

**PACKET**

**FEB 05**

**2018**



NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
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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, February 5, 2018**  
**7:00 p.m.**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**41 Cochituate Road Wayland**

**Revised 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.*

- 7:00 pm 1.) Call to order by Chair  
• Review agenda for the public; Announcements
- 7:02 pm 2.) Public comment
- 7:10 pm 3.) Major Capital Projects: Meet with project sponsors  
1. New Library  
2. School Athletic Facilities  
3. Loker Field  
4. Community Center  
5. Town Building  
6. Fire Station #2
- 8:00 pm 4.) Major Capital Projects: Discuss scenarios for potential debt exclusion questions and potential vote on articles for major capital projects
- 8:20 pm 5.) ATM Article T: Meet with Energy Committee to discuss proposed resolution on energy and carbon savings in municipal building construction
- 8:30 pm 6.) Petitioners' Articles: Meet with lead sponsors  
1. ~~Duane Galbi – Article KK: Property Tax Credit for Charitable Contributions to Wayland School District~~  
1. Judy Ling – Article LL: Appropriate Funds to Design Renovation of Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
- 8:40 pm 7.) Special Town Meeting: Discussion and potential vote to open Special Town Meeting within Annual Town Meeting
- 8:50 pm 8.) Annual Town Meeting Articles: Discussion and vote
- 9:00 pm 9.) Town Administrator's Report  
1. Correspondence  
2. Update on school bus parking  
3. Audit management letter  
4. Reserve Fund Transfer  
5. Status of Annual Town Report

**BOARD OF SELECTMEN**  
**Monday, February 5, 2018**  
**7:00 p.m.**  
**Wayland Town Building**  
**Selectmen's Meeting Room**  
**41 Cochituate Road, Wayland**

**Proposed Agenda Page Two**

- 9:15 pm 10.) Minutes: Vote to approve and release minutes of January 22, 2018
- 9:20 pm 11.) Consent Calendar: Review and vote to approve
- 9:25 pm 12.) Correspondence: Review
- 9:30 pm 13.) Selectmen's reports and concerns
- 9:35 pm 14.) Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any
- 9:40 pm 15.) Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a)(3), to discuss whether the Town should pursue legal proceedings with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of January 16, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town
- 9:55 pm 16.) Executive Session Minutes: Vote to approve and potentially release with redactions the Executive Session minutes of January 16, 2018
- 10:00 pm 17.) Adjourn

### 3. Major Capital Projects

DATE: February 5, 2018  
TO: Board of Selectmen  
FROM: David Porter  
RE: Meeting with sponsors of major capital projects

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You are scheduled to meet briefly with the sponsors of Annual Town Meeting articles related to the following major capital projects:

- New Library Building (Article X)
- School Athletic Facilities (Article Y and Article NN)
- Loker Field (Article Z)
- Community Center (Article P)
- Town Building (Article Q)
- Fire Station #2 (Article R)

I contacted all the sponsors of these articles and have received confirmations from most that they plan to attend. Their articles are attached.



Major Capital Projects  
Article X

**ARTICLE I: TITLE: Appropriate Funds to Construct New Library Building**

Sponsored by: Board of Library Trustees                      Estimated Cost: \$28,940,710

To determine whether the Town will vote to:

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

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

### **TRUSTEE STATEMENT:**

In July 2017, the Town of Wayland was awarded one of nine state construction grants to build a new library at 195 Main Street. This award was the culmination of over two years of work by the Board of Library Trustees, the Library Planning Committee, and community members to identify Wayland's current and future library needs, study contemporary library use and design in Massachusetts and elsewhere, and work with architects to determine whether our current library could be expanded and, if not, where the Town could successfully locate a new one.

As a site-specific, time-sensitive offer, the grant presents a unique opportunity to design a building that reflects Wayland's emphasis on education and dialogue for all ages. Residents deserve a library commensurate with their expectations for intellectual engagement, lifelong learning, and community cohesion. Now is the time for Wayland to invest in the future of this crucial Town institution.

### **FINANCE COMMITTEE COMMENTS:**

Passage of this article will authorize the appropriation of \$28,940,710 to build a new library at 195 Main Street, adjacent to the Middle School, on the site of the former Highway Department garage.

The cost of the project to the Town will be **\$17,697,901**. Monies defraying the cost to the Town are:

- \$10,137,980 provisional state construction grant, awarded by the Massachusetts Board of Library Commissioners (MBLC) on July 13, 2017
- \$354,829 LEED Platinum certification grant for energy efficiency
- \$750,000 contribution from Board of Library Trustees Millennium Fund
- Contributions to a capital campaign, currently being launched by the Trustees to further reduce the Town's costs

The Town will receive the grant funds only if this article passes at this April 2018 Town Meeting. If the article does not pass, the grant will be offered to another community in the Commonwealth.

The proposed new library will be a two-story, 33,530-square-foot, LEED-certified building partially powered by solar arrays over the roof and the parking lot. In addition to its current functions, the library will offer enhanced spaces, services, and collections for children and teenagers; private rooms for small-group study; dedicated spaces for lectures, meetings, and technology classes; and improved work areas for staff.

At the November 2015 Special Town Meeting, voters authorized \$150,000 for a Library Planning & Design Study to examine the feasibility of expanding and renovating the current library building and the feasibility of building a new library on a different site. After extensive study of the current site and two other parcels, it was determined that expansion at 5 Concord Road was impossible because the 1.02-acre site in the Aquifer Protection District would not support an increase in either the size of the building or the number of parking spaces needed. The Trustees selected 195 Main Street as the most appropriate site for a new library.

The proposed building meets the space-needs assessment set forth in Wayland's Library Building Program, produced by an independent library consultant. The consultant worked closely with library staff

to analyze the needs of each department, and then applied national standards and state guidelines to recommend an appropriate size for the Town's library. To qualify for state grant funding, Wayland must base total square footage on the Library Building Program submitted to and accepted by the MBLC prior to applying for the grant.

If this article passes, the Town will receive the grant in 5 equal installments:

- 20% (\$2,027,596) in May/June 2018 for development of a schematic design
- 20% in May/June 2019, after construction documents are submitted to the MBLC
- 20% in May/June 2020 upon issuance of a building permit
- 20% in May/June 2021 upon issuance of a certificate of occupancy
- 20% in May/June 2022 after a final audit

In the final year, LEED Platinum certification for energy efficiency entitles the Town to an extra disbursement of 3.5% (\$354,829) of the initial grant award.

Construction is expected to begin in mid- to late 2019 and the building is scheduled to open in 2021.

The Board of Library Trustees recommend this article. Vote: 4-0-0

An exhibit with relevant information can be found at Appendix ? of this warrant. The preliminary conceptual design for a new library at 195 Main Street is online at: (town's website)

### **ARGUMENTS IN FAVOR:**

This is a one-time opportunity to accept this substantial grant of \$10,137,980 to help defray the cost of a new library building that will meet the current and future needs of Wayland residents.

The proposed building will address longstanding deficiencies known to town officials, staff, and patrons. In a 2015 town-wide survey, a majority of respondents explained that they underuse—or avoid altogether—the current building at 5 Concord Road because of dissatisfaction with its interior spaces, limitations in services, and parking. Extensive study and due diligence have led to the conclusion that the current library cannot be renovated or expanded, now or in the future, in a way that would meet the Town's needs. The proposed new library, in contrast, will offer:

- an expanded children's room with sufficient collection, program, and activity spaces
- a new teen/young adult room with dedicated study spaces
- a wide variety of seating choices (single and group, desk and lounge)
- separate study/work spaces and rooms
- a large multi-purpose room for lectures, large meetings, and events
- a conference room for midsize meetings
- a wing that can be closed and used after hours for other town/group events
- a technology room with public access computers for individual use, classes, and meetings
- ADA compliance
- expanded space for collections

- efficient spaces for staff to work safely and comfortably
- appropriate space to house the library's technology infrastructure
- a flexible interior design for optimal space configurations
- twice the parking in a well laid out accessible lot
- a site unlikely to flood

The new location is adjacent to the Wayland Middle School and in close proximity to the high school, two of the three elementary schools, and recreation parcels. Communities with dedicated teen rooms find that they are heavily used for homework, informal socializing, interest groups, and organized events.

The varied seating options, study rooms, and conference room will make the library attractive to local interest and professional groups looking for a common space to meet.

The Recreation parcel between the library and the middle school will allow students, neighbors, and patrons to move freely between Recreation and library activities. This location, in the Town's most densely populated area, provides easy access for pedestrians and bicyclists.

The building will meet LEED certification standards, with sustainable materials, rooftop solar panels, and energy and water conservation incorporated into the design.

#### **ARGUMENTS OPPOSED:**

Some worry about the cost of the project and the impact on the Town's debt schedule given other competing capital projects on the horizon.

Some argue that the scope and size of the project are too large.

Some are concerned with the increased staffing and operating costs of a larger library building.

Some are concerned that the relocation of the library will affect traffic and congestion at and around the middle school and the adjacent neighborhood.

Some are concerned about the undetermined future of the current building at 5 Concord Road, given the possible use restrictions on a portion of the property. They argue that the Town may need to go through the process of challenging the terms of a public charitable trust, with an unclear outcome. In addition, there will be costs to operating the building after the library function has moved.

**RECOMMENDATION:** The Finance Committee... . (Vote x-y-z)

The Board of Selectmen. (Vote x-y-z)

**QUANTUM**



## **ARTICLE XX: HIGH SCHOOL STADIUM COMPLEX RENOVATION**

*Proposed by: School Committee and Recreation Commission*

*Estimated Cost: \$3.5MM*

To determine whether the Town will vote to:

- 1.) appropriate a sum of money of up to \$3.5MM to be expended under the direction of the School Committee for construction of Part 1 of the Wayland High School Facility Strategic Master Plan (High School Athletic Preferred Improvement Plan-Stadium Complex Renovation); and
- 2.) determine whether said appropriation should be provided by debt, taxation, transfer from unappropriated funds, transfer from available funds already appropriated for other purposes or otherwise, provided not more than \$175,000 of the funds so appropriated shall be transferred from the Recreation Revolving Fund Turf Account for recreational use.

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### **Finance Committee Comments:**

The article requests \$3.5MM to fund construction for the renovation of the high school athletic facilities. Of this amount, a minimum of \$175,000 would be transferred from the Recreation Revolving Fund Turf Account. The remainder would be funded by the Town. More specifically, this article requests construction funds for Part 1 of the High School Athletic Preferred Improvement Plan (Stadium Complex Renovation). These funds are anticipated to be expended in FY19. Construction funds for Part 2 of the Plan are being requested in a subsequent article [co-sponsored by the Community Preservation Committee and the School Committee]. Part 3 of the plan, Baseball and Multi-Use Field Improvements, is being deferred until a later date.

For schematics, see *Appendix x*.

### **DESIGN:**

The town has contracted with xxxx for design of this project. The OPM (Owner's Project Manager) is Leftfield who is working with xxxx to oversee the project. After the design is completed, Construction Documents will be drawn up and used to price, bid and build the project. Construction Documents will include detailed plan drawings and technical specifications, from which bids can be obtained and the project can be constructed.

### **TOTAL PROJECT COST:**

The scope and estimated costs for the Stadium Complex Renovation are as follows:

Track (full-depth construction)	\$840,000
Synthetic Turf Field (full-depth construction, modified configuration, new location, 1/2 acre of additional space yielded)	1,400,000
Lighting	560,000
Bleachers (home with storage and away)	<u>700,000</u>
Total	\$3,500,000

**BACKGROUND:**

Recommendations for Stadium Complex Renovations were first proposed by Gale Associates in a report published in 2010, and were projected to be financed in fiscal year 2019, at an estimated cost of \$2,750,000, as noted in the Town's five year capital plan of the 2017 Annual Town Meeting Warrant.

Weston and Sampson, the Town's on-call design consultant, was hired in the fall of 2016 to develop preliminary schematic plans and cost estimates for a revised Wayland High School Athletic Facility Strategic Master Plan. Some of their conclusions as they relate to current Stadium Complex Renovation were that turf quality is substandard, drainage facilities are lacking, grading is substandard (lack of positive pitch to shed water), irrigation systems are inadequate, bleachers at track/field are non-code compliant/deteriorated (home meets potentially cancelled), storage is lacking site-wide, and ADA (Americans with Disabilities Act) accommodations are lacking.

These observations drove a change in scope of the Stadium Complex Renovation, which then drove most of the difference between the cost estimate carried in the 2017 Warrant, \$2,750,000, and the current estimate of \$3,500,000 (excluding design services). Track repair was modified from resurfacing to full-scale reconstruction, at an additional cost of \$175,000; and the scope of the stadium renovation changed from carpet replacement to full-scale reconstruction, resulting in an additional cost of \$560,000. The remaining difference, \$15,000, is due to an update in the estimate of the work contemplated in the Warrant.

Three additional aspects of the proposed redesign have also contributed to the increased cost estimate for the stadium renovation:

- The footprint inside the track has been increased by ½ acre.
- The footprint of the stadium complex has shifted to the north east to permit the swap between the tennis courts and the softball field, thus taking the tennis courts out of the Happy Hollow Wells Zone I Protection Area.
- Drainage of the newly constructed turf field has been improved and expanded, which enhances the protection of the Sudbury River Watershed.

A significant driver of the Weston and Sampson recommended athletic improvement plan is rooted in the effort to enhance the protection of both the Happy Hollow Wells as well as the Sudbury River Watershed. Well protection is enhanced as a result of Part 2 of the Athletic Improvement Plan, which recommends swapping the locations of the tennis courts and the softball field. (To be discussed more fully in Article Y). Watershed protection is enhanced by full reconstruction with improved and expanded drainage rather than mere resurfacing.

If construction funding is appropriated for both Part 1 and Part 2, the project would be phased in two parts starting with the repairs and renovation to the high school stadium complex followed by the tennis courts/softball field swap and renovation/construction of the outdoor basketball and volleyball courts.

The Board of Selectmen has assigned oversight of this project to the Permanent Municipal Building Committee.

[Add votes of committees in support or not of article]

**ARGUMENTS IN FAVOR:**

- Intermediary improvements to the deteriorating track are no longer cost effective. The track itself could fail before the spring 2018 season resulting in non-use for both the high school and community.
- The current high school synthetic turf field is at the end of its useful life and could fail before the fall 2019 season resulting in non-use for both the high school and community.
- The high school stadium bleachers are not in ADA compliance.
- The stadium lights are inefficient compared to modern lights. Modern stadium lights will reduce the amount of light spillage to the surrounding neighbors.
- The existing drainage at the synthetic turf field at the high school is questionable.
- Without adequate stadium facilities, Wayland High School will be unable to host athletic events.
- Protecting the wells and the watershed is a high priority for the Town.

**ARGUMENTS OPPOSED:**

- The Stadium Reconstruction project is merely Part 1 of a larger effort called the Wayland High School Athletic Improvement Master Plan. Part 2 of the Master Plan is also discussed at this town meeting. Consideration of Part 3 of the Master plan is being deferred to a later date. Although largely independent the total cost for the Master Plan is estimated at: \$3,500,000 (Part 1) plus \$1,960,000 (Part 2) plus \$1,500,000 (Part 3). Some would argue that the Town should have a chance to weigh in on the entire concept before proceeding with construction funds on any one piece.
- Some would argue that from a cost-benefit perspective, minimal repairs to the stadium complex and tennis courts are sufficient.
- Although some of the high school facilities are currently in the Happy Hollow Wells Zone I Protection Area, their location is grandfathered and no impact to the water quality has as yet been detected.
- There are other large capital projects competing for Town funding.
- Some would argue that full reconstruction and improved drainage design will still not adequately protect the wells or the Watershed during severe draughts or floods.

**RECOMMENDATION:** The Finance Committee recommends xxxxxx. (Vote x-y-z)

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

*For more information about this article, contact Jeanne Downs <jeanne\_downs@wayland.k12.ma.us>.*

**ARTICLE NN: HIGH SCHOOL TENNIS COURTS/SOFTBALL FIELD  
RECONSTRUCTION (PART 2 OF THE HIGH SCHOOL PREFERRED  
IMPROVEMENT PLAN)**

*Sponsored by: [Community Preservation Committee and] School Committee Estimated Cost: \$1.96 MM*

To determine whether the Town will vote to:

- a) appropriate a sum of money up to \$1.96 MM to be expended by the School Committee to construct Part 2 of the High School Athletic Preferred Improvement Plan (tennis courts/grass softball swap and reconstruction, outdoor basketball and volleyball courts, and related parking); and
- b) determine whether said appropriation shall be provided by debt, taxation, transfer from unappropriated funds, transfer from available funds already appropriated for other purposes or otherwise, provided not more than \$350,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted fund for recreational purposes.

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**Finance Committee Comments:** The article requests \$1.96MM for construction of Part 2 of the High School Athletic Preferred Improvement Plan. Of this amount, a minimum of \$350,000 would be transferred from the Community Preservation Fund. The remainder would be funded by the Town. These funds are anticipated to be expended in FY20. The request for construction for Part 1 of the High School Athletic Preferred Improvement Plan is being requested in a different article co-sponsored by the Recreation Commission and the School Committee and this article is contingent on its passage. Part 3 of the plan, Baseball and Multi-Use Field Improvements, is being deferred until a later date.

Partial funding of this project would come from the Community Preservation Fund, monies that have already been collected by the Town. The CPA mandates that at least 10% of receipts be earmarked for historic preservation initiatives, 10% for open space, and 10% for affordable housing. Uncommitted funds may be used on any of those three disciplines as well as recreation projects. This is an allowed use of CPA monies.

For schematics, see *Appendix x*.

**DESIGN:**

The town has contracted with xxxx for design of this project. The OPM (Owner's Project Manager) is Leftfield who is working with xxxx to oversee the project. After the design is completed, Construction Documents will be drawn up and used to price, bid and build the project. Construction Documents will include detailed plan drawings and technical specifications, from which bids can be obtained and the project can be constructed.

**TOTAL PROJECT COST:**

The scope and estimated costs for Part 2 of the Athletic Improvement Plan is as follows:

Tennis Courts (full-depth construction, 6 courts, lighting, parking at new location)	\$840,000
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Softball Field (full-depth and new location)	840,000
Basketball Court (new construction, 2 courts, one volley ball ct.)	<u>280,000</u>
Total	\$1,960,000

**BACKGROUND:**

During the fall of 2016, Weston and Sampson, the town's on-call design consultant, was retained to develop schematic plans and cost estimates for a revised Wayland High School Athletic Facility Strategic Master Plan. This included field investigations, four public forums, and evaluation of prior studies, data and plans.

A key consideration guiding the Athletic Improvement Plan was to incorporate community concern for the environmental issues related to the athletic facilities and fields being too close to the town's principal drinking water wellfield.

Because a portion of the tennis courts is in the Happy Hollow Wells Zone I Protection Area, Weston and Sampson recommends that we swap the location of the tennis courts and the softball field, thus relocating the tennis courts to the front of the high school.

The swap was proposed in order to better protect the public water system, wetland resources, and the Sudbury River Watershed. It is considered a best practice to only allow water-supply-related activities in the Zone 1 protection area. The impervious surface of the tennis court violates best practice by reducing the infiltration of storm water. As long as no further construction occurs, the swap is not legally required. Today, however, construction within the Zone I of the wells would be prohibited.

A scheduled repair of the tennis courts (overlay + color sealcoat, new posts + nets, 10 courts) was projected to be expended in fiscal year 2019, at an estimated cost of \$300,000, as noted in the Town's five year capital plan of the 2017 Annual Town Meeting Warrant.

The following factors will serve to explain the increase from the \$300,000 in the current Capital Improvement Plan for fiscal year 2019, to the current projected amount of \$1,960,000 for Part Two of the Athletic Improvement Plan:

- The estimate for resurfacing the tennis courts was too low. It should have been \$539,000 instead of \$300,000.
- The current estimate for tennis court reconstruction is \$840,000. The additional "delta" is due to change in scope, from resurfacing at the old location to full reconstruction at the new location, and the addition of lighting and parking.
- Relocating and rebuilding the softball field is projected to cost \$840,000. None of this cost was anticipated in prior capital improvement plans. While there will be design improvements over the existing softball field, most of the added cost would need to be justified by environmental considerations.
- The extra basketball court, at a projected cost of \$280,000, is justified because of demand.

The Board of Selectmen has assigned oversight of this project to the Permanent Municipal Building Committee.

[Add votes of committees in support or not of article]

**ARGUMENTS IN FAVOR:**

- CPA funds to be used for this initiative have already been collected. A favorable vote by Town Meeting will reduce the Town funds used.
- The tennis courts are in need of repair. Two of the ten tennis courts have been taken offline due to disrepair and more may be taken offline before the spring season.
- Intermediary improvements to tennis courts are no longer cost effective.
- Swapping of the tennis courts and the softball field will improve compliance with current Zone I Protection Area regulations.
- Moving the tennis courts to the front of the high school will allow for full reconstruction and replacement of the tennis courts thus mitigating the annoyance of frequently needed repairs. It is unclear whether the Town would receive permission from the Conservation Commission for full reconstruction *in situ*.
- Moving the tennis courts will allow better access for the larger community without having to penetrate school grounds, thus improving security.
- Moving tennis courts out of the wet areas is thought to mitigate frequent and severe cracking, making maintenance and upkeep less expensive and intensive. E.G. If weeds emerge in their current location, they need to be pulled by hand since chemical weed killers are not permitted in the Zone 1 Wells Protection area.
- The proposed relocation of the tennis courts has received generally good support at various public meetings on this issue.
- The proposed project adds a volleyball court.
- Should the wells become contaminated, the permitting process for a new well could take 10 years.

**ARGUMENTS OPPOSED:**

- Wayland's CPC can elect to retain annual funding for the benefit of future historical opportunities, open space, housing or recreational initiatives or the reduction of Mainstone debt. There may be other allowed uses not yet brought to the attention of the Community Preservation Committee that will require future funding.
- Some would argue that from a cost benefit perspective, minimal repairs to tennis courts are sufficient. However, depending on the repair, it might or might not be permitted by the Conservation Commission.
- This second phase of the design of the High School athletic facilities is one part of a larger effort called the Wayland High School Athletic Improvement Master Plan. Part 1 of the Master Plan is also discussed at this Special Town Meeting. Consideration of Part 3 of the Master plan is being deferred to a later date. Although largely independent the total cost for the Master Plan is estimated at: \$3,500,000 (Part 1) plus \$1,960,000 (Part 2) plus \$1,500,000 (Part 3). Some would argue that the Town should have a chance to weigh in on the entire concept before proceeding with design funds on any one piece.
- Although a portion of the tennis courts is situated in the Happy Hollow Wells Zone I Protection Area, its location was permitted and no impact to the water quality has as yet been detected.
- The proposed project reduces the number of courts from 10 to 6.

**RECOMMENDATION:** The Finance Committee recommends xxxxxx. (Vote x-y-z)

**QUANTUM OF VOTE:** Majority – see Massachusetts General Laws Chapter 44B, Section 7. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8

*For more information about this article, contact Gretchen Schuler/508-358-7980/  
ggschuler@verizon.net.*

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	RECREATION COMMISSION
2. DATE RECEIVED:	
3. CONTACT PERSON:	Asa Foster, Rec Commission Chair
4. TELEPHONE/DAY:	(508) 358-6864   (508) 397-9130
5. TELEPHONE/EVENING:	
6. BOARD VOTE:	RECREATION COMMISSION 4-0-0
7. DATE OF BOARD VOTE:	01/08/2018
8. PROPOSED FUNDING SOURCE:	PROPOSITION 2 ½ DEBT EXCLUSION

**Article Information**

9. ARTICLE TITLE:	<b>CONSTRUCTION OF SYNTHETIC TURF ATHLETIC FIELD AT LOKER CONSERVATION &amp; RECREATION AREA</b>
10. COST:	\$2,000,000
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	MARCH 2018

**Article Text**

13. SPONSOR'S ARTICLE TEXT:

**ARTICLE XXXX:**

**Construction of Synthetic Turf Multi-Purpose Athletic Playing Field at Loker Conservation & Recreation Area**  
*Sponsored by the Recreation Commission*

To determine whether the Town will vote to:

- 1) Appropriate a sum of money of up to \$2,000,000 to be expended under the direction of the Wayland Recreation Commission for permitting and constructing of a multi-purpose synthetic turf athletic playing field at the Loker Conservation & Recreation Area including playing surfaces, lighting, drainage, landscaping, access and parking.
- 2) Determine whether said appropriation should be provided by taxation, transfer from un-appropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise.

14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):

*This Project is being managed by the PMBC in conjunction with two phases of WHS Athletic site*



renovation; Articles X and Article X.

### **SITE**

An exhibit with the design schematics can be found in **Appendix X** of this warrant. ---**SLIDE 1**  
Assessor's Parcel 49-064B; current vacant parcel is accessible by Route 30, just east of the intersection of Route 30 and Rice Road.

Schematics, minutes and deeds can be found here: <http://waylandrec.com/facilities/capital-projects/loker/>

### **SITE HISTORY**

The Town acquired this 28.20 acre site from the Dow Chemical in 2000. It is restricted for passive or active recreation use. Most of the proposed area for the new field is already flat open land deeded for recreational use.

In 2013, Recreation explored this site for a potential grass field and conducted a Wetlands Study, Historical Artifact Study, and two Licensed Site Professional (LSP) Reviews. Additionally Well Investigation and Fracture Trace analysis were conducted to explore irrigation at the site, it was determined to be cost prohibitive and the CPC funds were returned.

In 2017, STM 11/14/2017 –the Town voted and passed by 2/3 vote (481 to 220) to design

### **DEED PARTICULARS:**

All of the "premises are conveyed with the limitation that the premises be used only for recreation and conservation"; subject to the restriction that the parcels "shall not be used for the sale, lease, rental or use as a single family, multi-family, or other type of temporary or permanent residence".

### **SITE PLAN APPROVAL**

There will predictably be some amount of traffic increase on the surrounding roads. A traffic study will be conducted to measure traffic and pedestrian flow. The Recreation Commission is sensitive to the concerns of residents in the area and is confident that any increase in traffic volume can be kept to a reasonable level with careful scheduling of the site.

Site Plan Approval will include considerations for LIGHTING, DRAINAGE, TRAFFIC, NOISE, ACCESS, SIGNAGE, and PARKING for the site.

### **CONSERVATION PERMITS**

There will be land disturbance and approximately XX trees will need to be removed so the area will be large enough to accommodate a regulation field and additional fill and grading is required, Chapter 193 Land Disturbance Permit will be required from Conservation. Chapter 194 Wetlands and Water Protection Permit also required.

### **BOARD OF HEALTH**

Turf and infill material selection to be assessed by Designers, Recreation and Board of Health, as well as addressing high-temperature concerns. Water run-off (turf vs grass run-off ie fertilizers, etc).  
Land continues to be monitored by prior land owners (Dow Chemical) and have determined that recreational use of parcel is not a health hazard to users.

### **SYNTHETIC TURF**

Synthetic turf cost savings over 10 year period, Higher initial up front cost, but lower maintenance costs and allows 3x usage of a grass field. (SEE APPENDIX E of FTM 11/14 Warrant Book)

## **PUBLIC DEMAND**

*Wayland has dire need for a second lighted synthetic turf field. Having a field at Loker Conservation & Recreation Area will allow the Recreation Department to offer additional programs as well as allow maintenance opportunities to "rest" other grass fields that are currently overused, ensuring the safer recreational venues for all residents. The Town Wide Rec Strategic Plan outlines the time line for field care and maintenance.*

*Additionally it will allow for continuity of public programming and services with the temporary use by Wayland Public School Athletics for practice and competition while the WHS Athletic site (ARTICLE X and ARTICLE X) are under construction.*

## **CARE & MAINTENANCE**

*Maintenance of natural areas, trash and recycling, and parking areas will be performed by the Department of Public Works (DPW) and facilitated through the Memorandum Of Understanding (MOU) process. The MOU is an agreement among the School Committee, the Recreation Commission and the Board of Public Works.*

## **SUPPORT**

*The Recreation Commission recommends approval. (Vote 4-0-0)*

*The Board of Selectmen recommends approval. (Vote X-X-X)*

*The Finance Committee recommends approval (Vote X-X-X)*

*WILL UPDATE VOTES AFTER DESIGN*

### **15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):**

*FROM FTM WARRANT BOOK:*

*2017 Fall Town Meeting passed and allocated \$154,000 of Recreation Stabilization Funds to design a synthetic turf athletic playing field at Loker Conservation & Recreation Site. The design work will be completed by March 1, and the Recreation Commission recommends construction of a synthetic turf multi-purpose athletic field at the Loker Site including lighting, drainage, landscaping, access and parking.*

### **16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):**

- A. The average cost to maintain a synthetic turf field (\$10,000-\$15,000 annually) is less than the average cost to maintain a grass field. (\$25,000-\$50,000 annually.)*
- B. Synthetic turf fields do not require watering, fertilizing or mowing, they do not attract geese. They are available for play during and after rain and result in fewer weather cancellations. They extend a playable season by many weeks, when grass fields are not playable. Turf fields need not be rested as grass fields need after heavy usage; a turf field would thereby allow more down-time and "rest" to existing grass fields to ensure the long-term life, quality and safety of our natural grass fields.*
- C. Recreation estimates that one lighted synthetic turf field can accommodate three times the capacity of a grass field (based on typical usage trends in Wayland). An additional turf field will allow the rehabilitation of existing recreation fields that need repair; and accommodate about 50% of the current over-usage. Currently, all Wayland fields are overused by three or more hours per day. Existing conditions are deteriorating, deficient and non-conforming; some venues aren't able to host Wayland home games at all because they do not meet competitive regulation standards. There is a outdated reputation that Wayland fields are rented out to out-of-town groups, in 2010 some reports*

*estimated as high at 35% of out-of-town usage, but 2017 data suggests that percentage is under 15%, and some playing fields see 0% out-of-town usage.*

- D. Lighting a field would allow more evening hours on the field; this will become increasingly important if Wayland Public Schools follow the national trend to shift school start times later in the day. It would also allow the Recreation Department opportunity to expand and enhance current offerings for youth, teens, adults and seniors.*
- E. Since the High School Synthetic Turf Field was completed in 2007, the number of youth, middle school and high school students participating in town or school sports teams has steadily increased. In 2017-2018, over 75% of high school students participated on the 61 high school teams*
- F. An additional turf field will allow programming for practice and competition within the town during the period the High School athletic facilities and fields may be under construction. This will save the approximately \$20,000 cost per season to relocate middle school and high school sports team practices and games during the high school athletic facility construction.*
- G. Constructing this project now in conjunction with **Article X and Article X** will maximize financial efficiencies;*

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

**FROM FTM WARRANT**

- A. The results of a highly anticipated study on the potential health hazards of synthetic fields with "crumb" rubber in fill material, sponsored by the EPA, Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (<http://bit.ly/1YwgRHu>), is currently underway and due in late 2017. Some would argue that we should await the results of that study.
- B. Synthetic turf fields can become too hot for safe usage when temperatures are high, which could be a safety factor.
- C. Some have raised Concerns about synthetic turf fields' potential leaching of infill material that could impact nearby wetland resources.
- D. Some argue that there are other large capital projects in Town that are requesting funding at this time and the Town cannot afford to support them unless they are funded over multiple years.
- E. Neighbors have raised concerns about the negative impact of increasing traffic, noise, and lighting.
- F. Some have questioned whether an athletic field is the correct use for this site, as in the past it has been proposed for an indoor athletic facility, a skating rink and other potential uses.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_

Major Capital Projects  
Article P

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

Sponsor & Contact Information	
1. SPONSOR:	BOARD OF SELECTMEN
2. DATE RECEIVED:	
3. CONTACT PERSON:	NAN BALMER
4. TELEPHONE/DAY:	508-358-3620
5. TELEPHONE/EVENING:	
6. BOARD VOTE:	5-0
7. DATE OF BOARD VOTE:	JANUARY 8, 2018
8. PROPOSED FUNDING SOURCE:	DEBT OR FREE CASH
Article Information	
9. ARTICLE TITLE:	COMMUNITY CENTER AT TOWN CENTER: DESIGN, CONSTRUCTION AND BID DOCUMENTS
10. COST:	\$470,000
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	
Article Text	

**13. SPONSOR'S ARTICLE TEXT:** To determine whether the Town will vote to:

- a.) appropriate a sum of money to be expended under the direction of the Board of Selectmen for the purpose of preparing Design, Construction and Bid Documents for a multi-use Community Center (Counsel on Aging/Community Center) to be built on the Municipal Parcel and adjacent parcels of land located on and off Boston Post Road and Andrew Avenue in Wayland, Massachusetts shown as Lot 4-1 and Lot 8-1 on a plan entitled "Plan of Land in Wayland, MA" dated December 12, 2013 prepared by Hancock Associates and recorded with the Middlesex South Registry of Deeds as Plan No. 1008 or 2013, a copy of which plan is on file in the Office of the Town Clerk.
- b.) determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, transfer from available funds already appropriated for another purpose, by borrowing under Massachusetts General Law Chapter 44 or other enabling authority, or otherwise, and
- c.) to authorize the Town Administrator to take any action necessary to carry out this program.

No funds appropriated under this Article shall be expended until the Town of Wayland acquires control of the named parcels and achieves satisfactory environmental testing for PCBs as requested at the November 9, 2015 Special Town Meeting.

**14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION):**

**15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):**

The proposed Community Center will serve unmet needs of the Council on Aging and the Recreation Department that are both operating with below standard facilities at this time, along with other organized community groups that compete for minimal meeting space. There are twelve peer towns of Wayland that are recognized by the Finance Committee; all of those towns have a separate council on aging facility, and ten have community centers (one of the two that does not have a community center, Lincoln, is in the process of planning a combined Council on Aging/Community Center, similar to the project that is proposed per this article). Wayland is only one of our twelve peer towns that does not have a facility of this type.

The COA/CC believes that the use of this land for the purposes set forth herein is consistent with the goals set forth by the Town in planning for municipal use at the Town Center property, which was to create a mixed-use project that would be a gathering place that would attract residents of Wayland for a multitude of purposes, including residences, shopping, dining and gathering for recreational and other activities, all within walking distance to one another. Use of this parcel for a community center is consistent with these goals.

The Wayland Recreation Department has very little space for indoor programming, including a non-standard basketball court at the Town Building, an aging pottery/painting studio appended to Fire Station #2 (to be closed in 2018 to building renovations), and limited, shared space in the Town Building and schools that does not provide sufficient meeting space for the large number of groups organized through Recreation and community groups. With the continued increase in youth participation in organized activities (both sports and other organizations), the need for group meeting space in town is increasing year-over-year. The community center will be designed specifically to offer flexible space suitable for programs offered by ANY municipal and community entity and spaces that can be made available for rent to private groups.

The existing building at the municipal pad represents a unique opportunity for the Town of Wayland. Since it is built and readily adaptable, many costs typically undertaken by a town to create a senior or community center are already covered. For less than the typical cost of a new building, this existing building can be finished for new uses for Wayland's future. Since 2006, the plan for the Town Center development has included this benefit of a municipal building gift pad. The BoS is negotiating for transfer of the site. The timing is right to move forward with specific planning for community uses on the site.

The need for space for the COA is acute and getting greater. More than twenty-five percent of Wayland residents are 60+ years old and eligible for local, state, and federal programs and services. These seniors are underserved by inadequate facilities, squeezed into 2800 sf of space at Town Building and a patchwork of other scattered resources. State guidelines recommend provision of 5 to 6 sq feet per senior, and surrounding towns are well ahead of Wayland in providing these resources. Wayland's senior population is growing and is expected to continue to grow until 2030 before declining, and this site represents an optimal, well-located, cost-effective way to meet this essential need. In addition, the COA is currently unable to serve the families of seniors due to a lack of private meeting space, and is sending town residents to other communities for these services.

The community also needs space for organized group activities. Participation in organized activities continues to rise, especially among youth, and the Town has little space for these groups to meet. Youth often participate in multiple sports and clubs over a year – and even over a season – and the town needs space to meet the needs of these groups.

This facility can be designed as flexible space that will serve citizens of all ages by managing program schedules. Close coordination of shared space and resources, so that the rooms and spaces are used to their full potential and services can be streamlined can be achieved by the Recreation & CoA staff through joint planning.

Locating the senior/community center at the municipal pad increases its visibility & places it in a walkable

community so that residents can walk to shops, restaurants, housing, a health club, and medical offices without having to drive between these uses. In addition to the space itself, adequate parking can be provided at the municipal pad, with overflow parking readily available in the nearby Town Center lots and on- street parking for peak events.

**16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):**

- The current CoA designated space is only 1/10<sup>th</sup> the size recommended by the Commonwealth. The Council on Aging has been requesting additional space for their operations for many years and it has been shown that the facilities currently available to them are significantly less than other towns of comparable size to Wayland. Towns (so designated by the Fin.Com for benchmarking purposes) provide an average of 2 sq. ft. per senior resident in their Senior Centers. Wayland provides 0.66 sq. ft. per senior resident. The Commonwealth Office of Elder Affairs recommends that 5 to 6 sq. ft. per senior resident over 60 be provided.
- The Council on Aging provides elder services recommended by the Older American Act. The current space fails to provide minimum recommended facilities for counseling, storage of confidential information, and private spaces in which confidential information may be exchanged.
- The town has insufficient space for community groups to meet, and participation in these groups - especially among youth - is increasing.
- Many residents of all ages in Wayland have actively pursued a Community Center in Wayland for youth programs and recreational activities for citizens of all ages and have held events to demonstrate such support for a facility that is available in many of Wayland's peer towns.
- This use would be consistent with the goals of the Town in acquiring the Town Center municipal parcel.

**17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS):**

- Some may feel that the Town cannot afford to spend money on a significant renovated facility at a time when our debt service is at the top of the Finance Committee's recommended maximum debt service level (10% of Total Spending).
- Some may feel that providing better facilities for seniors is not a priority at this time.
- Some may feel that providing better indoor facilities for recreation is not a priority at this time.
- Some fear that the site selected may have environmental issues or be too close to the Sudbury River.
- Some may feel that the Town should not be undertaking new projects given that we have a relatively high per household tax bill as compared to peer Towns.

**18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_**

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	BOARD OF SELECTMEN
2. DATE RECEIVED:	
3. CONTACT PERSON:	BEN KEEFE, PUBLIC BUILDINGS DIRECTOR
4. TELEPHONE/DAY:	(508) 358-3696
5. TELEPHONE/EVENING:	
6. BOARD VOTE:	
7. DATE OF BOARD VOTE:	JANUARY 8, 2018
8. PROPOSED FUNDING SOURCE:	

**Article Information**

9. ARTICLE TITLE:	APPROPRIATE FUNDS FOR WAYLAND TOWN BUILDING RENOVATIONS
10. COST:	2,010,000
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

13. SPONSOR'S ARTICLE TEXT:

To determine whether the Town will vote to raise and appropriate **two million and ten thousand dollars** to fund mechanical and electrical system improvements, interior renovations and design exterior door and window replacements at Wayland Town Building **located at 41 Cochituate Road Wayland, MA 01778**. Including funding necessary for the engineering or other professional and legal expenses and fees associated with this project, to fund equipment, installation, construction and to fund the payment of all other costs incidental or related thereto; to authorize the town to apply for and accept any grants or loans available for the project, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of **two million and ten thousand dollars** by issuance and sale of bonds or notes of the Town in accordance with General Laws Chapter 44, Section 7(1) or any other enabling legislation, said sum to be expended under the direction of the Board of Selectmen with the approval of the Permanent Municipal Building Committee, which is authorized to take any action necessary to carry out this vote, provided, however, that this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed under General Laws, Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal and interest on the borrowing authorized by this vote.

**(2/3 VOTE REQUIRED)**

14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):

15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):

This article requests \$2,010,000 for: mechanical and electrical system upgrades (\$1,575,000), interior renovations (\$375,000), and design work for replacement of all exterior windows and doors (\$65,000) at Wayland Town Building.

Mechanical and electrical upgrades are needed because the existing HVAC equipment is past its economic life

and currently operates on R-22 refrigerant. R-22 refrigerant will no longer be manufactured after January 2020 because R-22 contains ozone-depleting fluorocarbons. As the stock of R-22 decreases the cost of repairs will increase dramatically. New equipment will be more efficient and will be designed to be more flexible to future remodeling and office relocations. The electrical system improvements will be required to accommodate the new HVAC equipment and improve the power distribution of the building. Because of the increased efficiency from the HVAC improvements, the project may qualify for State Energy Grants. The \$1,575,000 requested includes all construction, additional design costs and funding costs. Initial design costs of \$88,000 were previously approved at ATM 2017.

Interior renovations include improved organization and remodeling of all land use offices (Buildings, Conservation, Health, and Planning) to provide more efficient work conditions for both the staff and the public. Renovations also include improvements to the entrance lobby and renovation to accommodate staff changes in the Treasurer and Finance offices. The \$375,000 requested includes design fees, construction and relocation expenses.

Design work for the replacement of all exterior windows and doors is required because the existing doors and windows are deteriorated and much of the energy used for building climate control is lost through the doors and windows. The \$65,000 requested is for design fees only, construction/installation funding would be requested at next year's ATM. Replacement of exterior windows is a logical next step to maximize energy efficiency created by HVAC improvements.

All proposed renovations will add value to the building as well as improve habitability. Additional anticipated Town Building improvements will include the installation of the doors and windows, installation of an emergency generator, building wide flooring renewal, and reorganization of space after Council On Aging relocation.

16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

Reduce energy consumption and carbon footprint through more efficient HVAC equipment and increased insulation of building envelope.

Replace HVAC equipment before repairs become extremely expensive because of phasing out of R-22.

Increase workspace comfort from new climate control system associated with HVAC improvements.

Improved customer service through reorganization of "Land Use" offices, Finance offices, and entrance lobby.

The proposed renovations will be designed and accomplished in a manner that is accommodating to future adjustments in space usage.

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

Timing; Too expensive to fund at this time. Could perhaps be pushed into future fiscal year with fewer expenses.

Need to take a "hard look" at the future of Town Building before proceeding with any renovations.

Incremental cost of continued repairs to HVAC system is less than proposed equipment upgrades.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_



**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	BOARD OF SELECTMEN
2. DATE RECEIVED:	
3. CONTACT PERSON:	NAN BALMER, TOWN ADMINISTRATOR
4. TELEPHONE/DAY:	(508) 358-3620
5. TELEPHONE/EVENING:	(508) 237-1330
6. BOARD VOTE:	
7. DATE OF BOARD VOTE:	JANUARY 8, 2018
8. PROPOSED FUNDING SOURCE:	

**Article Information**

9. ARTICLE TITLE:	APPROPRIATE FUNDS FOR WAYLAND FIRE STATION NUMBER TWO RENOVATIONS
10. COST:	1,800,000
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

13. SPONSOR'S ARTICLE TEXT:

To determine whether the Town will vote to raise and appropriate **One Million eight hundred thousand dollars** for renovations and improvements at Wayland Fire Station Number Two **located at 145 Main Street Wayland, MA 01778**, including to fund necessary engineering or other professional and legal expenses and fees associated with this project, to fund equipment, installation, construction and to fund the payment of all other costs incidental or related thereto;, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow the sum of **One Million eight hundred thousand dollars** by issuance and sale of bonds or notes of the Town in accordance with General Laws Chapter 44, Section 7(1) or any other enabling legislation, said sum to be expended under the direction of the Board of Selectmen with the approval of the Permanent Municipal Building Committee, which is authorized to take any action necessary to carry out this vote, provided, however, that this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed under General Laws, Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal and interest on the borrowing authorized by this vote.

**(2/3 VOTE REQUIRED)**

14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):

15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):

This article requests \$1,800,000 for renovations at Wayland Fire Station Number Two to adequately support both male and female staff and to meet current standards and regulations for equipment, maintenance and storage.

Renovations will include updated office space, separate male and female locker and rest rooms, proper storage for EMS and Hazardous materials containment equipment, a gear storage room, bunk rooms and a fully handicapped accessible restroom for public use. It is anticipated these updates and renovations will include full building fire suppression (building sprinkler system) installation. It is expected that no changes will be required in the building structure or exterior footprint. The \$1,800,000 requested includes all construction, project management, any additional design costs and funding costs. Initial design costs of \$75,000 were previously approved at ATM 2017.

Current berthing arrangements at Fire Station Number Two are inadequate at best for accommodating both male and female first responders. Equipment storage is currently below standards and could result in decreased life expectancy of equipment as well as increased response time. There is no installed fire suppression system in the building.

16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

Provides adequate berthing facilities for both male and female first responders. Improving work place conditions and possibly avoiding a labor grievance.

Installation of a full building fire suppression system not only provides safety for personnel but will also minimize damage to the building structure and stored equipment. Recent fire (January 2017) at Concord Fire Station Two, also without a fire suppression system, resulted in the total loss of a fire engine and loss of the building for several months. These losses impact not only the Town budget but also the safety of local residents when the local Fire Station is out of commission.

Renovations now could result in long term savings in avoiding the need to completely replace with new this older fire station.

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

Timing; Too expensive to fund at this time. Could perhaps be pushed into future fiscal year with fewer expenses.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

To: Board of Selectmen

From: Finance Committee

Date: February 2, 2018

Subject: Fiscal Year 2019 Asset Prioritization Recommendations

Based upon the Finance Committee's Debt Exclusion meeting on February 29, 2018, the Finance Committee is providing the following supplemental information. This intent of the information is to provide additional support for the debt exclusion decision making process.

### Prioritization Objectives:

1. Maintenance of existing assets is top priority
2. Safety related issues are a top priority
3. Grants providing alternative funding are a top priority
4. Debt Service should be kept under 10%
5. Total indebtedness should be kept to under 100% of General Fund Expense
6. New projects that require design should be delayed until FY 2020
7. Keep Aaa rating
8. Adherence to regulatory requirements and guidelines are a top priority

### Proposed Scenarios

No	Name	Description	Pros	Cons
1	Six Pack	Do Everything at once.	<ul style="list-style-type: none"> <li>Indebtedness and debt service begins decline starting in 2020.</li> <li>Funding with exempt debt will probably be okay with Moody's</li> <li>Maximizes future flexibility.</li> </ul>	<ul style="list-style-type: none"> <li>Sticker shock</li> <li>Adds \$.86 per \$1000 to the average tax bill.</li> <li>Increases the debt service ratio to 11.49% (guideline is 10%).</li> <li>After 5 years the debt service ratio will be reduced to 9.19%</li> </ul>



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

No	Name	Description	Pros	Cons
2	Community Chest	<ul style="list-style-type: none"> <li>Collect \$10MM from State and build Library.</li> <li>Implement Priority Maintenance: <ul style="list-style-type: none"> <li>High School Project 1.</li> <li>Town Building</li> </ul> </li> <li>Move CoA/CC to FY 2020.</li> <li>Move High School Project 2 to 2021.</li> <li>Move Station 2 to 2022</li> <li>Move Loker to 2026</li> </ul>	<ul style="list-style-type: none"> <li>Target urgent maintenance.</li> <li>Collection of large grant</li> <li>Lessen impact on Moody's indebtedness issue</li> <li>After 5 years debt service ratio will be between 8%-9%.</li> <li>Debt service cost remains constant.</li> </ul>	<ul style="list-style-type: none"> <li>High School building 2 is deferred</li> <li>Loker is deferred</li> <li>Football is outsourced for one year</li> <li>Station 2 is deferred</li> <li>COA/CC is deferred</li> <li>Initial debt service ratio is 10.74%</li> </ul>
3	Safe Community Chest	<ul style="list-style-type: none"> <li>Scenario 2 plus Station 2 Renovation</li> <li>Move CoA/CC to 2020.</li> <li>Move HS 2 to 2021.</li> <li>Move Loker to 2026</li> </ul>	<ul style="list-style-type: none"> <li>Collect Grant</li> <li>Add priority maintenance and safety project</li> </ul>	<ul style="list-style-type: none"> <li>Initial debt service ratio is 10.94%</li> </ul>
4	Five Pack	<ul style="list-style-type: none"> <li>Implement everything but the Library</li> <li>Add Library in 2024</li> </ul>	<ul style="list-style-type: none"> <li>Reduce Six pack debt service to \$1,268,000</li> <li>Initial ratios are acceptable</li> <li>Library in 2024 will cause service ratio to be between 8%-9%.</li> </ul>	<ul style="list-style-type: none"> <li>Grant may or may not be lost</li> </ul>



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

## Financials

### Debt

Project	Debt
Library Debt Service Cost	<b>18,052,730</b>
Library (Interest Only)	<b>0</b>
High School Field Part 1 Turf Only	<b>1,505,000</b>
High School 1 Balance	<b>1,820,000</b>
High School Field Part 2	<b>1,610,000</b>
Loker, Turf Only	<b>2,000,000</b>
Town Building Renovations	<b>2,010,000</b>
Station 2 Renovation	<b>1,800,000</b>
CoA /CC Design	<b>470,000</b>
<b>Total</b>	<b>\$29,267,730</b>

### Debt Service

Projects	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Library	1,534,482	1,534,482	1,534,482	1,534,482
Library (Interest Only)	450,000	450,000	450,000	450,000
High School 1 Turf Only	177,625	177,625	177,625	177,625
High School 1 Balance	199,500	199,500	199,500	199,500
High School Field 2	152,950			152,950
Loker, Turf Only	290,000			290,000
Town Building Renovations	224,450	224,450	224,450	224,450
Station 2 Renovation	171,000		171,000	171,000
CoA /CC Design	44,650			44,650

Projects	Scenario 1	Scenario 2	Scenario 3	Scenario 4
<b>Total Debt Service Year 1</b>	3,244,657	2,586,057	2,757,057	1,260,175
<b>Total Debt Service Year 2</b>	3,058,643	2,417,773	2,584,723	964,165
<b>Total Debt Service Year 3</b>	2,902,789	2,279,649	2,442,549	937,255
<b>Total Debt Service Year 4</b>	2,746,935	2,141,525	2,300,375	910,345
<b>Total Debt Service Year 5</b>	2,591,082	2,003,402	2,158,202	2,867,917
<b>Total Debt Service Year 6</b>	2,435,228	1,865,278	2,016,028	2,718,512



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

## Project Challenges

No	Name	Recommendations & Challenge
1	Council on Aging and Community Center	<ul style="list-style-type: none"> <li>Design funds should be funded as originally requested/scheduled via the capital budget with either free cash or borrowing but only for 5 years.</li> <li>Too expensive to fund via borrowing and not consistent with policy.</li> <li>Project should be passed over if no land for the project has been designated by the warrant deadline of 2/20th.</li> </ul>
2	Loker Turf Field	<ul style="list-style-type: none"> <li>Project was originally scheduled for FY 2021 and was moved to fy2019 as a proposed option for a football field while HS football field is renovated.</li> <li>Most recently it has been discovered that the space will not accommodate a football field. As such the project has been repurposed as a multi-purpose field.</li> <li>Return this project to 2021 allowing time to finalize any design work underway so the FinCom can finalize any recommendations based on the design work for Town Meeting.</li> <li>Final design is not scheduled to be complete until March 1, 2018.</li> </ul>
4	HS Field	<ul style="list-style-type: none"> <li>Project has been broken into three initiatives. Currently proposed Initiatives I and 2 are being implemented simultaneously and require funding accordingly. Scenario 2 and 3 both defer the HS 2 phase. HS 2 is the tennis and softball field swap.</li> <li>Because the project design will not be finalized until March 1, 2018, delay any decisions until the Fall of 2018 so that FinCom can finalize any recommendations based on the design work for Town Meeting.</li> <li>The construction timeline and schedule for Phase I is FY 2019 and FY 2020 for Phase II.</li> <li>Since Tennis courts won't be built until FY 2020, fund Phase I in FY 2019 and Phase II in FY 2020. This will minimize the interest costs on approximately \$6MM.</li> <li>By delaying the funding of Phase II until FY 2020, CPC can make additional appropriation based on an</li> </ul>



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

No	Name	Recommendations & Challenge
		<p>additional year of additions to its uncommitted funds balance.</p> <ul style="list-style-type: none"><li>• The article could be modified to be a resolution to approve the project with funding from the CPC project. The remaining amount could be approved at fall Town meeting when the design documents are able to be reviewed by FinCom.</li></ul>
5	Town Building	<ul style="list-style-type: none"><li>• Combines three unrelated projects: hvac system, interior renovations and design funds for the windows and doors.</li><li>• Interior renovations and window design work should be moved back to FY 2020.</li><li>• Renovations (375K) and the window design (65K) projects should be funded from the capital budget via cash capital or non-exempt debt.</li></ul>
6	Fire Station 2	<ul style="list-style-type: none"><li>• Project has been expanded to include a sprinkler system which is a major contributor to the increased cost.</li><li>• A suggestion might be that the town explore grant options.</li><li>• There are several projects that require completion prior to the renovation work being started and the projects have most recently been put out to bid.</li><li>• As a result, delay the renovation project until FY 2020.</li></ul>
	Library	<ul style="list-style-type: none"><li>• The grant application requests town approval by 4/10<sup>th</sup> and so there is no choice but to pursue this project as part of the FY 2019 budget.</li><li>• The renovations for the existing library should be planned for in 2020 in the even that ATM chooses to not move forward with the current proposal.</li></ul>



# TOWN OF WAYLAND

41 COCHITUATE ROAD

WAYLAND, MASSACHUSETTS 01778

## Six Pack Cost Chart

Fiscal Year	Library Debt Service Cost	Library (Interest Only)	High School Field Part 1 Turf Only	High School 1 Balance	High School Field Part 2	Loker, Turf Only	Town Building Renovations	Station 2 Renovation	Council on Aging Design	Residential Impact		
										Median Home Value	Tax Rate Impact	Tax Impact
Fiscal Year 2020	\$ 1,534,482	\$ 450,000	\$ 177,625	\$ 199,500	\$ 152,950	\$ 290,000	\$ 224,450	\$ 171,000	\$ 44,650	\$ 591,350	\$ 0.86	\$ 511
Fiscal Year 2021	\$ 1,501,987	\$ 360,000	\$ 172,113	\$ 194,775	\$ 149,328	\$ 281,000	\$ 218,420	\$ 166,950	\$ 43,593	\$ 603,177	\$ 0.81	\$ 487
Fiscal Year 2022	\$ 1,469,492	\$ 270,000	\$ 166,600	\$ 190,050	\$ 145,705	\$ 272,000	\$ 212,390	\$ 162,900	\$ 42,535	\$ 615,241	\$ 0.75	\$ 462
Fiscal Year 2023	\$ 1,436,997	\$ 180,000	\$ 161,088	\$ 185,325	\$ 142,083	\$ 263,000	\$ 206,360	\$ 158,850	\$ 41,478	\$ 627,545	\$ 0.70	\$ 437
Fiscal Year 2024	\$ 1,404,502	\$ 90,000	\$ 155,575	\$ 180,600	\$ 138,460	\$ 254,000	\$ 200,330	\$ 154,800	\$ 40,420	\$ 640,096	\$ 0.64	\$ 413
Fiscal Year 2025	\$ 1,372,007	\$ -	\$ 150,063	\$ 175,875	\$ 134,838	\$ 245,000	\$ 194,300	\$ 150,750	\$ 39,363	\$ 652,898	\$ 0.59	\$ 388
Fiscal Year 2026	\$ 1,339,513	\$ -	\$ 144,550	\$ 171,150	\$ 131,215	\$ 236,000	\$ 188,270	\$ 146,700	\$ 38,305	\$ 665,956	\$ 0.57	\$ 377
Fiscal Year 2027	\$ 1,307,018	\$ -	\$ 139,038	\$ 166,425	\$ 127,593	\$ 227,000	\$ 182,240	\$ 142,650	\$ 37,248	\$ 679,275	\$ 0.54	\$ 367
Fiscal Year 2028	\$ 1,274,523	\$ -	\$ 133,525	\$ 161,700	\$ 123,970	\$ 218,000	\$ 176,210	\$ 138,600	\$ 36,190	\$ 692,861	\$ 0.51	\$ 357
Fiscal Year 2029	\$ 1,242,028	\$ -	\$ 128,013	\$ 156,975	\$ 120,348	\$ 209,000	\$ 170,180	\$ 134,550	\$ 35,133	\$ 706,718	\$ 0.49	\$ 346
Fiscal Year 2030	\$ 1,209,533	\$ -	\$ -	\$ 152,250	\$ 116,725	\$ -	\$ 164,150	\$ 130,500	\$ 34,075	\$ 720,852	\$ 0.40	\$ 285
Fiscal Year 2031	\$ 1,177,038	\$ -	\$ -	\$ 147,525	\$ 113,103	\$ -	\$ 158,120	\$ 126,450	\$ 33,018	\$ 735,269	\$ 0.38	\$ 277
Fiscal Year 2032	\$ 1,144,543	\$ -	\$ -	\$ 142,800	\$ 109,480	\$ -	\$ 152,090	\$ 122,400	\$ 31,960	\$ 749,975	\$ 0.36	\$ 268
Fiscal Year 2033	\$ 1,112,048	\$ -	\$ -	\$ 138,075	\$ 105,858	\$ -	\$ 146,060	\$ 118,350	\$ 30,903	\$ 764,974	\$ 0.34	\$ 260
Fiscal Year 2034	\$ 1,079,553	\$ -	\$ -	\$ 133,350	\$ 102,235	\$ -	\$ 140,030	\$ 114,300	\$ 29,845	\$ 780,274	\$ 0.32	\$ 252
Fiscal Year 2035	\$ 1,047,058	\$ -	\$ -	\$ 128,625	\$ 98,613	\$ -	\$ -	\$ 110,250	\$ 28,788	\$ 795,879	\$ 0.28	\$ 223
Fiscal Year 2036	\$ 1,014,563	\$ -	\$ -	\$ 123,900	\$ 94,990	\$ -	\$ -	\$ 106,200	\$ 27,730	\$ 811,797	\$ 0.27	\$ 215
Fiscal Year 2037	\$ 982,069	\$ -	\$ -	\$ 119,175	\$ 91,368	\$ -	\$ -	\$ 102,150	\$ 26,673	\$ 828,033	\$ 0.25	\$ 208
Fiscal Year 2038	\$ 949,574	\$ -	\$ -	\$ 114,450	\$ 87,745	\$ -	\$ -	\$ 98,100	\$ 25,615	\$ 844,593	\$ 0.24	\$ 201
Fiscal Year 2039	\$ 917,079	\$ -	\$ -	\$ 109,725	\$ 84,123	\$ -	\$ -	\$ 94,050	\$ 24,558	\$ 861,485	\$ 0.22	\$ 194
Fiscal Year 2040	\$ 884,584	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 878,715	\$ 0.16	\$ 139
Fiscal Year 2041	\$ 852,089	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 896,289	\$ 0.15	\$ 134
Fiscal Year 2042	\$ 819,594	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 914,215	\$ 0.14	\$ 129
Fiscal Year 2043	\$ 787,099	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 932,499	\$ 0.13	\$ 124
Fiscal Year 2044	\$ 754,604	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 951,149	\$ 0.13	\$ 119
<b>Total for Entire Term</b>	<b>Total Debt Service</b> \$ 28,613,577	<b>Total Debt Service</b> \$ 1,350,000	<b>Total Debt Service</b> \$ 1,528,188	<b>Total Debt Service</b> \$ 3,092,250	<b>Total Debt Service</b> \$ 2,370,725	<b>Total Debt Service</b> \$ 2,495,000	<b>Total Debt Service</b> \$ 2,733,600	<b>Total Debt Service</b> \$ 2,650,500	<b>Total Debt Service</b> \$ 692,075	<b>Average Home Value</b> \$ 757,645	<b>Average Tax Rate</b> 0.41	<b>Total Tax Impact</b> \$ 7,173



**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	ENERGY AND CLIMATE COMMITTEE
2. DATE RECEIVED:	
3. CONTACT PERSON:	ELLEN TOHN
4. TELEPHONE/DAY:	508-667-5164
5. TELEPHONE/EVENING:	508-358-2777
6. BOARD VOTE:	4-0-0
7. DATE OF BOARD VOTE:	
8. PROPOSED FUNDING SOURCE:	NO COST

**Article Information**

9. ARTICLE TITLE:	RESOLUTION: ENERGY AND CARBON SAVINGS IN MUNICIPAL BUILDING CONSTRUCTION
10. COST:	
11. NO COST:	<input checked="" type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	NA

**Article Text**

13. Sponsor's article text:

Whereas Wayland was recognized as a Massachusetts Green Community in 2011 and has a commitment to reduce municipal carbon-based energy use and encourage reduction of residential and commercial carbon-based fuel use; and

Whereas, Wayland recognizes that global warming is a threat to our world, impacting the ability of current and future generations to lead healthy, productive and enriching lives; and

Whereas, buildings can be designed to reduce their energy and carbon use, lower their lifetime energy operating costs, and improve their energy resiliency by incorporating cost effective energy efficient design, building system controls, and on-site renewable energy generation and energy storage; and

Whereas, our municipal buildings are a significant contributor to municipal carbon-based energy costs. New construction and substantial renovation of municipal buildings are significant expenditures and create structures that will endure for decades.

Therefore, be it resolved that Wayland shall seek cost-effective design and construction of all new municipal building construction and substantial renovation projects to minimize carbon-based energy use through cost-effective energy efficient design, building system controls, and on-site renewable energy generation and energy storage.

14. FINANCE COMMITTEE COMMENTS:

This non-binding resolution encourages the Town to continue its resolve to be a Massachusetts designated Green Community, as it was recognized in 2011, by further reducing energy and carbon emissions. There is no cost to the tax payer with passage of the resolution, and the wording allows for consideration of cost-effective design and construction on future projects.

Wayland has the opportunity to do its part to reduce carbon emissions and combat climate risks in the way that municipal buildings are designed and constructed. This aspirational policy encourages, but does not require, all future significant new municipal construction and substantial renovation projects be designed to reduce fossil fuel carbon-based energy use and maximize energy efficiency, renewable energy and resiliency, taking into account building costs and operating savings. Such approaches help to achieve net zero energy and other high-performance building standards, which encourage greater investment in portions of the facility, such as the building walls and insulation, that are likely to remain unchanged for over 50 years. These approaches can be smart economic choices for projects financed through long term bonds, when the energy savings payoff is shorter than the bonding period and create buildings that are more comfortable and resilient in power outages.

The text articulates the need to take into account cost as Wayland reduces carbon based energy use and pursues renewable energy and energy storage systems.

The Permanent Municipal Building Committee made the following statement with regard to this article: “As the Town Board charged with executing the design and construction of municipal buildings, the PMBC endorses the objectives outlined in this article.” The Committee voted in favor of the article 5 – 0.

The Board of Selectmen voted X-X to support this article.

15. FINANCE COMMITTEE PROS:

- The resolution encourages cost effective building practices that reduce municipal carbon-based fuels, taking into account the bonding period used to finance such projects.
- The resolution allows the Town to take costs into consideration and this should, therefore, not create additional costs to the Town unless the Town decides to incur such costs in the pursuit of following this policy.

16. FINANCE COMMITTEE CONS:

- The Finance Committee is not aware of any reasons why residents should not approve this non-binding resolution.

17. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_

**ARTICLE XX: TITLE: Appropriate Funds to Design Renovation of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library**

**Sponsored by:** Judy Huan-Ping Ling (Citizen Petition) Estimated Cost: \$175,000

**Date Received:** 1/16/2018

**Contact Person:** Judy Huan-Ping Ling, 274 Concord Road, Wayland MA. 01778

**Telephone/Day:** 508 358-5977

**Telephone/Evening:** 508 358-5977

**Board Vote:**

**Date of Board Vote:**

**Funding Source:** TBD

**Article Title:** Appropriate Funds to Design Renovation of the Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library

**SPONSOR'S FINAL ARTICLE TEXT:**

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of PMBC, or a new committee appointed by the Board of Selectmen, for the purpose of preparing design, engineering, and related construction documents and other pertinent expenses for two options for renovating and expanding the Wayland Free Public Library at 5 Concord Road:

a.) designs will encompass two options and prioritize needs of families with young children:

Option 1: renovate the existing library building by improving its compliance with current safety and access codes, investigating innovative space-utilization techniques including movable stacks; connecting the building wastewater discharge to the Wayland Wastewater Management Commission treatment plant; expanding parking and improving vehicular access to the site; and upgrading site drainage to accommodate the 100-year storm.

Option 2: includes all improvements in Option 1 and expands usable space on/over the vacated septic field and/or other sites on/near the property. Cost sensitive design will provide all elements in Option 1 and 2 at a price not to exceed \$9.5 million.

- b.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purpose, by borrowing, or otherwise, or transferred from the Community Preservation Funds for Historic Preservation.

### **SPONSOR'S COMMENTS (150 words limit)**

This article proposes to demonstrate that instead of building a new Library, a suitable renovation/expansion of the current Library building can be accomplished within \$9.5 million.

The provisional grant of \$10,137,980 from the Massachusetts Board of Library Commissioners (MBLC) obligates Wayland residents to pay an additional \$19 million to build the \$29 million building. \$29 million builds the building, but does not render it "user ready". Several necessary expenses are not included, e.g. legal fees to potentially remove the Roby deed restrictions; increased and on-going staffing/operating costs and furnishings for a 33,000 square-foot library; plus, projected costs for possible hazardous/toxic materials uncovered when building on the former DPW burning dump which contains an unlined/uncapped landfill.

The sponsors of this Article believe that Wayland has a beautiful and high-functioning library. Undertaking a design study to preserve and enhance our existing library is wise and fiscally responsible.

### **ARGUMENTS IN FAVOR:**

- Resident satisfaction with the services of the existing library is very high. Any minor deficiencies do not justify a new 33,000 sq. ft. library.
- 5 Concord Rd is in the geographic center of town, as are the Town Building and Public Safety complex, easily accessible by all residents.
- The proposed additional meeting spaces in a new building are not central to the library function. Many meetings and gatherings could be accommodated by either a smaller addition at the existing building, or by developing policies that would allow use of space in other Town or School structures.
- No formal feasibility study was undertaken to document improvements and/or expansion possibilities within a reasonable budget at 5 Concord Road. Wayland residents deserve to know what can be done to preserve and enhance our beloved library, thereby removing the risk of its shuttering.
- Additional measures needed to reduce the flooding risk at 5 Concord Road are known and could readily be constructed.
- Possible additional parking on municipal land behind the Freight House might be pursued in cooperation with the Conservation Commission.
- One cited impediment to library expansion at 5 Concord Road is the Aquifer Protection Overlay District (APOD). Connecting Library waste water discharges to the Town's waste water system would justify an amendment to remove the Library

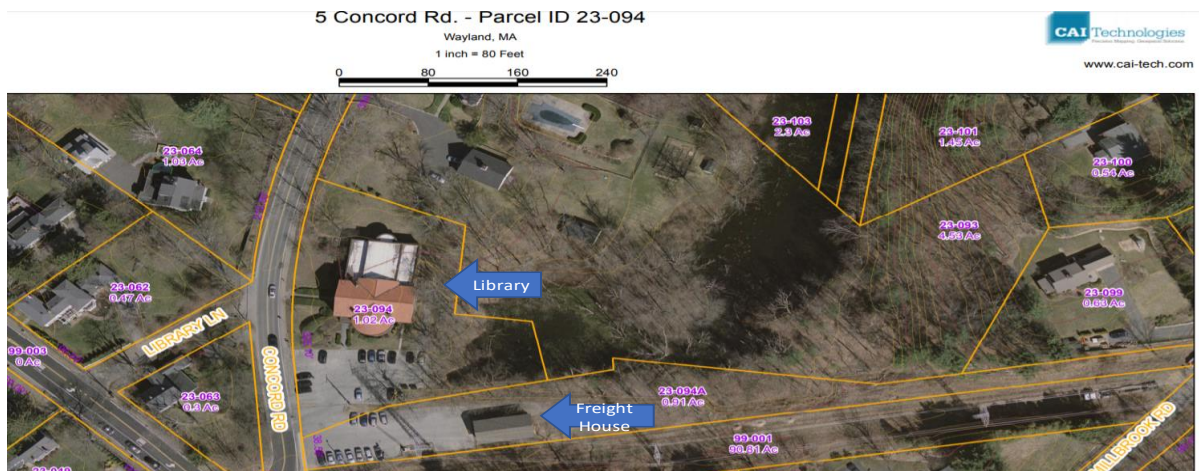
- The Wayland Library at 5 Concord Road has not had any issues with hazardous materials. In contrast, the proposed site for the new 33,000 square foot library is a former DPW burning dump. It contains an unlined, uncapped former landfill under the jurisdiction of Massachusetts DEP.

- Some Wayland residents seeing larger libraries in nearby towns want the same for Wayland despite survey results showing a high satisfaction level with our library/services.
- The proposed study risks the \$10 million grant from the MBLC for the new, much larger library.
- There is no guarantee that the Town would be offered a different grant in the future that would cover some of the construction costs at 5 Concord Road.
- Library renovations could mean temporary shut-down of the facility. Wayland residents would need to use neighboring libraries while renovations are ongoing.

Town counsel will complete the following two sections:

**CONSISTENCY WITH LAW:** It is the opinion of Town Counsel that the foregoing article...

**Combining the Library Parcel with the Freight House Parcel increases the flexibility for adding parking and an addition.**



## ⑦ Special Town Meeting

DATE: FEBRUARY 5, 2018  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: SPECIAL TOWN MEETING WITHIN ANNUAL TOWN MEETING

**ACTION: CONSIDER ANY REASONS FOR CALLING A SPECIAL TOWN MEETING WITHIN THE ANNUAL TOWN MEETING AND VOTE TO OPEN SPECIAL TOWN MEETING WARRANT**

**BACKGROUND:**

The Board may open a Special Town Meeting within the Annual Town Meeting to accept additional articles which were not received by January 15, 2018.

The following is a draft schedule of key dates:

Monday February 5	Board votes to open Special Town Meeting warrant. Last date to vote to open Special Town Meeting warrant would be 45 days before Annual Town Meeting. (February 16)
Tuesday February 6	Warrant opens at 8:30 am Warrant articles should be complete including sponsor's report (if any) and draft comments and pro's and cons for Finance Committee consideration. Notices of the warrant closing date will be posted at locations specified in Town Code Section 36-2
Wednesday February 14	Warrant closes at 4:30 pm
Thursday February 15	Warrant articles distributed to the Finance Committee, Board of Selectmen, Town Counsel and the Moderator.
Tuesday February 20	Finance Committee's Warrant Article Workshop – Town Code 19-3
Wednesday February 21	The Finance Committee's comments and pro's and con's are due to Town Administrator's office.



# Memorandum

To: All Boards, Committees, Commissions, Departments and Staff  
From: Board of Selectmen  
Date: February 5, 2018  
Re: 2018 Special Town Meeting

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The Board of Selectmen voted on Monday, February 5, 2018, to open the Warrant for the Special Town Meeting to begin on Monday, April 2, 2018, at 7:00 p.m. in the Wayland High School Field House. The warrant for said Special Town Meeting will be open from Tuesday, February 6, 2018, at 8:30 a.m., through Tuesday, February 13, 2018, at 4:30 p.m. In accordance with Chapter 36, Section 36-3 of the Code of the Town of Wayland, all articles for consideration and inclusion in said warrant shall be submitted to the Selectmen's Office in Wayland Town Building at 41 Cochituate Road, Wayland, Massachusetts by 4:30 p.m. on Tuesday, February 13, 2018.

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Lea T. Anderson, Chair

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Cherry C. Karlson, Vice Chair

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Mary M. Antes

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Louis M. Jurist

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Douglas A. Levine

**ARTICLE LIST FOR 2018 ANNUAL TOWN MEETING**

*\* Asterisk indicates articles proposed for abbreviated presentation procedure*

Article	2018 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
A	Recognize Citizens and Employees for Particular Service to the Town	Board of Selectmen	L. Anderson	S. Correia		
<b>B*</b>	<b>Pay Previous Fiscal Years Unpaid Bills</b>	<b>Board of Selectmen</b>	<b>L. Anderson</b>	<b>S. Correia</b>		<b>5-0-0</b>
C	Current Year Transfers	Board of Selectmen	L. Anderson	B. Steinberg		
D*	OPEB Funding	Finance Committee	C. Karlson	K. Shigley		
<b>E</b>	<b>Amend Revolving Fund By-Law to Add Community Garden Revolving Fund</b>	<b>Conservation Commission</b>	<b>M. Antes</b>	<b>S. Correia</b>		<b>5-0-0</b>
F*	Compensation for Town Clerk	Board of Selectmen	L. Anderson	S. Correia	5-0-0	5-0-0
G	FY 2019 Omnibus Budget	Finance Committee	L. Anderson	D. Watkins		
H*	Rescind Authorized but Unissued Debt	Board of Selectmen	C. Karlson	C. Martin	5-0-0	5-0-0
I	Accept Gifts of Land	Board of Selectmen	C. Karlson	S. Correia		
<b>J*</b>	<b>Hear Reports</b>	<b>Board of Selectmen</b>	<b>L. Anderson</b>	<b>B. Steinberg</b>		<b>5-0-0</b>
K*	Choose Town Officers	Board of Selectmen	L. Anderson	J. Gorke		
L*	Sell or Trade Vehicles and Equipment	Board of Selectmen	L. Jurist	J. Gorke		

*\* Asterisk indicates articles proposed for abbreviated presentation procedure; scheduled at 5 minutes each.*

Updated February 2, 2018



## ARTICLE LIST FOR 2018 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	2018 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
M*	Fiscal Year 2019 Revolving Fund Expenditure Limits	Board of Selectmen	L. Jurist	C. Martin		
N*	Rescind Acceptance of MGL Chapter 44, Section 53D to close Beach Revolving Fund	Recreation Commission	L. Jurist	C. Martin		
O*	Terminate the Non-Insurance Stabilization Fund and Transfer Balance to General Fund Stabilization Fund	Board of Selectmen	C. Karlson	G. Uveges	5-0-0	
P	Community Center at Town Center: Design, Construction and Bid Documents	Board of Selectmen	M. Antes	S. Correia		
Q	Appropriate Funds for Wayland Town Building Renovations	Board of Selectmen	D. Levine	G. Uveges		
R.	Appropriate Funds for Wayland Fire Station Number Two Renovations	Board of Selectmen	D. Levine	G. Uveges		
S.	<b>Approve Lease in Excess of Three Years for Information Technology Network</b>	<b>Board of Selectmen</b>	<b>C. Karlson</b>	<b>G. Uveges</b>		
T	<b>Resolution: Energy and Carbon Savings in Municipal Building Construction</b>	<b>Energy and Climate Change / Board of Selectmen</b>	<b>C. Karlson</b>	<b>B. Steinberg</b>		<b>5-0-0</b>
U	Advanced Water Meter Reading Infrastructure	Board of Public Works	D. Levine	C. Martin		
V	Zoning By-Law Amendment: Limited Site Plan Review	Planning Board	D. Levine	B. Steinberg		

## ARTICLE LIST FOR 2018 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

Article	2018 Article Name	Sponsor	Assignee Selectmen	Assignee FinCom	Position Selectmen	Position FinCom
W	Zoning By-Law Amendment: Off Street Parking	Planning Board	D. Levine	B. Steinberg		
X	Appropriate Funds to Construct New Library Building	Library Trustees	D. Levine	J. Gorke		
Y	High School Stadium Complex Renovation	School Committee	L. Jurist	K. Shigley		
Z	Construction of synthetic turf athletic field at Loker Conservation & Recreation Area	Recreation Commission	L. Jurist	B. Steinberg		
AA	<b>Home Rule Petition to Exempt Small Construction projects from Prevailing Wage Laws</b>	<b>Affordable Housing Trust</b>	<b>M. Antes</b>	<b>K. Shigley</b>		<b>5-0-0</b>
BB	<b>CPA: Historic Preservation Library Windows, Depot Exterior, Dudley Woods Archaeology Monitoring</b>	<b>Community Preservation Committee</b>	<b>M. Antes</b>	<b>J. Gorke</b>		
CC	CPA: Uncommitted – Partial Construction WHS Athletic Facilities	Community Preservation Committee	L. Jurist	K. Shigley		4-0-0
DD	<b>CPA: Uncommitted – Recreation projects – Canoe and Kayak launches; Aqueduct Pedestrian Crossings</b>	<b>Community Preservation Committee</b>	<b>M. Antes</b>	<b>S. Correia</b>		
EE	<b>CPA: Set Asides and Transfers</b>	<b>Community Preservation Committee</b>	<b>M. Antes</b>	<b>C. Martin</b>		<b>5-0-0</b>
FF	<b>Initial Year Funding of Town Successor Collective Bargaining Agreements</b>	<b>Personnel Board</b>	<b>L. Anderson</b>	<b>G. Uveges</b>		
GG	Accept Conveyance of Land at Plain Road	Recreation Commission	M. Antes	S. Correia		

## ARTICLE LIST FOR 2018 ANNUAL TOWN MEETING

\* Asterisk indicates articles proposed for abbreviated presentation procedure

HH	Personnel Bylaws and Wage & Classification Plan	Personnel Board	L. Anderson	D. Watkins		
II	Accept Chapter 41, section 110A as the MA General Law - Saturday Treated as a Holiday	Town Clerk	L. Anderson	K. Shigley		
JJ	Resolution to Continue Electronic Voting Through 2022	Petitioner	L. Anderson	S. Correia		
KK	Property Tax Credit for Charitable Contributions to Wayland School District	Petitioner	D. Levine	K. Shigley		
LL	Appropriate Funds to Design Renovation of Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library	Petitioner	C. Karlson	J. Gorke		
MM	Close Septage Enterprise Fund	Board of Selectmen	C. Karlson	G. Uveges	5-0-0	
NN	High School Tennis Courts / Softball Field Reconstruction	School Committee	L. Jurist	K. Shigley		
OO	Limit the size of Oxbow Meadows athletic field	Petitioner	L. Anderson	B. Steinberg		
PP	Construct access road to Oxbow Meadows athletic field	Petitioner	L. Anderson	K. Shigley		

**ARTICLE B: PAY PREVIOUS YEAR UNPAID BILLS**

Sponsored by: Board of Selectmen

To determine whether the Town will vote to:

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

Fiscal 2016 liabilities to be paid using Fiscal 2017 appropriations: (NONE)

**FINANCE COMMITTEE COMMENTS:**

Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. The unpaid bills from previous years are summarized in this article.

**ARGUMENTS IN FAVOR:** This is a standard Article that allows the Town to pay bills for the previous fiscal year.

**ARGUMENTS OPPOSED:** There are no apparent arguments against this Article

**RECOMMENDATION:** The Finance Committee recommends approval. (Vote x-y-z)

**QUANTUM OF VOTE:** Four-fifths – see Massachusetts General Laws Chapter 44, Section 64.

*For more information about this article, contact Brian Keveny, Finance Director, at (508) 358-3611 or email [bkeveny@wayland.ma.us](mailto:bkeveny@wayland.ma.us).*

## **ARTICLE E: Amend Revolving Fund By-Law to add Community Garden Revolving Fund**

Sponsored by: Conservation Commission

Estimated Cost: \$000

To determine whether the Town will vote to amend Town Code Chapter 19, Section 10 establishing Revolving Funds under G.L. C.44 Section 53E ½ to include:

- Revolving Fund: Community Gardens
- Authority to Spend Fund: Conservation Director and Conservation Commission
- Revenue Sources: Garden Plot Rental Fees
- Use of Funds: Port-a-Potty Rental, Town Water, Straw Bales Seasonal Labor, Tilling and Seeding.
- Spending Limit: \$3,000

In order to manage the costs and expenses of the Wayland Town Community Gardens.

**FINANCE COMMITTEE COMMENTS:** Currently, the Conservation Commission pays for the usage, maintenance, and upkeep of the community gardens from the Conservation Department budget. Residents pay a fee to rent one or more garden plots. These fees have been deposited to the General Fund. Passage of this article would mean these fees would be deposited to a revolving fund account. Expenses associated with the maintenance of these plots will then be paid directly out this account.

The purpose of a revolving fund is to control costs. Historically, the plot rental fees were transferred to the General Fund, and the costs to manage the gardens were paid from the Conservation budget. The establishment of a revolving fund would allow the revenue and the costs to be managed from this one account. In 2017, the revenue from plot fees was \$ 2,687 and the cost to manage the garden was \$2,964, resulting in a loss of \$277. In 2016, revenue exceeded costs by \$ 521, whereas in 2015 costs exceeded revenue by \$42. In 2017, 168 garden plots were rented at \$16 per plot.

The spending cap on this Revolving Fund will be \$3,000.

The Town Code Chapter 19, Section 10 establishing Revolving Funds under G.L. C. 44, Section 53 E ½ authorized separate accounts for all other monies in town. Revolving Funds do not cost any money to the general fund or does it impact the Conservation department budget. The Massachusetts General Law states that the revolving fund must specify 1) who is authorized to make expenditures, 2) a description of revenue that may be deposited into the revolving fund, 3)a description of allowable expenses, an 4) the spending limit of the fund.

The Conservation Commission recommends approval. (Vote x-y-z)

**ARGUMENTS IN FAVOR:** Revolving funds allow the town to account separately for revenues, expenses and fund balances for certain function of government that are funded from user fees. Annual Town Meeting authorization of Revolving Funds under MGL 44 Section 53 !/2 is required by statute.

**ARGUMENTS OPPOSED:** None

**RECOMMENDATION:** The Finance Committee recommends xxxxxx. (Vote x-y-z)

**QUANTUM OF VOTE:** Majority [Town Counsel to provide citation].

*For more information about this article, contact Linda Hansen, Director of Conservation, 508-358-3669*

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

<b>Sponsor &amp; Contact Information</b>	
1. SPONSOR:	BOARD OF SELECTMEN
2. DATE RECEIVED:	
3. CONTACT PERSON:	NAN BALMER, TOWN ADMINISTRATOR
4. TELEPHONE/DAY:	(508) 358-3620
5. TELEPHONE/EVENING:	(508) 237-1330
6. BOARD VOTE:	
7. DATE OF BOARD VOTE:	JANUARY 8, 2018
8. PROPOSED FUNDING SOURCE:	NA
<b>Article Information</b>	
9. ARTICLE TITLE:	HEAR REPORTS
10. COST:	NONE
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	NA
<b>Article Text</b>	

## 13. SPONSOR'S ARTICLE TEXT:

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

- Board of Assessors
- Community Preservation Committee
- Energy Initiatives Advisory Committee
- Youth Advisory Committee

## 14. SPONSOR'S COMMENTS:

NONE

## 15. FINANCE COMMITTEE COMMENTS:

This is a standard article that allows reports commissioned by the Town or required by State law to be heard. Under Town Code Chapter 53, Section 3, whenever a report required by law is submitted to Town Meeting, it shall be included in the minutes of said meeting set forth in the Annual Town Report. This article provides a means of including such reports in the minutes of Town Meeting.

## 16. FINANCE COMMITTEE PROS:

- There are several boards and committee that are required to report to Town Meeting the work they completed over the past year. It is important to keep the Town informed as to their progress.

17. FINANCE COMMITTEE CONS

- The Finance Committee is not aware of any reasons why residents should not approve this article.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_



**ARTICLE S: AUTHORITY TO ENTER INTO CONTRACT FOR Information Technology NETWORK.**

*Proposed by: Board of Selectmen*

*Estimated Cost \$242,000 for year one of a  
five-year contract*

TO PROVIDE AUTHORITY TO ENTER INTO A CONTRACT IN EXCESS OF THREE YEARS FOR AN INFORMATION TECHNOLOGY NETWORK FOR THE TOWN AND SCHOOL DEPARTMENTS AND FURTHER TO APPROPRIATE THE SUM OF \$242,000 FOR THE PURPOSE OF FUNDING THE FIRST YEAR OF THE CONTRACT.

**FINANCE COMMITTEE COMMENTS:** Passage of this article will accomplish two things. First, to allow the Town to invest in an Information Technology (IT) project to replace the network in the next year. And, second, to allow the Town to fund the project with a 5-year lease of equal payments. Municipal finance law requires a town meeting vote to enter into a lease of more than 3 years.

The Town IT network is both aging and not positioned to accommodate future growth, particularly within the Schools. The replacement is necessary because 33% of the Town's network switches will be "end of support" within the next 2 years with more following soon thereafter. Within the next year 85% of the Town wireless access points will be 5 or more years old. The Town network is also responsible for providing telephone service to all Town and School buildings, a critical life and safety system.

A network is the infrastructure that connects devices together for the purpose of sharing resources and includes cabling, network switches, wireless access points and management software. The proposed contract includes upgrading the network, professional services to implement the network and annual support cost of the network (such support cost are currently in the annual operating budget). This project has been on the 5-year capital plan and was recommended by the IT consultant RSM in its October 2015 report.

The total project is estimated to cost approximately \$1.2 million which will be financed with a 5-year lease of \$242,000 annual payments. Funding the work with a lease allows the Town to schedule and implement the project in the first year.

The proposed project will touch all Town and School buildings. Prices are based on standard state contract pricing:

<b>Costs for School Buildings Network and Wireless updates</b>	<b>\$ 562,100</b>
Includes the High School, Middle School, Claypit Hill, Happy Hollow, Loker, Central Office and The Children's Way	

<b>Costs for Town Buildings Network and Wireless updates</b>	<b>\$ 129,100</b>
Includes Town Building, Public Safety Building, DPW, Water, Library And Fire Station 2	

<b>Other Project Costs</b>	<b>\$ 517,200</b>
Includes management software, cabling/optics, wireless APs, network switches and professional services for cabling and engineering	

**Total Project Costs****\$1,208,400**

With a town meeting vote to enter the lease, this becomes a legally binding obligation (annual expense) for the Town for the life of the lease. In years 2-5, this expense will appear in the IT budget as an operating expense and not as a separate town meeting article.

The Board of Selectmen voted x-x in favor of this article.

**ARGUMENTS IN FAVOR:** By implementing a thoughtful replacement plan now, the Town could modernize its network, provide critical and necessary services and achieve this in a financially predictable fashion. Purchasing all equipment at the same time is a technically and financially better way to approach the project.

The new network will accommodate the anticipated growth in demand, particularly for digital learning, and provide a critical component for critical life and safety systems.

This project will provide a stable and supported network, providing the Town and School with a reliable infrastructure and mitigating the risk of unsupported core equipment (RSM report, October 2015).

In addition, support costs for the existing system will continue to increase and key components are no longer supported by the manufacturer putting the Town at risk for a failure.

Funding with a lease allows the Town and Schools to receive the benefit of updated infrastructure in all buildings in year 1 rather than waiting for some areas to be improved in later years. Additionally, complete network replacement should yield better overall pricing.

**ARGUMENTS OPPOSED:** Financing the project through a lease commits the Town to a five-year obligation of approximately \$1,210,000 rather than targeting the most critical components of the system for replacement on an annual basis.

**RECOMMENDATION:** The Finance Committee recommends approval. Vote x-x.

**QUANTUM OF VOTE:**

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	ENERGY AND CLIMATE COMMITTEE
2. DATE RECEIVED:	
3. CONTACT PERSON:	ELLEN TOHN
4. TELEPHONE/DAY:	508-667-5164
5. TELEPHONE/EVENING:	508-358-2777
6. BOARD VOTE:	4-0-0
7. DATE OF BOARD VOTE:	
8. PROPOSED FUNDING SOURCE:	NO COST

**Article Information**

9. ARTICLE TITLE:	RESOLUTION: ENERGY AND CARBON SAVINGS IN MUNICIPAL BUILDING CONSTRUCTION
10. COST:	
11. NO COST:	<input checked="" type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	NA

**Article Text**

13. Sponsor's article text:

Whereas Wayland was recognized as a Massachusetts Green Community in 2011 and has a commitment to reduce municipal carbon-based energy use and encourage reduction of residential and commercial carbon-based fuel use; and

Whereas, Wayland recognizes that global warming is a threat to our world, impacting the ability of current and future generations to lead healthy, productive and enriching lives; and

Whereas, buildings can be designed to reduce their energy and carbon use, lower their lifetime energy operating costs, and improve their energy resiliency by incorporating cost effective energy efficient design, building system controls, and on-site renewable energy generation and energy storage; and

Whereas, our municipal buildings are a significant contributor to municipal carbon-based energy costs. New construction and substantial renovation of municipal buildings are significant expenditures and create structures that will endure for decades.

Therefore, be it resolved that Wayland shall seek cost-effective design and construction of all new municipal building construction and substantial renovation projects to minimize carbon-based energy use through cost-effective energy efficient design, building system controls, and on-site renewable energy generation and energy storage.

14. FINANCE COMMITTEE COMMENTS:

This non-binding resolution encourages the Town to continue its resolve to be a Massachusetts designated Green Community, as it was recognized in 2011, by further reducing energy and carbon emissions. There is no cost to the tax payer with passage of the resolution, and the wording allows for consideration of cost-effective design and construction on future projects.

Wayland has the opportunity to do its part to reduce carbon emissions and combat climate risks in the way that municipal buildings are designed and constructed. This aspirational policy encourages, but does not require, all future significant new municipal construction and substantial renovation projects be designed to reduce fossil fuel carbon-based energy use and maximize energy efficiency, renewable energy and resiliency, taking into account building costs and operating savings. Such approaches help to achieve net zero energy and other high-performance building standards, which encourage greater investment in portions of the facility, such as the building walls and insulation, that are likely to remain unchanged for over 50 years. These approaches can be smart economic choices for projects financed through long term bonds, when the energy savings payoff is shorter than the bonding period and create buildings that are more comfortable and resilient in power outages.

The text articulates the need to take into account cost as Wayland reduces carbon based energy use and pursues renewable energy and energy storage systems.

The Permanent Municipal Building Committee made the following statement with regard to this article: “As the Town Board charged with executing the design and construction of municipal buildings, the PMBC endorses the objectives outlined in this article.” The Committee voted in favor of the article 5 – 0.

The Board of Selectmen voted X-X to support this article.

15. FINANCE COMMITTEE PROS:

- The resolution encourages cost effective building practices that reduce municipal carbon-based fuels, taking into account the bonding period used to finance such projects.
- The resolution allows the Town to take costs into consideration and this should, therefore, not create additional costs to the Town unless the Town decides to incur such costs in the pursuit of following this policy.

16. FINANCE COMMITTEE CONS:

- The Finance Committee is not aware of any reasons why residents should not approve this non-binding resolution.

17. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

Sponsor & Contact Information	
1. SPONSOR:	AFFORDABLE HOUSING TRUST
2. DATE RECEIVED:	JANUARY 8, 2018
3. CONTACT PERSON:	BRIAN O'HERLIHY
4. TELEPHONE/DAY:	(508) 358-5534
5. TELEPHONE/EVENING:	(508) 358-5534
6. BOARD VOTE:	5-0
7. DATE OF BOARD VOTE:	JANUARY 3, 2018
8. PROPOSED FUNDING SOURCE:	
Article Information	
9. ARTICLE TITLE:	AN ACT RELATIVE TO THE PREVAILING WAGE FOR AFFORDABLE HOUSING IN THE TOWN OF WAYLAND
10. COST:	
11. NO COST:	<input checked="" type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	
Article Text	

## 13. SPONSOR'S ARTICLE TEXT:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation seeking the Town's exemption from complying with sections 26 through 27G<sup>1</sup> of Chapter 149 of the General Laws for affordable housing-related projects estimated to cost \$30,000 or less, in substantially the following form:

**AN ACT RELATIVE TO THE PREVAILING WAGE FOR  
AFFORDABLE HOUSING IN THE TOWN OF WAYLAND**

Section 1. Notwithstanding any general or special law to the contrary, the Town of Wayland shall be exempt from complying with Sections 26 through 27G<sup>1</sup> of Chapter 149 of the General Laws for affordable housing-related projects estimated to cost \$30,000 or less.

Section 2. This act shall take effect upon its passage.

## 14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):

The purpose of this Home Rule petition is to exempt certain affordable housing related projects, including maintenance work and small projects estimated to cost \$30,000 or under, from the mandated MA prevailing wage statutes.

<sup>1</sup> The MAHTF intends to revise to include Section 27H; a vote of the Trustees is planned for February 7, 2018.

#### Background:

There have been a number of small capital repairs on affordable housing units for which the Town of Wayland Municipal Affordable Housing Trust Fund (MAHTF) and the Wayland Housing Authority received either no bids or the bid amounts exceeded project estimates. For example, the MAHTF recently sought bids for the installation of a new septic system on a recently purchased house. Bidders were subject to the prevailing wage law. Only one bid was received in the initial bid solicitation and that bid was approximately two times the budgeted amount. Following a second bid solicitation, the winning bid was approximately 10% higher than the budgeted amount, with a number of the other bids well in excess of the budgeted amount.

The proposed exemption would allow local contractors more flexibility and opportunity to bid on municipal projects, with less administrative burden.

#### 15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):

Approval of this article and subsequent enactment of the special act by the State legislature would exempt certain affordable housing related projects, including maintenance work and small projects estimated to cost \$30,000 or under, carried out by the Town of Wayland or one of its affordable housing agencies, from the requirements of the Massachusetts Prevailing Wage Laws, MGL Chapter 149, §§ 26 - 27G.

In order to make an informed decision on this article it is worthwhile to understand what some of the requirements in the Massachusetts Prevailing Wage Laws are, and then decide whether it makes sense to exempt small projects from those requirements.

The following is a brief synopsis of the major provisions of the Massachusetts Prevailing Wage Laws:

Section 26 states: “The rate per hour of the wages paid ...in the construction of public works shall not be less than the rate or rates of wages to be determined by the commissioner as hereinafter provided.”

In practice, and as specified in Section 27, this results in a 33-page schedule of prescribed wages for enumerated job classifications as published and periodically updated by the Mass DOL. For example: as of 9/01/2017 the prevailing hourly wage for carpenters working in the Eastern Mass Zone was mandated at \$66.68, consisting of a base wage of \$39.28 and a benefits package equal to \$27.40. Apprentices can be paid a lower wage, but must be registered with Massachusetts Division of Apprenticeship Training (DAT) in order to be paid at the lower apprentice rates. If a worker is not registered with DAT, they must be paid the “total rate” listed on the wage schedule regardless of experience or skill level. Section 27 requires that the schedule of prevailing wages be incorporated into the bidding specs and made a part of the contract.

Section 27B requires the employer to submit weekly reports, on a prescribed form, to the awarding authority including the name, address and occupational classification, the hours worked by, and the wages paid to each employee. Records need to be maintained for three years. At the end of a project the employer must file a statement of compliance stating that all the terms of section 26 and 27 have been met.

Employees who claim that prevailing wage rules have been violated have three years to file a grievance.

Section 27C defines the penalties for both willful and unintentional violations of the provisions of the Prevailing Wage Laws. The punishment for violations, “without a willful intent to do so”, of the provisions of the Prevailing Wage Law can be a fine of not more than \$10,000, or imprisonment for not more than six months for a first offense.

While well intentioned, Prevailing Wage Laws have unintended consequences.

Many small contractors don't bid on projects subject to prevailing wage rules because they don't have the office staff required to produce the extra paper work.

Small contractors can't afford the exposure to liability for unintentional violations because it could bankrupt them.

Contractors of any size, whose wages are lower than prevailing wage rates, will elect not to bid for public sector projects because they wish to avoid paying different wages for similar work on private sector vs. public sector projects. And to the extent that a contractor has laborers/apprentices that are not registered with the Massachusetts Division of Apprenticeship Training they would be forced to pay them the prevailing wage, making them uncompetitive.

For these and other reasons, prevailing wage laws will generally result in higher costs for state and municipal construction and/or repair projects.

The Town's state representatives have indicated that there is a low probability of having the Town's requested special legislation enacted by the state legislature. Having the Town's state representatives spend time on this effort may not be the best use of their time.

The Board of Selectmen recommends: XXXXXXXXX Vote XXXX

16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

Numerous studies confirm that the prevailing wage laws artificially inflate construction costs on state and municipal projects.

Exempting the Town from prevailing wage rates for small affordable housing related projects of \$30,000 or under will save the town money.

The Town will also save money because an exemption from prevailing wage laws will increase the number of potential bidders. Towns are finding that due to the small size and duration of these projects, large in-state contractors are not bidding on them. And for reasons enumerated above, small businesses are also deterred from bidding on municipal projects.

There are 18 states without any prevailing wage laws. And many of the other states that do have prevailing wage laws will nevertheless exempt projects below certain minimum size thresholds.

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

This proposal may be considered by some to be inconsistent with the purpose of the prevailing wage law. Prevailing wage laws provide for a "fair" wage.

Some may argue that without prevailing wage laws there ensues a race to the bottom. Thus, to better ensure a successful bid on a project, there will be an incentive to replace skilled labor with unskilled labor in order to squeeze out cost. There is a concern that such a practice could affect the quality of the work product.

The Finance Committee recommends approval. Vote 5-0-0.

**THIS ARTICLE MAY BE AMENDED TO INCLUDE SECTION 27H**

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_

**ARTICLE XX: APPROPRIATE FUNDS TO RESTORE AND PRESERVE LIBRARY WINDOWS AND DEPOT EXTERIOR AND DUDLEY WOODS ARCHAEOLOGICAL MONITORING**

Sponsored by: Community Preservation Committee

Estimated Cost: \$138,000

To determine whether the Town will vote to:

- a) appropriate a sum of money:
  - i) up to \$30,000 to be expended to preserve and restore the windows of the Wayland Free Public Library, a town-owned building, at 5 Concord Road;
  - ii) up to \$90,000 to be expended to preserve the exterior of the Wayland Depot, including restoration of the train order signal and improve the electrical service of this town-owned building at 1 Cochituate Road, provided that the Historic District Commission approves the placement of a new electrical service pole; and
  - iii) up to \$18,000 for archaeological monitoring during construction of the Dudley Woods Trail.
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than:
  - i) \$30,000 of the funds so appropriated for the Wayland Free Public Library rotunda window restoration project shall be transferred from the Community Preservation Fund's Historic Preservation Fund;
  - ii) \$90,000 of the funds so appropriated for the Wayland Depot exterior preservation shall be transferred from the Community Preservation Fund's Historic Preservation Fund; and
  - III) \$18,000 of the funds so appropriated for Dudley Woods Trail construction monitoring shall be transferred from the Community Preservation Fund's Historic Preservation Fund.

**FINANCE COMMITTEE COMMENTS:**

Passage of this article permits the town to appropriate up to:

- i) \$30,000 from the Community Preservation Fund (CPF) to support the restoration and preservation of the three large, curved-glass windows in the rotunda of the 1900 Romanesque Revival Library, and add interior storms to fit the refurbished windows.
- ii) \$90,000 from the CPF to support preservation of siding, window and door casements and eaves of the Depot exterior, restoration of the train order signal, and updated code-related electrical service to the building.
- iii) \$18,000 from the CPF to support archaeological monitoring during construction of the trails at Dudley Woods.

The 1900 Wayland Free Public Library was built by the Town with funds and on land donated by Warren Gould Roby. It is the only brick Romanesque Revival building in Wayland and is eligible for listing in the National Register of Historic Places. The three curved-glass rotunda windows are in need of either replacement or restoration. They are inefficient and drafty and some of the frames have started to rot. The

**Comment [jg1]:** What does this mean? Why eligible but not listed?

**Comment [S2]:** When the district was listed in 1974 I'm not sure why the library was not included but probably because at that time people did not consider buildings of the same century as historic. I have an eligibility opinion from the Massachusetts Historical Commission for an expanded district and have been working on a nomination that expands the district up to the North cem and down to the south cem. The sentence is merely information that I think is good for people to know.



Library Board of Trustees reviewed the options and have proposed restoring the windows and interior storms instead of replacing them. This results in a cost savings as the estimate for replacing the windows is \$85,000 and is preferable from a preservation standpoint.

The 1881 Wayland Depot, historically the Wayland Central Massachusetts Passenger Station, is owned by the Town and is operated as a non-profit gift shop since 1980. The Stick-Style passenger station and its companion Freight House on Concord Road are well-preserved structures reminiscent of Wayland's railroad history. The Depot is listed in the National and State Register of Historic Places.- Part of the project includes updating the electrical service to meet code. The remaining work is necessary because the deterioration of the building will only progress and be costlier to repair and preserve at a later date. The work on the Depot building is necessary because... the deterioration will only progress and be more costly to preserve at a later date. Part of the preservation is updating the electrical service to meet code.

Dudley Woods is archaeologically sensitive town-owned land on Dudley Pond. CPA funds were appropriated in 2016 and 2017 to construct ADA-compliant trails and signage. A monitor during the construction will identify, preserve and protect any artifacts that may be found during disturbance of the land. Archaeology is an appropriate use of Historic Preservation Funds.

The ~~(Sponsoring Board)~~Community Preservation Committee recommends approval. (Vote ~~x-y-z~~8-0-0)  
The Historical Commission also recommends approval. (Vote ~~Other Board votes (if applicable)~~7-0-0)

**ARGUMENTS IN FAVOR:** Funding of these projects would come from the Community Preservation Fund (CPF), monies that have already been collected by the Town.

A favorable vote by Town Meeting will not increase the Town's tax rate; CPA funds to be used for these initiatives have already been collected and are in the Historic Preservation Fund of the CPF.

These projects will protect and preserve important, historic resources in the town.

#### **ARGUMENTS OPPOSED:**

Although the law requires at least 10% of collected CPF to be allocated to historic preservation initiatives, Wayland's Community Preservation Committee can elect to retain annual funding for the benefit of a future historic preservation initiative. There may be other more pressing historic preservation initiatives not known to the Town that will require further funding.

Some may argue that it is irresponsible to invest in the library building with the future use of the building uncertain.

**RECOMMENDATION:** The Finance Committee recommends xxxxxx. (Vote x-y-z)

Town counsel will complete the following two sections:

**QUANTUM OF VOTE:** Majority [Town Counsel to provide citation].

**CONSISTENCY WITH LAW:** It is the opinion of Town Counsel that the foregoing article...

For more information about this article, contact [Gretchen Schulernname/phone-number508-358-7980/emilggschuler126@gmail.com](mailto:Gretchen.Schulernname/phone-number508-358-7980/emilggschuler126@gmail.com). (Generally the lead person representing the sponsor and/or FinCom assignee).

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	COMMUNITY PRESERVATION COMMITTEE
2. DATE RECEIVED:	
3. CONTACT PERSON:	GRETCHEN G SCHULER
4. TELEPHONE/DAY:	508-245-4115 (CELL)
5. TELEPHONE/EVENING:	508-358-7980 (HOME)
6. BOARD VOTE:	8-0-0
7. DATE OF BOARD VOTE:	JANUARY 10, 2018
8. PROPOSED FUNDING SOURCE:	COMMUNITY PRESERVATION FUND – UNCOMMITTED FUND

**Article Information**

9. ARTICLE TITLE:	APPROPRIATE FUNDS FOR CPA RECREATION PROJECTS TO INCLUDE CONSTRUCTION OF CANOE & KAYAK LAUNCH AT 246 STONEBRIDGE ROAD AND THREE AQUEDUCT PEDESTRIAN CROSSINGS AT OLD CONNECTICUT PATH, PINEBROOK AND STONEBRIDGE ROADS
10. COST:	\$173,000
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

**13. SPONSOR'S ARTICLE TEXT:**

To determine whether the Town will vote to:

- a) appropriate a sum of money:
  - i) up to \$75,000 to be expended by the Wayland Conservation Commission to construct a canoe and kayak launch with walkway and steps at 246 Stonebridge Road; and
  - ii) up to \$98,000 to be expended by the Department of Public Works to construct three pedestrian crossings along the Weston Aqueduct in Wayland.
- b) determine whether said appropriation shall be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriate for other purposes, by borrowing, or otherwise, provided not more than:
  - i) \$75,000 of the funds so appropriated shall be transferred from the Community Preservation Fund's Uncommitted Fund for Recreational use; and,
  - ii) \$98,000 of the funds so appropriated shall be transferred from the CPF's Uncommitted Fund for Recreational use.

**14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):**

**15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):**

Passage of this article would permit the town to appropriate up to:

- i) \$75,000 from the Community Preservation Fund (CPF) to construct a canoe and kayak launch at 246 Stonebridge Road adjacent to Stone's Bridge on the Sudbury River.
- ii) \$98,000 from the CPF to construct three pedestrian crosswalks connecting the Weston Aqueduct

walking trail across Pine Brook Road, Old Connecticut Path and Stonebridge Road.

The purchase of 246 Stonebridge Road was funded with CPF Open Space funds in 2016 in order to protect a sensitive property abutting the Sudbury River and at Stone's Bridge, the restoration of which will occur with CPF – Historic Preservation monies. The house at 246 Stonebridge Road was demolished due to its poor condition. The Conservation Commission applied for and was awarded a grant by the Sudbury, Assabet, Concord Wild and Scenic River Stewardship Council to design a canoe and kayak launch to include steps to the river near Stone's Bridge, signage and a walkway from the gravel drive. The Conservation Commission will obtain the necessary permits for construction and as stewards of the property will enforce local bylaws and Best Management Practices to maintain the property in a sensitive manner. The Conservation Commission has the support of the Recreation Commission for this project.

The Weston Aqueduct Pedestrian Crossings will complete the conditions of an agreement between the Town and the Massachusetts Water Resources Authority (MWRA), owner of the aqueduct. The Conservation Commission applied to add the aqueduct trail to the town's trail system. Permission was granted provided that proper signage is installed and pedestrian crossings be constructed at three locations (see Appendix for maps). Crossings at Pine Brook Road and Old Connecticut Path will consist of road striping and signage. The crossing at Stonebridge Road will include road striping and an activated signal. The design of the crossings was funded by the Conservation Commission in FY'17. The Department of Public Works will manage the construction.

**16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):**

Funding of these projects would come from the Community Preservation Fund (CPF) Uncommitted Fund, monies that have already been collected by the Town. A favorable vote by Town Meeting will not increase the Town's tax rate.

The canoe and kayak launch will make the river more accessible to Wayland residents and will serve as a waypoint for boaters on the river. Recreation Department programs can be hosted here as well.

The aqueduct pedestrian crossings will provide greater safety to those using the trail system and are required by the State in order for residents to officially use the trail.

Each project will meet the CPA goal of creating land for recreational use as well as meeting Open Space and Recreation Plan goals of providing safe and effective public access to the river and hiking trails.

These two projects demonstrate collaboration among Town departments and boards – The Conservation Commission initiated each of these projects and will receive assistance from the Recreation Commission and the Board of Public Works in executing these projects.

**17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)**

There may be other more pressing CPA initiatives not known to the Town that may require further funding. Some view the pedestrian crossings as a safety / highway project that should not be considered a CPA project.

**18. CHAIR (OR DESIGNEE) SIGNATURE/DATE:** \_\_\_\_\_

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	COMMUNITY PRESERVATION COMMITTEE
2. DATE RECEIVED:	
3. CONTACT PERSON:	GRETCHEN G SCHULER
4. TELEPHONE/DAY:	508-245-4115 (CELL)
5. TELEPHONE/EVENING:	508-358-7980 (HOME)
6. BOARD VOTE:	8-0-0
7. DATE OF BOARD VOTE:	JANUARY 10, 2018
8. PROPOSED FUNDING SOURCE:	CPF - UNCOMMITTED BALANCE & COMMUNITY HOUSING FUND

**Article Information**

9. ARTICLE TITLE:	COMMUNITY PRESERVATION FUND GENERAL BUDGET – SET ASIDES AND TRANSFERS
10. COST:	\$686,346.20 – TRANSFERS WITHIN CPF
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

13. SPONSOR'S ARTICLE TEXT:

To determine:

- a) whether the Town will vote to set aside from the Community Preservation Fund's Uncommitted Fund for later spending:
  - i. \$96,620 for open space, but not including land for recreational use, \$96,620 for historic preservation, and \$96,620 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6 for FY 2018;
  - ii. \$25,000 for administrative expenses; and
  - iii. \$371,486.20 for annual debt service obligations for the purchase of the conservation restriction on Mainstone Farm, as previously approved by Town Meeting.

- b) whether the Town will vote to transfer funds in the amount of \$96,620 from the Community Housing Fund of the Community Preservation Fund to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF).

14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):

15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):

The article accomplishes:

- a) annual distribution of funds to the three purposes as required by the Community Preservation Act (CPA) ; routine appropriation for CPC administrative purposes; and, reservation of the required monies to fund the debt service for the conservation restriction on Mainstone Farm; and,
- b) the transfer of funds allocated for Community Housing in a) above to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF) that was authorized by the 2014 Annual Town Meeting to provide for the creation and preservation of affordable housing in Wayland.

16) FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

- a) Every year as required by the CPA each of three primary purposes is allotted 10% of the annual contributions to the CPF (1.5% local tax surcharge + State Trust Fund yield). Administrative funds can be used for small projects such as appraisals, surveys and monitoring of certain projects. Mainstone debt service is a required fee to be paid annually against the debt incurred for the purchase of the Conservation Restriction protecting Mainstone Farm land in perpetuity.
- b) Funds to be transferred to the WMAHTF include monies already allocated to the Community Housing Fund through the annual distribution. By transferring the CPA Community Housing Fund to the WMAHTF, the Town provides greater flexibility for addressing affordable housing issues as the WMAHTF is not required to bring each proposed transaction to TM, only when creating more than two units of affordable housing. Appropriation under the article makes a routine transfer of fund to the Trust to be expended consistent with CPA and demonstrates the Town's commitment to affordable housing.

17) FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

- a) There are no known cons.
- b) The Trust has independent authority to construct up to two units without Town Meeting approval.

18) CHAIR (OR DESIGNEE) SIGNATURE/DATE: \_\_\_\_\_

**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE - REVISED**

**Sponsor & Contact Information**

1. SPONSOR:	PERSONNEL BOARD
2. DATE RECEIVED:	1/30/18
3. CONTACT PERSON:	JOHN SENCHYSHYN/MIRANDA JONES
4. TELEPHONE/DAY:	508-358-3623
5. TELEPHONE/EVENING:	
6. BOARD VOTE:	
7. DATE OF BOARD VOTE:	1/29/18
8. PROPOSED FUNDING SOURCE:	FY 18 RESERVE FOR SALARY SETTLEMENT ACCOUNT

**Article Information**

9. ARTICLE TITLE:	INITIAL YEAR FUNDING OF TOWN SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS
10. COST:	\$81,998 – AMOUNT TO BE TRANSFERRED
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

**13. SPONSOR'S ARTICLE TEXT:**

To determine whether the Town will vote to transfer from FY 18 budgeted Reserve for Salary Settlement account \$ 81,998 for the purpose of funding FY 18, the first year of the collective bargaining agreement for the period of July 1, 2017 through June 30, 2020 reached between the Town of Wayland and the International Association of Firefighters, Local 1978, said amounts to be distributed to and among the department personnel and line items affected thereby as follows:

a. Base Wages and Overtime	\$ 50,998
b. EMT Basic/EMT Paramedic Stipends	\$ 31,000

Estimated Total First Year Funding Cost	\$ 81,998
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**14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):**

The Town has concluded negotiations with the Fire union. Upon the advice of Town Counsel and in accordance with M.G.L. Ch. 150E, Section 7b), the initial year of incremental funding requirements for FY 18 for the Fire union collective bargaining settlement is being presented to Annual Town Meeting. The FY 18 incremental costs for this contract are identified on page **TBD** of the Annual Town Meeting warrant.

The settlement is consistent with other public sector union settlements in the Massachusetts municipal marketplace. The base wages and other contractual compensation from the previous collective bargaining agreements were included in the approved FY 18 departmental budgets.

At the April 2017 Annual Town Meeting, monies were approved in the Unclassified Reserve for Salary Settlement account to fund the incremental FY 18 increase in the collective bargaining settlements. This Article requests Annual Town Meeting to authorize the Finance Director to transfer funds from the Reserve for Salary Settlement Account to the respective departmental budget line items. The requested action will not increase the overall FY 18 budget. Future years' negotiated compensation for this contract will be included in the fiscal year budgets presented to Annual Town Meeting and not require incremental funding approval.

15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):

The Town has reached agreement with Fire union for a successor collective bargaining agreement for the period of July 1, 2017 through June 30, 2020. In accord with M.G.L. Chapter 150E, Section 7b) the new employee cost items for FY 18, the initial year of the contract, are being presented to Town Meeting for funding. Funds were approved in the FY 18 budget in the Reserve for Salary Settlement account. All base wage increases are 2.00 % over the amounts for the prior fiscal year. This article seeks to authorize the Finance Director to transfer funds from said account in the proper amounts to the respective Town Department whose FY 18 salary accounts are affected by this settlement.

16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

The negotiated FY 18 settlement represents a fair wage adjustment in the marketplace and fall within the guidelines provided by the Finance Committee.

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

Employees are sufficiently compensated under the existing wage scales.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE:

 1/29/18



**TOWN OF WAYLAND  
REQUEST FOR TOWN MEETING ARTICLE**

**Sponsor & Contact Information**

1. SPONSOR:	PERSONNEL BOARD
2. DATE RECEIVED:	12/19/17
3. CONTACT PERSON:	JOHN SENCHYSHYN/MIRANDA JONES
4. TELEPHONE/DAY:	508-358-3623
5. TELEPHONE/EVENING:	
6. BOARD VOTE:	
7. DATE OF BOARD VOTE:	12/18/17
8. PROPOSED FUNDING SOURCE:	GENERAL FUND

**Article Information**

9. ARTICLE TITLE:	PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION PLAN
10. COST:	\$46,500
11. NO COST:	<input type="checkbox"/>
12. DATE COST ESTIMATE AVAILABLE:	

**Article Text**

**13. SPONSOR'S ARTICLE TEXT:**

To determine whether the town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan (Appendix **TBD**) previously adopted by the Town for non-union Town employees.

**14. SPONSOR'S COMMENTS (UP TO 150 WORDS MAY BE INCLUDED AT SPONSOR'S DISCRETION ):**

Annual wage adjustments for non-union staff are brought to Annual Town Meeting. The proposed 2.25% FY 19 increase as identified in Appendix **TBD** on pages **TBD** and **TBD** of the warrant represents a nominal increase for non-union staff. The increase is consistent with wage increases for other Town employees.

**15. FINANCE COMMITTEE DRAFT COMMENTS (UP TO 500 WORDS):**

This Article is requesting Town Meeting to approve changes to the Wage and Classification Plan. The Article sets forth a 2.25% wage increase in FY 19 for non-union personnel. This amount is consistent with negotiated FY 19 increases for union affiliated personnel.

This article impacts only non-union employees of the Town. The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provides for reasonable wage growth over time. The Wage Classification Tables, as included in this warrant, reflect a 2.25% increase for all non-union employees as of July 1, 2018. For informational purposes only, union employees in bargaining units with negotiated labor contracts during this cycle of bargaining have their FY 19 wage tables listed as well.

16. FINANCE COMMITTEE DRAFT PROS (4-6 POINTS):

The Wage and Classification Plan allows for periodic wage increases for non-union employees based on employee longevity and provides for reasonable wage growth over time depending on economic conditions.

17. FINANCE COMMITTEE DRAFT CONS (4-6 POINTS)

Some would say that salary growth should be lower based on current economic conditions and that wages should not be adjusted.

18. CHAIR (OR DESIGNEE) SIGNATURE/DATE:  1/29/18

**TOWN ADMINISTRATOR'S REPORT  
WEEK ENDING FEBRUARY 2, 2018**

**1. CORRESPONDENCE**

No comments this week.

**2. UPDATE ON SCHOOL BUS PARKING**

The School Business Manager will provide a written update before the meeting.

**3. AUDIT MANAGEMENT LETTER**

The Finance Director's draft response is attached. We will review with the Finance Team and submit a formal response.

**4. RESERVE FUND TRANSFER POLICY**

The Finance Committee provided the attached draft policy for the Selectmen's consideration. The Selectmen have the authority to set policy for the Town. The Finance Team will review and provide comment to the Selectmen.

**5. ANNUAL TOWN REPORT**

The Annual Town Report is complete, submitted to the printer and posted on the website. Please see attached cover.

January 26, 2018

Melanson Heath & Company, PC  
10 New England Business Center Drive  
Suite 107  
Andover MA 01810

RE: Town of Wayland, MA Management Letter for the Year Ended June 30, 2017

The following comments reflect the responses by the Town of Wayland Senior Management Team concerning the above-referenced Management Letter from the Town's auditors for the year ending on June 30, 2017. The Town Administration and the School Department consider all the comments listed by the auditors to be helpful to the overall accountability of our financial management and have provided a proactive approach to implementing reasonable and practical business practices to address the matters raised by the Audit.

**PRIOR YEAR RECOMMENDATION:**

**1-Improve Automation in Tax Collector's Office**

**Prior Year Issue:**

In the prior year, we recommend the Town consider automation improvements in the Treasurer/Collector Office. Specifically, the software should contain some of the following features:

- Integration with the Town Accountant's records.
- Automation of cash register and receipt validator.
- Automation of daily cash-out function.
- Optical scanning of tax bills for posting receipts to customer accounts.

**Current Year Status:**

The Town hired a new IT Director in fiscal year 2016 and we understand will consider incorporating this project into the fiscal year 2018 budget.

**Further Action Needed:**

We continue to recommend the Town consider automation improvements in the Treasurer/Collector Office. The above noted features should result in improved efficiency, eliminating the need for many manual and time-consuming procedures as well as provide additional mitigating controls given the limited number of employees in the office.

**Town's Response:**

The Town Information Technology department has submitted a Fiscal 2019 Capital Improvement Project request for funding the purchase of the Tyler Technology / MUNIS Tax Module. The request will be presented at the 2018 Annual Wayland Town Meeting for approval. All approval of this capital appropriation will resolve this recommendation

**CURRENT YEAR RECOMMENDATIONS:**

**2-Improve Controls Over Payroll**

Our inquiry of the Town's payroll cycle disclosed that the Clerk had the ability to adjust pay rates. As a result, a lack of segregation of duties exists whereby one individual can control all elements of a transaction.

We recommend that the Town improve controls over payroll by ensuring all rate adjustments are processed and/or approved by Human Resources.

**Town's Response:**

The town understands the importance of segregating payroll functions between the Human Resources Department and the Payroll Clerk position. We will review all functions within each department related to the administration of payroll and develop responsibilities which do not conflict. The resolution may include redefining job descriptions and payroll workflow functions.



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### **3-Adhere to a Formal Water Billing Schedule**

Fiscal year 2017 water revenues (prior to any accrual basis adjustments) were approximately \$575,000 (15%) less than budgeted. The shortfall appears to result from the late issuance of the fourth quarter bills. Specifically, bills were issued in late June 2017, whereby similar bills from fiscal year 2016 were issued in late May 2016.

We recommend that the Town create and adhere to a strict billing timetable to avoid future revenue shortfalls.

#### **Town's Response:**

Fiscal year 2017 water revenues (prior to any accrual basis adjustments) were approximately \$575,000 (15%) less than budgeted. The shortfall appears to result from the late issuance of the fourth quarter bills. Specifically, bills were issued in late June 2017, whereby similar bills from fiscal year 2016 were issued in late March of 2016.

We recommend that the Town create and adhere to a strict billing timetable to avoid future revenue shortfalls.

Town's Response:

The Department of Public Works has rectified its misunderstanding of the fiscal-year placement of water revenue. It has taken actions to ensure water bills are issued such that revenue generated by water consumption in a given fiscal year is indeed due within that same fiscal year. This will allow budget projections to be met.

## Finance Committee Reserve Fund Policy Guidelines (1/3/18)

**Purpose:** The purpose of this policy statement is to identify the criteria the Finance Committee will use to rule on requests for transfers from the Reserve Fund. The purpose of this Reserve Fund is to respond to extraordinary and unforeseen events or obligations and their associated costs.

The Reserve Fund is budgeted annually and appropriated at Town Meeting to be used at the discretion of the Finance Committee to provide for "extraordinary and unforeseen" expenditures that could not have been anticipated before Town Meeting and/or to allow immediate expenditures of funds in the event of emergency and cannot be deferred until the next scheduled Town Meeting. If the Finance Committee does not feel that a request is sufficiently "unforeseen or extraordinary" it is not eligible for a Reserve Fund transfer.

The term "extraordinary" refers to expenditures that are out of the ordinary; exceeding the usual, average, or normal measure or degree. It means Capital Expenditures and Operating Expenses not set forth in the Omnibus Budget. Extraordinary items are transactions or other events that are both unusual in nature and infrequent in occurrence. "Unusual in nature" is defined to be an underlying event or transaction that possess a high degree of abnormality and is clearly unrelated to, or only incidentally related to, the ordinary and typical activities of the Town. Infrequency of occurrence is defined as an underlying event or transaction that is not reasonably expected to recur in the foreseeable future

The term "unforeseen" refers to an event that could not have been predicted and could be an expenditure related to an emergency.

### Guidelines

- 1) A request for a Reserve Fund Transfer will not be considered if it is contrary to the vote of Town Meeting or as a means to increase a budget. The Finance Committee in essence acts in place of a Special Town Meeting, thus saving the Town the expense of such a meeting. Because of this, the Finance Committee will consider how likely it would be for the request to pass if it was presented at a Special Town Meeting, in addition to other requirements and consideration.
- 2) All requests for a reserve fund transfer must first be submitted to the BOS. The Finance Committee shall not act on any transfer request unless it has been duly presented to and reviewed by the BOS.
- 3) Any unexpended reserve fund balance at the end of the fiscal year shall revert back to the General Fund and toward the calculation of Free Cash.
- 4) A board or department should alert the Finance Committee as soon as practicable if it believes that a developing situation may necessitate a Reserve Fund transfer. This will help the Finance Committee to ensure funds are available and advise boards and departments in advance whether the Reserve Funds may or may not be available.
- 5) An informed representative of the requesting organization should contact their associated Finance Committee liaison so that they can be informed and should plan to be present at the



next meeting to defend and explain the request so that questions from the Finance Committee can be answered and prevent a denial or delay of approval.

- 6) Requests for Reserve Fund transfers should be submitted in a manner that allows for the Finance Committee to post a meeting agenda in compliance with Open Meeting Law to address the request. If there is an immediate emergency, the Finance Committee is allowed to convene an emergency meeting under Open Meeting Law.
- 7) The Finance Committee may require that the requesting department deplete other funds before the transfer request is considered.
- 8) Reserve Fund transfers are intended to minimize the need for Special Town Meetings but are not intended to replace the Town Meeting. If a Town Meeting is held between the event prompting the transfer request and submission of the request, the committee will be justified in rejecting the request. In order to approve a transfer request, the Finance Committee should be of the opinion that the request would be approved by a Town Meeting.
- 9) The Finance Committee cannot approve any Reserve Fund request for a purpose that Town Meeting has already voted against. The Finance Committee cannot "overrule" Town Meeting. The receiving account must not have had its appropriation level explicitly set by the Town Meeting at a level below the budget recommendation. Such action by the Town Meeting will be deemed as an indication to limit the respective account.
- 10) If a budget line item in a department or special article requires multiple Reserve Fund transfers over several years, that department should increase the amount requested for its budget at the Annual Town Meeting. After several years of additional Reserve Funds needed, it may be difficult for the Finance Committee to consider another request for the same reason as "extraordinary or unforeseen".
- 11) No funds can be spent directly from the Reserve Fund. Instead, if the Finance Committee approves a request, the funds are transferred to an existing account where they can then be spent for the requested purpose. Funds may only be transferred from the Reserve Fund to other operating accounts. A majority vote of the Finance Committee is required to approve such a transfer. For the purpose of this policy, this is defined as a majority of the committee members present at a posted, legal meeting of the Finance Committee.
- 12) Requests should always be worded to request funds for unpaid or future expenses, not to reimburse an account for expenses that have already been paid.
- 13) No transfer request will be approved after July 15th (fifteen days after the end of the fiscal year for which the transfer would be effective).
- 14) Massachusetts General Law strictly forbids expenditures in excess of appropriation (except for snow and ice removal). Therefore, departments should never incur expenses in excess of appropriation anticipating approval of a Reserve Fund transfer.
- 15) The transfer request must be for a legal expenditure.

## Requests

For each request the Finance Committee in collaboration with the BOS shall determine whether:

- The cited circumstances qualify as extraordinary and unforeseen;
- Alternatives exist for addressing the cited circumstances and cost; and

## DRAFT

### Any transfer request:

- Should be directed to the Finance Committee for a transfer from its reserve (MGL c.40 §6);
- Should be addressed as a line item transfer submitted to the BOS for approval in conjunction with the Finance Committee after May 1 and before July 15. (MGL c.44 §33B(b));
- Should be addressed as a line item transfer submitted to the Annual or a Special Town Meeting for approval (MGL c.44 §33B).

### Background

The creation and use of the Reserve Fund is governed by Chapter 40, Section 6 of the Massachusetts General Laws.



# TOWN OF WAYLAND Annual Reports

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*Two Hundred and Thirty-Seventh Year  
July 1, 2016 Through June 30, 2017*

**COVER PHOTO**

Mainstone Farm

(Courtesy of the Conservation Commission)



**BOARD OF SELECTMEN**

**Monday, February 5, 2018  
Wayland Town Building  
Selectmen's Meeting Room  
41 Cochituate Road Wayland**

**CONSENT CALENDAR**

1. Vote the question of approving and signing the weekly payroll and expense warrants
2. Vote the question of approving the invoice for KP Law, dated January 23, 2018, Invoice No. 114721, for legal services rendered through December 31, 2017: \$680.25
3. Vote the question of approving the invoice for KP Law, dated January 24, 2018, Invoice No. 114761, for legal services rendered through December 31, 2017: \$14,360.93
4. Vote the question of approving the invoice for KP Law, dated December 22, 2017, Invoice No. 114426, for legal services rendered through November 30, 2017: \$28,109.38

DATE: FEBRUARY 5, 2018  
 TO: NAN BALMER  
 FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR  
 RE: TOWN COUNSEL SERVICES NOVEMBER 2017

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

### NOVEMBER AMOUNTS BY MATTER

<u>MATTER</u>	<u>AMT BILLED</u>	<u>AMT CREDIT TOWARD RETAINER</u>
General Legal		\$2,275.50
Contracts		1,443.00
Town Meeting		3,992.50
Wastewater		37.00
Appellate Tax Board	\$ 962.00	
Bernstein v. Planning Board	166.50	
Real Estate	111.00	
Town Center/Twenty Wayland	1,683.00	
150 Main Street	166.50	
Nelson v. Conservation Commission	814.00	
Open Meeting Law	55.50	
Wayland Meadows	814.00	
Wayland /Windsor Place 40B	5,550.00	
Wayland-Cascade Wayland 40B	2,257.00	
School Bus parking Lease	462.50	
Wayland v. Achambault	314.50	
Trustees of Residences at 89 Oxbow	1,184.00	
Rice Road Subdivision	148.00	
Affordable Housing **	1,221.00	
School Committee ***	37.00	
Nelson v. BOH & Conservation	2,516.00	
Cochituate Commons, LLC v. Town	296.00	
Library Probate	499.50	
Disbursements	1,173.38	
<b>Total Not Covered under Retainer</b>	<b>\$20,431.38</b>	
<b>Total Covered under Retainer</b>		<b>\$7,678.00</b>
<b>TOTAL AMOUNT BILLED</b>	<b>\$28,109.38</b>	

### RETAINER CREDIT STATUS

<u>SERVICE PERIOD</u>	<u>AMT CREDIT TOWARD RETAINER</u>
<b>FY18 Retainer Cap of \$65,000</b>	<b>\$65,000.00</b>
July 2017 Retainer Credit	-9,805.00
August 2017 Retainer Credit	-6,086.50
September 2017 Retainer Credit	-7,881.00
October 2017 Retainer Credit	-9,657.00
November 2017 Retainer Credit	-7,678.00
<b>REMAINING RETAINER CREDIT FY18</b>	<b>\$23,892.50</b>

\*\* Affordable Housing Trust will fund this cost

\*\*\* School Department will fund this cost

DATE: FEBRUARY 5, 2018  
 TO: NAN BALMER  
 FROM: ELIZABETH DOUCETTE, FINANCIAL ADMINISTRATOR  
 RE: TOWN COUNSEL SERVICES DECEMBER 2017

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

### DECEMBER AMOUNTS BY MATTER

<u>MATTER</u>	<u>AMT BILLED</u>	<u>AMT CREDIT TOWARD RETAINER</u>
General Legal		\$2,109.00
Contracts		370.00
Town Meeting		388.50
Licensing		1,110.00
Real Estate		185.00
Trinitarian Congregational Church		111.00
Planning Board		296.00
Appelate Tax Board	\$ 18.50	
Bernstein v. Planning Board	222.00	
Sullivan v. Phillips v. Wayland	758.50	
Town Center/Twenty Wayland	203.50	
Wayland /Windsor Place 40B	1,424.50	
Wayland-Cascade Wayland 40B	814.00	
Trustees of Residences at 89 Oxbow	684.50	
Affordable Housing **	111.00	
School Committee ***	92.50	
Rice Road Subdivision	370.00	
Nelson v. BOH & Conservation	2164.50	
Cochituate Commons, LLC v. Town	925.00	
School/WWMD C Consolidation	129.50	
Library Probate	1,202.50	
Disbursements	670.93	
<b>Total Not Covered under Retainer</b>	<b>\$9,791.43</b>	
<b>Total Covered under Retainer</b>		<b>\$4,569.50</b>
<b>TOTAL AMOUNT BILLED</b>	<b>\$14,360.93</b>	

### RETAINER CREDIT STATUS

<u>SERVICE PERIOD</u>	<u>AMT CREDIT TOWARD RETAINER</u>
<b>FY18 Retainer Cap of \$65,000</b>	<b>\$65,000.00</b>
July 2017 Retainer Credit	-9,805.00
August 2017 Retainer Credit	-6,086.50
September 2017 Retainer Credit	-7,881.00
October 2017 Retainer Credit	-9,657.00
November 2017 Retainer Credit	-7,678.00
December 2017 Retainer Credit	-4,569.50
<b>REMAINING RETAINER CREDIT FY18</b>	<b>\$19,323.00</b>

\*\* Affordable Housing Trust will fund this cost

\*\*\* School Department will fund this cost

**RECEIVED**

JAN 29 2018

Board of Selectmen  
Town of Wayland

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

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INVOICE NO: 114721

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

IN REFERENCE TO: PROFESSIONAL SERVICE THROUGH

December 31, 2017

January 23, 2018

TOTAL FEES:	\$64.75
TOTAL COSTS:	<u>\$615.50</u>
BALANCE DUE:	<u>\$680.25</u>



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

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INVOICE NO: 114761

WAYLAND TOWN HALL  
41 COCHITUATE ROAD  
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE  
THROUGH

December 31, 2017

January 24, 2018

TOTAL FEES:	\$13,690.00
TOTAL COSTS:	<u>\$670.93</u>
BALANCE DUE:	<u>\$14,360.93</u>

**RECEIVED**

FEB 01 2018

Board of Selectmen  
Town of Wayland

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

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INVOICE NO: 114426

WAYLAND TOWN HALL  
41 COCHITUATE ROAD  
WAYLAND, MA 01778

IN REFERENCE TO: PROFESSIONAL SERVICE  
THROUGH

November 30, 2017

December 22, 2017

TOTAL FEES:	\$26,936.00
TOTAL COSTS:	<u>\$1,173.38</u>
BALANCE DUE:	<u>\$28,109.38</u>

**RECEIVED**

FEB 01 2018

Board of Selectmen  
Town of Wayland

**PUBLIC DOCUMENTS PROVIDED TO THE BOARD OF SELECTMEN FROM  
JANUARY 27, 2018, THROUGH AND INCLUDING FEBRUARY 2, 2018,  
OTHERWISE NOT LISTED AND INCLUDED IN THE CORRESPONDENCE  
PACKET FOR FEBRUARY 5, 2018**

**Items distributed to the Board of Selectmen – January 27, 2018-February 2, 2018**

1. None

**Items distributed for information and use by the Board of Selectmen at the  
Meeting of January 29, 2018**

1. Draft memorandum from N. Balmer and A. Unobskey, dated January 30, re: FY 2019 Budget Guideline Adjustments
2. Email from A. Gennis, dated January 29, re: Wayland Library Project – ballot question – debt exclusion warrant article
3. Summary of major town buildings funded via excluded debt ballot questions, prepared by N. Balmer

**Items included as part of Agenda Packet for discussion during the February 5, 2018  
Board of Selectmen's Meeting**

1. Memorandum from David Porter, re: Meeting with sponsors of major capital projects (with attached draft Town Meeting articles X, Y, NN, Z, P, Q, and R)
2. Memorandum from David Watkins, Chair of the Finance Committee, re: Fiscal Year 2019 Asset Prioritization Recommendations
3. Draft Town Meeting article T – Resolution: Energy and Carbon Savings in Municipal Building Construction
4. Draft Town Meeting article LL – Appropriate Funds to Design Renovation of Existing Library Building at 5 Concord Road for Continued Library Use Instead of Building a New Library
5. Memorandum from Nan Balmer, re: Special Town Meeting within Annual Town Meeting
6. Memorandum from Board of Selectmen to All Boards, Committees, Commissions, Departments and Staff, re: 2018 Special Town Meeting (Warrant Opening)
7. Article List for 2018 Annual Town Meeting, current as of February 2, 2018 (with attached articles for Board of Selectmen consideration)
8. Town Administrator's Report for the week ending February 2, 2018
9. Draft response letter to Melanson Heath & Company, PC, re: Town of Wayland, MA Management Letter for the Year Ended June 30, 2017
10. Draft Finance Committee Reserve Fund Policy Guidelines, dated January 3, 2018
11. Cover of the 2017 Annual Town Report



**BOARD OF SELECTMEN  
Monday, February 5, 2018  
Wayland Town Building  
Selectmen's Meeting Room**

**CORRESPONDENCE**

**Selectmen**

1. Wayland Police Department Monthly Report, January 2018
2. Letter from Niall Connors, Franchise Service Manager for Verizon, dated January 31, 2018, re: Annual Complaint Filing (with attachment)
3. Email from Jaime Rogers, dated January 26, 2018, re: New library proposal
4. Email from Anne Moseley, dated January 27, 2018, re: New Library
5. Email from Liza Knapp, dated January 29, 2018, re: Single ballot question for debt exclusion
6. Letter from Gail R. Shapiro and Gilbert T. Wolin to the Board of Library Trustees, dated January 29, 2018, re: revocation of bequest to the Wayland Free Public Library
7. Memorandum from David Porter, Executive Assistant, to the Board of Selectmen and the Board of Public Works, dated February 5, 2018, re: Board of Public Works vacancy (with attached documentation from Town Clerk)
8. Memorandum from Julia Junghanns, Director of Public Health, to Fred Knight, Chairman of the Wastewater Management District Commission, dated January 31, 2018, re: Town Center Wastewater Treatment Facility – sanitary sewer overflow
9. Email from Susan Bottan, Wayland Public Schools Financial Administrator, to the Finance Committee, dated January 30, 2018, re: Budget Guidelines Adjustment
10. Memorandum from the Board of Selectmen and School Committee Chairpersons to the Finance Committee, re: FY2019 Budget Guideline Adjustments
11. Memorandum from the Town Administrator to the Finance Committee, dated January 29, 2018, re: FY19 Budget
12. Memorandum from the Superintendent of Schools to the Finance Committee, dated January 30, 2018, re: FY19 Budget Guidelines – Suggested Adjustments
13. Letter from Amy Kwesell, Town Counsel, dated January 29, 2018, re: Town of Wayland Board of Health and Conservation Commission Opposition to Plaintiff's Emergency Motion for Temporary Stay and a Certificate of Service (with attachments)

**State**

1. Letter from Representative Carmine Gentile to Dr. Roberta Herman, Executive Director of the Group Insurance Commission, dated January 29, 2018, re: Recent Group Insurance Commission (GIC) Decision





# WAYLAND POLICE DEPARTMENT

WAYLAND, MASSACHUSETTS 01778



PATRICK SWANICK  
CHIEF OF POLICE

## Monthly Report - January 2018

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In December the Wayland Police took a report concerning the fraudulent use of a credit card. The victim learned that his credit card was duplicated by a skimming device when he paid for gasoline at a Cumberland Farms in Clinton. The duplicate card was used at Sperry's Liquors in Wayland and retail establishments in other jurisdictions.

Wayland Detectives acquired surveillance images of the subject who used the duplicate credit card from Sperry's Liquors and shared them on the Mass Most Wanted website. On January 8<sup>th</sup> the Wayland detectives received an anonymous tip from the Mass Most Wanted network identifying the suspect. Wayland detectives working with a Special Agent from the U.S. Secret Service obtained an arrest warrant for the individual. The suspect was charged with multiple counts of using stolen credit cards, using forged credit cards, and counterfeiting credit cards.

On January 11<sup>th</sup> officers were dispatched to The Villa Restaurant to investigate a report of suspicious activity. The manager informed the officer that a waitress developed a scheme where she would copy gift card numbers and later apply gift card credits to bills that her customers paid in cash. The customers would later return and have a zero balance on their gift card. The employee was able to steal over \$600 over a several month period. The employee was charged with Larceny over \$250. by a single scheme.

On January 15<sup>th</sup> between 7-8 p.m. four motor vehicles were broken into. One vehicle was parked adjacent to the Local Restaurant in the Town Center, the other three were parked at the Prime Bar Restaurant on Boston Post Road. In each if the breaks, the suspects smashed a window to gain entry to the vehicle. Items that were stolen included back packs, wallets and purses. Framingham and Sudbury also had similar breaks on the same evening.

On January 30<sup>th</sup> officers responded to a Wayland residence for a domestic assault and battery. The adult son of an elderly couple was intoxicated and knocked his father to the ground. The adult son was placed under arrest and charged with domestic assault and battery and assault and battery to a person over 60 years old.

The Wayland Police Department was awarded a \$5000 grant from the Executive Office of Public Safety, Highway Safety Division for traffic enforcement. Wayland officers and officers across the state will participate in the Click-It or Ticket, and Drive Sober or Get Pulled Over campaigns.

Last December the Wayland Police had an entrance exam for new police officers. On Saturday January 20<sup>th</sup> the top thirty candidates were invited to move forward in the process and take the Physical Ability Test. Next week we will start interviewing candidates for the two vacant positions.

Sgt. Christopher Custodie and acting Sgt. Mark Hebert attended a "5 Day Intensive Leadership Training" at Boston College last week. The training was sponsored by the Municipal Training Institute. Topics covered included; management and accountability, ethics, correcting employee behavior, supervisor responsibility, decision making and de-escalation in difficult situations and supervisor liability.

This month the Wayland Police hosted another Rape Aggression Defense (R.A.D.) training class. The R.A.D. basic training course has its foundations in education and awareness. The course includes lecture, discussion and self-defense techniques suitable for women of all ages and abilities. At the end of the training, students participate in simulated scenarios where they can apply their newly learned techniques. The one word most used by students to describe the class is "empowering".

We are also working with Superintendant Unobskey to evaluate school traffic at all of the Wayland schools. Our goal is to increase safety and efficiency.



Patrick Swanick

Chief of Police

Wayland Police - Physical Ability Test for police officer candidates.





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

Officers of the Wayland Police Department attended the following training programs during the month of January 2018:

### **In-Service**

MPTC  
Boylston Academy

Jaime Berger  
Kenneth Davis  
Jarrod Kullich

January 8-11, 2018  
January 22-25, 2018  
January 29-February 1, 2018

### **5 Day Intensive Supervisor Leadership Training**

MPI  
Boston College

Christopher Custodie  
Mark Hebert

January 22-26, 2018  
January 22-26, 2018

### **Managerial Prerogative**

Commonwealth Police Services  
Sudbury Ma Police Department

Patrick Swanick  
Sean Gibbons

January 25, 2018  
January 25, 2018



## **Wayland Police Department Detective Division Report for January 2018**

### **INVESTIGATIONS**

Larceny over \$250 – Boston Post Road  
Larceny over \$250 – Boston Post Road  
Larceny/cab evasion – Cochituate Road  
Larceny over \$250 – Andrew Avenue  
Larceny over \$250 – East Plain Street  
Four Motor Vehicle B&E's – Various areas  
Credit Card Fraud/Larceny – Andrew Avenue  
Narcotic Investigation  
Suspicious activity – Lake Shore Road  
Suspicious activity/Larceny – Glezen Lane  
Fire Incident – Main Street  
Commercial Burglary – Boston Post Road  
Found property – Decatur Lane  
Civil case – Sycamore Road

### **MEETINGS/TRAIINGS**

Work Zone Safety Video  
In-service – Boylston Academy  
YAC Meeting  
CBJ Meeting  
Wayland Cares

### **MISCELLANEOUS**

Evidence Room Audit  
Framingham District Court – MV Hearings/Criminal cases

### **COMMUNITY SERVICES**

Adult RAD Class  
New Recruit PAT  
Curious Creatures – Claypit Hill School  
Council on Aging Prescription take back  
Middle School Bingo

Wayland Police Department Adult RAD Class, January 16, 18, 23 & 25, 2018

16 Participants

10 Respondents

1. What was your favorite part of the course?
  - Techniques (5)
  - Simulations (3)
  - Camaraderie of class
  - Trainers/Officers
2. Was there anything that could be improved?
  - Nothing (3)
  - Classes too long (2)
  - More classes (2)
  - Add videos/photos
  - Getting partner to do moves/drills
  - Updated packets
  - Larger room
3. What was the most helpful part of the course?
  - Simulations (4)
  - Feel they can defend themselves (3)
  - Learning to use voices (2)
  - Explanation about crime etc.
4. Is there anything you felt was unnecessary?
  - Nothing (7)
  - Wellness checks
  - 3 hrs for a class
5. Did the course match with your expectations?
  - Exceeded (9)
  - Yes
6. Did you learn the value of using your voice?
  - Yes (10)
7. Do you better understand your ability to use your instincts to defend yourself?
  - Yes (6)
  - Definitely/Absolutely (3)
  - Feel empowered now

8. Additional Comments:

- The course was incredible and absolutely fulfilled the purpose for which it was offered. But beyond that, it was such an awesome way to get to know other people in the community, to come together for such an important reason, and to really get to see first-hand how awesome the WPD is!! Thank you!!
- I've already recommended to anyone that will listen!! I tried to recruit people to come, but as I've stated ad nauseam, the class times/hours were too intensive. I think once a week would be perfect.
- Again, I can't say "thank you" enough to the Wayland Police Officers that taught the RAD course. I am so grateful for their insight, expertise, and sincerity. I work for Wayland Public Schools and have highly recommended this class to my co-workers and family!!!! Thank you! Thank you! Thank you!
- I would highly recommend this class to all my friends! Thanks to WPD for the efforts.
- I would recommend that you start teaching this class to younger kids, possibly during the first year of high school. I would definitely recommend this class to anyone because I really liked it and thought it was very helpful.
- Overall, class was awesome. Lynnet and Shane are amazing and made it so fun and approachable. Awesome Job!
- All the officers made the class very enjoyable and productive. Lynnet and Shane especially made the class the most fun and they managed to teach us all while making us laugh. While the class was fun we were also taught the serious need for self defense and I think that having the simulations at the end made it so that we understood how important learning these skills are. I also really enjoyed how we got individual time in class to work one on one with someone holding a punching bag to perfect our skills each time so we fought effectively. Would definitely recommend this class to everyone, some of my friends are even looking into taking a RAD class.
- Maybe have a mini refresher class every year or two. Maybe like a half hour of reviewing positions and options and then like an hour of simulations? I've already recommended the class to others. I'm part of a running group in another town and someone had mentioned that they had a RAD class coming up. So I talked it up as well as mentioned taking the class on Instagram a few times.
- I recommend this course to EVERYONE!!! Especially kids of 10 years old and moving forward. This class gives surprising confidence in many different ways. Middle school would do GREAT for having this class 2 times a year for each girl/student.
- Most definitely would recommend – I'm a big advocate and truly appreciate the commitment of everyone involved to support the women of Wayland! A massive thank you to all involved it was a really super experience 😊

BOS

verizon<sup>v</sup>

6 Bowdoin Square, 10th Floor  
Boston, MA 02114  
857-415-5123  
[niall.s.connors@verizon.com](mailto:niall.s.connors@verizon.com)

Niall Connors  
Franchise Service Manager

**BY FEDERAL EXPRESS**

January 31, 2018

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

RECEIVED

JAN 29 2018

Board of Selectmen  
Town of Wayland

***Subject: Annual Complaint Filing***

Dear Honorable Selectmen:

Pursuant to M.G.L. c. 166A, §10, Verizon New England, Inc. ("Verizon New England") is required to file with the Department of Telecommunications and Cable and Issuing Authorities an annual report on complaints received regarding our FiOS TV service. The report reflects complaints received by Verizon during the previous year ending December 31. The Department of Telecommunications and Cable has adopted Form 500 as the prescribed form for complying with this annual reporting requirement. Please find attached Verizon New England's 2017 Form 500 for the Town of Wayland.

Should you or your staff have any questions, please contact me at 857-415-5123. Verizon New England appreciates the opportunity to conduct business in your community, and we look forward to a long and rewarding relationship.

Sincerely,



Niall Connors  
Franchise Service Manager

cc: Cable Advisory Committee

# Form 500 Complaint Data - Paper Filing

City/Town: Wayland

Cable Company: Verizon New England Inc.

Address: 6 Bowdoin Square, Boston, MA 02114

Filing Year: 2017

Contact: Niall Connors

Number of Subscribers: 2,459

Phone: 857 415-5123

E-Mail: niall.s.connors@verizon.com

Average Resolution Time:

<1> Less than 1 Day, <2> 1-3 Days, <3> 4-7 Days, <4> 8-14 Days, <5> 15-30 Days, <6> > 30 Days

Manner of Resolution:

A. Resolved to the satisfaction of both parties., B. Resolved, customer dissatisfied., C. Not Resolved.

	Total Complaints	Avg. Resolution Time (see code above)	Manner of Resolution (see code key above for the manner represented by the letters below) The number below each letter indicates the number of complaints resolved in that manner.		
			A.	B.	C.
Advertising/Marketing	0	0	0	0	0
Appointment/Service call	0	0	0	0	0
Billing	0	0	0	0	0
Customer Service	0	0	0	0	0
Defective Notice	0	0	0	0	0
Equipment	76	2	70	6	0
Installation	0	0	0	0	0
Reception	0	0	0	0	0
Service Interruption	2	2	2	0	0
Unable to Contact	0	0	0	0	0
Failure to Respond to Original Complaint	0	0	0	0	0
Other:	0	0	0	0	0

## Form 500 Service Interruption Data - Paper Filing

City/Town: WAYLAND

Cable Company: Verizon New England, Inc.  
 Address: 6 Bowdoin Square, Boston, MA 02114  
 Contact: Niall Connors  
 Phone: 857 415-5123  
 E-Mail: niall.s.connors@verizon.com

Filing Year: 2017

Number of Subscribers: 2459

Average Resolution Time:

<1> Less than 1 Day, <2> 1-3 Days, <3> 4-7 Days, <4> 8-14 Days, <5> 15-30 Days, <6> > 30 Days

Date Service Interruption Began	Average Resolution Time: (see Code Key above)	Estimated # of Subscribers Affected
1/2/2017	1	2511
2/22/2017	1	2504
3/2/2017	2	2502
3/23/2017	1	2494
3/26/2017	1	2495
3/28/2017	1	30
4/13/2017	1	2491
4/19/2017	1	2493
5/23/2017	1	2488
6/10/2017	1	17
6/23/2017	1	12
7/1/2017	1	20
7/17/2017	1	2487
7/22/2017	1	23
7/24/2017	1	14
8/3/2017	1	15
8/15/2017	1	2479
8/24/2017	2	48
8/25/2017	1	116
9/9/2017	1	2480
9/11/2017	1	2478
9/11/2017	1	47
9/16/2017	1	13
9/26/2017	1	10
9/28/2017	1	2469
11/17/2017	1	2454
12/7/2017	1	62
12/27/2017	1	2455
12/29/2017	1	15

## Porter, David

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**From:** Balmer, Nan  
**Sent:** Friday, January 26, 2018 12:33 PM  
**To:** Porter, David  
**Subject:** FW: New library proposal

[correspondence](#)

**From:** Jay Rogers [mailto:jay@rgrs.com]  
**Sent:** Friday, January 26, 2018 12:29 PM  
**To:** Anderson, Lea; Karlson, Cherry; Antes, Mary; Jurist, Louis; Levine, Doug  
**Cc:** Balmer, Nan  
**Subject:** New library proposal

Dear Board of Selectmen,

I believe the citizens of Wayland should have an opportunity to be informed and discuss the new library project. Please reject the push to separate the debt exclusion questions into different ballot questions for the March 27 election.

Sincerely,  
Jaime Rogers  
8 Meadow View Rd

## Porter, David

---

**From:** Balmer, Nan  
**Sent:** Sunday, January 28, 2018 8:45 AM  
**To:** Porter, David  
**Subject:** Fwd: New Library

Correspondence

Nan Balmer  
(508) 237-1330

Begin forwarded message:

**From:** "Anderson, Lea" <[landerson@wayland.ma.us](mailto:landerson@wayland.ma.us)>  
**Date:** January 28, 2018 at 8:40:51 AM EST  
**To:** Anne Moseley <[moseleypsychotherapy@gmail.com](mailto:moseleypsychotherapy@gmail.com)>  
**Cc:** "Balmer, Nan" <[nbalmer@wayland.ma.us](mailto:nbalmer@wayland.ma.us)>  
**Subject:** Re: New Library

Dear Anne,

Thank you for your email on the new library project. I am copying Town Administrator, Nan Balmer, so that your correspondence is included in a future Board packet.

Best regards,  
Lea Anderson, BoS chair

---

**From:** Anne Moseley <[moseleypsychotherapy@gmail.com](mailto:moseleypsychotherapy@gmail.com)>  
**Sent:** Saturday, January 27, 2018 3:25 PM  
**To:** Anderson, Lea; Karlson, Cherry; Antes, Mary; Jurist, Louis; Levine, Doug  
**Subject:** New Library

I oppose the new library project. I believe the one we have is adequate. If the Town of Wayland were to do an analysis of how often people use it in person, we would find it is adequate. I realize that there are other considerations to take into account - like how many books the library can hold or other meeting rooms - but often people are using other means to access reading materials.

Thank you for your time,  
Anne Moseley - L.I.C.S.W., L.A.D.C., CBTC  
[MoseleyPsychotherapy.com](http://MoseleyPsychotherapy.com)  
[moseleypsychotherapy@gmail.com](mailto:moseleypsychotherapy@gmail.com)  
P - 508.358.2264



## Porter, David

---

**From:** Balmer, Nan  
**Sent:** Monday, January 29, 2018 7:28 AM  
**To:** Porter, David  
**Subject:** FW: Single ballot question for debt exclusion

correspondence

---

**From:** Liza Knapp [mailto:lizaknapp1@gmail.com]  
**Sent:** Monday, January 29, 2018 7:27 AM  
**To:** Anderson, Lea; Karlson, Cherry; Antes, Mary; Jurist, Louis; Levine, Doug  
**Cc:** Balmer, Nan  
**Subject:** Single ballot question for debt exclusion

Dear Board of Selectmen,

Wayland citizens need the opportunity to make informed decisions, which is why I'm writing to ask that for the [March 27](#) election, please bundle all capital projects into one ballot question. Not only is it the way the town has done it in the past, but it's also the only way to assure that the town will have the chance to talk through the implications and complexities of each question at town meeting before deciding. Thank you for your consideration.

Sincerely,

Liza Knapp

16 Fox Meadow Lane

(original on personal letterhead)

January 29, 2018

The Wayland Free Public Library Board of Trustees  
Aida A. Gennis, Chair  
5 Concord Road  
Wayland, MA 01778

Dear Library Trustees,

As you may know, in 2001 we made a substantial bequest to the Wayland Free Public Library in recognition of our love for and support of this cherished Town resource and its unique and historic venue.

We are disappointed to learn that the Town has initiated legal action in an attempt to overturn Warren Roby's bequest of the building and land to be used as the site of our library in perpetuity. We therefore have lost confidence that you or your successors would use our gift as we intended.

Whether or not you "succeed" in breaking the Roby Trust, you have broken ours.

With great regret, we have revoked our bequest to The Wayland Free Public Library.

Sincerely,

Gail R. Shapiro and Gilbert T. Wolin

DATE: February 5, 2018  
TO: Board of Selectmen and Board of Public Works  
FROM: David Porter  
RE: Board of Public Works vacancy

---

Prescott W. "Woody" Baston, Jr, the Chair of the Board of Public Works, passed away on January 11, 2018. His term would have expired in April 2018. By law, the Board of Selectmen together with the Board of Public Works may appoint a qualified person to fill the vacancy until the next town election.

Three individuals, including one incumbent, have filed papers with the Town Clerk to run for two seats on the Board of Public Works at the March 27 election. The Board of Public Works recommends that no one be appointed to fill the temporary vacancy since so little time remains before the election.



# TOWN OF WAYLAND

MASSACHUSETTS

01778

**TOWN CLERK**

Beth R. Klein, CMC

[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)

**ASSISTANT TOWN CLERK**

Diane M. Gorham

[dggorham@wayland.ma.us](mailto:dggorham@wayland.ma.us)

**TOWN BUILDING**

41 COCHITUATE ROAD

Wayland, MA 01778

TEL: 508-358-3630

508-358-3631

FAX: 508-358-1683

[www.wayland.ma.us](http://www.wayland.ma.us)

Date: January 17, 2018

To: Board of Selectmen ✓

From: Beth R. Klein, Town Clerk

Re: VACANCY OF ELECTED OFFICE

Please be informed that on January 11, 2018, Prescott W. Baston, Jr. passed away. Mr. Baston was the chair of the Board of Public Works. His term expires in April 2018. A death certificate was received by the Town Clerks office and there is now a vacancy.

Following the posting of the vacancy for one week, the Board of Selectmen together with the Board of Public Works shall meet and form one committee to interview and then appoint a qualified person to fill the vacancy until the next annual town election.

  
Beth R. Klein, Town Clerk

cc: Nan Balmer, Town Administrator  
Tom Holder, DPW Director  
Michael Lowery, Vice Chair



# TOWN OF WAYLAND

MASSACHUSETTS

01778

**TOWN CLERK**

Beth R. Klein

[bklein@wayland.ma.us](mailto:bklein@wayland.ma.us)

**ASSISTANT TOWN CLERK**

Diane M. Gorham

[dgorham@wayland.ma.us](mailto:dgorham@wayland.ma.us)

**TOWN BUILDING  
41 COCHITUATE ROAD**

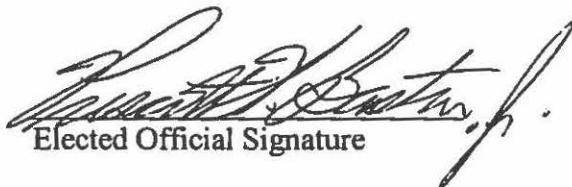
TEL: 508-358-3630

508-358-3631

[www.wayland.ma.us](http://www.wayland.ma.us)

April 1, 2015


This is to certify that **Prescott W. Baston, Jr.** was duly elected to the Office of the  
**Board of Public Works** of the Town of Wayland at the ANNUAL TOWN ELECTION  
held on March 31, 2015 for a Three (3) year term to end April 2018 and was sworn to the  
faithful performance of the duties of the above office on APRIL 1, 2015.

  
Elected Official Signature

  
Town Clerk/Assistant Town Clerk

I, PRESOTT W. BASTON, JR., do solemnly swear (affirm)  
(Print Name)

that I will faithfully perform all the duties of my office in accordance with the  
Constitution of the United States of America, the laws of the Commonwealth of  
Massachusetts, and the rules, regulations, policies and the bylaws of the Town of  
Wayland to the best of my ability.

Signed: 



## WAYLAND DEPARTMENT OF PUBLIC WORKS

TOWN OF WAYLAND

41 Cochituate Road, Wayland, Massachusetts 01778-2697

(508) 358-3672 • FAX (508) 358-3679

Stephen Kadlik, Director

April 17, 2015

Woody Baston  
11 Cochituate Road  
Wayland MA 01778

Dear Woody:

At its regular meeting on April 14, 2015, the Board of Public Works voted to appoint you to the Community Preservation Committee as the representative of the Board of Public Works for a three-year term that will expire on June 30, 2018.

Please note that all appointed members of all boards, commissions, committees and every appointed Town official must be sworn to the faithful performance of the duties of the office to which they are appointed. No official is qualified to take any action until after the oath of office has been taken. Massachusetts General Laws require oath-taking for reappointed officials as well as for persons newly appointed. For your appointment to be valid, please bring this letter at your earliest convenience to the Office of the Town Clerk, Beth Klein or Diane Gorham, so that the following may be completed.

Sincerely,

Chris Brown  
Chair

The above named personally appeared before me and took the following oath on April 23, 2015

I, Woody Baston, do solemnly swear (affirm) that I will faithfully and impartially perform all the duties of my office in accordance with the Constitution of the United States of America, the laws of the Commonwealth of Massachusetts, and the rules, regulations, policies and the bylaws of the Town of Wayland to the best of my ability.

  
Appointee's Signature  
Town Clerk/Assistant Town Clerk



# TOWN OF WAYLAND


41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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

## MEMORANDUM

Date: January 31, 2018

To: Fred Knight, Chairman  
Wastewater Management District Commission

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

Subject: Town Center Wastewater Treatment Facility – sanitary sewer overflow

On January 27, 2018 Fire Chief Houghton called to notify me that a large quantity of untreated wastewater was flowing out of a vent pipe and a nearby manhole cover, onto the pavement and into a catch basin at the Town Center Wastewater Treatment Facility. Fire Department staff had heard an alarm sounding and reported the situation at 3:17 p.m. The Facilities Director was contacted, and the Contract Operator of the Facility (WhiteWater). The operator arrived at 5:10 p.m. I arrived at the site at approximately 6:30 p.m.; the pumping truck had also just arrived. I instructed the Operator and pumper to pump out the catch basin, and they assured me they would do so. At that time I was not aware that the nearby drainage infiltration basin had received the wastewater flow from the catch basin. The Operator told me that he had heard the alarm earlier in the day when he was onsite and the system was functioning at that time. He said he couldn't identify a reason why the alarm was sounding and had left the site. He stated that he now believes that "one of the pumps had failed"; however, they were still trying to troubleshoot the problem. Before I left the site the operator assured me that he had a plan to ensure that no further sewage overflow would occur. I felt that things were under control and left the site.

On January 28, 2018 I drove by the WWTF at approximately 2:45 pm to check up on things and to ensure that wastewater was not overflowing again. Upon arrival I found that wastewater was once again flowing out of a vent pipe onto the pavement and into the adjacent catch basin. The operator was onsite and stated that there was another problem with the system due to an excess of flow entering the plant from an unknown source. Once again they were working to resolve this problem. He indicated that a pump truck was on the way. I left the scene at approximately 3:30 p.m. when the pump truck arrived.

I have been in contact with Kevin Brander, Section Chief, Wastewater Management Section of MassDep who is concerned also about the lack of a clear understanding of the cause of the problems. He stated that he will be investigating this matter further.

**As per M.G.L. c. 111, s. 122 Nuisances**, "The Board of Health shall examine into all nuisances, sources of filth and causes of sickness within its town.....which may, in its opinion, be injurious to the public health". I continue to have serious concerns regarding the oversight and management of this facility. After witnessing this event I want to stress the seriousness of this matter and the events that took place leading to the overflow of untreated wastewater. Therefore, to complete our investigation and understanding of the situation I request the following:

- A full report of the events that took place leading to these 2 wastewater overflows
- An emergency plan for future situations, including alarm event protocols and identifying the leading supervisor
- An update on the status of overall management and supervision of the facility

This information will be reviewed by staff and presented to the Board for review. We thank you in advance for your timely consideration and response regarding this important matter.

Cc: BoH  
Nan Balmer, Town Administrator  
Paul Brinkman, Town Engineer  
David Houghton, Fire Chief  
Linda Hansen, Conservation Administrator  
Ben Keefe, Facilities Director



## Porter, David

---

**From:** Balmer, Nan  
**Sent:** Tuesday, January 30, 2018 3:42 PM  
**To:** Porter, David  
**Subject:** FW: Budget Guidelines Adjustment  
**Attachments:** Memo to Finance Committee from Town Administrator.pdf; Memo to Finance Committee from Superintendent of Schools.pdf; Memo to Finance Committee from Board of Selectmen and School Committee Chairpersons.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### [correspondence](#)

**From:** Susan Bottan [mailto:susan\_bottan@wayland.k12.ma.us]  
**Sent:** Tuesday, January 30, 2018 2:07 PM  
**To:** dwatkins@waland.ma.us; Martin, Carol B; Steinberg, William; Gorke, Jen; Shigley, Klaus; Klaus; George Uveges  
**Cc:** Anderson, Lea; Ellen Grieco; Balmer, Nan; Unobskey, Arthur  
**Subject:** Budget Guidelines Adjustment

Dear Finance Committee members,

On behalf of the Board of Selectmen and School Committee Chairpersons, the Town Administrator and the Superintendent of Schools, please find attached the following three memos:

- Memo to Finance Committee from Board of Selectmen and School Committee Chairpersons
- Memo to Finance Committee from Town Administrator
- Memo to Finance Committee from Superintendent of Schools

Regards,  
Susan Bottan

--

Susan Bottan  
School Business Administrator  
Wayland Public Schools  
41 Cochituate Road  
Wayland, MA 01778  
[508-358-3750](tel:508-358-3750)

**To:** Finance Committee

**From:** Lea Anderson, Board of Selectmen; Ellen Grieco, School Committee

**Date:** January 30, 2018

**Subject:** FY 2019 Budget Guideline Adjustments

---

The Town and School Departments have worked together to identify adjustments to the FY 19 budget that we hope will assist the Finance Committee in reaching its FY 19 budget goal. We have identified specific measures, itemized below that reflect \$901,122 in budget adjustments, and if adopted, would effectively close the \$901,320 budget gap identified by the Finance Committee. In the attached memoranda, the Town Administrator and Superintendent of Schools have defined in greater detail these proposed FY19 Budget adjustments.

***A. UNCLASSIFIED BUDGET - SUGGESTED ADJUSTMENTS***

Proposed Action	Amount	Explanation
Decrease Health Insurance Benefits	\$377,458 <i>\$104,198 Town \$273,260 School</i>	10% increase over actual costs, plus the addition of a 1.5% contingency amount, based on actual experience of employee plan selection per Human Resource Director and Finance Director. Town/School allocation per Human Resource Director.
Decrease Salary Reserve	\$40,000 <i>\$40,000 Town</i>	Fire Union Settlement
Decrease OPEB/ Retirement (consider New Employees in ATM article)	\$53,000 <i>\$32,615 Town \$20,385 School</i>	OPEB is funded in a separate Town Meeting article and not in the operating budget. Retirement is funded based on an annual assessment from Middlesex Retirement. Town/School allocation per Finance Director.
Decrease School Bus Parking Rental	\$140,000 <i>\$140,000 Town</i>	Given recent information reported by the Town Engineer, the school buses can remain in their current location until at least January, 2019 thus reducing the need for a full year lease.
<b>Total Unclassified Adjustment</b>	<b>\$610,458</b> <i>\$316,813 Town \$293,645 School</i>	

**B. TOWN DEPARTMENTS - SUGGESTED ADJUSTMENTS**

<b>Proposed Action</b>	<b>Amount</b>	<b>Explanation</b>
Decrease Recreation Department Expense	\$44,389	Appropriation to match beach user fees that will be fully funded by the increase in Free Cash and should not increase Town expenses.
Decrease Police Department Expense	\$64,000	Defer purchase of Tasers to a future year; Delay hiring one new patrolman until 10/1/18.
Decrease Fire Department Expense	\$35,000	Delay hiring two firefighters until 10/1/18.
Increase to Fire Operating Budget (New Wages)	(\$160,000)	The Fire Union settlement after initial budget development requires a Fire budget increase of \$160,000 to cover wage increases for FY18 and FY19.
<b>Total Town Adjustment</b>	<b>(\$16,611)</b>	

**C. SCHOOL DEPARTMENT - SUGGESTED ADJUSTMENTS**

<b>Proposed Action</b>	<b>Amount</b>	<b>Explanation</b>
Decrease Personnel Expense	\$31,275	Unexpected early retirement; delay in hiring a part-time classroom substitute at the Wayland Middle School until 2/1/19.
Decrease Non-Personnel Expense	\$10,000	Supplies and textbook expenses cut.
<b>Total School Adjustment</b>	<b>\$41,275</b>	

**D. REVENUE - SUGGESTED ADJUSTMENTS**

<b>Proposed Action</b>	<b>Amount</b>	<b>Explanation</b>
Increase Local Receipts Revenue	\$100,000	Modest increase in the use of local receipts toward the FY 19 budget should be acceptable to the Department of Revenue.
Increase in Chapter 70 Funding	\$166,000	Suggested increase in Chapter 70 aid projection based on preliminary state estimate and historical data.
<b>Total Revenue Adjustment</b>	<b>\$266,000</b> <i>\$100,000 Town \$166,000 School</i>	

***E. COMBINED SUGGESTED ADJUSTMENTS***

<b>TOTAL UNCLASSIFIED SUGGESTED ADJUSTMENT</b>	<b>\$ 610,458</b>
<b>TOTAL TOWN SUGGESTED ADJUSTMENT</b>	<b>(\$ 16,611)</b>
<b>TOTAL SCHOOL DEPARTMENT SUGGESTED ADJUSTMENT</b>	<b>\$ 41,275</b>
<b>TOTAL REVENUE SUGGESTED ADJUSTMENT</b>	<b><u>\$ 266,000</u></b>
<b>COMBINED TOTAL FY 2019 SUGGESTED ADJUSTMENT</b>	<b>\$ 901,122</b>

DATE: JANUARY 29, 2018

TO: FINANCE COMMITTEE

FROM: NAN BALMER, TOWN ADMINISTRATOR



RE: FY 19 BUDGET

The Board of Selectmen and School Committee considered the Finance Committee's request for a \$900,000 adjustment to the proposed FY 19 operating budget. The Board understands and greatly appreciates the Finance Committee's efforts to maintain high quality municipal and educational services at the best cost for Wayland's taxpayers and are partners in your efforts to balance the FY 19 budget.

FINANCE COMMITTEE'S CONSIDERATION FOR THE SELECTMEN'S APPROACH TO FY 18 BUDGET:

As you know, for budget year FY 18, the Board of Selectmen withdrew its request for all new positions including three new public safety officers (one Police Officer and two Firefighters) as its contribution to our common goal of improving the Town's financial position. By restraining the growth in municipal spending in FY 18 and implementing a tax title program through which the Treasurer's Office collected over \$1.5 million in back taxes, the Board of Selectmen helped place the Town on an improved fiscal path. The Town of Wayland is now better positioned to maintain its AAA bond rating.

THE BOARD OF SELECTMEN'S TWO HIGHEST BUDGET PRIORITIES:

1. Add 24<sup>th</sup> Police Officer:

- The authorized number of officers has been 23 officers since the late 1990's.
- During the last 25 years there has been significant growth in Wayland. There has been an increase in the population, number of roads, new homes, traffic, and police calls for service.
- Police Calls for Service: 2003 – just over 10,634 incidents (police log). 2017 – Wayland Police officers responded to over 16,000 incidents: 57% increase.
- When the Town Center was built, the consultants acknowledged that Wayland Police Department has not increased its staffing levels to keep up with the growing population. (Last Fiscal year – 214 incidents generated by the Town Center alone.)
- In Massachusetts, the average police department has 2.18 officers per 1000 residents. Towns with a population between 10,000-20,000 residents average 1.83 officers per 1000 residents. Wayland operates with only 1.6 officers per 1000 residents. Adding one officer, Wayland will still be under the average with only having 1.67 officers per 1000 residents.
- This additional officer would be assigned to the patrol division and give us the ability to have 3 patrol officers assigned to each shift from 7 a.m. to 11 p.m.

- The primary complaint of our citizens concerns speeding vehicles and traffic related issues. Having a third patrol officer will allow us to better address these concerns.
- Looking forward; Rivers Edge + Mahoney's site – projected estimate of an additional 80+ calls Rivers Edge alone (according to consultants).
- Increased officer safety: Officers will be able to have a two car response to dangerous situations and major incidents without leaving part of the town without police coverage
- The addition of the 24<sup>th</sup> officer will improve the overall safety of residents and our officers.

## 2. Add Two Firefighters:

- The authorized number of officers has been 24 firefighters since the late 1970's.
- During the last 25 years there has been significant growth in Wayland. There has been an increase in the population, number of roads, assisted living facilities, new homes, traffic, and overall calls for service.
- With an additional day-shift person, we will be able to have Paramedics on duty 80% of the time during the day time hours, and will be able to staff the second ambulance at a minimum of 35% of the time, allowing us not to rely on our mutual aid partners.
- Wayland's population is getting older and requires more services.
- Calls for Service: 1970 – just over 582 incidents. The ambulance service started in 1975 and the skill level of the EMS providers has dramatically increased with the use of paramedics versus basic EMT providers. The increase in calls for service is over 380% since 1970.
- When the Town Center was being built, the consultants acknowledged that Wayland Fire Department has not increased its staffing levels to keep up with the growing population. (Last Fiscal year – 253 incidents generated by the Town Center alone.)
- The Fire Chief's evaluation recommends the addition of one more firefighter paramedic per shift for a total of 4. Based on the current economic picture, we are requesting two now and will look for two more in the future. With the changes in the recent collective bargaining agreement, we will have the two new hires working a rotating day schedule and not the normal 24 hour shifts.
- Looking forward: Rivers Edge + Mahoney's site – are projected to increase our calls for service and during the construction phases more inspectional services.

- We are unable to maintain a “Call Department” and our full time staff is not able to reside in town and are living in areas with a greater travel time. Having an additional person on duty will help fill the gap.
- The addition of one more persons on duty during the day will increase safety for all. It is our intention to have this same level 24 hours a day in the not too distant future.

#### THE EFFECT OF REQUESTING NEW PERSONNEL ON THE BOARD’S ABILITY TO MEET THE FINANCE COMMITTEE’S GUIDELINE:

The addition of the three public safety officers in one year does, however, cause a onetime increase in the rate of increase in municipal expenses that is in excess of the Finance Committee’s 3.5% FY 19 budget guideline. Without the addition of the new personnel, the percentage increase in the Town’s payroll from FY 18 to FY 19 would be 2.74%. Including the new public safety positions and Project Manager position (discussed below) in FY 19 increases the town’s FY 19 over FY 18 payroll expense by 4.45%.

The FY 19 town engineering department budget also includes a request for \$80,000 to fund a Project Manager. The payroll costs for this position and for the existing Public Buildings Director position will be partially offset by charging costs back to large projects such as the Town and Fire Station improvements, Library, Community Center and Athletic Facilities / Fields projects. This new revenue stream will be allowed by including language allowing project management expenses in Town Meeting appropriations on a project by project basis. We do not believe it is appropriate to budget these new revenues until the FY 20 budget when there will be a one year track record in charging back project management costs. If the Project Manager position and the additional public safety positions were to be cut from the FY 19 budget, the percentage increase in town payroll costs from FY 19 to FY 18 would be only 2.1%.

Please also consider that, although it cannot be quantified at this time, the costs of the additional public safety personnel will result in a decrease in overtime costs and an increase in ambulance receipts, partially offsetting the \$209,000 in new police and fire payroll expense.

#### SUGGESTIONS TO BALANCE THE FY 19 BUDGET:

##### 1. HEALTH INSURANCE FOR TOWN AND SCHOOL EMPLOYEES:

Decrease expense by: (\$377,458)

*The Human Resources Director is responsible for calculating and managing the Health Insurance (32 B) budget. For several years at the Finance Committee’s request, Mr. Senchyshyn has worked to manage a health insurance budget that avoids large turnbacks by more closely reflecting actual experience in future year budgets. Last week, the Human Resource Director and Finance Director reviewed FY 19 health insurance requirements and now recommend that the FY 19 health insurance budget should be based on a 10% increase over actual costs, plus the addition of a 1.5% contingency amount, and based on actual experience rather than worst case scenarios about how many employees elect health*

*insurance, take family rather than individual plans and select the most expensive plans. The new health insurance calculation results in an FY 19 health insurance budget recommendation that is less than the number included in the current FY 19 budget proposal. On February 8<sup>th</sup>, the Town expects to receive FY 19 health insurance rates from the West Suburban Health Group, anticipated to be in the range of an 8-12% increase over the current rates.*

## **2. DISTRIBUTION OF WAGE INCREASES TO FIRE OPERATING BUDGET:**

Increase payroll by: \$160,000

*The Fire Union settlement occurred following the initial budget development. The Fire budget needs to be increased by a total of \$160,000 to cover FY 18 and FY 19 wage increases.*

## **3. DECREASE IN FUNDS REQUIRED IN SALARY RESERVE:**

Decrease expense: (\$40,000)

*The Salary Reserve is budgeted at \$175,000 for FY 19. The Salary Reserve may now be decreased to \$135,000, given the settlement with the Fire Union. The Reserve for Salary Settlement line is available to fund unsettled collective bargaining agreements and unforeseen payroll expenses. Discussion of funding included in the Salary Reserve may take place in an Executive Session.*

## **4. ADJUSTMENTS FOR NEW TOWN AND SCHOOL EMPLOYEES' OPEB AND RETIREMENT**

Decrease expense by: (\$53,000)

*The current FY 19 budget proposal includes \$13,000 for new employee OPEB expense and \$35,000 for new employee future retirement expense. We appreciate that the Finance Committees is demonstrating the cost of adding new employees. Future OPEB and retirement expense have not been included in prior year operating budgets however. OPEB is funded in a separate Town Meeting article and not in the operating budget. Retirement is funded based on an annual assessment from Middlesex Retirement. There is no comparable OPEB-type account or Town Meeting article for future retirement costs associated with the addition of each new employee.*

## **5. SCHOOL BUS PARKING:**

Decrease expense by: (\$140,000)

*We now believe the earliest that the closing on Rivers Edge will occur will be no earlier than January 2019. The Selectmen will receive a report on the Rivers Edge timetable and school bus parking on January 29, 2018 including next steps on a project that could potentially provide school bus parking at the old South Landfill, in the Fall 2020. Because the School Committee plans to lease land to park the buses, this is currently a town expense due to legal limitations on the School Committee's ability to lease land. As of this date, the School Business Manager believes the maximum direct cost for school bus parking in FY 19 is \$50,000.*



#### 6. INCREASE IN LOCAL RECEIPTS REVENUE:

Increase revenue by: (\$100,000)

*The Town received \$4,756,858 in FY 16 and \$5,607,746 in FY 17 revenue from local receipts and budgeted \$4,400,000 in FY 17 and \$4,709,746 in FY 18. Based on this data, a modest increase in the use of local receipts toward the FY 19 budget should be acceptable to the Department of Revenue and considered by the Finance Committee but must be limited until there are more years in the upward trend.*

#### 7. NON-SCHOOL DEPARTMENTS:

- Recreation Department: (\$44,389)

*The FY 19 Recreation budget includes an appropriation of \$44,839 to match beach user fees that will be closed to free cash when the "53 D" beach revolving fund is closed 6/30/18. Because this appropriation will be fully funded by the increase in free cash from user fee from closing the 53 D fund, the \$44,839 should not count as an increase in town expenses. Because the \$44,839 closed to free cash, the use of the \$44,839 is not restricted to use for beach purposes.*

- Police Department :
  - *Defer purchase of Tasers to a future year.* (\$50,000)
  - *Delay hiring one new patrolman until 10/1/18* (\$14,000)
- Fire Department:
  - *Delay hiring two firefighters until 10/1/18* (\$35,000)

Sub-Total: Non-School Departments: (\$143,389)

**TOTAL RECOMMENDED FY 19 BUDGET ADJUSTMENTS TO ADDRESS**  
**FINANCE COMMITTEE'S \$900,000 REQUEST:** (\$693,847)

**To:** Finance Committee

**From:** Arthur Unobskey, Superintendent

**Date:** January 30, 2018

**Subject:** FY 19 Budget Guideline - Suggested Adjustments

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Under my direction and with guidance by the School Committee, the School Department has worked collaboratively with the Town Administrator to thoughtfully re-examine the FY 2019 Recommended Budget. All assumptions and calculations related to Unclassified, Personnel and Non-Personnel budget categories were questioned and re-assessed by Town and School Department staff to identify specific measures that could close the \$901,320 budget gap identified by the Finance Committee in its letter dated January 11, 2018.

Efforts toward and suggestions for reducing the FY 19 budget gap outlined within this letter are categorized into the following sections:

## **I. SCHOOL DEPARTMENT'S FY 19 RECOMMENDED BUDGET**

### ***A. School Committee's FY 19 Budget Goal***

### ***B. FY 19 Budget Drivers***

### ***C. FY 19 Budget Yielded Savings and Re-Allocations of Existing Resources***

## **II. DESCRIPTION OF SUGGESTED ADJUSTMENTS TO THE FY 19 BUDGET**

### ***A. Unclassified Budget***

### ***B. School Bus Lease***

### ***C. School Department Personnel Budget***

### ***D. School Department Non-Personnel Budget***

### ***E. Chapter 70 Funding***

## **III. SUMMARY - SCHOOL DEPARTMENT'S SUGGESTED ADJUSTMENTS TO THE FY 19 BUDGET**

We thank you for your continued collaboration as we work together to assemble a budget that serves the entire town effectively and efficiently.

## **I. SCHOOL DEPARTMENT'S FY 19 RECOMMENDED BUDGET**

### ***A. School Committee's FY 19 Budget Goal:***

The School Department's FY 19 Recommended Budget addresses the community's most pressing educational requirements and meets all contractual obligations and state mandates while practicing fiscal responsibility. This approach is articulated in the School Committee's Budget Goal:

*To fully support the academic and social/emotional growth of our students while respecting the fiscal restraints facing Wayland residents and needs of other Town departments.*

The School Department's FY 19 Recommended Budget totals \$40,565,310 and represents a 3.6% increase over the appropriated FY 18 budget and within \$21,000 of the School Department's FY 19 Multi-Year Projection Model published in the fall of 2016.

### ***B. FY 19 Budget Drivers:***

The School Department's FY 19 Recommended Budget has been shaped by the following four categories:

1. Settled contractual agreements
2. Student enrollment changes
3. State mandated staff and services
4. Required facility repairs

### ***C. FY 19 Budget Yielded Savings and Re-Allocations of Existing Resources:***

In the FY 19 Recommended Budget, the School Department yielded savings and re-allocated existing resources totaling more than \$5,500,000 by taking the actions outlined below. These actions resulted in a request for appropriation far less than the actual cost of delivering services to students:

- Built instructional and service capacity to serve students who received special education instruction - \$2,200,000
- Allocated direct and indirect service costs to Special Revenue Funds (benefits, OPEB, Medicare Tax, staff, utilities, services) - \$1,100,000
- Charged fees to students' families (bus, instrumental music, computer maintenance, athletics, parking) - \$818,000
- Submitted claims for State reimbursements (Circuit Breaker, Medicaid) - \$835,000
- Reduced the personnel budget based on assumed savings potentially generated from hiring delays, un-anticipated retirements, turnover, unissued degree changes - \$150,000
- Followed the practice of re-allocating current resources to meet new needs - \$393,000
- Assumed no CPI increase in costs for supplies and services - the Consumer Price Index for all Urban Consumers (CPI-U) in the Boston-Brockton-Nashua area report prices up 2.9% over last year (published by the U.S. Bureau of Labor Statistic, Dec 13, 2017), equivalent \$70,000.

## **II. SUGGESTED ADJUSTMENTS TO BALANCE THE FY 19 BUDGET:**

### ***A. Unclassified Budget – Suggested Adjustments Decrease Health Care Benefits and OPEB Costs by (\$430,458): School Department’s Portion is (\$293,645)***

In its letter of January 11, 2018, the Finance Committee allocated an amount of the FY 19 Unclassified Budget to the School Department for the specific expense categories of debt service, retirement, general insurance, health insurance, Medicare Tax and unemployment. Contracts for these costs are calculated, negotiated and controlled through the Town Administrator’s office. The Town Administrator, Assistant Town Manager/Director of Human Resources and Finance Director identified ways to reduce costs associated with Health Care Benefits and OPEB costs for new employees. The adjustments suggested and their relative impact on both the Town and School Departments’ Unclassified Budgets are outlined below:

- Health Care Benefits – Total Reduction is (\$377,458)
  - Town portion is (\$104,198), or 28%
  - **School Department portion is (\$273,260), or 72%**
- OPEB – Total Reduction is (\$53,000)
  - Town portion is (\$32,615), or 62%
  - **School Department portion is (\$20,385), or 38%**

As noted above, Unclassified Budgets are calculated, negotiated and expended through the Town’s Budget on behalf of the School Department, therefore the Town Administrator will reflect health care benefits and OPEB reductions in her response to the Finance Committee on January 30, 2018.

### ***B. School Bus Lease: Decrease Budget by (\$140,000)***

Also reflected in Finance Committee’s letter was an Unclassified Budget allocation of \$190,000 to pay for the first year lease for school bus parking on the site at HDR Holdings, Inc. This expense is reflected in the Town’s Unclassified Budget rather than the School Department’s because legally the School Department is unable to enter a lease agreement for real property.

As a result of changes in the development schedule for Rivers Edge, the buses will likely remain at the current site until March, 2019 thus making the lease for space in FY 19 for the full year unnecessary. Therefore, based on the information reported by the Town Engineer on the status of Rivers Edge, it is recommended that \$50,000 remain in the FY 19 budget to cover a lease expense for an estimated three months in FY 19 resulting in a budget reduction of (\$140,000.)

As noted above, the school bus lease budget is included in the Unclassified Budget which is controlled and expended through the Town on behalf of the School Department, therefore the Town Administrator will include the bus parking reduction of (\$140,000) in her response to the Finance Committee on January 30, 2018.

On January 29, 2018, the School Committee voted unanimously (5-0) not to take action to park buses at 195 Main Street, at the site of the former DPW garage.

***C. School Department Suggested Adjustments in Personnel: Decrease Budget by (\$31,275)***

In addition to the School Department's health care benefits reduction of (\$273,260) and OPEB reduction of (\$20,385) in the FY 19 Unclassified Budget, the School Department proposes staff savings and a hiring delay to assist in reducing the FY 19 Budget Gap:

Unanticipated early retirement	(\$25,000)
Delay in hiring part-time classroom substitute at WMS until 2/1/19	<u>(\$ 6,275)</u>
<b>Subtotal Personnel Reduction</b>	<b>(\$31,275)</b>

***D. School Department Suggested Adjustments in Non-Personnel: Decrease Budget by (\$10,000)***

In addition to the reduction of the bus parking lease of (\$140,000) in the FY 19 Unclassified Budget, the School Department proposes a decrease in supplies and textbooks to assist in reducing the F 19 Budget Gap:

Supplies	(\$5,000)
Textbooks	<u>(\$5,000)</u>
<b>Subtotal Non-Personnel Reduction</b>	<b>(\$10,000)</b>

***E. Chapter 70 Funding: Suggested Increase in Chapter 70 Funding Budget by \$166,000***

On January 24, 2018, the Commissioner of Elementary and Secondary Education issued the preliminary estimate of Wayland's Chapter 70 school aid for FY19. The estimate is \$320,536 higher than the amount budgeted for FY 19, which according to the Finance director is level-funded to FY 18.

A review of preliminary versus Chapter 70 funding is provided below. The Finance Committee will note that each year, since FY 15, the Town of Wayland received Chapter 70 funding equal to or more than the preliminary estimate. Given this data and, in the same way the Committee is considering an increase in Other Local Receipts revenue, it is suggested that the Finance Committee re-consider its budget amount for Chapter 70 funding and increase the projection by a 52%, or \$166,000, of the preliminary estimate to aide in reducing the FY 19 budget gap:

Chapter 70 Funding: FY 2015 to FY 2018 Actual and FY 2019 Preliminary Dollars					
Fiscal Year	Preliminary Chapter 70 Funding	Actual Chapter 70 Funding	\$ Change Actual vs. Preliminary	% Change Over Prior Year	
FY 19	\$ 4,585,588			8%	(Preliminary vs. Actual)
FY 18	\$ 4,235,790	\$ 4,265,052	\$ 29,262	6%	
FY 17	\$ 3,763,053	\$ 4,042,462	\$ 279,409	9%	
FY 16	\$ 3,697,213	\$ 3,710,313	\$ 13,100	2%	
FY 15	\$ 3,644,813	\$ 3,644,813	\$ -		

**III. SUMMARY - SCHOOL DEPARTMENT'S SUGGESTED ADJUSTMENTS TO THE FY 19 BUDGET**

<b>School Department's Unclassified Health Care Benefits and OPEB Adjustments</b>	<b>(\$293,645)</b>
<b>School Department's Personnel and Non-Personnel Adjustments</b>	<b>(\$ 41,275)</b>
<b>Total School Department's Adjustments</b>	<b>(\$334,920)</b>
<b>Bus Parking Lease Adjustment</b>	<b>(\$140,000)</b>
<b>Chapter 70 Funding Adjustment</b>	<b>(\$166,000)</b>
<b>Grand Total Impact on FY 19 Budget</b>	<b>(\$640,920)</b>

January 29, 2018

**Amy E. Kwesell**  
[akwesell@k-plaw.com](mailto:akwesell@k-plaw.com)

**RECEIVED**

BY HAND

**JAN 31 2018**

Board of Selectmen  
Town of Wayland

Mr. Brian Burke, Clerk  
Middlesex Superior Court  
200 Trade Center, 2<sup>nd</sup> Floor  
Woburn, MA 01801

Re: Kenneth T. Nelson v. Town of Wayland Board of Health, et al.  
Middlesex Superior Court, C.A. No. 1781CV03336

Dear Mr. Burke:

Enclosed for filing in the above-referenced litigation, please find the Town of Wayland Board of Health and Town of Wayland Conservation Commission's Opposition to Plaintiff's Emergency Motion for Temporary Stay and a Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,



Amy E. Kwesell

AEK/smm

Enc.

cc: Board of Selectmen  
Board of Health  
Conservation Commission  
George Hailer, Esq. (By Hand)  
Michael Fee, Esq. (By Hand)  
Matthew Luring, Esq. (By Hand)

602280/WAYL/0084



CERTIFICATE OF SERVICE

I, Amy E. Kwesell, hereby certify that on the below date, I served a copy of the foregoing Defendants Town of Wayland Board of Health and Conservation Commission's Opposition to Plaintiff's Motion for Preliminary Injunction and Notice of Appearance, by hand, to the following parties of record:

George Hailer, Esq.  
Lawson & Weitzen, LLP  
88 Black Falcon Avenue  
Suite 345  
Boston, MA 02210

Michael C. Fee, Esq.  
Matthew Luring, Esq.  
Pierce & Mandell, P.C.  
11 Beacon Street, Suite 800  
Boston, MA 02108

Dated: January 24, 2018

Amy E. Kwesell  
Amy E. Kwesell

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPT.  
C.A. NO. 1781CV03336

KENNETH T. NELSON,

Plaintiff,

v.

TOWN OF WAYLAND BOARD OF  
HEALTH, et al.

Defendants.

DEFENDANTS TOWN OF  
WAYLAND BOARD OF HEALTH  
AND CONSERVATION  
COMMISSION'S OPPOSITION TO  
PLAINTIFF'S EMERGENCY  
MOTION FOR TEMPORARY STAY

The Defendants Town of Wayland Board of Health and Town of Wayland Conservation Commission (collectively, "Town") hereby oppose the Plaintiff's Emergency Motion for Temporary Stay. On January 8, 2018, this Honorable Court (Inge, J.), issued a Memorandum of Decision and Order on Plaintiff's Motion for Preliminary Injunction ("Order") correctly holding that an injunction should not issue as it is unlikely that the permit issued by the Town's Director of Public Health on October 27, 2017 to co-defendants Despina Samiotes and Charles Samiotes ("Samiotes") allowing them to install a private well on their property at 65 East Plain Street in Wayland violated the Plaintiff's due process rights and the Open Meeting Law and was not arbitrary and capricious. Along with the Emergency Motion for Temporary Stay, the Plaintiff has also served a Motion for Reconsideration pursuant to Superior Court Rule 9A.

**I. BACKGROUND**

As stated in the Defendants' responding papers thus far in this matter, the well permit as issued is valid, it was issued in compliance with the Board of Health's well regulations, negating Plaintiff's claim of a due process violation. The actions of the Board of Health Director in issuing the permit and the Wayland Conservation Commission, in issuing its determination, were

appropriate and not arbitrary and capricious. Additionally, the Open Meeting Law does not apply in this case because the permit was reviewed and issued by the Town's Director of Public Health rather than the Board of Health, as permitted by the well regulations. In any event, Plaintiff has failed to follow statutory procedures for pursuing an Open Meeting Law complaint, see G.L. c. 30A, §23.

## II. ARGUMENT

The stay requested by the Plaintiff makes little to no sense. By staying the January 8, 2018 Order, the parties are simply back to where they started, with the Samiotes Defendants in possession of valid permits to install a drinking water well on their property at 65 East Main Street, exactly where we are now. What the Plaintiff appears to be again seeking is an injunction preventing the Samiotes Defendants from installing their proposed well, which is a significant remedy and therefore should be denied as a Motion for Reconsideration has already been served.

The stay requested by the Plaintiff is based on a Motion for Reconsideration filed by the Plaintiff whereby the Plaintiff alleges that this Court incorrectly held that the Plaintiff failed to demonstrate a likelihood of success on the merits of his procedural due process claim because the Plaintiff does not have a protected interest in developing the property. The Plaintiff is again grasping at straws and ignoring pertinent case law cited in the Court's Order. It is clear that the Plaintiff, a potential purchaser of the property, has the right to file applications on behalf of the owners, but his interest in developing the property is nothing more than an expectancy or hope of a future benefit. The Plaintiff only has a contractual right to have the property conveyed to him. See Laurin v. DeCarolis Construction Co., 372 Mass. 688, 691 (1997) ("[T]he rights of the purchaser are contract rights rather than rights of ownership of real property.").

However, more importantly, the Plaintiff is not entitled to the significant remedy of a preliminary injunction based upon the expectation of developing the Property. Student No. 9 v. Board of Education, 440 Mass.752, 762 (2004) (A preliminary injunction is a significant remedy that should not be granted unless the plaintiff clearly demonstrates that it is entitled to such a remedy.) Here, the Plaintiff erroneously claims that he can develop the Property as of right with a Superseding Order of Conditions (“SOC”) from the Massachusetts Department of Environmental Protection (“MassDEP”) and that the SOC issued to him grants him a property interest even though he does not own the Property<sup>1</sup>. First, the Plaintiff needs far more than a SOC to develop the Property; the Plaintiff does not have an approved septic plan, does not have a stormwater permit pursuant to the Wayland General Bylaws, and does not have a building permit. Second, the SOC specifically states as a listed condition: “The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private

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<sup>1</sup> With regard to the Town of Wayland Wetland Protection Bylaw, Chapter 194, the Commission, pursuant to the holding in Oyster Creek Preservation, Inc. v. Conservation Commission of Harwich, 449 Mass. 859 (2007), was denied jurisdiction over the Notice of Intent by virtue of issuing the Order of Conditions one day late. The Superior Court (Tuttman, J.) issued a written decision allowing the Plaintiff’s Motion for Judgment on the Pleadings on Count IV of the complaint (declaratory judgment). Without considering the impact to wetlands, the Court ruled that the Commission failed to issue the denial within 21 days after the close of the public hearing, as required by the Wetlands Protection Act. On August 2, 2016, the Commission filed a Motion for Reconsideration, or alternatively for Relief from Judgment pursuant to Mass.R.Civ.P. 60(b)(2). The motion included new evidence in the form of an affidavit from the Administrator. An order denying this motion was entered by the Court (Tuttman, J.) without a hearing on October 5, 2016, finding that the affidavit was not newly discovered evidence. Again, the Court did not address any of the impacts to wetlands. Therefore it is important to note that the Court did not “invalidate” any the Commission’s decision under the Bylaw on the merits, but purely on procedural grounds.

rights.” Therefore, the Plaintiff is not entitled to develop the Property based upon his application to the Wayland Conservation Commission, subsequent litigation, or the SOC.

Further, since the Emergency Motion for Temporary Stay is based upon the Motion for Reconsideration, it should be noted that the Motion for Reconsideration is frivolous and should be denied. “[A] motion for reconsideration calls upon the discretion of the motion judge. Decisional law has developed several practical criteria for submission of a request for a second consideration. They apply with special force if the applicant has already received a written, reasoned explanation of a ruling. The applicant should specify (1) ‘changed circumstances’ such that as (a) newly discovered evidence or information, or (b) a development of relevant law; or (2) a particular and demonstrable error in the original ruling or decision.” Audubon Hill South Condominium Association v. Community Association Underwriters of America Inc., 82 Mass. App. Ct. 461, 470 (2012) (citing Peterson v. Hopson, 306 Mass. 597, 600 (1940); Barbosa v. Hopper Feeds, Inc., 404 Mass. 610, 622 (1989)).

“A party or counsel should not abusively employ a motion for reconsideration as (1) a mere repetition of previously failed arguments, (2) a means of stalling against the implementation of an adverse ruling, (3) an effort to oppress an opposing party by infliction of delay, expense, and effort, (4) a medium for quarreling with the judge, or (5) an exercise in posturing for the client. Audubon Hill South Condominium Association, 82 Mass. App. Ct. 461 at note 17.

Here, the Plaintiff is not only recycling<sup>2</sup> the very argument it previously made (that Plaintiff's due process rights were violated, which they were not), but is also clearly stalling against the implementation of an adverse ruling (which was a well-reasoned written Order) and is attempting to oppress the Defendants by delay, expense, and effort. Id.

The Plaintiff has failed to specify any changed circumstances, new evidence or information or a development of relevant law, or a particular and demonstrable error in the Order. There is no relief attached to a stay, instead the Plaintiff is challenging the Court's clear and legally-supported decision to deny Plaintiff's Motion for Preliminary Injunction. Such inappropriate challenge should be denied.

#### CONCLUSION

For the reasons set forth above, this Court should deny the Plaintiff's Emergency Motion for Temporary Stay of the Court's Order dated January 8, 2018.

DEFENDANTS,

TOWN OF WAYLAND BOARD OF  
HEALTH AND CONSERVATION  
COMMISSION

By their attorneys,



Amy Kwesell (BBO# 647182)  
KP Law, P.C.

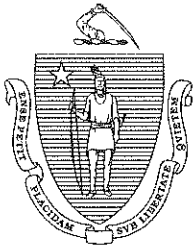
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Date: January 29 2018

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<sup>2</sup> Plaintiff is not introducing a changed circumstance as evidenced by the Plaintiff using the same arguments and citations that are in his original Motion for Preliminary Injunction.



CARMINE L. GENTILE  
STATE REPRESENTATIVE  
13TH MIDDLESEX DISTRICT  
SUDBURY • MARLBOROUGH  
WAYLAND • FRAMINGHAM

The Commonwealth of Massachusetts  
House of Representatives  
State House, Boston 02133-1054

Committees:  
Joint Committee on Ways and Means  
Joint Committee on Health Care Financing  
Joint Committee on Housing  
Joint Committee on Elder Affairs  
  
STATE HOUSE, ROOM 167  
TEL. (617) 722-2810  
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January 29, 2018

Group Insurance Commission  
Dr. Roberta Herman  
Executive Director  
19 Staniford Street  
Boston, MA 02114

RE: Recent Group Insurance Commission (GIC) Decision

Dear Dr. Herman,

When I learned of the Group Insurance Commission's (GIC) decision to eliminate Tufts Health Plan, Harvard Pilgrim Health Care, and Fallon Health from the list of approved carriers I was deeply concerned not only by the decision itself, but by the less than transparent process through which it was made without public hearings to solicit comment from stakeholders and the public, proposed findings, and a comment period.

A colleague attended the hearing last week and informed me that a venue of approximately fifty-person capacity was chosen despite the fact that over 400 persons had pre-registered and a larger venue in the building had been offered for the Commission's use and declined! Four hundred or so persons stood in line stretching a distance outdoors.

Since that time, I have become aware of the GIC's decision to reconsider this action and to do so in a more public forum. I am encouraged by this choice, but I wish to use this time to highlight some of the concerns voiced by my constituents and officials from the municipalities I represent – Sudbury, Wayland, Marlborough, and Framingham.

At the municipal level, local leaders have shared with me their concerns that this rash decision if left unchanged could put them in a challenging financial position. There are real consequences to the fiscal health of these communities if the majority of their employees who are members of the soon to be eliminated plans are auto-migrated to more costly UniCare plans.

For individuals, the unexpected and unwelcome news that their rates could shoot up while their options are cut caused great distress. Beyond the realities of trying to adapt a public servant's



budget to the pressure of increased medical costs, some of my constituents told me about the emotional distress they experienced.

One in particular told me that he has a 7-month old baby and is now concerned that his family will not have access to the same benefits or doctors they see, the prescriptions they fill, and the emergencies that may arise after this change goes into effect. Another couple who are both educators emphasized how unfair it was for people like them who have consciously made sacrifices to pursue their careers in public service to be treated this way and have one of the core benefits to working in this space severely restricted.

Virtually every legislator with whom I have spoken has agreed that the modest per person possible savings envisaged were more than offset by the disruption certain to occur in insureds transitioning from prior plans.

The Commonwealth and the communities that comprise it should strive to be a model for the private sector in their management of human capital. This decision stands in stark contrast to that goal.

It is my hope that at the February 1<sup>st</sup> GIC Meeting that the Commission will reconsider the vote taken to eliminate these carriers and vote to keep the current insurance carriers. In the future I hope that municipalities and other public entities will be given at least 30 business days after rates are released to consider if the GIC is the best place to purchase their health insurance. I agree with local leaders who feel they deserve the right to reconsider renewing their membership in the GIC when colossal decisions like these are made unilaterally, without warning, and seemingly without the best interests of public servants in mind.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carmine L. Gentile".

Carmine L. Gentile