

PACKET

JULY 16

2018



NAN BALMER
TOWN ADMINISTRATOR
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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

BOARD OF SELECTMEN
Monday, July 16, 2018
6:45 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

Proposed Agenda

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

- 6:45 pm 1. Call to order by Chair
- Review of agenda for the public
- 6:50 pm 2. Enter into Executive Session
- I. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3), meet with representatives of the Recreation Commission and the Planning Board to conduct a strategy session with respect to litigation in the matter of Trustees of the Residences of 89 Oxbow Condominiums v. Town of Wayland and,
 - II. Pursuant to Massachusetts General Laws Chapter 30A, Section 21, (a) (2) to conduct a strategy session in preparation for contract negotiations with non-union personnel, the new Town Administrator Louise Miller and,
 - III. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with AFSCME 690 - 1 and,
 - IV. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with the New England Police Benevolent Association, Inc. Local 176 and,
 - V. Pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining and impact bargaining with Wayland Police Officers Union and International Association of Firefighters, Local 1978 and,

Proposed Agenda – Page Two

WAYLAND BOARD OF SELECTMEN

Monday, July 16, 2018

6:45 p.m.

- VI. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road, and pursuant to Section 21 (a) (3) to discuss strategy with respect to litigation regarding the Agreement with Twenty Wayland, LLC and the Town of Wayland, and
- VII. Pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to review and approve the executive session minutes of June 11, 2018 and pursuant Massachusetts General Laws, Chapter 30A, Section 21 a (3) and (6) to review and approve the executive session minutes of June 25, 2018.

APPROVE AND HOLD: Executive Session minutes of June 11, 2018 and June 25, 2018.

- 8:10 pm 3. Announcements and public comment
- 8:15 pm 4. Agreements with Unions:
 - 1. Vote to approve a Memorandum of Agreement with New England Police Benevolent Association, Inc. Local 176 regarding the 2017 through 2020 Collective Bargaining Agreement and,
 - 2. Vote to approve a Memorandum of Agreement with AFSCME – 690 – 1 regarding a nurse job share arrangement.
- 8:20 pm 5. 5 Concord Road: Review Attorney General's Decision with Town Counsel
- 8:30 pm 6. FY 20 Budget Policy: Discussion and potential vote to approve
- 8:45 pm 7. Town Manager's Special Act: Review with Town Counsel
- 9:00 pm 8. Meet as Traffic Commission: Discussion and potential vote to recommend that the Planning Board adopt conditions in its site plan relative to the Congregation Or Atid's request for limited off street parking.
- 9:20 pm 9. Private Roads: Review and approve application form and appeals process

Proposed Agenda – Page Three

WAYLAND BOARD OF SELECTMEN

Monday, July 16, 2018

6:45 p.m.

- | | | |
|----------|-----|------------------------------------------------------------------------------------------------------------------------------------|
| 9:30 pm | 10. | Update: Marijuana ballot question and timing of Board's action |
| 9:40 pm | 11. | Town Administrator Report <ol style="list-style-type: none">1. Correspondence2. Review FY 18 legal expenses |
| 9:55 pm | 12. | Minutes: Review and vote to approve minutes of June 25, 2018 and July 2, 2018 |
| 10:00 pm | 13. | Consent Calendar: Review and vote to approve (see separate sheet) |
| 10:05 pm | 14. | Correspondence Review |
| 10:10 pm | 15. | Selectmen's reports and concerns |
| 10:15 pm | 16. | Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any |
| 10:20 pm | 17. | Adjourn |

S. AG: S Concord Rd
cc Chair, Library Trustees



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

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VIA EMAIL and FIRST CLASS MAIL

June 25, 2018

Carolyn M. Murray, Esq.
KP Law, P.C.
101 Arch Street
Boston, MA 02110

Re: Wayland Free Public Library

Dear Attorney Murray:

The Non-Profit Organizations/Public Charities Division (the "Division") is in receipt of correspondence dated January 22, 2018 indicating that the Town of Wayland (the "Town") was seeking to modify and/or remove restrictions that encumber the site of the Town's current library. The Town was requesting the removal and/or modification of these restrictions as part of a larger plan to repurpose the site for other uses and to construct a new building, at a different location, to house the Town's primary library.

However, at the April 3, 2018 Wayland Town Meeting, a vote to authorize necessary spending for this plan failed. Because this vote foreclosed the Town's plans to build a new library, and thus their proposal to re-purpose the site of the current library, the questions presented in the Town's petition are moot and the Division is closing its file on this matter.

Please feel free to contact me with any questions or to discuss further.

Very truly yours,

A handwritten signature in blue ink that reads "Sean Hildenbrandt".

Sean Hildenbrandt
Legal Analyst II
Non-Profit Organizations/Public Charities Division
(617) 963-2419
sean.hildenbrandt@state.ma.us

DRAFT: 7/2/18

BOARD OF SELECTMEN'S POLICY ON THE FY 2020 BUDGET PROCESS

I. PURPOSE

The purpose of the FY 2020 Budget Process Policy is to establish, under existing local and state authority, the roles and responsibilities of the Board of Selectmen, Finance Committee, Town Administrator, and Finance Director in the preparation of the FY 2020 operating and capital budgets. The Board of Selectmen's goal is to create an efficient, effective and fiscally responsible FY 2020 budget process that meets the planned needs and goals of Wayland and is accountable to the taxpayer.

II. AUTHORITY

Authority to prepare the FY 20 Budget under the process described below is based on:

1. The authority as the chief executive and chief policy making body of the Town is provided to the Board of Selectmen under Massachusetts General Law and the authority under Chapters 60 and 19 of the Town Code to: 1) employ a Town Administrator, 2) ratify the appointment of the Finance Director and 3) appoint a Finance Committee. As the chief executive for the Town, the Board of Selectmen will play a major role in formulating financial policy, will participate directly in the Town's financial planning and budget process, will provide leadership in the development of the capital improvement plan, and will provide oversight and monitoring of the Town's financial performance.
2. The authority under Chapter 60, Section 2 of the Wayland Town Code provides the Town Administrator as the chief operating and administrative officer of the Town under the policy direction of the Board of Selectmen, with the broad authority to manage the Town's financial, personnel and legal activities and to appoint a Finance Director. Chapter 60, Section 2, outlines the Town Administrator's responsibilities for developing long term financial strategy, for review of all town departmental budgets and for overall financial management for the Town and its departments. This work is to be performed under the policy supervision of the Board of Selectmen and in conjunction with the Finance Committee and the Finance Director.
3. The Finance Director, under the direction of the Town Administrator, develops a budget schedule, provides financial projections, prepares the draft budget, prepares the debt management plan with the Treasurer, advises the Town Administrator on the proposed budget guideline and acts as Town Accountant under Massachusetts General Law.
4. The authority under Chapter 19 of the Town Code provides the Finance Committee with the responsibility to prepare and submit the annual Omnibus Budget to Town Meeting which includes the personnel and expense operating budgets and capital

budgets for each Town department and the School Department. The Finance Committee works in cooperation with the Town Administrator with the Finance Director acting as the Finance Committee's liaison to the Town Administrator and the Board of Selectmen.

III. INTEGRATION OF ROLES AND RESPONSIBILITIES IN THE BUDGET PROCESS

A responsible local government budget process is based on the Board of Selectmen, its appointed senior staff, all departments and the Finance Committee each playing distinct and important roles in the budget process in a logical sequence. Each of these parties has specific legal responsibility and a distinct perspective. The Board of Selectmen's appointed Town Administrator and the Finance Director (who is appointed by the Town Administrator subject to ratification by majority vote of the full membership of the Board of Selectmen), as the professional staff managing the Town's day to day operations, are best positioned to prepare the five-year budget plan, draft the annual budget guideline and the capital and operating budgets and present these to the Board of Selectmen. The Board of Selectmen, as the chief executive elected by Wayland's residents, is best positioned to consider the overall priorities of the Town. The Board-appointed Finance Committee provides a second and independent review of the draft guidelines and budgets, primarily from the standpoint of Wayland taxpayers after the Board of Selectmen has established priorities, and prepares the final departmental operating and capital expense budgets and presents them to Town Meeting. In Wayland, the Finance Committee is also responsible for providing comment to the voters on warrant articles. Other finance duties remain with the Board of Selectmen and its administrators.

This policy shall be applied in a manner consistent with the provisions of Chapter 19, Section 4 of the Wayland Town Code, as amended from time to time.

IV. FY 2020 BUDGET: PROCEDURAL STEPS

1. The Board of Selectmen adopts this policy on the preparation of the FY 2020 Budget which will be transmitted to the Town Administrator, the Finance Committee and the Town and School Departments Heads. The Board of Selectmen will also present draft financial policies for public review and comment.
2. The Town Administrator and Finance Director will convene a meeting with the School Superintendent and School Business Manager to discuss preliminary FY 2020 Budget needs, the treatment of shared Town / School expenses and preliminary revenue projections.
3. The Finance Director will develop and present to the Town Administrator a five-year revenue and expense budget plan showing all assumptions and identifying proposed budget policies, and suggesting a draft FY 2020 budget guideline, based on appropriate percentage increases in Town and School budgets and also showing an

appropriate dollar amount for budget growth for the Town, School and shared Town / School expenses.

4. The draft budget plan and guideline will be reviewed by the Assistant Town Administrator, Treasurer, Assessor, and School Superintendent and School Business Manager whose input will be included or noted in a second draft.
5. After a public presentation by the Town Administrator, the Board of Selectmen and Finance Committee will review the budget documents and the Board of Selectmen will provide comment about FY 2020 budget priorities. The Board of Selectmen and Finance Committee will adopt an agreed upon FY 2020 budget guideline which will be included or noted in a new draft budget plan and transmitted to Department Heads and all elected boards.
6. The Board of Selectmen will convene a public FY 2020 Budget Summit in mid-September at which the Finance Director and Town Administrator will present the five year financial plan and at which the Board will hear comment on FY 2020 budget priorities, the FY 2020 Budget Guideline and draft financial policies from departments, committees, and the public.
7. The Finance Director, under the direction and with approval of the Town Administrator will develop and manage the FY 2020 Budget Schedule and provide the schedule and the final budget guideline to Town and School departments by early October. All detailed non-school departmental budgets will be received by the Town Administrator who will note any recommended changes to each departmental budget.
8. The Finance Director and Town Administrator will receive the School Department budget from the School Superintendent and will include the School Budget unchanged but with comment in a consolidated budget plan.
9. The Finance Committee will receive from the Town Administrator complete and detailed Town and School budgets with all prior comments from the Board of Selectmen.
10. Following its review and compilation of the final FY 2020 budget, the Finance Committee will present the draft FY 2020 budget to the Board of Selectmen, School Committee, staff, boards and public. This public meeting is anticipated to occur in early February 2019.
11. The Finance Committee will develop a final budget for inclusion in the Annual Town Meeting warrant.

**DRAFT – AN ACT ESTABLISHING THE POSITION OF TOWN MANAGER IN THE
TOWN OF WAYLAND – DRAFT**

Be it enacted, etc., as follows:

SECTION 1. DESIGNATION OF ELECTED OFFICIALS

(a) Upon the effective date of this act, the registered voters of the town of Wayland shall, in accordance with any applicable laws, bylaws, votes of the town or inter-local agreement continue to elect the following:

- (i) members of the select board;
- (ii) town moderator;
- (iii) town clerk;
- (iv) school committee members;
- (v) assessors;
- (vi) planning board members;
- (vii) board of health members;
- (viii) commissioners of trust funds;
- (ix) library trustees;
- (x) members of the board of public works;
- (xi) recreation commissioners; and
- (xii) housing authority members.

(b) The powers, duties and responsibilities of elected and appointed officials shall be as provided by applicable General Laws, special acts, bylaws, and votes of the town, except as otherwise expressly provided herein.

(c) Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available at reasonable times to the select board or town manager for consultation, conference, and discussion on matters relating to their respective offices.

SECTION 2. POWERS AND DUTIES OF THE SELECT BOARD

(a) The executive powers of the town shall be vested in the select board, who shall have all the powers given to boards of selectmen in the General Laws.

(b) The select board shall consist of 5 persons elected by the voters of the town. The term of each member of the select board shall be 3 years. The select board shall annually elect a chairperson from among its members.

(c) The select board shall serve as the chief goal-setting and policy-making body of the town. The select board shall set guidelines and policy directives that are to be implemented by the town manager and by other officers and employees appointed by or under its authority. The select board shall have the power to enact rules and regulations to implement policies and to issue interpretations of the rules and regulations.

(d) The select board shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town. The select board shall not normally administer the day-to-day affairs of the town.

(e) The select board shall appoint the town manager, town counsel, independent auditor, assistant or

special counsels, and all members of committees, boards, and commissions, except those positions that are elected by the voters or as otherwise expressly provided herein. The select board may make appointments to all positions and committees the select board creates for special or general purposes.

(f) The select board shall have oversight of such boards, committees, positions, or commissions appointed by the select board.

(g) The select board shall have the responsibility and authority for licenses and other non- personnel related functions as provided by the General Laws and the bylaws of the town.

(h) The select board shall be responsible for and shall approve the form and content of all town meeting warrants before such warrants are issued.

(i) The select board shall be responsible for establishing and maintaining written procedures for the preparation of the budget. The selectmen shall annually issue 1 or more written budget messages, including fiscal guidelines and the timeline, at the beginning of each budget cycle or at a time established by the town bylaws.

(j) The select board shall review the annual proposed budget prepared by the town manager and make revisions the select board deems advisable. The town manager shall present the budget as approved by the select board to the finance committee. The finance committee shall consider the budget proposed, shall establish the amounts which should, in its opinion, be appropriated for the ensuing fiscal year, shall add thereto such explanations and suggestions as it deems expedient, and shall report to the town meeting, in print or otherwise, such recommendations as it deems best for the interests of the town.

SECTION 3. APPOINTMENT OF THE TOWN MANAGER

(a) The select board shall appoint, by an affirmative vote of at least 4 members, a town manager who shall be the chief administrative officer of the town. The select board shall appoint the town manager solely on that person's executive and administrative qualifications. The town manager shall be a professionally qualified person of proven ability, especially fitted by education, training, and previous experience to perform the duties of the office. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

(b) The town manager shall devote full time to the duties of the office and shall not engage in any other business or occupation during the term of employment by the town, unless such action is approved in advance, in writing, by the select board. The town manager shall hold no elective office in the town while serving as town manager, but the select board may appoint the town manager to any non-elective office or position consistent with the responsibilities of the town manager.

(c) The select board may enter into a formal contract with the town manager and may set contract terms that shall have precedence over any town personnel bylaws. The select board shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

(d) No member or former member of the select board shall be eligible to be appointed to the position of the town manager within 15 months of termination of such member's service.

(e) Before entering upon the duties of the office, the town manager shall be sworn, in the presence of a majority of the members of the select board, to the faithful and impartial performance thereof by the town clerk or a notary public.

(f) The town manager shall execute a bond in favor of the town for the faithful performance of the town manager's duties in such sums and with such sureties as may be fixed and approved by the select board, the cost for which will be borne by the town.

(g) The select board shall provide for an annual review of the job performance of the town manager.

SECTION 4. REMOVAL OF TOWN MANAGER

- (a) The select board, by an affirmative vote of at least 4 members, may remove the town manager. At least 30 days before such removal shall be effective, the select board shall file a preliminary written resolution with the town clerk setting forth reasons, if any, for the proposed removal, a copy of which shall be delivered to the town manager.
- (b) The town manager may reply in writing to the resolution and may request, in writing, a public hearing; provided, however, that the request for a hearing shall be received by the town clerk not later than 10 days after the town manager's receipt of the resolution. If the town manager so requests, the select board shall hold a public hearing not earlier than 10 days nor later than 20 days after the filing of such request.
- (c) Following the public hearing or, if none, at the expiration of 30 days following the filing of the preliminary resolution, the select board may adopt a final resolution of removal.
- (d) As part of the preliminary resolution, the select board may suspend the town manager from duty.
- (e) Nothing contained herein shall limit the authority of the select board to suspend or remove the town manager as provided by the laws of the commonwealth.
- (f) The select board shall determine if such suspension shall be with or without pay.

SECTION 5. ABSENCE OR VACANCY OF TOWN MANAGER

- (a) During a temporary absence, not to exceed 30 days, the town manager shall designate by a letter filed with the chair of the select board, a temporary town manager to perform the duties of the office. Such delegation shall be limited to those matters not allowing for delay during the town manager's absence.
- (b) If, in the sole opinion of the select board, the town manager's designee is unable to effectively perform the duties of the office during the temporary absence of the town manager, the select board shall appoint a person to perform the duties of the office; provided, however, that those duties shall be limited to those matters not allowing for delay during the town manager's absence.
- (c) During an absence of the town manager for 30 or more days, due to disability, illness, or other similar circumstance, the select board shall appoint an acting town manager for the duration of the extended absence. Such designation will cease upon the return of the town manager.
- (d) If the individual serving as acting town manager is a town officer or employee, the individual shall return to the position held prior to being appointed as the acting town manager.
- (e) No member of the select board shall serve as acting town manager.
- (f) If the select board determines, by majority vote of the full membership, that the town manager will be unable to resume the duties of the job for any reasons, including, but not limited to, resignation, termination, or illness, the office of town manager shall be filled as soon as practical by the select board, provided that the select board may appoint an acting town manager to serve until a town manager is appointed. The duties of an acting town manager shall be limited to those matters not allowing for delay and shall include the authority to make temporary, emergency appointments or designations to town office or employment, but not to make permanent appointments or designations.

SECTION 6A. ADMINISTRATIVE RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

- (a) The town manager shall be the chief administrative officer of the town and shall be responsible to the select board for the effective management of all town affairs placed in the town manager's charge

by this act, by the select board, by bylaws, or by vote of the town meeting, and for the implementation of town policies placed in the town manager's charge by the select board.

(b) The town manager shall supervise all town departments, with the exception of the school department, and shall direct day-to-day affairs of the town.

(c) The town manager shall be responsible for assuring that the budget is administered as adopted by town meeting and in accordance with the General Laws, this act, and the town bylaws.

(d) The town manager shall advise the select board of all matters requiring action by the select board or by the town.

(e) The town manager shall, in consultation with the personnel board, oversee the town's personnel system and staff in accordance with the town bylaws, and shall oversee personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining, and all applicable state and federal regulations relating to employment. The town manager may appoint a human resources director to assist with these human resources duties.

(f) The town manager shall attend all meetings of the select board, except when excused, and shall have the right to speak but not vote. The town manager shall attend all annual and special town meetings and shall be permitted to speak when recognized by the moderator.

(g) The town manager shall administer, either directly or through a person appointed by the town manager in accordance with this act, the General Laws and special acts applicable to the town, all town bylaws, and all rules and regulations established by the select board.

(h) The town manager shall have access to all information necessary for the proper performance of the duties of town manager in accordance with the town bylaws, except for attorney-client privileged information that is provided to or by the select board, unless the select board specifically authorizes such access.

(i) The town manager may, without notice, cause the affairs of any division or department, except the school department, or the conduct of any officer or employee thereof, to be examined.

(j) The town manager shall keep the select board fully informed regarding all departmental operations, fiscal affairs, town priorities and concerns, and administrative actions, and shall submit periodic reports summarizing such matters to the select board.

(k) The town manager shall coordinate the activities among boards, commissions, and committees concerned with long-range municipal planning, including physical or economic development and environmental or resource protection of the town.

(l) The town manager shall be responsible for the maintenance all town buildings, property, and facilities, except those under the jurisdiction of the school department, unless requested by the school committee. The town manager shall develop, keep, and annually update a full and complete inventory of all property of the town, both real and personal.

(m) Under subsection (h) of section 2, the town manager shall be responsible for the preparation of all town meeting warrants in accordance with the town bylaws and distribute, or cause to be distributed, copies of town meeting warrants to the residences of all registered voters of the town.

(n) Upon request, and with the approval of the select board, the town manager shall prosecute, defend, or compromise all litigation to which the town is party.

(o) The town manager shall keep full and complete records of town manager's office and annually submit to the select board a full written report of the operations of the office.

(p) The town manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty which the town manager is authorized to perform; provided, however, that all acts which are performed under any such delegation shall be deemed to be acts of the town manager.

SECTION 6B. FINANCIAL RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

- (a) The town manager shall be the chief financial officer of the town.
- (b) The town manager may, at the town manager's discretion and with the approval of the select board, establish a consolidated department of finance responsible for the coordination and overall supervision of all fiscal and financial affairs of all agencies of town government and may appoint a director of finance; provided, however, that the terms of persons holding the position of accountant, treasurer/collector, and director of assessing on the effective date of this act shall not be reduced by reason of the consolidation.
- (c) The town manager shall be responsible for controlling all appropriated budget expenditures, which includes the power to approve or reject all warrants, including payroll, for the payment of town funds prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.
- (d) The town manager shall be responsible for the preparation of the proposed operating budget to be included in the annual town meeting warrant. The proposed budget shall be prepared in accordance with the most current budget process by the date set pursuant to subsection (i) of section 2 as approved by the select board.
- (e) The town manager shall submit to the select board, by the date established pursuant to subsection (i) of section 2, a written proposed budget for the ensuing fiscal year.
- (1) The proposed budget shall describe all actual or estimated revenue from all sources, and all actual or proposed expenditures, including debt service, for the previous, current, and ensuing fiscal years.
 - (2) The proposed budget shall detail all estimated expenditures for current operations during the ensuing fiscal year, detailed by agency, department, committee, purpose, and position.
 - (3) In addition, the town manager shall prepare a 5-year forecast, and include both as part of the proposed annual budget.
 - (4) For the purpose of preparing the budget for the ensuing fiscal year, the town manager shall include an estimate of revenues to be collected and free cash available at the close of the current fiscal year, including estimated balances in special accounts.
 - (5) The town manager shall report on the estimated funds required to be levied and raised by taxation to defray all expenses and liabilities of the proposed budget together with an estimate of the tax rate necessary to raise such amount and include the information in the proposed budget.
- (f) The town manager shall submit a preliminary budget to the select board and the finance committee pursuant to the budget process set forth in subsection (i) of section 2. The preliminary budget shall be submitted not later than 70 days prior to the date of the annual town meeting.
- (g) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing, in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.
- (h) The town manager shall keep the select board informed regarding the availability of federal and state funds and how such funds might relate to the town's current and long-range needs.
- (i) The town manager shall be responsible for filing all grant applications.
- (j) After the close of each fiscal year and after the certification of free cash by the department of revenue, the town manager, as soon as practicable, shall cause to have prepared audited financial statements. Upon completion of the audit, the town manager shall promptly distribute the statements to the select board and the finance committee.

SECTION 6C. APPOINTMENT RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

(a) The town manager shall appoint, based upon merit and qualifications alone, and may remove, all department heads, officers, subordinates, and employees for whom no other method of selection is provided in the charter, except employees of the school department and employees identified in subsection (c) of this section.

(b) Appointments proposed by the town manager, except as noted in subsection (e) of this section, shall become effective on the 15th day following the day on which notice of the proposed appointment is filed at a select board meeting, unless the select board shall, within such period and by a majority vote, vote to reject such proposed appointment, or has sooner voted to affirm it.

(c) The town manager shall appoint, based upon merit and qualifications:

- i. a director of assessing, with the consent of the board of assessors;
- ii. a town planner, with the consent of the planning board;
- iii. a director of public health, with the consent of the board of health;
- iv. a library director, with the consent of the board of library trustees.
- v. a recreation director, with the consent of the recreation commission; and
- vi. a director of public works, with the consent of the board of public works.

For the purposes of this section, consent shall mean that each multiple-member body cited herein shall interview job candidates and make appointment recommendations to the town manager. The town manager shall not make an appointment under this section without the consent of the multiple-member body cited herein. In the case of employees appointed under this section, the town manager shall inform the chair of the appropriate multiple-member body prior to the commencement of any disciplinary action or termination process, except in cases of an emergency, and provide an opportunity to the chair to confidentially comment on the proposed action directly to the town manager.

(d) Relative to appointments made by the town manager under subsection (c) of section 5-5, the policies established by each multiple-member body derived directly from statutory authority shall be the non-administrative policy adhered to by the town manager and the town manager's staff.

(e) Appointments made by the town manager under subsection (c) of this section shall be effective immediately and shall not be subject to rejection by vote of the select board.

SECTION 6D. COLLECTIVE BARGAINING RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

(a) The town manager shall negotiate collective bargaining contracts on behalf of the select board; provided, however, that such contracts shall be subject to approval, ratification, and execution by the select board.

(b) The select board may authorize use of additional counsel or persons to assist the town manager in the negotiations at its discretion.

SECTION 6E. PROCUREMENT RESPONSIBILITIES AND POWERS OF THE TOWN MANAGER

The town manager shall be the chief procurement officer, pursuant to chapter 30B of the General Laws and all other applicable statutes, procedures, and bylaws, shall be responsible for purchasing for all

town functions and departments, and shall award all contracts needed for the operation of all town functions and departments, except for the school department, unless otherwise specifically requested by the school committee.

SECTION 7. ORGANIZATION OF AGENCIES

The town manager may reorganize, consolidate, establish, or abolish any department or position under the town manager's direction or supervision at the town manager's discretion and with the select board's approval. With the approval of both the select board and finance committee, the town manager may transfer all or part of any unexpended appropriation of a discontinued department, board, or office to any other town department, board, or office under the select board's jurisdiction.

SECTION 8. CONTINUATION OF EXISTING LAWS, CONTRACTS, AND EMPLOYMENT

(a) All laws, bylaws, votes, rules and regulations whether enacted by authority of the Town or any other authority, which are in force in the Town of Wayland on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other law, bylaws, votes, rules and regulations, respectively.

(b) No contract existing and no action at law or suit in equity, or other proceeding pending on the effective date of this act, or the time of revocation of such acceptance, shall be affected by such acceptance or revocation of this act.

(c) Any person holding a town office or employment under the Town shall retain such office or employment and shall continue to perform the office or employment's duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person who continues in the permanent full-time service or employment of the Town shall forfeit pay grade or time in service.

SECTION 9. DISPOSITION OF CERTAIN SPECIAL LAWS

The following special laws, and any amendment thereto, which were enacted for special purposes and were limited in time by their own provisions, are hereby recognized as obsolete and are to stand repealed, but all acts taken under the authority of the said special laws is hereby preserved: [put list here]

SECTION 10. SUBMISSION TO VOTERS

This act shall be submitted to the voters of the Town of Wayland for acceptance at an annual or special town election in the form of the following question:

"Shall an act passed by the General Court in the year 2018 titled 'An Act Relative To The Position Of Town Manager In The Town Of Wayland,' be accepted?"

The Town shall include below the ballot question a fair and concise summary thereof prepared by town counsel and approved by the select board. If a majority of votes cast in answer to this question is in the

affirmative, Sections 1 through 9 of this act shall take effect sixty (60) days following acceptance by the voters.

SECTION 11. TIME OF TAKING EFFECT

Section 10 of this act shall take effect upon its passage.

DRAFT

7/16/18

AGENDA

7. Special Act

Fin Com

COMMENT

To: Select Board
From: Dave Watkins, Chairman of the Finance Committee
Date: June 28, 2018

Dear Select Board,

The Finance Committee met on June 6, 2018 and discussed the Special Town Administrator Act. Overall the Committee believes the act is a good change and direction for the Town in that it describes a budget process that proposes greater involvement of the Town Manager, Finance Director and the Select Board. The Act falls short of clearly defining the responsibility of the Finance Committee and its interaction with the Town and School to form the Candidate Budget that is submitted to the Finance Committee, which is responsible for submitting a final budget to Town Meeting. The Finance Committee wanted to reiterate several key points discussed at its meeting that the Select Board should consider including:

Finance Committee Duties

In consultation with the Select Board, School Committee, Town Manager, Finance Director and Superintendent of Schools, the Finance Committee is involved in all aspects of the Budget Process. Each year the Finance Committee will receive and review the proposed budget submitted by the Town Manager. The Finance Committee shall conduct one or more public hearings and thereafter shall file its recommended budget with the Select Board and the office of the Town Clerk for distribution to Town Meeting members and subsequent Town meeting action. The Finance Committee shall, in addition, prepare a written report, stating the committee's recommendations and its reasons therefore, pertaining to all warrant articles which involve the expenditure of town funds. It may also, at its discretion, report on any article in the warrant.

Copies of such committee reports shall be mailed or electronically distributed to the town moderator, to each Town Meeting member, to each member of the Select Board, to each member of the School Committee and to the heads of all town departments. Written authorization must be provided to the Town Clerk and the Select Board to receive electronic distribution of materials.

Appointment of Members

The members of the Finance Committee shall be appointed by the Select Board in consultation with Chairman of the Finance Committee.

Time for Appointments

Appointments to the finance committee shall be made within thirty days following the dissolution of the spring town meeting.

Issue Resolution Process

The Chairman of the Finance Committee, the Chairman of the Select Board, the Chairman of the School Committee and the Town Manager will coordinate and respond to issues raised.

Support

Dedicated Town Resources will be responsible for creating information to guide decision making. Additionally, these Resources will communicate with Town Departments, perform data gathering and assist with the development of the following deliverables:

- Report of the Finance Committee
- 5 Year Capital Plan (Including CIPs)
- Budget Hearing Presentations
- Budget Model Used for Finance Committee Decision Making
- Omnibus Budget
- Articles
- Meeting Information (Agendas, Handouts, Schedules etc.)
- Financial Strategies that Mitigate the Possibility of Future Overrides

For the following subject areas:

- Unclassified: OPEB, Health Insurance, Unemployment Insurance, Workers' Compensation, General Insurance, Pension Contributions, Debt and Interest, and Energy
- Revenue Projections
- Public Works
- Schools
- Public Safety
- Health, COA and Recreation
- General Government

Guidelines

The Finance Committee will review and approve any proposed guidelines. The Committee will adhere to a strategy that aims to avoid future overrides. It is important to note that persistent increases in the budget above the growth in the levy limit, of 2.5% plus new growth in the tax base, are unsustainable and will require an override to confirm such a budget.

Budget and Schedule

The budget and schedule should allow for more time at critical decision-making points. The Town Manager should provide a Final Budget to the Finance Committee, from all Municipal Departments, including the School Department, no later than December 15.

Thank you for considering the Finance Committee's input and we are at your service to provide clarification.

Sincerely,
Dave Watkins
Chairman, Wayland Finance Committee

July 9, 2018

MEMORANDUM

TO: Lea Anderson, Chair, Board of Selectmen (Via Electronic Mail)
FROM: Brian Levey, Counsel to Congregation Or Atid
RE: 97 Concord Road - Request for Traffic Commission Recommendation to Planning Board

ACTION REQUESTED: THAT THE SELECTMEN, ACTING AS THE TRAFFIC COMMISSION, RECOMMEND TO THE PLANNING BOARD THAT IT ADOPT THE CONDITIONS ATTACHED AS EXHIBIT A IN CONNECTION WITH OR ATID'S REQUEST TO THE PLANNING BOARD FOR LIMITED ON-STREET PARKING.

By Memorandum dated June 22, 2018, the Town Planner advised the Selectmen of Or Atid's application to the Planning Board to amend its 2001 Site Plan Review decision (the "2001 Decision") by allowing on-street parking during the Jewish High Holidays and occasional large funerals. Or Atid advises that this request amounts to roughly 15 hours of on-street parking annually. The Town Planner's Memorandum also advised the Selectmen of its role as Traffic Commissioners and attached Town Counsel's opinion letter that the Selectmen's input as Traffic Commissioners should be sought prior to any modification of the 2001 Decision by the Planning Board.

Subsequent to the Town Planner's Memorandum, the Police Chief provided proposed conditions to the Planning Board on July 9, 2018 (Exhibit A) and the Director of Public Works supplied comments to the Planning Board on July 3, 2018 (Exhibit B). Or Atid adopts the Police Chief's comprehensive recommendations provided in Exhibit A which adequately respond to any and all public safety concerns by providing, among other things, a police detail to ensure public safety and ample site distance by limiting parking near intersections. In addition, for the Selectmen's informational purposes, we have attached a comparison of parking limitations with other houses of worship in Wayland as Exhibit C.

Accordingly, Or Atid respectfully requests that the Selectmen, acting as the Traffic Commission, recommend to the Planning Board that it adopt the conditions attached as Exhibit A in connection with Or Atid's request to the Planning Board to amend the 2001 Decision by allowing on-street parking during the Jewish High Holy Days and occasional large funerals.

With respect to process, in order to avoid obtaining conflicting final decisions from two different Town boards, we are proceeding as follows: (1) We hope to present the Selectmen's "recommendation" to the Planning Board at its continued public hearing on July 17, 2018, and (2) if the Planning Board adopts the Selectmen's recommendation, Or Atid would return to the Selectmen on July 23, 2018, to request that it vote to make its recommendation into a "final decision."

cc: Sarkis Sarkisian, Town Planner (Via Electronic Mail)(w/enc.)
Michael Tichnor (Via Electronic Mail)(w/enc.)

EXHIBIT A

Plan for Overflow Parking for Congregation Or Atid.

July 9, 2018

In accordance with Conditions V)B)6)b and d of the Town of Wayland Site Plan Approval dated April 10, 2001, as amended _____, Congregation Or Atid submits the following plan and procedure to accommodate overflow parking:

1. Such plan shall be allowed only during religious services on the Jewish High Holidays of Rosh Hashanah and Yom Kippur, and the occasional funeral.
2. Vehicles may park on the shoulder on the east side of Concord Road (Route 126). Vehicles shall not block the travel lane or any driveway.
3. Vehicles shall not park within 75 feet of the Claypit Hill Road intersection (measured from the center line of Claypit Hill Road). This is to keep the sight lines open for vehicles exiting and entering Claypit Hill Road.
4. Parking is not permitted along any other roads. (Training Field, Glezen Lane)
5. Vehicles may not park within 10 feet of a fire hydrant or on a sidewalk per Massachusetts Law.
6. There shall be a police detail on duty to assist with traffic and parking. The officer(s) will be instructed to place traffic cones and "No Parking by Order of the Police" signs to designate "No Parking" areas.
7. The Congregation understands that vehicles that do not conform to these parking conditions/requirements are subject to ticketing and/or towing.
8. We shall review this plan with the Police Chief each year in late August or the beginning of September and will arrange for and be responsible for providing these specific instructions to our members, guests and to each detail officer.

Wayland Police Department – Congregation Or Atid Detail Plan (July 9, 2018)

Detail Officers' Responsibilities for Congregation Or Atid During Jewish High Holidays of Rosh Hashanah and Yom Kippur.

The primary responsibility of the detail officers is public safety.

Detail Officers responsibilities:

1. Assure that parking along the roadway occurs only on the east side of Concord Road (Route 126). Parking is not permitted along any other roads.
2. Bring and place traffic cones and "No Parking by Order of the Police" signs to designate "No Parking" areas.
3. Designate a "NO PARKING" area along the east side of Concord Road where Claypit Hill Road intersects Concord Road. The "No Parking" zone shall extend 75 feet north and 75 feet south of the Claypit Hill Road intersection. This is to keep the sight lines open for vehicles exiting and entering Claypit Hill Road.
4. Vehicles may park on the shoulder of the east side of Concord Road only. Officer shall make sure that vehicles are not blocking the travel lane, sidewalk, or driveways. And no vehicle may park within 10 feet of a fire hydrant.
5. Vehicles that do not conform to these parking conditions/requirements are subject to ticketing and/or towing.
6. Provide security for the congregation during services.
7. Assist motorists safely exit at the end of services.
8. Return all equipment (traffic cones and signs) to the Wayland Police Department.

On-Duty Shift Supervisor Responsibilities:

Check on the detail officer prior to the start of the detail and make sure that the detail plan is being followed.

EXHIBIT B



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: Planning Board

From: Department of Public Works
Board of Public Works



Date: July 3, 2018

Subject: Application for Amendment of a 2001 Site Plan Approval
Congregation Or Atid – 97 Concord Road

Copy: Board of Public Works
File

The purpose of this writing is to provide comments from both DPW Staff and Board Members relative to an Application for Amendment of a 2001 Site Plan Approval. The Application dated May 18, 2018 requests approval "to allow for parked cars on Concord Road and on adjacent streets during Jewish High Holidays". The various streets referenced in the Application are "the east side of Concord Road between Claypit Hill Road and Glezen Lane and on one side of the street on Training Field Road, all as shown on the 'Congregation Or Atid On-Street Parking Plan' dated May 18, 2018". The Application states "Or Atid believes that up to 50 cars park on the street during the High Holidays."

Public Works staff were asked to comment on three Physical Alteration Permit requirements that were reported as not being completed or met in 2003. The current status of these three items are:

1. Southside driveway widths and apron radii are correct at the sidewalk but exceed requirements at the roadway.
2. No speed bump exists at the northern driveway east of the inside edge of the sidewalk.
3. Stormwater does appear to stay on property either by flowing into property catch basins or sheet draining into retention basins.

Another point of discussion is that concerning parking off the edge of pavement. Although parking on the grass strips between the roadway and sidewalk is not generally supported, in knowing this would occur only a few times each year, the disturbance to the grass areas would be minimal and could be acceptable. Parking on the sidewalk however, would be prohibited.

Two members of the Board of Public Works also offered comments pertaining to this Application and are itemized here:

- 1) The shoulder along east side of Concord Road is fairly irregular in width and pitch. It has a walkway/bicycle path to the east of the shoulder. There is insufficient room to park vehicles in many locations along this stretch of Concord Road. In quite a few places, to park a car sufficiently off the paved surface so as not to obstruct through traffic on Concord Road, the car would wind up parked at least partially on the sidewalk.

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2) There is virtually no shoulder on Training Field Road and any parking would take up almost a full width of pavement in either direction impeding the forward movement of traffic. (I understand that the Police Chief has since weighed in and does not want any parking on Training Field Road).

3) The Application does not sufficiently address concerns for providing adequate sight lines for driveways at existing homes and safe sightlines at the intersections of roadways. Nor does the application seem to address the need to provide safe turning radii for entering and exiting emergency vehicles. Our Department Rules and Regulations Concerning Use And Alteration of Town Roadways and Rights-of-Way effective July 30, 2012 (i.e., for Physical Alteration Permits including curb cuts for driveways) call for adequate lines of sight for vehicles exiting driveways and parking areas. The specified control dimensions and sight lines in the regulations are such that they assume no parking along the street. See 6.1 thru 6.4 and 13.0. https://www.wayland.ma.us/sites/waylandma/files/uploads/physical_alteration_permit_requirements.pdf

4) Glezen Lane intersection is already a known "dangerous intersection" with a sign so stating as one approaches it along Concord Road. Parking along the Concord Road roadway as proposed in the application would obstruct sight lines and make a bad situation even worse.

5) Parked vehicles may damage the walkway/bicycle path and vegetation growing along the shoulder. The land under those areas is not reinforced to withstand heavy weight. In inclement weather, tires could get mired in the mud and leave ruts behind in the soft shoulder. Those additional maintenance costs would fall to taxpayers.

6) There are two documents in the Planning Board file and on file at the DPW that contain germane information regarding parking along Concord Road:

First is the Abend Associates October 16, 2000 Traffic Assessment prepared for Or Atid that is also part of 2001 application for a Physical Alteration Permit. This Traffic Assessment evaluated required sight distances based on established AASHTO standards found in A Policy on Geometric Design of Highways and Streets. The Abend report stated, "Based on the AASHTO standards and the observed travel speeds along Concord Road (of up to 45 miles per hour), the requirement for safe stopping sight distance . . . is 383 feet, rounded to 400 feet for design purposes.";

The second document is an April 30, 2001 VHB peer review prepared for Police Chief Gerry Galvin. This peer review of the Abend Associates Traffic Assessment states, "The existing 25-28 foot paved travel width of Concord Road, in the vicinity of the proposed Temple, cannot support on-street parking. . . . [D]uring special events, overflow parking should be anticipated. In these instances, it is imperative that on-street parking in this area not be allowed. Given the limited unpaved shoulder width available for use, the approximate 14' paved travel lane would be effectively reduced to 8' or less by on-street parking. On-street parking, in conjunction with existing high travel speeds and a potentially poorly lit roadway, could create a significant safety concern."

7) To consider allowing some accommodation for on-street parking as requested, a number of specific conditions should be imposed. Not the least of these should be the requirement of a significant presence of detail officers clearly visible to slow the flow of traffic along what might be a ¼ mile of roadway. This police detail would need to be charged with the responsibility to cordon off "No Parking" areas with clearly identified indications of "No Parking" so that the proper sight lines and turning radii were maintained. The police detail would also need to be instructed to ticket and/or have vehicles towed that violated the parking restrictions.

8) Prior traffic studies recommend against parking on Concord Road due to it creating unsafe conditions. These studies should be considered at this time as they remain valid to this day.

9) While safety will be considered by the Police Department and Selectmen, it is recommended that Town engage The Engineering Corp (TEC) to provide comment.

We appreciate the opportunity to comment on this important issue.

Respectfully Submitted.

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

§. TRAFFIC
COMMISSION
AUTHORITY

WAYLAND TOWN CODE

Town of Wayland, MA
Tuesday, July 3, 2018

Chapter 68. Traffic Commission

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 3-12-1973 by Art. 14 as Art. 19 of the 1973 Bylaws. Amendments noted where applicable.]

§ 68-1. Membership; powers and duties.

[Amended 4-9-2012 ATM by Art. 26]

There shall be a Traffic Commission consisting of the Selectmen, duly elected and serving as such, which shall have all the duties and responsibilities conferred upon Traffic Commissions by the General Laws, and especially including the authority conferred upon such Commissions by MGL c. 90, §§ 18 and 18A, and upon towns by MGL c. 40, § 22, as such provisions may be from time to time amended, except for jurisdiction over traffic calming measures, including but not limited to the placement and replacement of speed bumps, speed humps, speed tables and speed cushions within Town ways, which measures may be implemented by the Board of Public Works without the issuance of an order or the adoption of a rule or regulation by the Selectmen.

8 CONGREGATION
OR ATID: TOWN

Balmer, Nan

Subject: FW: Wayland Modification of Site Plan Approval - Congregation Or Atid **COUNSEL**

From: Carolyn M. Murray [<mailto:CMurray@k-plaw.com>]
Sent: Thursday, June 21, 2018 4:33 PM
To: Sarkisian, Sarkis
Cc: Balmer, Nan
Subject: Wayland Modification of Site Plan Approval - Congregation Or Atid

Sarkis,

As we discussed on Wednesday, you have advised that the Planning Board issued a Site Plan Approval to the Congregation Or Atid "Congregation" at 97 Concord Road in 2001, and at the time, the decision contained a condition requiring the Congregation to provide transportation to shuttle overflow parking to alternate parking lots three times per year on holy days, ostensibly to minimize the impacts of on-street parking. Subsequently, the Congregation feels this condition is no longer needed and has requested modification to eliminate this condition. You have advised that the Planning Board is receptive to modifying the condition, but where doing so may result in an increase of on-street parking on adjacent streets, you have asked which Town board has jurisdiction over the streets, as the Planning Board would like to seek input from those Town boards or officials having jurisdiction over streets. You further advised that you have already consulted with the Police Chief with respect to traffic issues arising from the on-street parking, and the Police Chief has, in turn, suggested mitigation measures.

Pursuant to Chapter 68 of the Town Code:

There shall be a Traffic Commission consisting of the Selectmen, duly elected and serving as such, which shall have all the duties and responsibilities conferred upon Traffic Commissions by the General Laws, and especially including the authority conferred upon such Commissions by MGL c. 90, §§ 18 and 18A, and upon towns by MGL c. 40, § 22, as such provisions may be from time to time amended, except for jurisdiction over traffic calming measures, including but not limited to the placement and replacement of speed bumps, speed humps, speed tables and speed cushions within Town ways, which measures may be implemented by the Board of Public Works without the issuance of an order or the adoption of a rule or regulation by the Selectmen.

The statutes referenced in Chapter 68 authorize the Board of Selectmen, as Traffic Commissioners, to oversee and enact speed limits and parking regulations for Town roads. However, this Chapter also assigns jurisdiction with respect to physical alterations to Town roads for purposes of installing traffic-calming measures to the Board of Public Works. Moreover, Chapter 347 of the Acts of 2008 establishes the Board of Public Works as the road commissioners and surveyors of highways, meaning the Board of Public Works has authority over the physical lay-out of a road, as well as the construction, repair, maintenance and removal of snow from Town roads.

Accordingly, if the Planning Board is considering modifying the Congregation's Site Plan Approval to allow on-street parking, it is my opinion that the Planning Board should seek input from the Board of Selectmen, acting

as Traffic Commissioners, prior to removing the existing condition or crafting a new condition for the Site Plan Approval that could impact or conflict with a determination of the Traffic Commission or regulations pertaining to on-street parking on any of the affected roadways. To the extent that the Planning Board is considering requiring the installation of any traffic-calming measures, or if the Traffic Commission may recommend new measures, then it is my opinion that the Planning Board should also consult with the Board of Public Works.

Also, as you are no doubt aware, religious institutions such as the Congregation are afforded certain protection from zoning requirements under G.L. c. 40A, Section 3; however, the Town may impose reasonable regulations concerning parking. I trust the Town will bear this statutory provision in mind when considering the modification of the Congregation's Site Plan Approval.

Please contact me if you have any further questions.

Thank you,

Carolyn M. Murray, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1726

F: (617) 654 1735

C: (617) 257 9581

cmurray@k-plaw.com

www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.



WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



PATRICK SWANICK
CHIEF OF POLICE

Memorandum

7/12/2018

To: Nan Balmer Town Administrator
From: Chief Patrick Swanick
RE: 97 Concord Road – Congregation Or Atid

Over the past 5-6 years, officers that work the traffic details during the High Holy days for Congregation Or Atid have allowed people attending services to park their vehicles on the side of Concord Road once the parking lots are full. This happens approximately two times a year during Rosh Hashanah and Yom Kippur.

Officers that work the traffic details were not aware of the agreement between Congregation Or Atid and the Town of Wayland prohibiting parking along Concord Road, Glezen Land, Training Field Road, and Claypit Hill Road.

On March 22, 2018, I was contacted by Michael Tichnor of Congregation Or Atid. The purpose of the meeting was to develop a parking plan that allowed vehicles to park along the side of Concord Road. The plan was reviewed for safety and compliance with Massachusetts parking laws. The goal of the congregation was to seek approval from the Wayland Planning Board and amend their site plan to allow vehicles to park on the side of the road along Concord Road.

Last fall a resident of Claypit Hill Road contacted Congregation Or Atid and expressed some safety concerns that were created by vehicle parking on Concord Road near Claypit Hill Road. Due to a slight curve in the road at that location the sight lines for vehicles exiting Claypit Hill Road were diminished.

I met with the Wayland Planning Department and discussed the proposal and the impact it would have to residents and commuters on Concord Road. Congregation Or Atid submitted an application to amend the site plan with the Wayland Planning Department. A hearing was held last month.

I met with the resident from Claypit Hill Road that had an issue with the vehicles parked on Concord Road. We reviewed the proposed parking plan and made significant changes to increase safety.

This is the final draft of the proposed parking plan for Congregation Or Atid:

Plan for Overflow Parking for Congregation Or Atid.

July 9, 2018

In accordance with Conditions V)B)6)b and d of the Town of Wayland Site Plan Approval dated April 10, 2001, as amended _____, Congregation Or Atid submits the following plan and procedure to accommodate overflow parking:

1. Such plan shall be allowed only during religious services on the Jewish High Holidays of Rosh Hashanah and Yom Kippur, and the occasional funeral.
2. Vehicles may park on the shoulder on the east side of Concord Road (Route 126). Vehicles shall not block the travel lane or any driveway.
3. Vehicles shall not park within 75 feet of the Claypit Hill Road intersection (measured from the center line of Claypit Hill Road). This is to keep the sight lines open for vehicles exiting and entering Claypit Hill Road.
4. Parking is not permitted along any other roads. (Training Field, Glezen Lane)
5. Vehicles may not park within 10 feet of a fire hydrant or on a sidewalk per Massachusetts Law.
6. There shall be a police detail on duty to assist with traffic and parking. The officer(s) will be instructed to place traffic cones and "No Parking by Order of the Police" signs to designate "No Parking" areas.
7. The Congregation understands that vehicles that do not conform to these parking conditions/requirements are subject to ticketing and/or towing.
8. We shall review this plan with the Police Chief each year in late August or the beginning of September and will arrange for and be responsible for providing these specific instructions to our members, guests and to each detail officer.

This is an operational plan for officers that are assigned to work the traffic detail for Congregation Or Atid during the High Holy Days if the parking plan is accepted:

Wayland Police Department – Congregation Or Atid Detail Plan (July 9, 2018)

Detail Officers' Responsibilities for Congregation Or Atid During Jewish High Holidays of Rosh Hashanah and Yom Kippur.

The primary responsibility of the detail officers is public safety.

Detail Officers responsibilities:

1. Assure that parking along the roadway occurs only on the east side of Concord Road (Route 126). Parking is not permitted along any other roads.
2. Bring and place traffic cones and "No Parking by Order of the Police" signs to designate "No Parking" areas.
3. Designate a "NO PARKING" area along the east side of Concord Road where Claypit Hill Road intersects Concord Road. The "No Parking" zone shall extend 75 feet north and 75 feet south of the Claypit Hill Road intersection. This is to keep the sight lines open for vehicles exiting and entering Claypit Hill Road.
4. Vehicles may park on the shoulder of the east side of Concord Road only. Officer shall make sure that vehicles are not blocking the travel lane, sidewalk, or driveways. And no vehicle may park within 10 feet of a fire hydrant.
5. Vehicles that do not conform to these parking conditions/requirements are subject to ticketing and/or towing.
6. Provide security for the congregation during services.
7. Assist motorists safely exit at the end of services.
8. Return all equipment (traffic cones and signs) to the Wayland Police Department.

On-Duty Shift Supervisor Responsibilities:

Check on the detail officer prior to the start of the detail and make sure that the detail plan is being followed.



**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: Wayland Select Board
From: Thomas Holder | DPW Director 
Date: July 12, 2018
Subject: Private Ways Plowing – Appeal Process
Copy: Nan Balmer | Town Administrator
Board of Public Works

The purpose of this writing is to offer suggestions toward implementing an appeals process whereby Wayland residents can formally appeal to the Select Board to have plowing services of their Private Ways be performed by DPW. In the recently approved Private Road Snow and Ice Policy, there is a provision to enable residents to make this appeal.

Residents who reside on Private Ways not receiving Town plowing services and believe their private ways meet the Policy criteria as outlined above may exercise the appeal provision. A suggested appeal approach would include:

- o An Appeal Application (attached) be completed by resident(s) advocating for plowing services
- o These Applications would be compiled at the Select Board Office on an annual basis up until a deadline date of July 15th. For 2018, being the first year of this appeals process, this deadline date could be September 1st.
- o These compiled Applications would together be forwarded to DPW for a review of justification elements claimed on each Application (property ownership records, use of road, access to Town amenities etc.). This would be intended new information not previously presented during the May 2018 Select Board evaluation process.
- o DPW would reply back to Select Board with comments made on each Application stating its findings by September 1st of each year. For 2018, this date would be October 1st.
- o Select Board would then consider each application justification along with DPW comments and then make their annual determination of Private Ways to receive plowing services. This determination would be made at a Select Board meeting at beginning of October. For 2018, this meeting would be at the beginning of November.

Please let me know if I can provide anything additional to assist with this process.

Respectfully submitted.

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

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



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

Residential Private Road Snow & Ice Policy

Appeal Application

Name: _____ Date: _____

Address: _____ Email: _____

Phone Number: _____

Do you live on a Residential Private Road? (Y/N): _____

As defined in the Town's "*Residential Private Road Snow & Ice Policy*":

a) Is your Road a Driveway? (Y/N) _____

b) Is your Road open to Public Use? (Y/N) _____ If Yes, Please Explain:

c) Does your Road connect two public roads and have more than three homes?
(Y/N) _____

If Yes, Please define the connecting public roads and list the house numbers located on your Road.

d) Can your Road be plowed without undue risk? (Y/N) _____ Is there a means to turn a vehicle around while remaining within the Road? (Y/N) _____ If Yes to both, Please describe circumstance:

Please provide and attach any property information that would help in the evaluation of this appeal such as deeds, special permits, Planning Board decisions etc.



Department of Public Works

Findings:

DPW Signature: _____ Date: _____

Select Board

Findings:

Select Board Signatures: _____ Date: _____

**TOWN ADMINISTRATOR'S REPORT
WEEK ENDING JULY 13, 2018**

1. CORRESPONDENCE

No comments.

2. LEGAL FEES

Please see attached summary of FY 18 legal fees from the Assistant Town Administrator. A discussion on legal fees can be placed on a future agenda. As you can see, high legal costs were driven by several factors including two 40 B projects, Rivers' Edge, Town Center, Oxbow, continuing litigation, and unanticipated labor matters. Over 50 matters were addressed by Town Counsel and Labor Counsel in FY 18.

DATE: JULY 16, 2018
TO: BOARD OF SELECTMEN
FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
RE: FISCAL YEAR 2018 YEAR END LEGAL BUDGET STATUS

BOARD ACTION REQUESTED:

PURPOSE IS TO PROVIDE FISCAL YEAR 2018 YEAR END LEGAL BUDGET STATUS. QUESTIONS CAN BE DIRECTED TO THE TOWN ADMINISTRATOR FOR DISCUSSION AT A FUTURE BOARD OF SELECTMEN MEETING.

Background

The Fiscal Year 2018 Legal budget initial appropriation was **\$200,000**. In January a **\$75,000** Reserve Fund Transfer was approved to address the increase in expenditures due to new matters and the unexpected complication and / or continuation of ongoing matters, bringing to total budget appropriation to **\$275,000**. Services for approximately 14 labor matters and 38 other legal matters were provided.

The Fiscal Year 2018 Actual Legal expenses total **\$282,127**, a shortfall of **\$7,127**, to be funded with excess in the Selectmen's Budget.

Legal Services Budget

Type of Service	Budgeted	Actual	
Town Counsel	\$ 215,000	\$ 205,011	
Special Counsel	\$ 20,000	\$ 28,527	
Labor Counsel	\$ 20,000	\$ 48,589	
TOTAL	\$ 275,000	\$ 282,127	Shortfall of \$7,127

DATE: July 16, 2018
 TO: BOARD OF SELECTMEN
 FROM: ELIZABETH DOUCETTE, ASSISTANT TOWN ADMINISTRATOR
 RE: FISCAL YEAR 2018 LEGAL EXPENSES BY MATTER

Legal services listed were provided by K.P.Law, P. C. or M. Lanza, except where noted, and funded in the Town's Legal budget. Services for approximately 14 labor matters and 38 other legal matters were provided.

FISCAL YEAR 2018 LEGAL EXPENSES BY MATTER

	MATTER	AMT BILLED
Xx Matters	Labor Counsel – <i>Valerio, Dominello & Hillman, LLC</i>	\$48,589
	**General Legal Services (non-matter related services)	36,475
	**Contracts	8,455
	**Licensing	2,609
	**Planning Board	1,776
	**Real Estate	2,997
	**Town Meeting	32,043
	**Other items covered under retainer of \$4,957	
1	40B Application – Wayland Cascade	12,210
2	40B Application - Wayland / Windsor Place	21,627
3	150 Main St., LLC v. ZBA	2,720
4	Appellate Tax Board	8,537
5	Archambault	1,332
6	Bernstein v. Planning Board	10,782
7	Boelter	1,294
8	Cass v. Town	1,155
9	Cochituate Commons, LLC v. Town	2,442
10	Library Probate Court Petition	2,368
11	Library Project	1,887
12	Loker / Dow	4,681
13	Mainstone	1,724
14	Nelson v. BOH & Conservation Commission	7,345
15	Nelson v. Conservation	1,869
16	Open Meeting Law	7,659
17	Permits	1,591
18	Rice Road Subdivision	1,055
19	River's Edge (<i>Anderson & Kreiger, LLP</i>)	28,527
20	Tax Title Foreclosure ***	13,092
	*** Tax Title Funded in Treasury Dept.	-11,588
21	Town Center Development	14,948
22	Trustees of Residences at 89 Oxbow Condo. Trust	12,543
23	Wayland Meadows	7,012
15 Matters	Other Matters (< \$1,000 each)	6,435
	Disbursements	10,248
	**Retainer Credit (General Services provided and not charged)	-24,312
	TOTAL	\$282,127

** Charges covered under the retainer of \$65,000. These services in excess of \$65,000 are not charged.



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

12. MINUTES -

6.25-18

BOARD OF SELECTMEN

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

DRAFT

Board of Selectmen
Meeting Minutes
June 25, 2018
7:00 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Cherry C. Karlson, Mary M. Antes, Douglas A. Levine, Louis M. Jurist (7:47pm)

Absent: Lea T. Anderson

Also Present: Town Administrator N. Balmer

A1. Call to Order by Chair Vice Chair C. Karlson called the meeting of the Board of Selectmen to order at 7:10 p.m. in the Selectmen's Meeting Room of the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda.

A2. Executive Session - Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation in the matters of Cochituate Commons, LLC v. Town of Wayland, and Thomas E. Gulley v. Town of Wayland and Stephen Cass v. Town of Wayland; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1), Section 21 (a) (2), Section 21 (a) (3), Section 21 (a) (6), and Section 21 (a) (7) to review and consider for approval and potential release the following Executive Session minutes: APPROVE AND RELEASE WITH REDACTIONS: Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018 C. Karlson moved, seconded by D. Levine, that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation in the matters of Cochituate Commons, LLC v. Town of Wayland, and Thomas E. Gulley v. Town of Wayland and Stephen Cass v. Town of Wayland; and pursuant to Massachusetts General Laws Chapter 30 A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1), Section 21 (a) (2), Section 21 (a) (3), Section 21 (a) (6), and Section 21 (a) (7) to review and consider for approval and potential release the following Executive Session minutes: APPROVE AND RELEASE WITH REDACTIONS: Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018. The Chair declares that a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town. Roll call vote: YEA: M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Anderson, L. Jurist. ABSTAIN: none. Adopted 3-0. The Chair invites attendance by Nan Balmer, Town Administrator; Beth Doucette, Assistant Town Administrator; Jeffrey Blake, Attorney with KPLaw; Tom Holder, DPW Director; Paul Brinkman, Town Engineer; Teri Hegarty, Executive Assistant; and by phone Amy Kwesell of KP Law and Maureen MacDonald of MHA. The Board will reconvene in approximately 45 minutes to begin tonight's meeting discussing the items listed on the agenda.

The board reconvened in open session at 8:22 p.m. L. Jurist joined the meeting during Executive Session.

A3. Announcements and Public Comment M. Antes discussed River Fest and noted that resident Tom Largy received a Steward Award. The COA continues its summer concert series this Thursday evening. Teri Hegarty is the new Executive Assistant in the Town Administrator's office. C. Karlson read the notice from the Water Division regarding outdoor water use restrictions

Representative Carmine Gentile announced he sponsored \$400,000 in a bond bill that should be approved by the Senate and eventually find its way to Wayland towards renovating a playground or field. The Board thanked Rep. Gentile for his support.

A4. Marijuana ballot question and Town Meeting article: Update with Town Planner and Health Director Health Director Julia Junghanns, Town Planner Sarkis Sarkisian, and Town Clerk Beth Klein came before the Board to discuss the potential ballot questions and Town Meeting article. J. Junghanns discussed the public forum that was held and noted that it is on the Planning Board website for people to watch. She reported that the Board of Health unanimously (5-0) recommends the Town ban recreational/commercial marijuana sales in Wayland. S. Sarkisian discussed the next steps. To implement a ban, both a ballot question and a town meeting article must pass. He explained that the Planning Board will create a zoning bylaw to regulate commercialization of marijuana and create an overlay district where this can be controlled as a plan "B", or dual path, if a ban is not approved. The BOH agreed that having a plan B in place if the vote doesn't pass is a good idea. The Board reviewed the packet information about the timing of a ballot vote. B. Klein opined on the difficulty of running concurrent local and state/federal elections. C. Karlson said since this issue was voted for in a high turnout election the Town needs to make sure there is a good turnout if it considers reversing that vote. The Board decided to hear from Town Counsel on the issues of a concurrent election and delaying a vote until spring 2019 and make a decision at its July 16 meeting.

A5. Town Committees: Interviews and appointments

A. Interview and potential vote to appoint for a three-year term, beginning 7/1/18 and ending 6/30/21:

1. **Economic Development Committee: Sharon Burked and Bill Steinberg** Sharon Burke, Highland Circle, and Bill Steinberg, Highland Circle, came before the Board and discussed their relevant backgrounds and interest in joining the Economic Development Committee. B. Steinberg's term on FinCom will be end on June 30. The Board thanked both S. Burke and B. Steinberg for volunteering.

M. Antes moved, seconded by D. Levine, to appoint Sharon Burke and Bill Steinberg to three-year terms on the Economic Development Committee. YEA: M. Antes, C. Karlson, D. Levine, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

2. **Finance Committee: Kelly Lappin and Carol Martin** Kelly Lappin, Sears Road, discussed her background and interest in serving on FinCom. Carol Martin, Lake Road, discussed her interest in serving a third term. She stated that FinCom is in a transitional year and feels her continued service will be helpful. The Board asked K. Lappin and C. Martin questions, including challenges that FinCom is facing and noting the time commitment it takes.

L. Jurist moved, seconded by M. Antes, to appoint Kelly Lappin and Carol Martin to the Finance Committee for terms to end on June 30, 2021. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

B. Re-appointments: Potential vote for a two-year term beginning 7/1/2018 and ending 6/30/20:

1. **Municipal Affordable Housing Trust Fund Board: Stephen Greenbaum, Brian O'Herlihy and Mike Staiti**
2. **Youth Advisory Committee: Brenda Ross**
3. **Permanent Municipal Building Committee: Brian Chase, Patrick Rowe and Eric Sheffels**

C. Re-appointments: Potential vote for a three-year term beginning 7/1/2018 and ending 6/30/21:

1. **Audit Committee: Randall Moore**
2. **Conservation Commission: Sean Fair and Barbara Howell**
3. **Council on Aging Board: Mary Antes, Elizabeth Patterson and Betsy Soule**
4. **Cultural Council: Adam Gutbezahl and Barbara Hoffman**
5. **Dog Control Board: Susan Koffman**
6. **Economic Development Committee: Ryan Scott**

7. **Energy and Climate Committee: Harvey Michaels**
8. **Historic District Commission: Marjorie Ford (Realtor), and Desmond McAuley (Architect)**
9. **Historical Commission: Richard Conard, John Dyer, Tonya Largy and Elisa Scola**
10. **Surface Water Quality Committee: Jack Carr and Thomas Largy**
11. **Wastewater Management District Commission: Rick Greene**
12. **Zoning Board of Appeals: James Grumbach, Jonathan Sachs and Linda Segal (Associate)**

D. Re-appointments: Potential vote for a five-year term beginning 7/1/2018 and ending 6/30/23:

1. **Personnel Board: Deborah Cohen**

M. Antes moved, seconded by L. Jurist, to appoint all of the people in Agenda items 5 B, C, and D for terms as noted. YEA: M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0. The Board thanked the appointees for volunteering.

A10. Town Administrator Report

3. **Memo from Planning Board about parking at Congregation Or Atid** Town Planner S. Sarkisian asked the Board to note this item. N. Balmer explained that the information only memo in the packet was to prepare the Board for a future discussion as Traffic Commissioners. The Planning Board may discuss an amendment to a site plan addressing parking at Congregation Or Atid.

A6. FY 20 Budget Process: Update and vote to adopt policy The Board reviewed a draft policy. N. Balmer reminded the Board of the importance of considering the authority and responsibilities each party has under new policy. The current process makes it complicated for the Town Administrator to work with the Board, department heads and the Finance Committee, but there is authority within the existing bylaws and State law. She suggested that Town Counsel review this draft policy before it is approved. L. Jurist asked about the communication about the policy. N. Balmer said the policy represents a very commonly understood approach to the budget process. Any suggested edits to the policy should be given to N. Balmer. The Board was comfortable giving the Finance Director authority to start working on the FY2020 budget based on the draft policy understanding that there may be minor changes based on town counsel's review.

A7. Town Administrator Search Committee update D. Levine said the Search Committee will meet again on Wednesday to develop a list of finalists, and suggested the Board should consider being proactive and scheduling a meeting to interview candidates before July 16. He said it could possibly be as early as next Monday, July 2. The Board agreed to schedule meetings.

A8. Special Act: Update and review revised presentation for boards and committees There are updated slides available to use for Board member's presentations to boards and committees. Board members will schedule meetings with their liaison boards. L. Anderson has offered to attend any committee meetings to assist with the discussion.

A9. Cable Contract: Plan for negotiations D. Levine contacted KPLaw, reported several residents have expressed interest in joining the cable committee and suggested the committee start its work in the fall. D. Levine asked the Board's opinion on whether this group should be a negotiating team convened by the Town Administrator or as an advisory committee appointed by the Board. The attorney will explain the work plan when the group first meets. N. Balmer noted that the outcome would likely be the same. She said the request for volunteers was posted, but it can be readvertised as well. D. Levine and N. Balmer will work with the previous charge to update it as needed. D. Levine said he will run the charge by counsel.

A10. Town Administrator Report, continued

1. **Correspondence: None**
2. **Bertucci's Liquor License** N. Balmer stated that KPLaw Attorney Blake recommended that the town send a notice asking them to turn in their application or transfer it at their earliest convenience. If that is not done within 6 months, the Board may be able to cancel it. The Board granted permission for N. Balmer to request a letter to start that process.

A11. Minutes: Vote to approve minutes of June 4, 2018 and June 11, 2018 and vote to release with redactions the Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018.

M. Antes moved, seconded by D. Levine, to approve the minutes of June 4, 2018 and June 11, 2018 as

drafted. YEA: L. Jurist, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

M. Antes moved, seconded by D. Levine to release with redactions the Executive Session minutes of March 26, 2018, April 2, 2018, and May 23, 2018. YEA: L. Jurist, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A12. Consent Calendar: Review and vote to approve

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote to appoint Mary Antes as the Town of Wayland's representative to the Metropolitan Area Planning Council (MAPC) for a three-year term ending June 30, 2021
3. Vote to sign CPA Grant Agreement with Trinitarian Congregational Church
4. Vote the question of approving a One-day Liquor License for wine sampling and the sale of bottled wine (to be consumed off-site only) at the Russell's Wayland Summer Farmer's Market, 397 Boston Post Road, Wayland, Massachusetts 01778, on three Wednesdays: August 1, August 15 and October 10, 2018, from 12:00 p.m. to 5:00 p.m.

M. Antes moved, seconded by L. Jurist, to approve the Consent Calendar. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

A13. Review Correspondence: (See Separate Index Sheet) The Board mentioned the comprehensive list of what COA is doing, the Covered Bridge condominium, and the Open Meeting Law complaints.

A14. Selectmen's Reports and Concerns M. Antes stated she wrote to DPW Director T. Holder and Town Engineer P. Brinkman about holding a storm water forum, and they are interested but will have to coordinate their schedules. C. Karlson and E. Doucette met with ClearGov for a short presentation on a budgeting and forecasting model under development.

A15. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A16. Adjourn D. Levine moved, seconded by L. Jurist, to adjourn the meeting at 9:38 p.m. YEA: M. Antes, D. Levine, C. Karlson, L. Jurist. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of June 25, 2018.

1. Motion to enter executive session, dated June 25, 2018
2. Handbook for Massachusetts Selectmen, Fourth Edition, John Ouellette, Editor, Massachusetts Municipal Association (Handbook on file)

Items Included as Part of Agenda Packet for Discussion During the June 25, 2018 Board of Selectmen's Meeting

1. Email from Julia Junghanns, Director of Public Health, to Nan Balmer, dated June 22, 2018, re: Update to the Board of Selectmen (marijuana)
2. Report from Beth Klein, Town Clerk, to the Board of Selectmen, dated June 21, 2018, re: Dual vs. single election regarding marijuana question
3. Memorandum from Nan Balmer to the Board of Selectmen, dated June 25, 2018, re: Board and Committee Appointments
4. Board of Selectmen Policy: Appointments to Town Boards and Committees
5. Email from Sharon Burke dated June 7, 2018 re: Interest in joining the Wayland Economic Development Committee with attached resume
6. Correspondence from William Steinberg to Lea Anderson, Chair of Board of Selectmen, dated May 22, 2018 re: Interest in joining the Wayland Economic Committee
7. Email from Kelly Lappin to Nan Balmer and Lea Anderson dated June 19, 2018 re: Finance Committee Appointment with attached resume
8. Spreadsheet of data for Wayland Volunteer Database dated June 21, 2018
9. Board of Selectmen's Policy on the FY 2020 Budget Process (draft dated June 25, 2018)
10. PowerPoint slides on the Special Act establishing the position of the Town Manager in the Town of Wayland, dated June 20, 2018

11. Report of the Town Administrator for the week ending June 15, 2018
12. Memo from David Porter to the Board of Selectmen dated December 11, 2017 re: Quota of Alcoholic Beverages Licenses
13. Memorandum from Sarkis Sarkisian, Town Planner, to Lea Anderson, Chair of Board of Selectmen, dated June 22, 2018 re: Application by Congregation Or Atid to amend its site plan approval
14. Draft minutes of the Board of Selectmen meetings of June 4, 2018 and June 11, 2018



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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

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

DRAFT

Board of Selectmen
Meeting Minutes
July 2, 2018
6:30 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Douglas A. Levine, Louis M. Jurist, Cherry C. Karlson (remote)

Also Present: Bernie Lynch, Community Paradigm Associates; Sharon Flaherty, Community Paradigm Associates

A1. Call to Order by Chair L. Anderson called the meeting of the Board of Selectmen to order at 6:30 p.m. in the Board of Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

A2. Announcement and Public Comment L. Anderson announced that Vice Chair C. Karlson will be participating remotely due to distance. There was no public comment.

A3. Town Administrator search: Meet with Bernie Lynch, Community Paradigm, to prepare for Town Administrator candidate interviews, including review and assignment of interview questions Bernie Lynch and Sharon Flaherty of Community Paradigm Associates came before the Board to discuss the process for interviewing the Town Administrator candidates. B. Lynch briefly reviewed the Community and Position's profile and described the interview questions that he has provided to the Board. A discussion ensued regarding the quantity and potential length of the questions and answers. B. Lynch said in his experience the questions and interview should take about an hour. C. Karlson and D. Levine stated candidates should be asked if they have a comfort level with Town Administrator and/or Town Manager role changes and how they might handle change during such a transition. The Board members suggested several edits to and regrouping of some of the proposed questions. They also assigned questions to each Board member. Some of the topics include management style, finance, goal setting, housing, and economic development. The order of the questions, negotiating, the voting and offer process, and the schedule of interviews were also discussed

A4. Payroll Warrant: Vote the question of approving and signing the weekly payroll warrant
No action was taken as the warrant was not available.

A5. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any:
None.

A6. Adjourn D. Levine moved, seconded by L. Jurist, to adjourn the meeting at 7:16 p.m. A roll call vote was taken. YEA: L. Jurist, L. Anderson, M. Antes, D. Levine, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of July 2, 2018.
None.

Items Included as Part of Agenda Packet for Discussion During the July 2, 2018 Board of Selectmen's Meeting

1. Draft Town Administrator finalist interview questions, provided by Community Paradigm Associates
2. Wayland, MA, Town Administrator, Community and Position Profile

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMENT
FROM JUNE 23, 2018 THROUGH AND INCLUDING July 13, 2018,
OTHERWISE NOTE LISTED AND INCLUDED IN THE CORRESPONDCE
PACKET FOR JULY 16, 2018**

Items distributed to the Board of Selectmen – June 22, 2018 – July 13, 2018

None

**Items distributed for information and use by the Board of Selectmen at the
Meeting of June 25, 2018**

1. Massachusetts Municipal Association Handbook for Massachusetts Selectmen

**Items included as part of the Agenda Packet for discussion during the July 2
and July 9 Board of Selectmen's Meetings**

July 2, 2018

1. Town Administrator Finalist Interview Questions (Draft)
2. Town of Wayland Community & Position Profile

July 9, 2018

1. Board of Selectmen Town Administrator Finalists Information

BOARD OF SELECTMEN
Monday, July 16, 2018
6:45 p.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road

CONSENT CALENDAR

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the invoice for KP Law, dated June 30, 2018, Invoice No. 117003, for legal services rendered through June 30, 2018: \$1,001.
3. Vote the question of approving an application to the Historic District Commission for a sandwich board sign for Wayland Garden Club at the Wayland Depot
4. Vote to approve a letter from the Wayland Board of Selectmen to Representatives Gentile and Peisch encouraging them to include in pending legislation language that would require Eversource to change its pending new fixed electricity charge on new residential solar customers beginning next year.
5. Vote the question of approving the invoice for Valerio, Dominello & Hillman, LLC, dated June 5, 2018, Invoice N. 2, for legal services rendered through May 31, 2018: \$ 6,802.36*
6. Vote the question of approving the invoice for Valerio, Dominello & Hillman, LLC, dated July 9, 2018, Invoice N. 4, for legal services rendered through June 30, 2018: \$2,744.80

** Invoice No. 3 approved July 9, 2018 was revised from \$13,505.61 to \$6,703.25*

RECEIVED

JUL 09 2018

Board of Selectmen
Town of Wayland

KP LAW, P.C.
101 ARCH STREET
BOSTON, MA 02110
(617) 556-0007

INVOICE NO: 117003

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

IN REFERENCE TO: PROFESSIONAL SERVICE
THROUGH

June 30, 2018

June 30, 2018

TOTAL FEES:	\$851.00
TOTAL COSTS:	<u>\$150.00</u>
BALANCE DUE:	<u>\$1,001.00</u>

WJS

June 26, 2018

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

To: Wayland Historic District Commission

From: P. Jean Milburn, Member
Wayland Garden Club

Subject: Sign for New Native Plant Demonstration Garden

This letter is a supplement to the Application for Certificate of Appropriateness form.

This spring, the Wayland Garden Club (WGC) sought approval for use of 144 sq. ft. of space proximal to both the Depot Building and the segment of the Rail Trail that passes through the Depot's yard. The land is located on the rear side of the Depot and is not visible from the road. Permission was granted by the Wayland Board of Selectmen.

The garden, containing 23 different native perennial plants, has been installed and is being tended by members of the Garden Club. In order to fulfill the educational objectives of this project, the WGC would like to include a seasonal sign that will sit next to the garden. The sign would be stored off-site in the winter.

We propose a sign of the following style:

1. A-Frame Sandwich Board with one sign on each side. Free-standing.
2. A Plastic A-Frame (colored either black or white) is preferred because:
 - a. Ability to withstand weather without degrading;
 - b. Ability to fill the frame with sand to improve stability & discourage theft.
 - c. Image and dimensions attached below.
3. A wood A-Frame can be substituted for Plastic.
 - a. Less weather resistant
 - b. More expensive to obtain exterior-use quality
 - c. Probably will have to be custom-made.
4. Two professionally printed exterior-grade signs.
 - a. Copy on one side about the environmental benefits of using native plants in both public and domestic gardens.
 - b. Copy on second side about some Depot history related to plants and to community service.
 - c. We will receive samples of the signs and can forward them to the HDC.
5. A Working Draft of the Copy for the Signs is attached. While this may not be the final language, the draft will demonstrate the intent of each sign.
6. The sign will be placed behind the building and will be easily seen from the Depot Parking Lot and the Rail Trail.

(Sign 1)
The Wayland Garden Club
presents

A NATIVE WILDFLOWER DEMONSTRATION GARDEN

If you are walking or bicycling on the Rail Trail today,
you probably enjoy the beauty of nature –
plants, flowers, bees, butterflies, and birds.

The continued health of the natural world depends on us.
The Wayland Garden Club is committed to practicing conservation of
and gardening with native plants. It is our hope to inspire
gardeners to grow native plants in their own gardens to support
healthy ecosystems that sustain our natural world.

A garden that contains native plants provides the foundation for a
healthy ecosystem. Native plants require less water, fertilizer, and
maintenance to thrive. They are important hosts for many
beneficial insects including the caterpillars that turn into butterflies.
In turn, these insects provide food for our melodious songbirds.
Adding Native Plants to Your Garden is good for everyone!

To Learn More, Visit:
waylandgardenclub.org
newenglandwild.org
grownativemass.org

“EARTH LAUGHS IN FLOWERS”
RALPH WALDO EMERSON

(sign 2)

The Depot: A Place to Share Wayland's Bounty

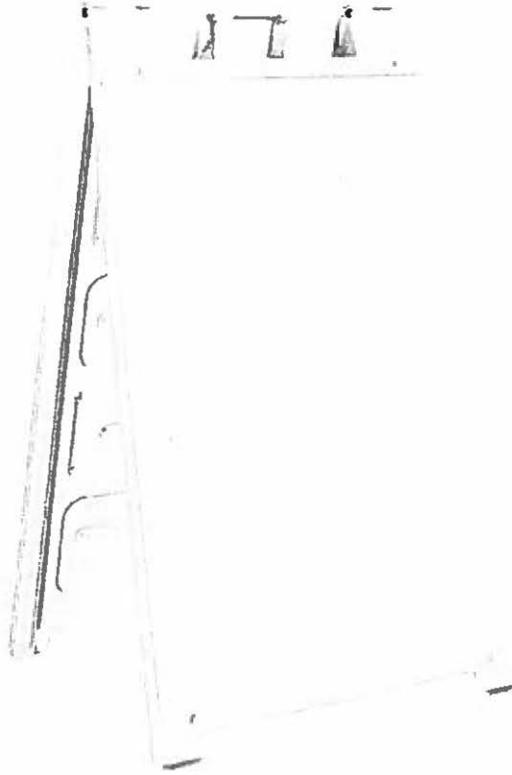
When the railroad started service to Boston, Wayland gardeners and farmers were able to quickly and efficiently ship food and flowers to the Big City of Boston. Many greenhouses were built in this region and fresh flowers were shipped to town to grace dinner tables, beautify alters in houses of worship, drape coffins of the recently departed, and fill the bouquets of brides. In addition, farmers produced a range of animal and plant products which filled hungry stomachs in the growing city.

The Depot has created opportunities for the residents of Wayland to do good works for the betterment of the community. Between the years 1930-1951 the Wayland Garden Club sent baskets of fruits and vegetables to the Robert Gould Shaw settlement house in Boston to improve the lives of the poor in Lower Roxbury, MA. A garden club member would meet the conductor for the 10:20 a.m. train each week to send the basket of bounty into town.

In 1980, The Wayland Depot opened its doors as a consignment craft shop in 1980, just a year before the train station's 100th birthday. The shop, a member of the National Federation of Women's Exchanges, is staffed by community volunteers. Their Mission states: ". . . our mission is to help support women in their homes who make handcrafts and to donate the proceeds of the sale of those handcrafts to charity. As an added mission the volunteers and board of The Wayland Depot pledge to preserve the historic 1881 train station that houses our shop.'

In 2018, the Wayland Garden Club funded and installed an educational Wildflower Demonstration Garden on this site to encourage interest in the use of Native plants in domestic gardening.

Plastic A-Frame Sign - White



 Enlarge

SIGNICADE®

Popular style used everywhere from retail shops to parks and construction areas.

- 2-sided sign frame for indoor and outdoor use.
- Holds up to 24 x 36" signs. Attach with double-sided tape.
- Durable plastic with locking hinges.
- Fill with sand for added stability.

MODEL NO.	DESCRIPTION	SIZE W x H	SIGN AREA W x H	WT. (LBS .)	PRICE EACH		ADD TO CART	
					1	3+		
H-6104W	Sidewalk Sign	25 x 45"	24 x 36"	18	\$84	\$80		ADD



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778
www.wayland.ma.us

WAYLAND HISTORIC DISTRICT COMMISSION APPLICATION FOR CERTIFICATES OF APPROPRIATENESS NON-APPLICABILITY OR HARDSHIP

Date: 6-29-2018.

The undersigned applies to the Commission for: *(Please check one)*

Certificate of Appropriateness Certificate of Non-applicability Certificate of Hardship

I. Address of Property: WAYLAND DEPOT

Description of Work

(State the scope of work including the specific information about extent of work, dimensions, style, materials, and colors. Please provide photographs of existing conditions and plans of proposed changes, if applicable.)

AN A-FRAME SIGN FOR SEASONAL USE, SITED NEXT TO W.G.C. NATIVE PLANT DEMONSTRATION GARDEN. USED FOR PUBLIC EDUCATION.

II. Application includes (check applicable documentation)

Photographs Site Plan Sketches
 Building plans, elevations, sections Historical Information
 Product /Material information (samples, specs, brochures, photographs)

III. Name of Property Owner TOWN OF WAYLAND.

Mailing Address: _____

Telephone: _____ E-Mail: _____

Signature of Property Owner (Required): _____

IV. Name of Applicant if not owner: WAYLAND GARDEN CLUB (REPRESENTATIVE)

Mailing Address: 281 CONCORD ROAD *P. JENN MILBURN*

Telephone: 508-358-2563 E-Mail: 39YORK@GMAIL.COM

For Commission Use Only Assessor's Map #: _____
Date Completed Application Received: _____ Date of Hearing: _____
Date of Decision: _____ Commission Signature: _____

Certificate of Appropriateness Certificate of Non-applicability Certificate of Hardship

See attached Record of Action



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

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

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

July 16, 2018

Representative Carmine Gentile
24 Beacon St.
Room 167
Boston, MA, 02133

Representative Alice Peisch
24 Beacon St.
Room 473G
Boston, MA, 02133

Dear Representative Peisch and Representative Gentile:

The Town of Wayland committed itself to be a Green Community in 2010. To this end, Wayland has taken major steps to reduce our fossil fuel energy consumption, including energy efficiency improvements to Town facilities, including our five schools and Town Building, contracting for the output from four solar systems on Town lands and buildings generating power equal to a quarter of the Town's municipal energy consumption, and purchasing electric and hybrid vehicles. We are replacing our streetlights with LEDs, and are using state grants to boost our emergency shelter's energy resiliency and sustainability and make a climate change vulnerability assessment to improve resiliency still further.

Helping our homeowners to install solar is a priority. We have completed two successful Solarize programs installing residential solar systems. However, future such efforts by our homeowners are in jeopardy. Last December, the Department of Public Utilities approved a new Eversource rate structure targeting new solar customers. Eversource will impose a new monthly minimum demand charge (called a Monthly Minimum Reliability Charge or "MMRC" by Eversource) on new residential solar customers in 2019. This new demand charge will make it more costly and confusing to own solar panels. Making it harder for homeowners to install solar arrays on their own homes runs counter to Wayland's Green Community commitment and Massachusetts' greenhouse gas emission goals as mandated by the 2007 Global Warming Solutions Act. We ask the Legislature to pass legislation to stop these new solar demand charges as currently planned.

Massachusetts is a national leader in adding solar to our generation mix. The Eversource demand charge for new solar customers, however, will slow our state's shift to cleaner fuels. By charging solar customers based on the one hour during a month when they use the most electricity, instead of just on total electricity usage, the new demand charge will be confusing

and punishing those who otherwise want to to lower their energy bill. Most Massachusetts homes do not yet have the equipment from Eversource to allow residents to accurately track hourly energy usage in order to reduce their demand charges. Instead, the Eversource MMRC just will impose additional costs over the life of the average solar system, and thereby reduce net homeowner savings. In any event, a fixed residential demand charge is ineffective in helping a utility to reduce system peak demand (when the utility taps generation plants burning the most costly fossil fuels), since residential peak demand rarely occurs at the same time as system peak demand. No other state allows such demand charges on solar installations. Allowing such a demand charge will slow residential solar installations in Wayland, across Eversource's service territory, and across the state, if the other utilities follow Eversource's example and seek to impose a similar charge.

The Senate has voted unanimously in favor of an energy bill (S.2545) which will, among other provisions, require Eversource to revise its solar demand charge on a more fair basis for homeowners. We understand the House is considering a variety of clean energy bills, including S.2314 which includes comparable language. We urge you to ask leadership to bring these bills to a vote as soon as possible and then to include the S.2545 provisions on the MMRC in whatever clean energy legislation is reconciled by the House and Senate. Your help is needed to help Wayland's citizens to continue to be able to cost-effectively manage their own energy costs, and ensure our state remains a leader in promoting affordable and reliable clean energy for our residents.

Please let us know your position on this issue, and if Wayland can offer any assistance in your efforts on our behalf.

Sincerely,

Lea T. Anderson _____

Mary M. Antes _____

Louis M. Jurist _____

Cherry C. Karlson _____

Douglas A. Levine _____



Valerio
Dominello &
Hillman, LLC

One University Avenue
Suite 300B
Westwood, MA 02090

T: 617.862.2005
F: 617.862.2025
W: VDHBoston.com

RECEIVED

June 5, 2018

JUN 08 2018

Board of Selectmen
Town of Wayland

Town of Wayland
ATTN: Nan Balmer
41 Cochituate Road
Wayland, MA 01778

BREAKDOWN OF LEGAL SERVICES RENDERED THROUGH 5/31/18

Current Charges:	Total
1003.00 General Labor Matters	\$6,721.00
Total Fees	\$6,721.00
Total Expenses	\$81.36
TOTAL DUE	<u>\$6,802.36</u>

****We are pleased to offer electronic invoicing.
If interested, please contact us. Thank you.**

NYB



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Dominello &
Hillman, LLC



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Suite 300B
Westwood, MA 02090

617.862.2005

RECEIVED

JUL 12 2018

Board of Selectmen
Town of Wayland

Town of Wayland
41 Cochituate Road
Wayland, MA 01778

Attn: Nan Balmer

BREAKDOWN OF LEGAL SERVICES RENDERED

Total Current Invoice

2,744.80

NJB

CORRESPONDENCE

- 1) Correspondence from Wayland resident Catherine Balben, 9 Quincy Road, to the Board of Selectmen dated June 18, 2018 re: letter of appeal – plowing of Quincy Road
- 2) Correspondence from Maura Healey, Massachusetts Attorney General, to Nan Balmer, Town Administrator, dated June 26, 2018 re: labor trafficking
- 3) Correspondence from Jim Mullane, Executive Director, WayCam, to Board of Selectmen and Nan Balmer, Town Administrator, dated June 28, 2018 re: MassAccess newsletter - Senate Passes Bill To Support Local Cable Channels
- 4) Correspondence from the Office of Maura Healey, Massachusetts Attorney General, to Board of Selectmen, dated June 28, 2018 re: Open Meeting Law Complaint filed by George Harris, Esq.
- 5) Wayland Police Department – Monthly Report for June 2018 prepared by Patrick Swanick, Chief of Police
- 6) Correspondence from Jeanne Downs, Wayland School Department, to Nan Balmer, Town Administrator and Asa Foster, Chair Recreation Committee dated June 30, 2018 re: hard work and dedication Katherine Brenna, Recreation Department Director
- 7) Massachusetts Municipal Management Association's Form of Government Committee - Newsletter dated July 2018
- 8) Correspondence from the residents of Lake Road Terrace to the Board of Selectmen, dated July 5, 2018 re: problems with safety, trash, fires, illegal parking, vandalism and trespass onto private property by strangers heading to Lake Cochituate
- 9) Correspondence from Elizabeth Rust, Regional Housing Services Office, to Nan Balmer, Town Administrator; and Elizabeth Doucette, Assistant Town Administrator, et al, dated July 9, 2018 re: FY2018 Q4 Status Report
- 10) Correspondence from Patrick Swanick, Wayland Chief of Police, to Nan Balmer, Town Administrator re: Response to Willow Brook Road Traffic Concerns
- 11) Massachusetts Municipal Association's Municipal Advocate – Magazine, Vol. 29, No. 2 received June 28, 2018
- 12) Correspondence from Lauren Goldberg, Esq., KP Law, to Beth Klein, Wayland Town Clerk, dated July 3, 2018 re: Holding Local Election on Same Date as State Election