,213	\$ 502,989	\$ 335,292	\$ 338,601	\$ 381,660	\$ 383,537	\$ 374,779	\$ 362,440	\$ 374,219	\$ 386,381	\$ 398,939
	Transfer to OPEB					\$ 3,657	\$ 3,475	\$ 7,635	\$ 7,635	\$ 7,883	\$ 8,139	\$ 8,404	\$ 8,677
Adjustments to Previous Years' RE (encumbrances)													
Debt Service	\$ 1,215,021	\$ 1,167,749	\$ 1,046,453	\$ 1,064,627	\$ 1,093,106	\$ 1,333,076	\$ 1,292,656	\$ 1,337,510	\$ 1,313,017	\$ 1,313,017	\$ 1,160,686	\$ 1,100,400	\$ 1,061,375
New Debt Service													
Total	\$ 3,352,622	\$ 3,581,083	\$ 3,470,649	\$ 3,473,181	\$ 3,477,115	\$ 3,900,929	\$ 3,481,576	\$ 3,713,401	\$ 3,940,940	\$ 4,089,618	\$ 4,323,160	\$ 4,335,225	\$ 4,537,464
Revenues													
Water Usage Charges	\$ 3,544,490	\$ 3,353,696	\$ 3,268,487	\$ 3,161,787	\$ 3,340,210	\$ 3,217,522	\$ 3,164,543	\$ 3,189,306	\$ 3,593,264	\$ 3,789,905	\$ 3,806,960	\$ 3,824,091	\$ 3,841,300
One Time Revenue Acceleration (quarterly billing)										\$ 400,000	\$ 300,000	\$ 300,000	\$ 300,000
Meter Charge	\$ 242,986	\$ 251,100	\$ 295,966	\$ 304,738	\$ 288,492	\$ 310,157	\$ 298,496	\$ 295,000	\$ 300,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Misc Revenue	\$ 202,273	\$ 48,088	\$ 110,700	\$ 42,541	\$ 26,625	\$ 42,760	\$ 44,167	\$ 10,999	\$ 10,999	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Service Order	\$ 31,504	\$ 16,289	\$ 23,595	\$ 28,269	\$ 54,850	\$ 13,373	\$ 19,929	\$ 11,521	\$ 11,521	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Penalties and Interest	\$ 26,555	\$ 22,136	\$ 23,290	\$ 24,809	\$ 25,750	\$ 27,086	\$ 20,367	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Liens	\$ 139,228	\$ 123,820	\$ 133,088	\$ 122,452	\$ 89,900	\$ 115,560	\$ 102,580	\$ 88,006	\$ 88,006	\$ -			
Capital Improvement	\$ 1,262	\$ 370	-	-	-	-	-	-	-				
Interest on late payments	\$ 11,964	\$ 7,980	\$ 6,925	\$ 6,728	\$ 6,816	\$ 6,846	\$ 16,097	\$ 5,453	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Interest on Retained Earnings										\$ 3,052	\$ 3,947	\$ 3,596	\$ 3,258
Transfers from Water Capital	\$ 82,757	\$ 429,597	\$ -	\$ -	\$ 15,339	\$ -	\$ 51,362	\$ 8,399	\$ 3,126				
Total Revenue	\$ 4,283,019	\$ 4,253,074	\$ 3,862,051	\$ 3,691,325	\$ 3,847,983	\$ 3,733,303	\$ 3,717,541	\$ 3,633,684	\$ 3,991,390	\$ 4,587,958	\$ 4,205,907	\$ 4,222,687	\$ 4,239,558
Cost/Expense Balance	\$ 930,397	\$ 671,991	\$ 391,402	\$ 218,144	\$ 370,867	\$ (167,626)	\$ 235,965	\$ (79,717)	\$ 50,450	\$ 498,340	\$ (117,253)	\$ (112,538)	\$ (297,906)
Direct Expense													
ATM Water Surplus (Direct Capital)*	\$ 910,000	\$ 1,095,000	\$ 1,075,000	\$ 310,000	\$ 450,000	\$ 225,000	\$ 190,000	\$ 50,000	\$ 75,000	\$ 200,000			\$ 95,000
AMI													
STM and Other Adjustments													
Surplus / Deficit	\$ 20,397	\$ (423,009)	\$ (683,598)	\$ (91,856)	\$ (79,133)	\$ (392,626)	\$ 45,965	\$ (1,429,717)	\$ (24,550)	\$ 298,340	\$ (117,253)	\$ (112,538)	\$ (3

**BOPW Meeting 6/04/2020**

**Director's Report**

**(to be presented verbally)**

**BOPW Meeting 6/04/2020**

**Board Members' Reports,**

**Concerns, and Updates**



## **Martin, Anita**

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**From:** Lowery, Michael  
**Sent:** Saturday, May 30, 2020 8:49 AM  
**To:** Martin, Anita  
**Cc:** Lewis, Cliff; Alert: SYSERROR  
**Subject:** FW: Appointment of the Conservation Commission

Anita, Please include this email in the packet for next meeting – in the Reports and Concerns section.

If you've not filed the agenda yet,  
Please add a bullet point under

Reports and Concerns:

- Appointment process for Conservation Commission members.

Thanks,  
Mike

**From:** Lowery, Michael  
**Sent:** Saturday, May 30, 2020 08:45  
**To:** Selectmen <selectmen@wayland.ma.us>  
**Cc:** Fair, Sean P. <sfair@wayland.ma.us>; Lewis, Clifford <clewis@wayland.ma.us>; Foster, Asa <afoster@wayland.ma.us>; Montague, Ira <imontague@wayland.ma.us>; Miller, Louise <lmiller@wayland.ma.us>  
**Subject:** RE: Appointment of the Conservation Commission

Dear Selectmen,

I have not as yet had any response to the questions raised here. I mentioned this email at the last BOPW meeting. We are having another meeting this week and I would like to update the BOPW about the questions raised:

"When time and circumstances permit, can the Selectmen help me understand the history:

- Was the 1968 STM provision ever in effect?
- Did the state ever rule the 1968 STM provision not legal?
- Did the Town or state adopt later policy which I cannot find? (if so when?)
- Should the town be operating under the 1968 STM provisions?
- What am I missing??"

If you are unable to respond at this time, I ask that you take no action to appoint vacancies in the Conservation Commission until you are able to respond to the questions

Thanks,  
Mike Lowery, chair  
Board of Public Works

Written personally.

From: Lowery, Michael  
Sent: Tuesday, May 12, 2020 11:53  
To: Selectmen <[selectmen@wayland.ma.us](mailto:selectmen@wayland.ma.us)>  
Cc: Fair, Sean P. <[sfair@wayland.ma.us](mailto:sfair@wayland.ma.us)>; Lewis, Clifford <[clewis@wayland.ma.us](mailto:clewis@wayland.ma.us)>; Foster, Asa <[afoster@wayland.ma.us](mailto:afoster@wayland.ma.us)>; Montague, Ira <[imontague@wayland.ma.us](mailto:imontague@wayland.ma.us)>; Miller, Louise <[lmiller@wayland.ma.us](mailto:lmiller@wayland.ma.us)>  
Subject: FW: Appointment of the Conservation Commission

Selectmen,

I believe the Conservation Commission was first established March 15 1961, article 27 accepting MGL chapter 40 section 8C –

MGL Ch40 Sec8c

...  
The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.

At the November 20<sup>th</sup>, 1968 Special Town Meeting this motion as adopted regarding how the Conservation Commission is appointed.

<https://www.ecode360.com/documents/WA1635/public/76867.pdf>

NOV 20 1968 STM:

ARTICLE 15. To see if the Town will vote to reaffirm its position that communication between Town Boards is a desirable goal and therefore that the membership of the Conservation Commission be composed of one member to be recommended by the Planning Board, one member to be recommended by the Water Commissioners, and that hereafter one member be recommended by the Park and Recreation Commission, with the remaining four members appointed at large; or take any action relative thereto.

Duly seconded, Mr. Jerome J. Elkind offered the following

MOTION: That the Town reaffirm its position that communication between Town Boards is a desirable goal and therefore that the membership of the Conservation Commission should be composed of one member to be recommended by the Planning Board, one member to be recommended by the Water Commissioners, and that thereafter one member be recommended by the Park and Recreation Commission, with the remaining four members appointed at large.

Upon a Motion of Mr. John B. Gregory, duly seconded, it was

VOTED: Unanimously: "The Previous Question".

Upon the Main Motion, it was  
VOTED: In Favor.

Today, the Board of Selectmen understands itself to be the appointing authority for the Conservation Commission.

I infer a sentiment in the Article 15 language that the Town wished to assure itself that the Conservation Commission have broad communication with Planning, Recreation, and Water departments. I believe that this is as true now as it was in 1968.

The Conservation Commission has two positions expiring 06/30/2020, so the question is relevant in the near future unless those positions have been filled.

When time and circumstances permit, can the Selectmen help me understand the history:

- Was the 1968 STM provision ever in effect?
- Did the state ever rule the 1968 STM provision not legal?
- Did the Town or state adopt later policy which I cannot find? (if so when?)
- Should the town be operating under the 1968 STM provisions?
- What am I missing??

Thanks,

Mike Lowery, chair, Board of Public Works (Water Commissioners)  
Written personally



**DEPARTMENT OF PUBLIC WORKS**  
**TOWN OF WAYLAND**

*Entrusted To  
Manage The  
Public  
Infrastructure*

**Thomas M. Holder**  
*Director*

**Joseph Doucette**  
*Superintendent*

**Don Millette**  
*Superintendent*

**Paul Brinkman**  
*Town Engineer*

**To:** Board of Public Works

**From:** Joe Doucette | DPW Superintendent *[Signature]*

**Date:** May 28, 2020

**Subject:** Tree Removal/Replacement

The purpose of this writing is to provide documentation that a Board of Public Works voted action has been properly completed.

At the June 4, 2019 Board of Public Works meeting and Tree Hearing, Michael Connors of 4 Highgate Road appeared and requested tree numbers 1558 & 1573 be removed. The Board voted the trees be removed under the condition that they be removed at the homeowner's expense and that two replacement trees be planted with DPW coordination. As of this writing, the trees have been removed by the homeowner and two replacement trees have been planted.

It is my position that the homeowner has fulfilled his obligation to my satisfaction.

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

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



**BOPW Meeting 6/04/2020**

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



**BOPW Meeting 6/04/2020**

**Public Comment**

**BOPW Meeting 6/04/2020**

**Review and Approve the Minutes  
of the May 13, 2020 Meeting**

## **WAYLAND BOARD OF PUBLIC WORKS**

Posted in accordance with the provisions of the Open Meeting Law

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

Town Building  
41 Cochituate Road  
Wayland, MA 01778  
May 13, 2020

### **MEETING MINUTES**

Present: M. Lowery (Chair), C. Lewis (Vice Chair), J. Mishara, M. Wegerbauer  
Absent: Patrick Murphy

DPW Staff in Attendance: Tom Holder (DPW Director), Paul Brinkman (Town Engineer)

Other: Louise Miller (Town Administrator)

Meeting opened at 2:00 PM.

Lowery called the meeting to order and pointed out that this meeting was being held in compliance with the revised Open Meeting Law requirements. The meeting will be live streamed on WayCAM, with all BoPW members participating by teleconference. Public comment would be received by phone at 508-358-6812. The phone number would be active during the public comment portion of the meeting. Lowery handed over the meeting chair to Lewis, who reviewed the agenda.

### **Announcements**

Lewis commended the DPW for ensuring the Town continued to enjoy clean running water, sanitary disposal of trash, and open roads.

### **Louise Miller – Town Administrator – Update: 2020 Local Elections, 2020 ATM, FY2021 Capital Appropriations**

Miller provided a COVID update explaining that we were awaiting further instruction, concerning the phased reopening of all Town services, from the State. Specific instructions on employee safety, as people are brought back into work spaces, have been received. Departmental managers are currently preparing reopening plans. Staff will return gradually. Normal Town operations will resume during the summer.

The Town Local Elections will take place on June 9, 2020. They have already been rescheduled but will not be rescheduled again. Early and absentee voting are being made available.

The Annual Town Meeting is currently in a cycle of postponements, 30 days at a time, resulting in postponement through May 30, 2020. The Board of Selectmen will discuss further postponing the Open Town Meeting to September at their May 15<sup>th</sup> meeting.

Not having the Annual Town Meeting prior to the end of the FY20 means that from July 1<sup>st</sup>, the Town will be required to provide monthly budgets to the Department of Revenue. The Town will start FY21 using FY20 actual spend data, and will assume the same levels of service as for FY20. Additionally, in the absence of the FY21 Capital Appropriations vote, all capital expenditure is put on hold. The Department of Revenue have explained that any decisions to spend on capital may run the risk of not being approved once the Annual Town Meeting takes place.

Miller shared her concern regarding two areas of DPW capital spend. She pointed out that the RTE. 27 bridge work project was time sensitive and the Town has filed with the Department of Transportation to use Chapter 90 funds to move the project along. Wegerbauer asked if we were at risk of funds not being made available. Holder shared that we have funds from prior year Chapter 90 allocations and having submitted an application to MassDOT, receiving a verbal agreement.

Lowery made a motion that the Board approve going ahead with the RTE. 27 Bridge Project. Wegerbauer 2<sup>nd</sup>, and a roll call vote was taken.

Wegerbauer aye, Mishara aye, Lowery aye, Lewis aye.

Miller's second area of concern was the possible delayed purchase of critical items of equipment. Holder replied that we could continue to operate while awaiting the Annual Town Meeting vote in September.

Lewis asked about the reopening of parks and playgrounds. Miller said that we were awaiting state guidance. Lowery pointed out that the Board would need to vote on the reopening of all playgrounds under DPW control. No DPW controlled playground to be reopened without a BOPW vote. Miller noted this.

**Cemetery deeds: Vote to authorize Chair to sign on behalf of full Board during Remote Meeting Period**

Holder asked that the Chair be authorized, during this remote meeting period, to sign Cemetery Deeds on behalf of the Board. Wegerbauer made a motion to authorize the Chair to sign Cemetery Deeds on behalf of the Board, and Lowery seconded. However when Lewis asked if there was any further discussion Mishara then asked if there were any by-laws or regulation that would prevent this happening. Holder reminded the Board that Cemetery Deeds are regularly signed prior to Board meetings without being discussed as an agenda item.

Lowery amended the motion to authorize the Chair to sign Cemetery Deeds on behalf of the Board for as long as the State emergency declaration period lasted. The deeds signed should be listed in the minutes to be approved at the next meeting. Wegerbauer 2<sup>nd</sup>, and a roll call vote was taken.

Wegerbauer aye, Mishara aye, Lowery aye, Lewis aye.

List of Deeds for signature:

- Lot 67 B, Section B in North Cemetery (2 full earth burials)
- Lot 111 B, Section S in Lakeview Cemetery (2 full earth burials)
- Lot 94A, Section B in North Cemetery (1 full earth burial)

- Lot 94B, Section B in North Cemetery (1 full earth burial)
- Lot 94C, Section B in North Cemetery (1 full earth burial)
- Lot 133C, Section S in Lakeview Cemetery (1 full earth burial)
- Lot 133D, Section S in Lakeview Cemetery (1 full earth burial).

**Transfer Station Finances: FY21 Fee Structure Discussion and Possible Vote**

Holder presented the latest Transfer Station account balance sheet showing projections for the remainder of FY20 and for FY21. Wegerbauer asked about variable monthly Pay As You Throw (PAYT) income and Lowery asked about mattress recycling now that the DEP mattress recycling grant could no longer be renewed. Holder asked the Board to decide about the Sticker Price for the coming year and also the need to charge for recycling mattresses and box springs. Lewis asked about increasing the sticker price and Lowery made a motion to increase the sticker fee from \$165 per annum to \$170. However Mishara pointed out that doing so might reduce the chance of attracting new customers and alienate existing customers. Wegerbauer stressed that the focus must be to increase the customer base by using every opportunity to market the Transfer Station. Since there had been no 2<sup>nd</sup> to existing motion, Lewis asked for an alternate. Wegerbauer made a motion to keep sticker fees as they are but introduce a mattress fee of \$25. Mishara 2<sup>nd</sup> , and a roll call was taken.

Wegerbauer aye, Mishara aye, Lowery aye, Lewis aye.

Lewis asked that it be noted that once we are able to fully reopen following the COVID emergency then we need to address recycling at the Transfer Station.

**Water Enterprise Fund Financial/Rate Forecasting Discussion**

Holder explained that we can't hold a hearing at present but we can discuss the FY21-FY25 period projections and obtain feedback from the Board. Brinkman outlined how we always begin rate setting with an iterative process by obtaining Board feedback and incorporating it into further model development. Brinkman then proceeded to show the Board a live spreadsheet but pointed out that we do not have updated usage data or debt schedule data as yet.

Brinkman shared that more water is being produced but revenues are lower because higher tier customer usage is low due to COVID stay at home directives. In general, revenue has slowly decreased over recent years in spite of increasing rates; possibly reflecting usage reduction.

The Board discussed funding and timing of capital projects.

The Water Rates for FY21 will be set in June. The hearing to be held remotely.

*Item Shared Electronically for Review:  
- Water Rate Discussion Live Spreadsheet*



**Board Member's Reports, Concerns, and Updates**

- AMI

Miller reported that the company which had been recommended by the Evaluation Committee also was the lowest bidder. The Board of Selectmen would be signing the contract at their May 27, 2020 meeting. The next stage of the project is the installation of the water meters, which necessitates access to homes. 3,400 homes will be affected.

- Town Roadways

Wegerbauer asked Holder about delays in paving streets. Holder assured him that once some conditional issues from last fall are rectified the paving will go ahead. Lowery asked about the status of work on RTE. 20 and the certificate of completion. Miller confirmed that there was no update on Spencer Circle.

Mishara left the meeting at 3:25 pm.

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

None

**Public Comment**

None

**Review and Approve the Minutes of the 3/25/2020 Meeting**

Lowery made a motion to approve the minutes of the 3/25/2020 meeting as presented. Wegerbauer 2<sup>nd</sup>, and a roll call vote was taken.

Lowery aye, Lewis aye, Mishara aye, Wegerbauer aye.

***Items Included in the Packet for Discussion  
- 3/25/2020 BOPW Meeting Minutes Draft***

Lowery made a motion to adjourn. Wegerbauer 2<sup>nd</sup>, and a roll call was taken.

Lowery aye, Wegerbauer aye, Lewis aye.

Meeting adjourned at 3:40 PM.

Respectfully submitted,  
Anita Martin  
Business Manager

**BOPW Meeting 6/04/2020**

**Adjourn**